

**DATE OF MEETING** April 3, 2017

**AUTHORED BY** DAVE STEWART, ENVIRONMENTAL PLANNER, ENGINEERING AND ENVIRONMENTAL SECTION

**SUBJECT** DEVELOPMENT PERMIT NO. DP1020 – 3100 HAMMOND BAY ROAD

## OVERVIEW

### **Purpose of Report**

To present for Council's consideration a development permit application to allow for a reduction in the watercourse setback in order to allow renovations and the construction of an open deck to an existing single residential dwelling and to legalize an existing accessory building within the watercourse setback area at 3100 Hammond Bay Road.

### **Recommendation**

That Council approve Development Permit No. DP1020 at 3100 Hammond Bay Road with the following variance:  
reduce the watercourse setback as measured from the natural boundary of the ocean from 15m to 6.5m to permit the development as proposed.

## BACKGROUND

A development permit application, DP1020, was received from Aquaparian Environmental Consulting Ltd., on behalf of John Hunter and Ronni Marback to vary the required watercourse setback from the natural boundary of the ocean. The subject property includes an existing single residential dwelling and detached garage. A portion of the house and the entire garage are located inside the 15m watercourse setback boundary and, as such, are considered non-conforming as to siting. The property owners began renovations to the home, including the reconstruction of open deck within the watercourse setback area, prior to obtaining a building permit. A stop work order was placed on the subject property on 2016-SEP-20. As a portion of the work was done within watercourse setback boundary, a development permit is required in order for the stop work order to be removed and the renovations to be completed.

### **Subject Property**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on Hammond Bay Road and backs on the ocean within the northern shores of Departure Bay
<i>Total Area</i>	2,153m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use Plan – Neighbourhood Map 3 – Development Permit Area No. 2 – Environmentally Sensitive Areas

The subject property is bordered by Hammond Bay Road to the north, the ocean to the south, and single residential dwellings to the east and west. Undeveloped roads (beach accesses) exist along the west and east boundaries of the property.

The property slopes towards to the beach. Below the single residential dwelling on the western side of the lot is gradually sloping lawn. The eastern half of the property is steeper and below the accessory building is completely vegetated with Himalayan blackberry (an invasive species) from mid slope to the foreshore. The property is included within the boundaries of the Departure Bay Neighbourhood Association and a referral was sent to the Association (the referral response is included as Attachment E). Approximately 72% of the property is included within the 15m watercourse development permit area (DPA). A known archaeological site exists on the subject property.

## **DISCUSSION**

### **Proposed Development**

The application is to permit the completion of renovations to an existing single residential dwelling and to legalize the siting of an existing accessory building located 6.5m from the natural boundary of the ocean. An additional open deck is proposed within the watercourse DPA to be located 7.5m from the natural boundary. In order to mitigate any potential impact of the proposed variance, the applicant is proposing habitat restoration and protection of the eroding bank. Due to the location of the archaeological site digging areas for planting are limited. To protect the archaeological site, the applicant is proposing to use soil-filled bags (FlexME) which will be installed in two tiers with soil backfilled to cap the archaeological deposits and allow for planting with limited impact to the archaeological deposits. No excavation is planned within the archaeological area; and, an archaeological site alteration permit has been submitted to the province to account for the potential for limited impacts to archaeological deposits. The work is to be carried out in accordance with requirements of the archaeological site alteration permit including monitoring the site during construction.

The proposed installation will act as a vegetated seawall which uses a hybrid green shores approach to protect the bank and archaeological deposits from further erosion. Green shores is a shoreline management technique that promotes the sustainable use of shoreline ecosystems by encouraging naturalized soft shore features as opposed to hard barriers. A landscape plan was prepared by Victoria Drakeford and has been reviewed by the archaeological branch and a geotechnical engineer.

Part of the work that was previously done without a building permit included the removal of the exterior cladding of the dwelling, the removal and replacement of a second floor deck, and pouring a concrete patio slab on the ground level. If the development permit is issued, the applicants propose to complete the work in three phases:

1. Completion and permitting of the renovations previously started without a building permit, including exterior cladding and the second floor deck.
2. Installation of the proposed landscaping and restoration works including the vegetated seawall and removal of the blackberries and replanting with perennial soil mats.
3. Future construction of a deck (72m<sup>2</sup>) addition on the ground level, to be located a minimum of 7.5m from the natural ocean boundary.



