4.2 Development Permit with Variances Application No. 00506 for 406 & 408 Wilson Street (Victoria West Neighbourhood)

Committee received a report dated May 12, 2016, from the Director of Sustainable Planning and Community Development providing information and recommendations for a Development Permit with Variances Application to allow for the construction of a duplex.

The Director of Sustainable Planning and Community Development, the Assistant Director of Development Services and the Senior Planner provided Committee with a presentation.

Committee discussed:

- The various issues raised in the letter from the Victoria West Community Association and concerns and the ability to receive staff information on these issues at the public hearing.
- <u>Motion</u>: It was moved by Councillor Loveday, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00506, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

- 1. Plans date stamped May 6, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side (east) yard setback from 3.50m to 2.45m
- 3. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Various issues identified by the residents and concerns about the response to these issues.
- Minimal impacts the requested variances would have.

CARRIED UNANIMOUSLY 16/COTW

2. Development Permit with Variances Application No. 00506 for 406 & 408 Wilson Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00506, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

- 1. Plans date stamped May 6, 2016.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side (east) yard setback from 3.50m to 2.45m
- 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report For the Meeting of May 26, 2016

То:	Committee of the Whole	Date:	May 12, 2016
From:	Jonathan Tinney, Director, Sustainable Plannir	ng and Com	nmunity Development
Subject:	Development Permit with Variances Applic Wilson Street	cation No.	00506 for 406 and 408

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00506, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00506 for 406 and 408 Wilson Street in accordance with:

- 1. Plans date stamped May 6, 2016.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 10.70m to 9.45m
 - ii. reduce the side (east) yard setback from 3.50m to 2.45m
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 406 and 408 Wilson Street. The proposal is to construct a duplex.

The following points were considered in assessing this application:

 The proposal is generally consistent with the design guidelines contained in Development Permit Area 15D: Intensive Residential - Duplexes.

- The proposal is generally consistent with the Victoria West Plan (1986).
- The proposal is generally consistent with the design guidelines contained in the *Neighbourliness Guidelines for Duplexes*.
- The proposal is a form of infill development that is compatible with the existing Traditional Residential character of the neighbourhood.
- The variances are related to reducing the rear and side yard setbacks. Privacy concerns would be mitigated through the consideration of window placement and extensive privacy screening and landscaping along the property boundaries and through the consideration of window placement.

BACKGROUND

Description of Proposal

The proposal is for a duplex. Specific details include:

- two-storey, side-by-side duplex on a corner lot incorporating a gently sloping roofline, contemporary style windows and passive house design features to ensure the building is energy efficient
- the primary orientation of the larger windows is south-facing in order to harvest the sunlight required for space heating in the passive house as well as to mitigate privacy concerns
- exterior materials include: cedar siding, stucco, painted metal cladding, and metal roofing
- an accessory building with a flat roofline and a stucco exterior
- wood decks, south facing patio and yard space for each unit
- each unit would have direct pedestrian access to the street
- two surface parking spaces and driveway access off of Mary Street
- new landscaping and permeable paving materials integrated throughout the site
- the proposed duplex would target certification to the international Passive House standard.

The proposed variances are related to reducing the rear and side yard setbacks.

Sustainability Features

As indicated in the applicant's letter dated February 2, 2016, the following sustainability features are associated with this application:

- designed and built to the international Passive House standard resulting in up to a 90% reduction in heating energy requirements and high quality ventilation
- recycling of building materials
- photovoltaic electric-ready
- native and drought resistant landscaping
- onsite rainwater management.

Active Transportation Impacts

The application proposes to provide secure bicycle storage which supports active transportation.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling.

Under the current R-2 Zone, Two-Family Dwelling District, the property could be developed as a single family dwelling with a secondary suite. The existing lot area is slightly less than 555m² and therefore a new duplex would not be permitted under the existing R-2 Zone.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC regarding the rezoning proposal at a Community Meeting held on January 14, 2016. A letter dated February 3, 2016 is attached to this report.

