

# City of Nanaimo

## REPORT TO COUNCIL

**DATE OF MEETING:** 2016-JAN-18

**AUTHORED BY:** GARY NOBLE, DEVELOPMENT APPROVAL PLANNER, PLANNING & DESIGN SECTION

**RE:** DEVELOPMENT PERMIT NO. DP000949 – 1019 VANCOUVER AVENUE

**STAFF RECOMMENDATION:**

That Council issue Development Permit No. DP949 with the following variances:

- To reduce the watercourse setback to 4.53m; and,
- To reduce the rear yard setback to 5.97m.

**PURPOSE:**

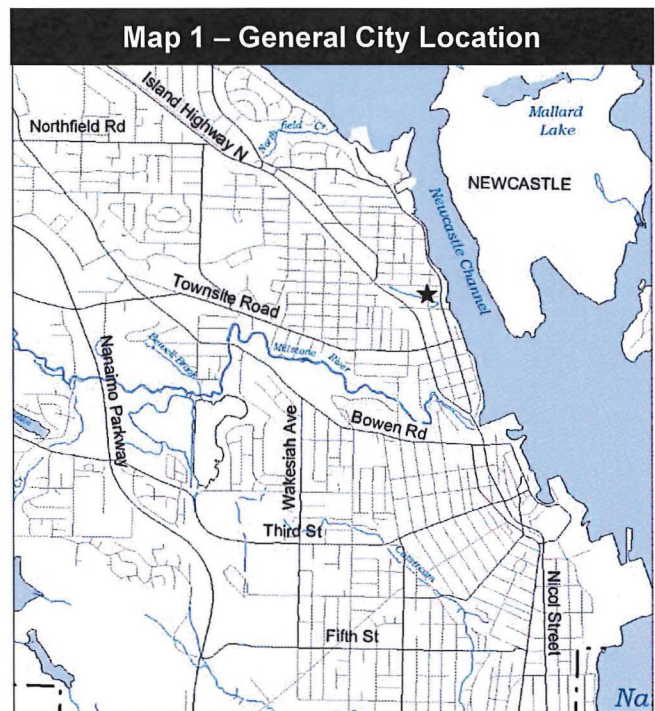
The purpose of this report is to seek Council authorization to issue a development permit for the construction of a new single residential dwelling within the watercourse setback area.

**BACKGROUND:**

A development permit application was received from MR. KEITH DYCE.

Staff supports the application, including the proposed variance and recommends that Council approve the development permit.

The Design Advisory Panel (DAP) did not review the application as a form and character review is not a requirement for this application.



**Subject Property**

Zoning	R1 (Single Dwelling Residential)
Location	The vacant subject property is located one property south of the corner of Vancouver Avenue and St. George Street.
Total Area	659m <sup>2</sup>
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Neighbourhood Map 3 – Development Permit Area DPA No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential development.

- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

As shown on the Site Survey (Schedule B), a 4.5m easement exists to the north side of the subject property. Given the location of the easement and 15m watercourse setback, the property has an extremely limited building envelope (less than 5m depth).