One hundred percent of the landscape bonding will be required to ensure substantial completion of the required landscaping and restoration works. A site alteration permit will be required prior to undertaking the restoration works and future deck construction. The proposed deck addition will extend over the grass and be supported on posts. The existing stairs will also be repaired. A variance is not required for stair replacement, as access to water is permitted.

Overall, the proposed development area within the watercourse setback is 184m<sup>2</sup>. The proposed area of compensation is 290m<sup>2</sup>, including a 3m x 30m shoreline treatment and the blackberry removal and restoration (200m<sup>2</sup>). The applicant exceeds the City's no net loss guideline by providing approximately 106m<sup>2</sup> of net benefit area within the watercourse DPA.

### **PROPOSED VARIANCES**

The required watercourse setback is 15m measured from the present natural boundary of the sea. The proposed setback is 6.5m at the closest point (existing garage) as shown on the site plan, a proposed variance of 8.5m.

Reducing the setback to 6.5m would legalize the siting of the existing non-conforming garage and dwelling unit and permit the future deck addition as shown on the site plan.

The proposed deck addition is 9.4m from the side (west) property boundary and will be buffered from adjacent properties by existing landscaping and a beach access. No negative impacts to neighbouring properties are anticipated as a result of the application.

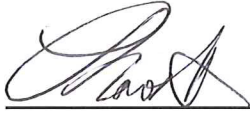
### **SUMMARY POINTS**

- Development Permit No. DP1039 proposes that the watercourse setback be reduced to 6.5m for the development as shown on the site plan.
- The subject property includes a known archaeological site. The proposed landscaping will protect the archaeological site and prevent the bank from further erosion.
- The proposed restoration area would provide a net benefit area of approximately 106m<sup>2</sup> within the watercourse setback DPA.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Environmental Summary  
ATTACHMENT D: Site Plan  
ATTACHMENT E: Landscape Plan and Maintenance Plan  
ATTACHMENT F: Neighbourhood Association Response  
ATTACHMENT G: Aerial Photo