ANALYSIS

The Official Community Plan (OCP) identifies this property within Development Permit Area 15D: Intensive Residential - Duplex and is subject to the Neighbourliness Guidelines for Duplexes. DPA 15D encourages new duplex development to be integrated within existing Traditional Residential areas in a manner that respects the established character of the neighbourhood and achieves a high quality of architecture, landscape and urban design. The design guidelines also emphasize the importance of new development fitting in with the established streetscape and complimenting the existing building patterns and architectural rhythms. As an older, lower density residential neighbourhood, there is a mix of architectural styles in the area. The applicant has opted for a contemporary building design to allow for optimal energy efficiencies in order to achieve international Passive House standards in addition to ensuring the building fits in with the established character of the neighbourhood. proposed building design incorporates some architectural design elements noticeable in other nearby residential buildings, such as a flat and gently sloping roofline, large windows, and exterior finishes including stucco and cedar siding. Each unit would have two ground floor entrances with the main entrance to each unit identified by way of painted metal cladding to frame the entryway and cedar siding.

To mitigate privacy concerns with respect to window placement, the windows are maximized on the south elevation and the window openings on the west side elevation are placed so that they do not directly align with those of the adjacent dwelling unit to the west.

The applicant is also proposing to introduce high quality hard and soft landscaping throughout the site. Each unit would have wood decks at the entryways and south facing patios that are at the level of the interior living space for a smooth connection between inside and outside. Maximizing the private open space on the south side of the property facing Wilson Street also helps mitigate privacy concerns. Planting materials include a mix of native, edible and drought tolerant species and all the hard surfaces are finished with permeable pavers. Fences, hedges and trees would provide privacy, visual context and summer shade to the outdoor areas. The applicant is also proposing to install contemporary-metal trellis structures at the south facing patios and entrance doors for the opportunity to plant food bearing vines.

Regulatory Considerations

The applicant is proposing to reduce the rear yard setback from 10.70m to 9.45m. A reduction in the rear yard setback would have minimal privacy impacts on the immediate neighbours to

the north. Extensive landscaping, privacy screening and parking would be provided in the rear yard to provide a sufficient privacy buffer between the two properties. The applicant is also proposing smaller and fewer windows on the north elevation.

The applicant is also proposing to reduce the exterior side yard setback from 3.50m to 2.45m. This would be the proposed setback from Mary Street. A reduced setback along this frontage would not vary significantly from the established streetscape pattern. The proposed duplex would be located at a similar setback as the duplex being constructed on the adjacent lot. Staff recommend that Council consider supporting these variances.

CONCLUSIONS

The Application to permit a duplex is consistent with the design guidelines outlined in DPA 15D. The proposed building design, exterior finishes and landscaping are in keeping with the established character of the neighbourhood. The proposed variances for rear and exterior side yard setbacks are supportable as they would not alter the character of the streetscape or adversely impact adjacent residential properties. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline DPV Application No. 00506 for the property located at 406 and 408 Wilson Street.

Respectfully submitted,

Leanne Taylor Senior Planner Development Services Division

Jonathan Tinney, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

List of Attachments

- Zoning map
- Aerial photo
- Letter to Mayor and Council received February 2, 2016
- Updated Letter to Mayor and Council received May 5, 2016
- Letter from the Victoria West Land Use Committee received February 3, 2016

Date:

• Plans for Rezoning Application No. 00506 date stamped May 6, 2016.



404 Wilson Rezoning No.00506







404 Wilson Rezoning No.00506





February 1, 2016

Mayor Lisa Helps & Victoria City Council Victoria City Hall, 1 Centennial Square Victoria, BC V8W 1P6 City of Victoria

FEB 0 2 2016

Planning & Development Department Development Services Division

Dear Mayor Helps & Victoria City Council Members.

Re: Application for rezoning and development permit for 406 /408 Wilson St.

This letter summarizes our proposal to develop 406 /408 Wilson St. by constructing a duplex on the existing R-2 lot. Rezoning is required because the lot area is approximately 9m² smaller than the 555 m² current R2 zoning requires, equivalent to an 18-19 cm strip along the road frontage. The proposal also requires a rear yard and side yard set back variance. The proposed duplex targets certification to the international Passive House standard and incorporates other elements of sustainability.

Proposal Description

The area of the project site is 546m² and is the northwest corner lot on the junction of Wilson St. and Mary St. Most of the neighbourhood is duplex zoned, with some multi family and mixed use near by.