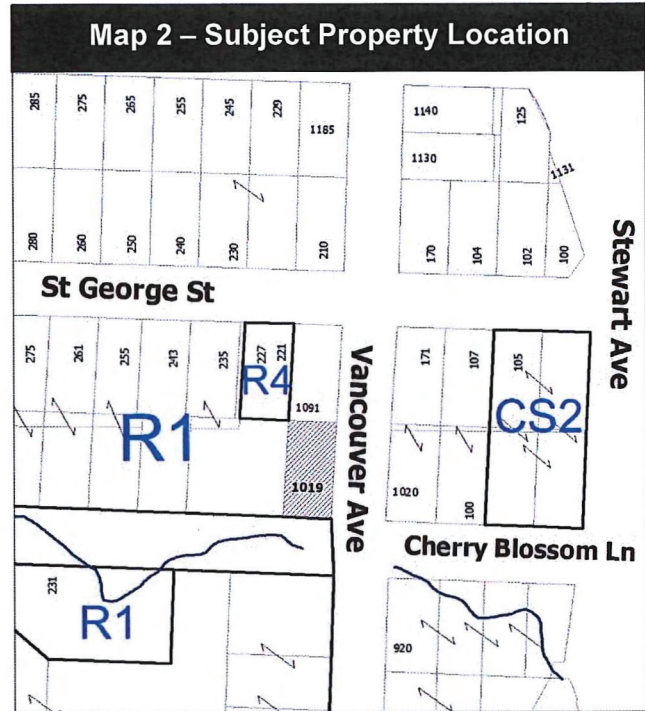
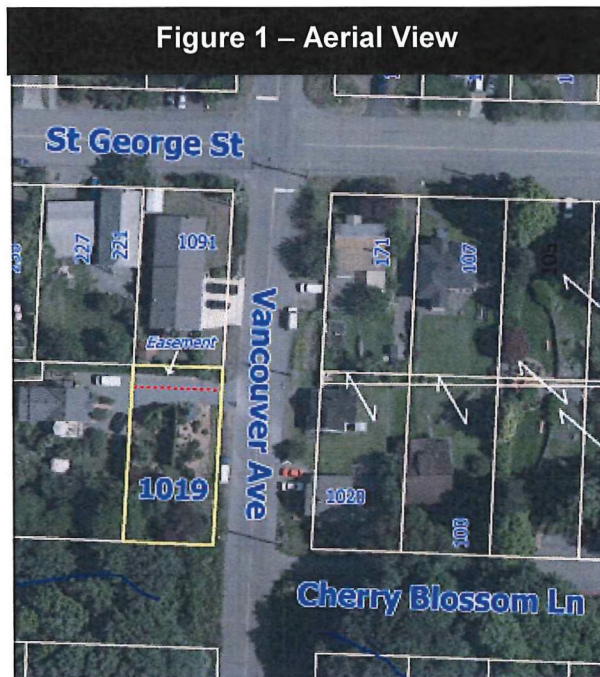
**DISCUSSION:**

*Proposed Development*

The applicant is proposing to build a new single residential dwelling within the aquatic setback of the vacant subject property. While the proposed deck encroaches into the geotechnical setback, it will be built as an independent structure per the geotechnical guidelines; therefore, it can be sited as proposed.

A copy of the proposed site plan is attached as Schedule B.

An Executive Summary has been prepared by a Qualified Environmental Professional (QEP) - see Schedule C. The summary notes that as St. George Creek does not provide, or flow to freshwater fish bearing habitat, the Riparian Area Regulation does not apply. The QEP notes: "Based on the lack of fish habitat and overall relatively low wildlife habitat values associated with St. George's ravine in the vicinity of the subject property, it is my opinion [the QEP] that the construction of a residence outside the geotechnical setback on previously developed land as proposed has minimal potential to result in environmental impacts."



As compensation for the encroachment into the aquatic setback and to achieve a "no net loss" of habitat, a native re-vegetation plan of 40 trees and shrubs at a planting density of 1 shrub per square meter is proposed within the 5m setback from top of bank in order to provide a wildlife buffer between the ravine and the proposed house.

**Proposed Variances**

- *Watercourse Setback*  
The required watercourse setback is 15m. The proposed watercourse setback is 4.53m, a proposed variance of 10.47m.
- *Required Rear Yard Setback*  
The required rear yard setback is 7.5m. The proposed rear yard setback is 5.97m, a proposed variance of 1.53m.

**Newcastle + Brechin Neighbourhood Plan**

The Neighbourhood Plan requests that Staff refer development proposals to the neighbourhood for comment. The Brechin Hill Community Association reviewed the proposal and stated, in summary, that the association was unable to support the application due to the potential negative environmental impacts on the existing wildlife corridor posed by the development due to a lack of mitigation offered by the applicant.