**Submitted by:**



L. Rowett  
Manager, Current Planning and Subdivision

**Concurrence by:**



D. Lindsay  
Director, Community Development



## **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

### **TERMS OF PERMIT**

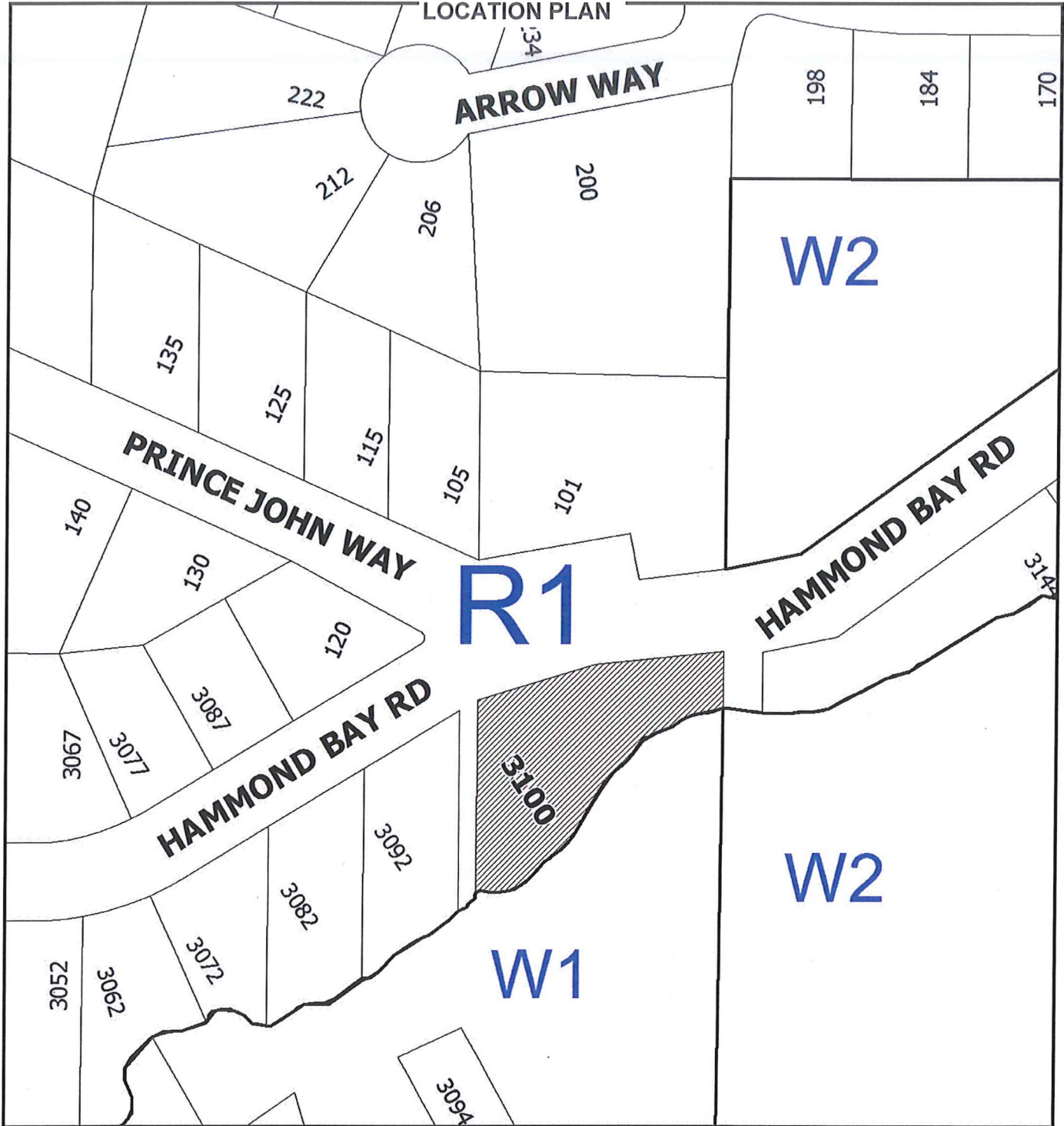
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.3.1.2.* – to reduce the watercourse setback measured from the natural boundary of the ocean from 15m to 6.5m to permit the proposed development as shown on the Site Plan prepared by Turner Land Surveying Inc., dated March 2, 2017 and contained in Attachment C.

### **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Environmental Assessment and Supporting Documents (Attachment C) prepared by Aquaparian Environmental Consulting Ltd., dated March 6, 2017.
2. The subject property shall be developed in accordance with the Site Plan prepared by Turner Land Surveying Inc., dated March 2, 2017 and contained in Attachment C.
3. The landscaping improvements shall be completed and maintained in substantial compliance with the Landscape Plan and Vegetation Management Plan prepared by Victoria Drakeford Landscape Architect and included with Attachment C.
4. A landscape bond is required for 100% of the landscape estimate prepared by Victoria Drakeford Landscape Architect dated March 2, 2017 and contained in Attachment C. A certified letter of completion of the installation of the proposed restoration area and blackberry removal from the landscape architect is required before 75% of the landscape bond will be released. The remainder of the landscape bond may be released following a two year maintenance period beginning post installation upon a certified letter of completion from the landscape architect and satisfactory final inspection of the landscape area and blackberry removal area.
5. The construction of the proposed lower level deck addition must not occur until the landscape installation and blackberry removal is completed in accordance with the Landscape Plan prepared by Victoria Drakeford Landscape Architect, dated March 2, 2017.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT PERMIT NO. DP001020



**LOCATION PLAN**

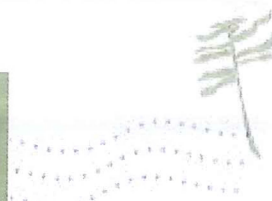
 **Subject Property**

Civic: 3100 Hammond Bay Road  
That part of Section 9, Wellington District shown outlined in red on  
Plan 1206-R lying to the South of Hammond Bay Road as  
said Road is shown on Plan 13866