Our proposal is to build a Passive House duplex to replace the existing single-family residence. The property is currently zoned R-2 and this proposal complies with R-2 zoning, other than the minimum lot size requirement and the rear yard and side yard set back variance. The existing residence has been a rental property for some time, and contained a marijuana grow op prior to our purchase of the property.

Project Rationale

We purchased the subject property and the adjoining lot (732/734 Mary St.) on Oct. 31, 2015. Neighbours were canvassed regarding the possibility of a townhouse development of the two lots, but that proposal met resistance. We elected to propose Passive House duplexes on each lot. The map inserted below illustrates the lot configuration at the time of purchase. 736 (now 732/734) Mary St. was a small lot with a vacant cottage and 404 Wilson was larger than required by R-2 zoning. The lot line between the two properties needed to be adjusted to accommodate the development plan and the former lots given two civic addresses each in contemplation of the duplexes to be constructed. Upon having a survey completed, it was determined the combined area of the two lots was slightly less than the area required for two R-2 lots. Either one or both lots would have to be slightly under size. In preliminary discussions with planning staff, it was felt the better option was to have 732/734 Mary St. meet the minimum size requirement, as it is an interior lot. The reduced lot area would be less visible, or invisible, on 404 (now 406/408) Wilson St., a corner lot. We have therefor applied to subdivide the two lots to make 732/734 Mary St. large enough to comply with R-2 zoning and applied for a building permit to construct a Passive House duplex on that site.

> 1535 Oak Crest Dr. Victoria BC V8P 1K7 www.bernhardtcontracting.com



Project Design

The following section describes how the proposal complies with the Design and Development Permit Guidelines and responds to the neighbourhood character.

Layout

The proposed duplex consists of side-by-side units facing Wilson Street to the south, with a single driveway and off street parking from Mary Street at the north side. The two units are mirrored in floor plan and elevation, and are unified in the appearance of a single building on a single lot. The front doors

are clearly identified and visible by way of colour awning detail and doors. They are further articulated by freestanding metal trellises with climbing vines (Tuscani Star Jasmine). The west facing front door will be further marked on Wilson Street by a short landscape stair and trellis.

The primary orientation (larger windows) face the south in order to harvest the sunlight (required for space heating in the passive house), open to active outdoor living spaces on Wilson Street, while the east/west facing sides have smaller and fewer windows thereby providing privacy to the adjacent house to the west. The proposed duplex has been moved towards Mary Street in order to provide an increased side yard setback to the west, provide additional space for the neighbour and a more inviting entrance path. The east side yard setback on Mary Street will be similar to the proposed duplex to the north and the existing streetscape.

The Environmental Design Guidelines and Passive Solar Guidelines and Crime Prevention through Environmental Design Guidelines support the layout.

Scale

The scale of the proposed building is similar to other buildings in the neighbourhood and generally complies with R-2 zoning. The proposed duplex is two storeys in height, over a crawl space and has a footprint of 136.5 m² (1,469 ft²), fairly modest in size and in keeping with the neighbourhood. A crawl space is proposed in lieu of a full basement, providing additional storage space but no additional below grade living space. The result is that the main floor living spaces will sit close to the garden level, encouraging outdoor living.

The two sides of the duplex are unified under one single gently sloping roof that tilts towards the south. The southward orientation offers ease of harvesting the sun if the residents decide to install photo voltaic panels to achieve net-zero energy. The proposed building will be include conduit and chases to facilitate future installations. Although the roof is modern in detailing, it will have broad sweeping soffits that will be carefully detailed and articulated above the wood and stucco walls.

Landscaping

Our landscape plan emphasizes native, edible and drought tolerant species and permeable paving. Fences, hedges and trees provide privacy, visual context and summer shade to outdoor areas. There has been effort to bring together the architecture and landscape as shown by the metal trellis structures at the south facing patios and entrance doors. The Trellis structures will have Tuscani Star Jasmine at the front doors, and there is opportunity to plant food bearing vines on the south facing trellises. The hardscape elements (retaining walls and fences) will be combined with planting (Arbutus Unedo) that will soon grow to 1.8m tall and be easily pruned to provide softer privacy.

Wood decks at the front doors and south facing patio doors are at the level of the living space for smooth connection between inside and outside. A combination of stairs and ramps will permit further easy movement to the garden level or sidewalk level. Grading will be adjusted so that obtrusive guardrails will not be necessary in these locations.