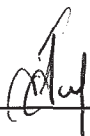
The QEP has developed a mitigation plan that Staff believes meets the expectations for the wildlife habitat/corridor.

Respectfully submitted,

  
B. Anderson  
Manager, Planning & Design

  
D.C. Lindsay  
Director of Community Development

Concurrence by:

  
T.P. Seward  
Senior Director of Strategic Operations

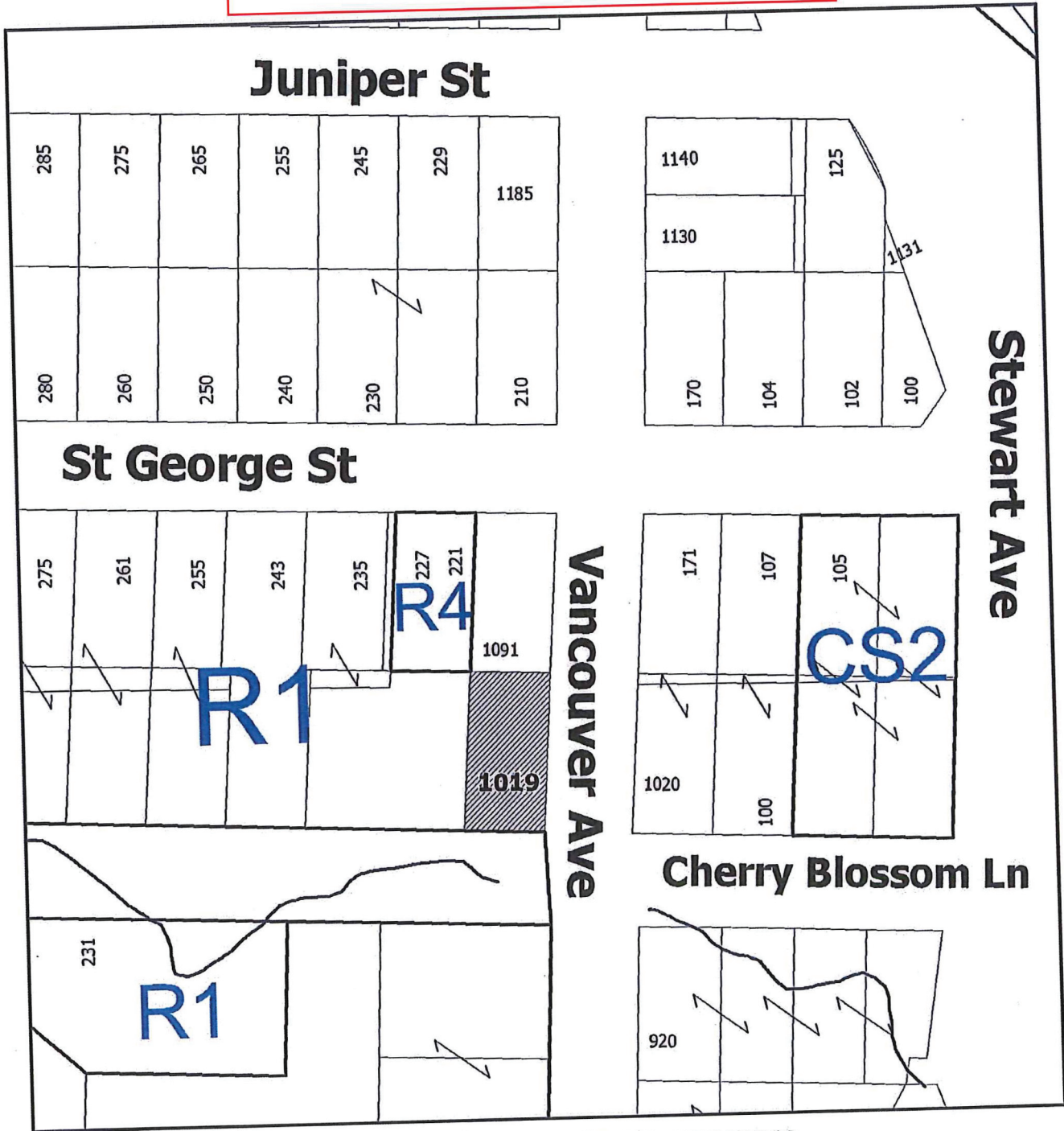
**CITY MANAGER COMMENT:**

I concur with the Staff recommendation.

