

DATE OF MEETING November 20, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1069 – 241 FERNTREE PLACE

OVERVIEW

Purpose of Report

To present for Council’s consideration a development permit application to allow the construction of a single residential dwelling at 241 Ferntree Place with variances to the watercourse setback and front yard setback.

Recommendation

That Council issue Development Permit No. DP1069 at 241 Ferntree Place with the following variances:

- reduce the watercourse setback measured from the wetland boundary of the lake from 15m to 8.17m; and,
- reduce the minimum front yard setback for a garage door from 6m to 2.14m.

BACKGROUND

A development permit application, DP1069, was received from Mr. Tom Harris on behalf of 1005039 BC Ltd. to construct a new single residential dwelling on the subject property with variances to the watercourse setback and front yard setback.

Subject Property

<i>Zoning</i>	LUC1708 (underlying zoning is R1 – Single Dwelling Residential)
<i>Location</i>	The subject property is located at the end of Ferntree Place on the north shore of Long Lake.
<i>Total Area</i>	507m ²
<i>Official Community Plan</i>	Map 1 - Future Land Use Designation – Neighbourhood Map 3 – Development Permit Area No. 1 – Watercourses

The subject property is one of the last vacant lakefront lots in Long Lake Heights, a bare land strata subdivision. The lot has a steep slope and the required 15m watercourse setback affects more than 50% of the lot area.

DISCUSSION

Proposed Development

The proposed development is a three-storey single residential dwelling located within the

required 15m watercourse setback area as measured from the wetland boundary of Long Lake. The proposed watercourse setback for the foundation of the house is 10m. The aerial encroachment, from the second- and third-storey cantilevered open decks, has an 8.17m proposed watercourse setback at the closest point.

In order to reduce the encroachment into the watercourse setback area and accommodate the building design, the applicant is also requesting a front yard setback variance to site the house closer to the strata road (Ferntree Place). The front yard setback is consistent with the siting of other houses on the street, which have reduced front yard setbacks.

A proposed 1m-wide soft surface trail provides private lake access and is aligned to avoid the removal of existing trees and vegetation in accordance with the development permit area guidelines.

Development Permit Area No.1 - Watercourses

An Executive Summary (see Attachment E) has been prepared by a Qualified Environmental Professional (QEP). The summary notes that, unless the 15m watercourse setback is reduced, there is not an adequate building envelope on the subject property. As a result, the applicant is requesting to reduce the watercourse setback to allow a 90m² encroachment into the setback, including the 10m² aerial encroachment.

There are 11 trees on the property. The development will require the removal of 7 non-significant trees. The “Management and Protection of Trees Bylaw 2013 No. 7126” requires 18 replacement trees: 4 trees will be retained and 4 trees will be replaced and the rest will be provided as cash-in-lieu.

An objective of the development permit area guidelines is to restore and enhance watercourses and riparian areas for wildlife movement and the natural features, functions, and conditions that support fish and wildlife processes. As compensation for the encroachment into the watercourse setback and to achieve a “no net loss” of habitat, the QEP recommends a replacement area of 90m² to be selectively re-vegetated with native plant species. A temporary fence will be installed along the 10m setback boundary prior to the start of construction to prevent intrusion into the remaining setback area.

The QEP concludes that the proposed watercourse setback variance involving a 90m² intrusion will not have a significant impact on the riparian function of Long Lake.

See Attachments for more information.

Proposed Variances

Minimum Watercourse Setback

The required watercourse setback is 15m, measured from the wetland boundary of the lake. The proposed setback is 8.17m to the third-storey open cantilevered deck, a proposed variance of 6.83m. The proposed house foundation will be set back 10m from the wetland boundary.

Staff support the proposed variance and landscaping improvements, which would provide a viable building envelope and ensure “no net loss” of riparian habitat. The proposed location of

the house is consistent with other homes along the lakeshore and should not significantly impact views from neighbouring properties.

Minimum Front Yard Setback

The required front yard setback to a garage door is 6m. The proposed setback is 2.14m; a proposed variance of 3.86m.

The reduced front yard setback accommodates the proposed building design and limits the encroachment into the watercourse setback. The garage is the only portion of the house that requires a setback variance. Historically, the front yard setback in Long Lake Heights was 3m; therefore, the majority of homes already have a reduced, non-conforming setback.

Staff support the proposed variance.