The driveway surface will be finished with permeable pavers and will be screened by soft landscaping.

Appearance

The appearance of the building will be of a contemporary, high quality development with deep-set windows, quality finishes and sheltered outdoor living areas. The primary finish materials are sand float finish stucco, natural finish cedar siding, large light coloured roof soffit and ample glass. In terms of material selection, the central idea of the design is to have the wood siding located in areas where the building 'opens up' to the neighbourhood at the south elevation and entrances. Additional architectural detailing (rain water leaders, shading elements, awnings, front door, landscaping) will reinforce this idea. The east/west and north elevations are fairly 'quite' in their detailing (simple deep set windows in stucco), providing a backdrop to the featured elements noted above, and the landscape design and further provide privacy to neighbours.

Neighborhood Consultation

Neighbours, the Neighbourhood Association, the design and construction team members, the area planner, and the engineering department have been included in the design process. A meeting was held with the Neighbourhood Association and neighbours on January 19, 2016. In general we believe the response has been positive.

Green Building Features

In addition to targeting certification to the international Passive House standard, this project will address the following sustainability objectives:

- Increased density through urban infill
- Recycling of building materials
- Waste reduction and landfill diversion
- Photovoltaic electric ready
- Native & drought resistant landscaping

Proposed Variances

- The R-2 zone specifies a minimum rear yard setback of 10.7m. The plan proposes a rear yard setback of 9.4m., or 1.3m less than the R-2 zone.
- The R-2 zone specifies a minimum side yard setback from interior lot lines of 1.5m or 10% of the lot width whichever is the greater. The lot width is 18.5m so 10% = 1.85m required setback. The plan proposes a 1.3m setback to the raised wood deck at the front door and 2.5m setback to the face of the house.
- The R-2 zone specifies a minimum Side yard setback on a flanking street of 3.5m or 10% of lot width, whichever is greater. The plan proposes a 1.3m setback to the raised wood deck at the front door and a 2.5m setback to the face of the house.

The two side yard setbacks are affected by the City's bylaw definition that raised wood decks are to be included as part of the setback calculation. The two wood decks that are affected by this definition could be changed to be pavers on fill to meet the bylaw requirements but would become overly complicated to build and still achieve the passive house building envelope requirements and good construction practices. Without having to consider the wood decks, the interior side yard setback would not require a variance and the flanking street setback variance would be reduced to 1.0m.

Project Benefits and Amenities

Economic benefits:

- Locally owned & financed building
- \$800,000 investment in building and local construction industry
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- Project quality attractive to an emerging and important demographic in Victoria's economic development

Environmental benefits:

- Designed and built to the international Passive House standard resulting in up to a 90% reduction in heating energy requirements while providing a high quality, affordable residence. Such buildings are known for outstanding thermal comfort, quiet interiors and high quality ventilation providing a constant supply of fresh air.
- Native and drought tolerant landscaping
- Onsite rainwater management
- Convenient secure bicycle parking
- Infill development of under utilized site
- Building recycling and landfill diversion

Social benefits:

- High quality housing inventory added to community
- Improved streetscape
- Project will act as a beacon for future development, further demonstrating market demand for high quality, sustainable housing.

We believe this project will be a positive addition to the Vic West community and the City of Victoria. It will replace an older, small single-family residence with a contemporary duplex, which we hope will become an important part of Victoria's building heritage.

Sincerely yours,

Bhalt

Rob Bernhardt, President, Bernhardt Developments Ltd. rob@bernhardtcontracting.com phone: 250-893-2514





May 5, 2016

Mayor Lisa Helps & Victoria City Council Victoria City Hall, 1 Centennial Square Victoria, BC V8W 1P6

Dear Mayor Helps & Victoria City Council Members.

Re: Application for rezoning and development permit for 406 /408 Wilson St.

This letter is supplemental to our letter of February 1, 2016 outlining our proposal to develop 406 /408 Wilson St. by constructing a duplex on the existing R-2 lot. Planning staff have reviewed the submission and provided feedback, which has resulted in a few modifications. We would also like to outline the reasons for the requested variances.