ATTACHMENT C  
EXECUTIVE SUMMARY



**AQUAPARIAN**  
Environmental Consulting Ltd.



March 3, 2017

Dave Stewart, M. Plan, RPP  
Planner, Current Planning and Subdivision Community Development  
City of Nanaimo

Via Email: [dave.stewart@nanaimo.ca](mailto:dave.stewart@nanaimo.ca)

**RE: 3100 HAMMOND BAY ROAD  
DEVELOPMENT PERMIT APPLICATION EXECUTIVE SUMMARY**

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by Ms. Ronni Marmack and Mr. John Hunter to complete an Environmental Assessment of a residential property located at 3100 Hammond Bay Road, Nanaimo BC. The property is situated on a steeply sloping section of the shoreline overlooking Departure Bay and is designated with a Development Permit Area (Environmentally Sensitive Area – Ocean DPA2) extending inland 15m from the Present Natural Boundary.

The parcel has an existing house and detached garage that have been on the site for decades; a portion of the house and the entire garage is within the 15m DPA. Renovations were begun in 2016 on the existing house footprint including removal of external cladding, removal of paved parking area, replacement of the 2<sup>nd</sup> floor sundeck and 1<sup>st</sup> floor concrete patio slab poured over the previous concrete slab located under the sundeck. Because the deck was reconstructed without a DP, the City of Nanaimo imposed a stop work order until DP was approved to allow the work to continue. The owners also wish to construct a deck off the lower level over what is currently an area of sloping lawn. Protection of archaeological deposits and habitat compensation are planned to offset the variance.

The attached information has been prepared to support the DP and bring the existing garage, house and new deck into legal conformity.

Regards,

**AQUAPARIAN ENVIRONMENTAL CONSULTING LTD**

Sarah Bonar R.P.Bio  
Principal

RECEIVED  
DP001020  
2017-MAR-06  
Current Planning & Subdivision

201-321 WALLACE ST. NANAIMO, BC V9R 5B6, 250-591-2258  
CELL SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



## ATTACHMENT D SITE PLAN

B.C. Land Surveyor's Building Location Certificate on:

That Part Of Section 9, Wellington District, Shown Outlined In Red  
On Plan 1206-R Lying To The South Of Hammond Bay Road As  
Said Road Is Shown On Plan 13866.

P.I.D. 009-432-442

Civic Address: 3100 Hammond Bay Road

This document was prepared for municipal and mortgage purposes  
and is for the exclusive use of our client, John Hunter.

This document shows the relative location of the surveyed structures  
and features with respect to the boundaries of the parcel described above.

This document shall not be used to define property lines or property corners.