TR/In  
Drafted: 2015-DEC-22  
Prospero Attachment: DP000949

Development Permit No. DP000949 Schedule A  
1019 Vancouver Avenue

### LOCATION PLAN



DEVELOPMENT PERMIT NO. DP000949

### LOCATION PLAN

Civic: 1019 Vancouver Avenue  
Lot A, Section 1, District Lot 96B,  
Nanaimo District, Plan EPP55847

 Subject Property



TEL: 250-758-4631 FAX: 250-758-4660  
NANAIMO - VICTORIA - PARKSVILLE

File: 88210

Civic: 1019 Vancouver Avenue, Nanaimo B.C.

Legal: Lot A, Section 1 and District Lot 96B, Nanaimo District, Plan EPP55847.

Dimensions are in metres and are derived from Plan EPP55847.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 11th day of December, 2015.

*Ang W*  
\_\_\_\_\_  
B.C.L.S.

This document is not valid unless originally signed and sealed or digitally signed by BCLS

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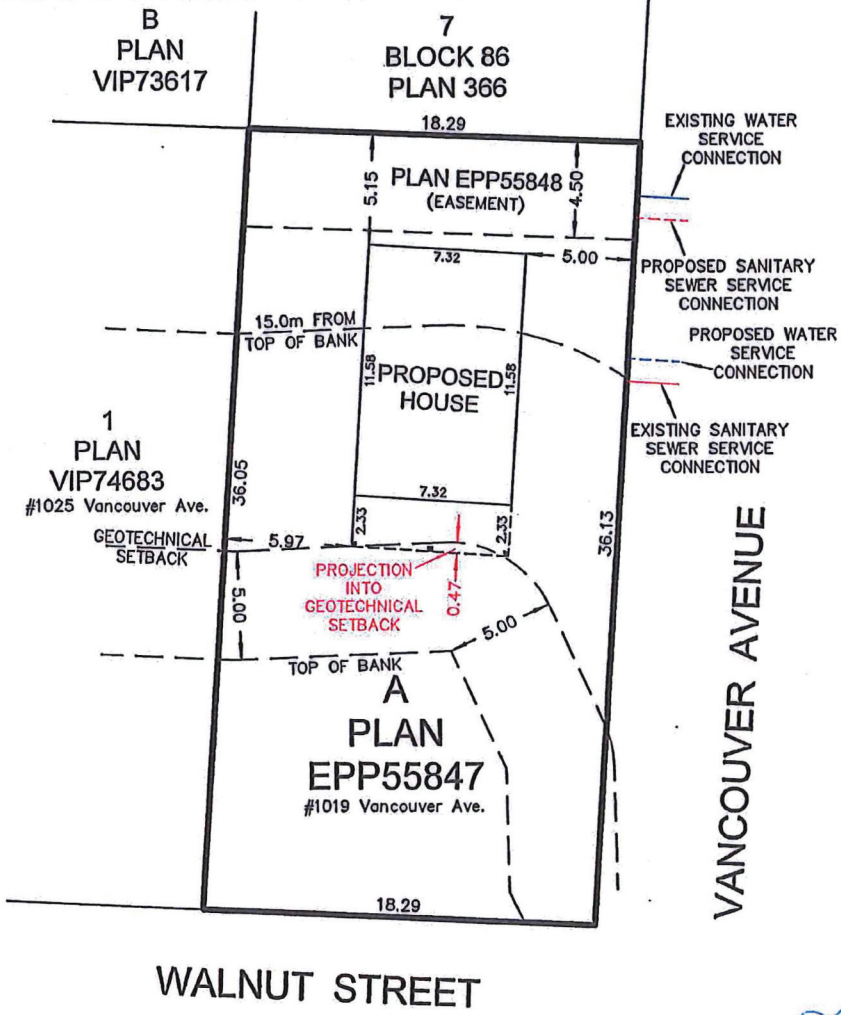
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA4747579 (P.I.D. 029-691-371)