Revisions Resulting from Staff Review

Planning staff suggested a number of revisions we have incorporated in to a revised bubbled drawing set. Those revisions include:

- The width of the driveway crossing has been increased to allow two side by side parking stalls, increasing green space on the west side of the property. The position of the accessory building has also been changed to align with the new parking area edge.
- The east façade of the building along Mart Street has been redesigned to reduce the amount of stucco cladding in response to comments from the neighbors that it appeared as a monolithic wall with too little detail or variation.
- 3. Additional review of window placement on the west façade was undertaken, including a site visit to ascertain the window placement on the residence to the west and at a lower elevation on the hillside. The wall of the adjoining residence is largely blank, with a frosted glass bathroom window. Entry-level privacy will be provided by a new fence and landscaping. The proposed upper level windows look over the adjoining residence due to its lower elevation and do not directly align with windows on the adjacent building.
- Additional details regarding fences and arbor structures have been provided on the landscape drawings.
- Additional information documenting the varied building typologies that are found in the vicinity of the project has been added.

Variances

Our initial letter to Mayor & Council dated Feb. 1, 2016 identified three required variances. There are in fact two. Specifically:

East side yard - we have moved the building east, to get more light and space between the
proposed building and the neighbour at 422 Wilson St. This benefits that neighbour, roughly
aligns the two new duplex buildings along Mary St. and permit an entry on the west side. The
combined side yard set back meets the Bylaw requirements; it has simply been re-allocated to fit

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in the context. The R-2 zoning bylaw requires a 3.5m flanking street set back, our proposed setback is 2.6m.

2. North (rear yard) setback - the depth of the property does not permit a large rear yard setback in addition to a reasonable front yard set back. We have maintained the required setback at the front yard to keep the line of houses on the street consistent with other houses on Wilson, but have had to reduce the rear yard setback. The required rear yard set back is 35% of the lot depth, or 10.46m. The proposed set back is 9.45m.

Community Consultation

I understand the Vic West Community Association does not take a position on land use applications. The letter from the chair of the CALUC lists each concern that was raised at the January 14, 2016 community meeting, but does not record support expressed for the proposal. We have responded to the concerns raised by minimizing the number of driveways accessing the street and have added more detail to illustrate the finished look of the buildings. Many community members attending the meeting expressed support for the development and the large turn out for the meeting seemed to reflect an interest in Passive House. We were pleased not only with the turnout, but with the level of support the proposal received. Overall we believe the proposal will make a valuable contribution to the neighbourhood.

Sincerely yours,

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Rob Bernhardt, President, Bernhardt Developments Ltd. rob@bernhardtcontracting.com phone: 250-893-2514

February 1, 2016

City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

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Attention: Mayor and Council

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Dear Mayor and Council

RE: Rezoning of 404 Wilson Street for the construction of a 'passive house' Duplex, by Bernhard Contracting Ltd.

The Victoria West Land Use meeting occurred January 14, 2016 at the Victoria West Community Hall. The meeting was very well attended, with over 35 individuals.

There were a number of concerns, including:

- Contemporary design in a traditional neighbourhood;
- Concern over blasting due to rock outcrops;
- Concern that the adjusting of lot lines to create larger lots may become a practice in Victoria West, to the detriment of the community;
- The two new driveway crossings for both 404 Wilson and 736 Mary Street will reduce parking on Mary Street;
- That the development (for both 404 Wilson and 736 Mary) allows for only 1 parking stall on site. If the purchaser has more than 1 car, additional cars will be parked on the street, further reducing street parking availability;
- That there be more variety to the exterior finishes; and
- That the landscaping be softened and existing boulevard trees be saved.

Another issue raised specifically involved parking.

- The yellow curb lines at the corner of Wilson and Mary Streets be extended further around the corners to extend sight lines; and
- That "Residential Parking Only" signs be installed on Mary Street.

A number of questions related to 'passive housing' and how this application meets those standards. Mr. Bernhard and his team were extremely helpful in explaining this concept.

Yours truly.

Dorach Musgrove, Chair Land Use Committee, Victoria West Community Association



Development Services Division dimension.











1 EAST ELEVATION



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> Received Cry of Victoria

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HCMA Architecture + Design Suite 300 - 559 Johnson Street Victoria BC, Canada V&W 1M2 T 250 382 6650 W hcma.ca

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Wilson Street Passive House Duplex

REVISION DESCRIPTION