SUMMARY POINTS

- Development Permit Application No. DP1069 proposes a watercourse setback and front yard setback variance to permit an adequate building envelope to allow the construction of a new single residential dwelling.
- The proposed restoration plan meets the development permit area guidelines and will result in “no net loss” of habitat.
- The proposed building siting will not negatively impact the riparian function of the lake and is consistent with the other homes along the lakeshore.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Proposed Site Survey
ATTACHMENT D: Proposed Elevations
ATTACHMENT E: Environmental Assessment
ATTACHMENT F: 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

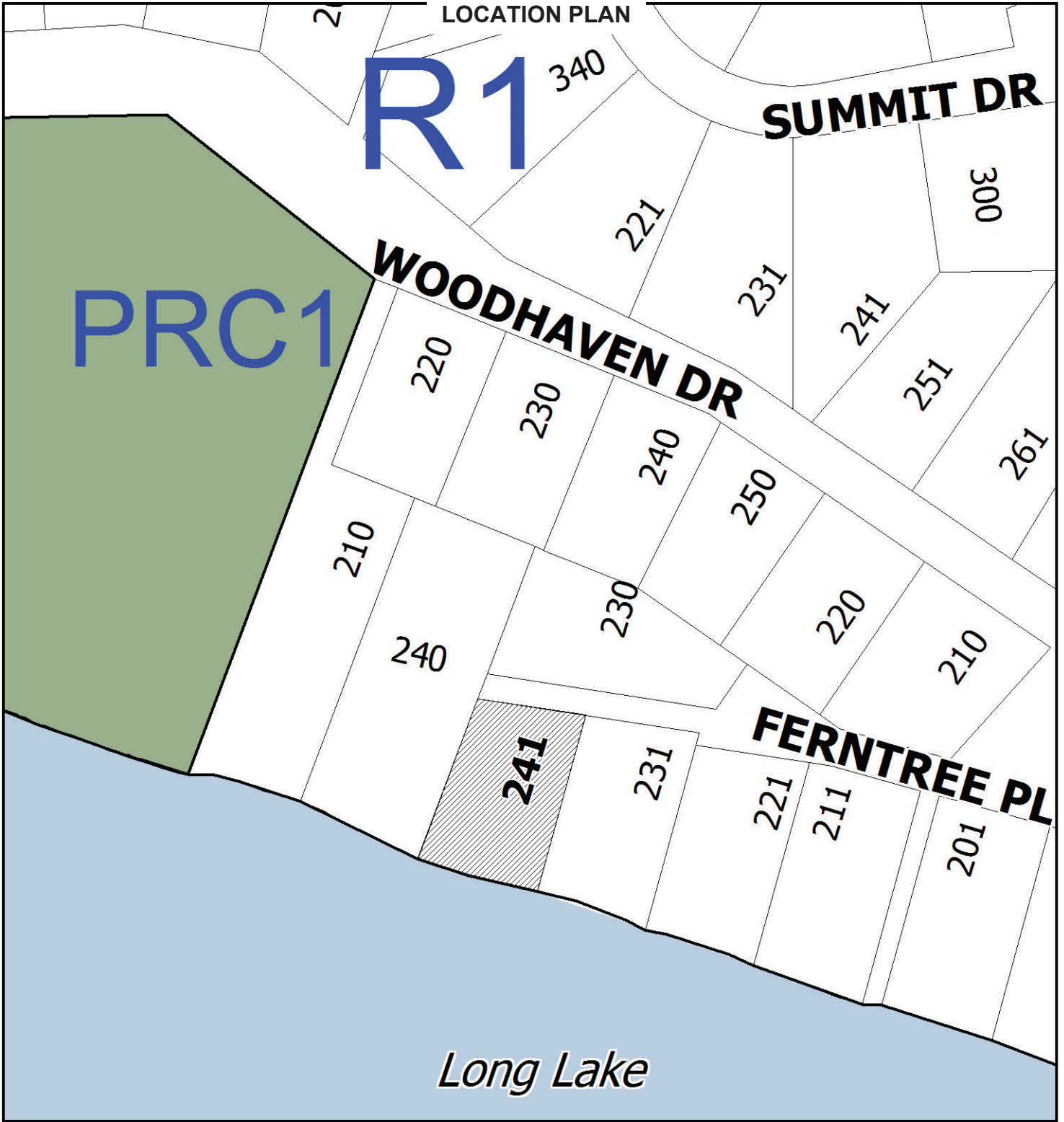
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.3.1.1* – to reduce the watercourse setback measured from the wetland boundary of Long Lake from 15m to 8.17m.
2. *Section 7.5.3* – to reduce the front yard setback for a garage door facing a street from 6m to 2.14m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the site survey prepared by Douglas Holme dated 2017-OCT-10 as shown on Attachment C.
2. The development is in general compliance with the building elevations prepared by Straight Street Design received 2017-OCT-17 as shown on Attachment D.
3. The subject property shall be developed in accordance with the recommendation in the Environmental Assessment and Restoration Plan prepared by Toth and Associates Environmental Services, dated 2017-NOV-01 as shown on Attachment E.
4. A temporary fence shall be installed along the 10m watercourse setback prior to construction of the single residential dwelling.
5. A landscape bond is required for 100% of the landscape estimate prepared by Toth & Associates Environmental Services in the Environmental Assessment dated 2017-NOV-01 as shown on Attachment E.
6. A 3-year maintenance period scheduled for every 3 months with supplemental watering for the first 2 summers is required as per the Environmental Report prepared by Toth & Associates Environmental Services dated 2017-NOV-01. A certified letter of completion is required from the Qualified Environmental Professional at the end of the 3-year maintenance period.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT PERMIT NO. DP001069



LOCATION PLAN

 **Subject Property**

Civic: 249 Ferntree Place
Strata Lot 203, Section 5, Wellington District,
Strata Plan 830 (Phase 3), together with an interest
in the common property in proportion to the unit
entitlement of the Strata Lot as shown on form 1

ATTACHMENT C PROPOSED SITE SURVEY



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

File: 88431

Civic: 241 Ferntree Place, Nanaimo, B.C.