Scale 1:250



Existing water and sanitary sewer service locations provided by City of Nanaimo.  
Existing water service to remain connected to 1025 Vancouver Avenue.  
Existing sanitary sewer to be connected to 1019 Vancouver Avenue.  
New water service to be connected to 1019 Vancouver Avenue.  
New sanitary sewer service to be connected to 1025 Vancouver Avenue.



*DP949*



**Toth and Associates Environmental Services**

6821 Harwood Drive, Lantzville, B.C. V0R 2H0  
Tel: (250) 390-7602 Fax: (250) 390-7603  
E-mail: stoth@shaw.ca

Development Permit No. DP000949      Schedule C  
1019 Vancouver Avenue  
**EXECUTIVE SUMMARY &  
MITIGATION PLAN**  
1/5

December 11, 2015

**Keith Dyce**  
1025 Vancouver Avenue  
Nanaimo, BC, V9S 4H1

**Summary of the assessment of surface water features adjacent to 1025 Vancouver Avenue,  
Nanaimo**

My field survey conducted on March 25, 2015 concluded that, as St. George’s Creek south of 1025 Vancouver Avenue does not provide, or flow to freshwater fish bearing habitat, it does not meet the definition of an assessable “stream” under the provincial *Riparian Areas Regulation* (RAR), and the RAR will not apply to the development of the property.

The proposed development includes construction of a single family residence on the vacant smaller lot (PID# 004596374) fronting Vancouver Avenue. According to the City of Nanaimo’s mapping, St. George’s Creek requires a watercourse setback of 15 m from top of ravine bank. A geotechnical assessment has been conducted and has set the safe building setback from top of ravine bank at 5 m. The construction of a new residence would not require removal of any native vegetation, and the geotechnical assessment has indicated that removal of any vegetation below the top of ravine bank could compromise slope stability.

As a condition of issuance of a Development Permit (DP #000949) for construction of a new house on PID# 004596374 the City of Nanaimo has indicated that “a native re-vegetation plan of trees and shrub plantings is required within the 5.0m setback from top of bank in order to provide a wildlife buffer between the ravine and the house”. In order to fulfill this requirement I have provided a re-vegetation plan that includes re-vegetation of this area with 40 native plantings.

Based on the lack of fish habitat, and overall relatively low wildlife habitat values associated with St. George’s ravine in the vicinity of the subject property it is my opinion that the construction of a residence outside the geotechnical setback on previously developed land as proposed has minimal potential to result in environmental impacts.

Sincerely,  
Steve Toth, AScT, R.P.Bio.

**Toth and Associates Environmental Services**





## Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602 Fax: (250) 390-7603

E-mail: stoth@shaw.ca

November 6, 2015

### Keith Dyce

1025 Vancouver Avenue

Nanaimo, BC, V9S 4H1

### Re-vegetation plan for the 5.0m setback from top of ravine bank on PID# 004596374, Vancouver Avenue, Nanaimo

As a condition of issuance of a Development Permit (DP #000949) for construction of a new house on PID# 004596374 the City of Nanaimo has indicated that “a native re-vegetation plan of trees and shrub plantings is required within the 5.0m setback from top of bank in order to provide a wildlife buffer between the ravine and the house”.

In order to fulfill this requirement I offer the following re-vegetation plan for the 5.0m setback from top of ravine bank on the subject property. The 5.0m setback area is already vegetated with a mix of nursery variety small tree, shrub, and herb plantings contained within a rectangular courtyard area bordered by a cedar hedge, as well as along the slope fronting Vancouver Avenue. These existing plantings will be incorporated into the re-vegetation plan and augmented with native plant species. In order to allow more sunlight into the planting area the line of cedar hedging running along the top of ravine bank on the subject property will need to be removed. I would also recommend removal of the purple-leaf plum tree and the Leyland cypress (Figure 1).