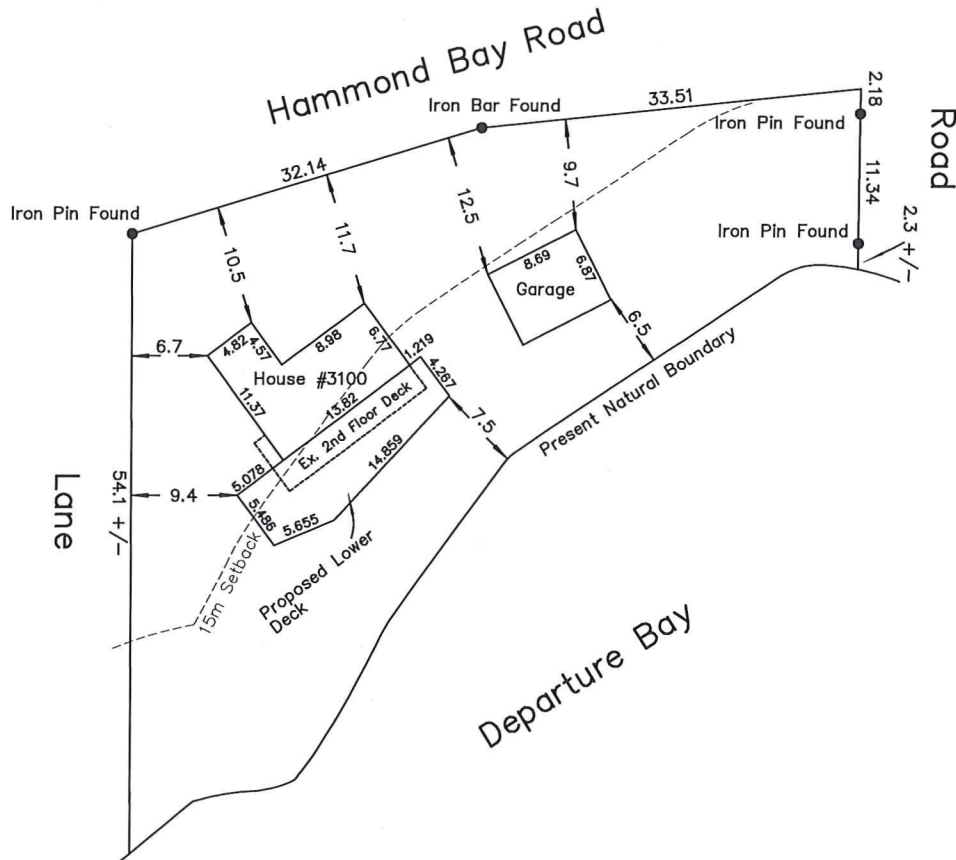
R.J. Turner Land Surveying Inc. accept no responsibility for and hereby disclaim all  
obligations and liabilities for damages arising out of or in connection with any  
direct or indirect use or reliance upon the plan beyond it's intended use.

Certified correct this 2nd day of March, 2017.



Matthew D. Schnurch, B.C.L.S.

(This document is not valid unless originally signed and sealed.)



Area of house and proposed deck within 15m setback = 123.6 m<sup>2</sup>  
Garage area = 59.7 m<sup>2</sup>

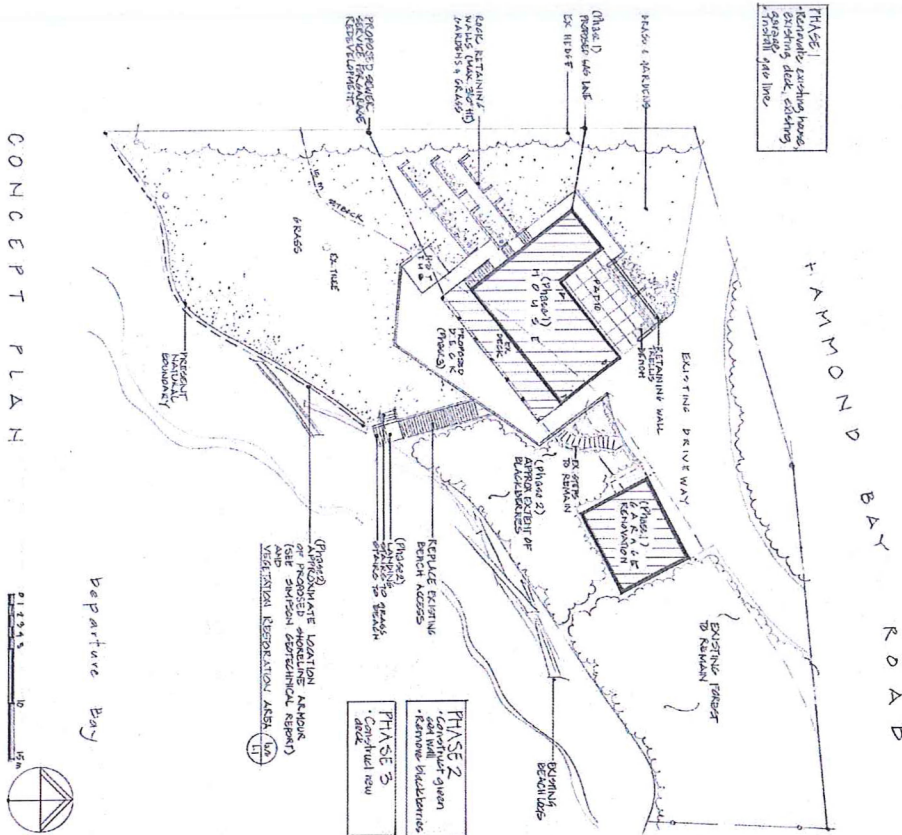
Scale 1:500  
Distances shown are in metres.