There is no space available within the re-vegetation area for planting of full size native tree species, without the trees eventually shading out the rest of the re-vegetation area or becoming a hazard to the new house. There are several dwarf non-native tree species on site that over time will become substantial, but manageable small trees.

The proposed re-vegetation area is approximately 80m<sup>2</sup> in size. Existing nursery plants occupy approximately 50% of the re-vegetation area, leaving approximately 40 m<sup>2</sup> for re-vegetation with native species. At a planting density of 1 shrub per 1 square metre there is room for 40 plantings. Recommended plantings are indicated in Table 1, below and shown on Figure 2.

Table 1.

Common name	Scientific name	Mature height (m)	Best Growth conditions	Purchase Size	Quantity
Red elderberry *	<i>Sambucus racemosa</i>	to 6	m-w	1 gal.	2
Common snowberry *	<i>Symphoricarpos albus</i>	0.5-2	d-m	1 gal.	8
Dull Oregon grape*	<i>Mahonia nervosa</i>	0.5	d	1 gal.	6
Evergreen huckleberry*	<i>Vaccinium ovatum</i>	to 4	d-m	1 gal.	3
Indian plum*	<i>Oemlaria cerasiformis</i>	1.5-2.5	d-m	1 gal.	3
Red-flowering currant*	<i>Ribes sanguineum</i>	1-3	d-m	1 gal.	3
Saskatoon*	<i>Amelanchier alnifolia</i>	to 4	d-m	1 gal.	4
Tall Oregon-grape*	<i>Mahonia aquifolium</i>	0.5-1.5	d	1 gal.	8
Gummy gooseberry*	<i>Ribes lobbii</i>	0.5-1.5	d	1 gal.	3

d = dry, m = moist, w = wet, \* = fruit / berry producer

### Planting Criteria

- All plantings should be based on 1 shrub per 1 square metre density.
- All tree/shrub species should be of guaranteed nursery stock.
- The botanical name should be used when ordering stock to ensure that the desired native species is being purchased. Each specimen should be tagged with the botanical name and the tag should be left attached after planting.
- Stock planted during the fall (Sept - Oct) and spring (Mar - Apr) has the greatest likelihood of surviving. Additional advice on proper planting procedures should be obtained from the nursery supplying the stock (see [http://members.shaw.ca/nativeplants/streamside\\_home.html](http://members.shaw.ca/nativeplants/streamside_home.html)).
- A minimum of 50% of trees and shrubs planted should be fruit-bearing species.
- All invasive species within the re-vegetation area should be removed prior to planting.

### Maintenance

- Regular watering may be required during the first growing season until the plants are established.
- Planting on a given area being enhanced must be successful to an 80% take. If more than 20% die over one year, replanting is required.
- Most of the species listed do well (particularly red elderberry) with annual pruning during the dormant season.
- Many of the woody-stemmed species indicated in Table 1 can be propagated by stem cuttings (see below).

### Procedures for Rooting Stem Cuttings

- Cuttings should be taken during the dormant season of current or past season's growth.
- While terminal parts of the stem are best, a long shoot can be divided into several cuttings. Cuttings are generally 10 to 16 inches long.
- Remove any leaves or side shoots from the lower 1/2 to 2/3 of the cutting.
- Dip cuttings in rooting hormone.
- Insert the cuttings 1/2 to 2/3 their length into standard 1 or 2 gallon black planters filled with sterile potting soil. Space cuttings just far enough apart to allow all leaves to receive sunlight. Water after inserting the cuttings and place in indirect light.

Sincerely,  
Steve Toth, ASCT, R.P.Bio.



Toth and Associates Environmental Services





Figure 1. Revegetation Area



Figure 2. Re-vegetation area with suggested planting arrangement