Turner Land Surveying Inc  
605 Comox Road  
Nanaimo, B.C.  
V9R 3J4  
250-753-9778  
File: 16-056

Note:  
This property is affected by  
the following registered documents:  
D23415.

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whole or in part without the consent of the signatory.

# ATTACHMENT E LANDSCAPE PLAN AND MAINTENANCE PLAN



PHASE 1  
-Remove existing house  
-Remove deck, existing  
-Rebuild garage line

PHASE 2  
-Remove driveway  
-Remove retaining wall  
-Rebuild driveway  
-Rebuild retaining wall  
-Rebuild garage line

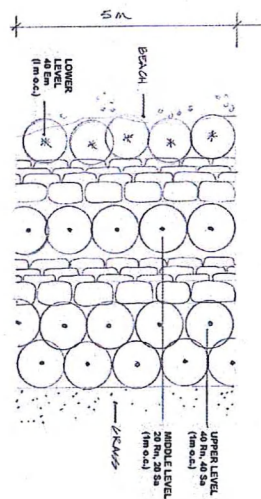
PHASE 3  
-Remove driveway  
-Remove retaining wall  
-Rebuild driveway  
-Rebuild retaining wall  
-Rebuild garage line

CONCEPT PLAN

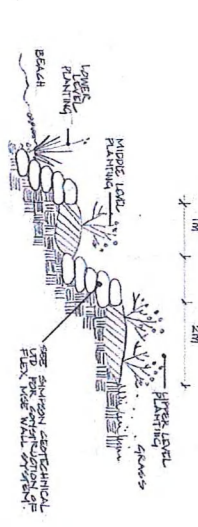
Scale 1:1250



## VEGETATION RESTORATION



PLANTING PLAN - TYPICAL 5M STRIP



PLANTING SECTION

## PLANT LIST

Key	Botanical Name	Common Name	Flt Size	Spacing
10	Shrub			
20	Tree			
30	Grass			
40	Perennial			
50	Annual			
60	Biennial			
70	Woody			
80	Herbaceous			
90	Groundcover			
100	Water feature			
110	Light fixture			
120	Other			

GENERAL PLANTING NOTES:  
1. Refer to BCLM/BCLM/CLM Landscape Symbols, latest edition.  
2.0 To meet OCA/BC/CA/BC/CA Specifications for Level 5. Details to be 12" in the walls planting areas.  
3.0 Plant sources:  
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**GENERAL NOTES:**

- Drawing is based on the survey of May 6, 2016.
- Refer to documents by Architect for details.
- Environmental Consulting Ltd. has prepared the landscape plan and site plan. Refer to reports by Sheppard Consultants Ltd.

**PRODUCT:**

3100  
HAMMOND BAY  
ROAD  
LANA-19-02  
BC

**DATE:** JAN 9, 17

**PROJECT NUMBER:** 3100-HAM/17

**DRAWING NUMBER:** L1



## VICTORIA DRAKEFORD LANDSCAPE ARCHITECT

236 Pine Street, Nanaimo, B.C. Canada V9R 2B6 Phone/Fax (250) 754-4335

# VEGETATION MANAGEMENT AND MAINTENANCE

## 1.0 OBJECTIVES

- To remove invasive plants and prevent their future establishment
- To plant indigenous vegetation on the site to aid in shoreline stabilization and increased bird and insect habitat

## 1.1 MAINTENANCE AND MONITORING

### .1 General:

- Monitoring and maintenance will take place for two years from the time of acceptance of Substantial Completion of the project.
- Appropriate measures shall be taken to ensure that no spillage of fuels, fertilizers, toxic construction materials, or other toxic wastes occurs, and where use of such materials is necessary, to ensure that adequate containment facilities and clean-up equipment are utilized.
- No toxic or waste materials, fuels and fertilizers shall be stored adjacent to or dumped into the ocean or any other water body either on or off the job site, or in a location where spillage could result in seepage into the water.
- All toxic wastes and other material shall be disposed of in a manner acceptable to the Owner and in accordance with municipal, provincial and federal regulations.

### .2 On-going removal and monitoring invasive species

- Removal of invasive species by hand:  
On going removal of the Himalayan blackberry should be completed only during the late dry summer months to stress the root system as much as possible and to avoid potential erosion and sedimentation of the marine environment. Cut the plants off near the root and dispose of the brush at the landfill. Root



removal should be completed by hand (mattock/shovel) and removal of as much of the root systems as possible is critical to reduce re-growth.

- Monitor health of all new plants and naturally regenerating seedlings.
- Do not remove fallen leaves, leave as mulch and allow to compost in situ.

**.3 Monitoring newly planted areas**

- Appearance Standards: The area is intended to be wild so an informal appearance is desirable with the weeds kept to a minimum. Plants should be kept healthy. Plants should not be trimmed. There should be a routine maintenance of moderate frequency and intensity, with regular monitoring to avoid deterioration. See table below.
- Maintenance operations for the planted shrubs and ground covers shall include:
  - (a) Watering
  - (b) Weeding, being careful not to weed out naturally regenerating native plants; These weeding sessions should be done on a regular basis, at least four times a year.
- Maintenance operations should, where possible, follow ecologically sound practices such as:
  - (a) Integrated Pest Management (IPM)
  - (b) Plant Health Care (PHC)
  - (c) Composting
  - (d) Application of Organic Mulches

**.4 Maintenance Procedures and Frequencies**

Procedure	M	A	M	J	J	A	S	O	Frequency
Inspection				x					Once a year by Landscape Arch.
Weeding		x		x		x		x	4 times a year minimum** see note below
Reporting				x					Once a year by Landscape Arch.
Invasive		x		x		x			3 times a year

removal									
repair									As required
Replacement planting	x						x		Survival rate of 95% is required at the end of the maintenance period
Mulch									Leave fallen leaves on the area as mulch

\*\*Weeding must be done when isolated weedy patches have a width of 20cm. Weeding shall remove 80% of weeds. "Isolated" means a weed distribution of no greater than four patches per 5m2.

**2.0 PLAN REVIEW**

As part of the monitoring process, an adaptive management approach will be applied to this Vegetation Management Plan. As inspections take place the health of the scheme will be determined and changes may be made, if necessary, to ensure the success of the planting.

ATTACHMENT F  
NEIGHBOURHOOD ASSOCIATION RESPONSE



*Departure Bay Neighbourhood Association*

*1470 Bay Street, Nanaimo, BC, V9T 2Z7*

March 16, 2017

Development Permit Application DP 001020  
3100 Hammond Bay Road

This is in response to your letter of 10 March, 2017 requesting comments from the Departure Bay Neighbourhood Association on the above noted application.

From our review of the reports provided, this application appears to mainly involve the legalization of a pre-existing condition as the house and garage have existed in their current location for several years. The only proposed changes of note involve (1) shoreline remediation work in the form of an erosion control wall and new plantings. (2) Widening of a lower deck within the riparian setback area.

Our comments on these two aspects are as follows:

**Erosion Control**

The Flex MSE wall system proposed appears to be a low impact means of preventing further shoreline erosion and protection of the archeological features present. The proposed plantings along the lower portion of the slope should augment the existing landscaped lawn area.

**Lower Deck**

The proposed extension of the lower deck, further in to the riparian area, is the only concern we have with this application. Given that there is already a substantial encroachment from the house and in particular the garage, our preference would be that no further encroachment through an additional structure is permitted. Not extending the lower deck will ensure that a vegetative cover is retained on as much of the slope as possible.

Should you require further information please feel free to contact our Association at [dbna.nanaimo@gmail.com](mailto:dbna.nanaimo@gmail.com)

June Bogle  
Departure Bay Neighbourhood Association



ATTACHMENT G  
AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP001020