Legal: Strata Lot 203, Section 5, Wellington District, Strata Plan 830, (Phase 5) together with an interest in the Common Property in proportion to the Unit Entitlement of the Strata Lot as shown on Form 1.

Dimensions are in metres and are derived from Strata Plan 830.

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 10th day of October, 2017.

Douglas Holme VXC3QR Digitally signed by Douglas Holme VXC3QR
Date: 2017.10.10 15:05:55 -0700

This document is not valid unless originally signed and sealed

B.C.L.S.

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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. CA3792060 (P.I.D. 000-273-619)

Scale 1:150

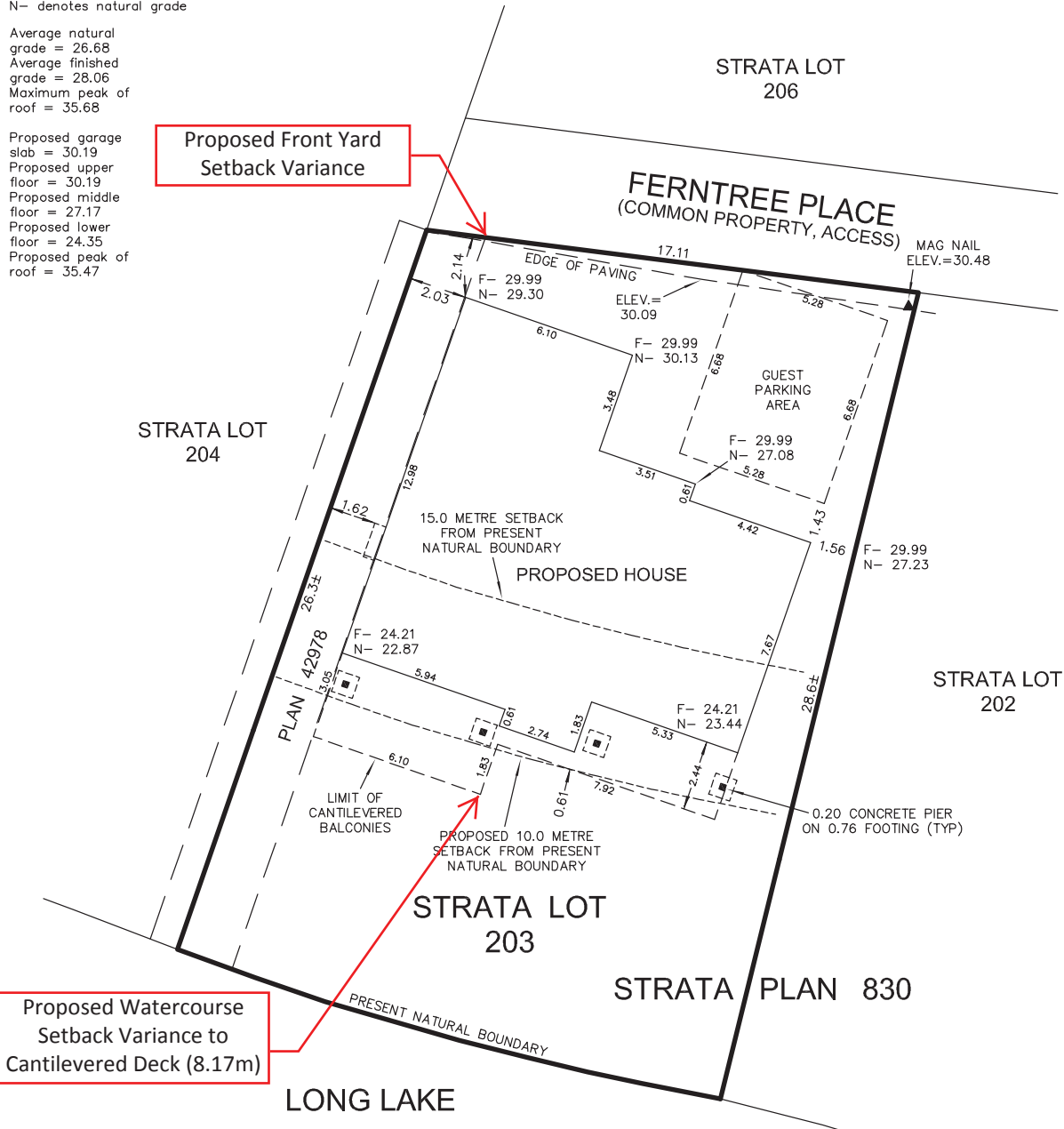


Datum for elevations, in metres, is assumed.

F- denotes finished grade as per building plans
N- denotes natural grade

Average natural grade = 26.68
Average finished grade = 28.06
Maximum peak of roof = 35.68

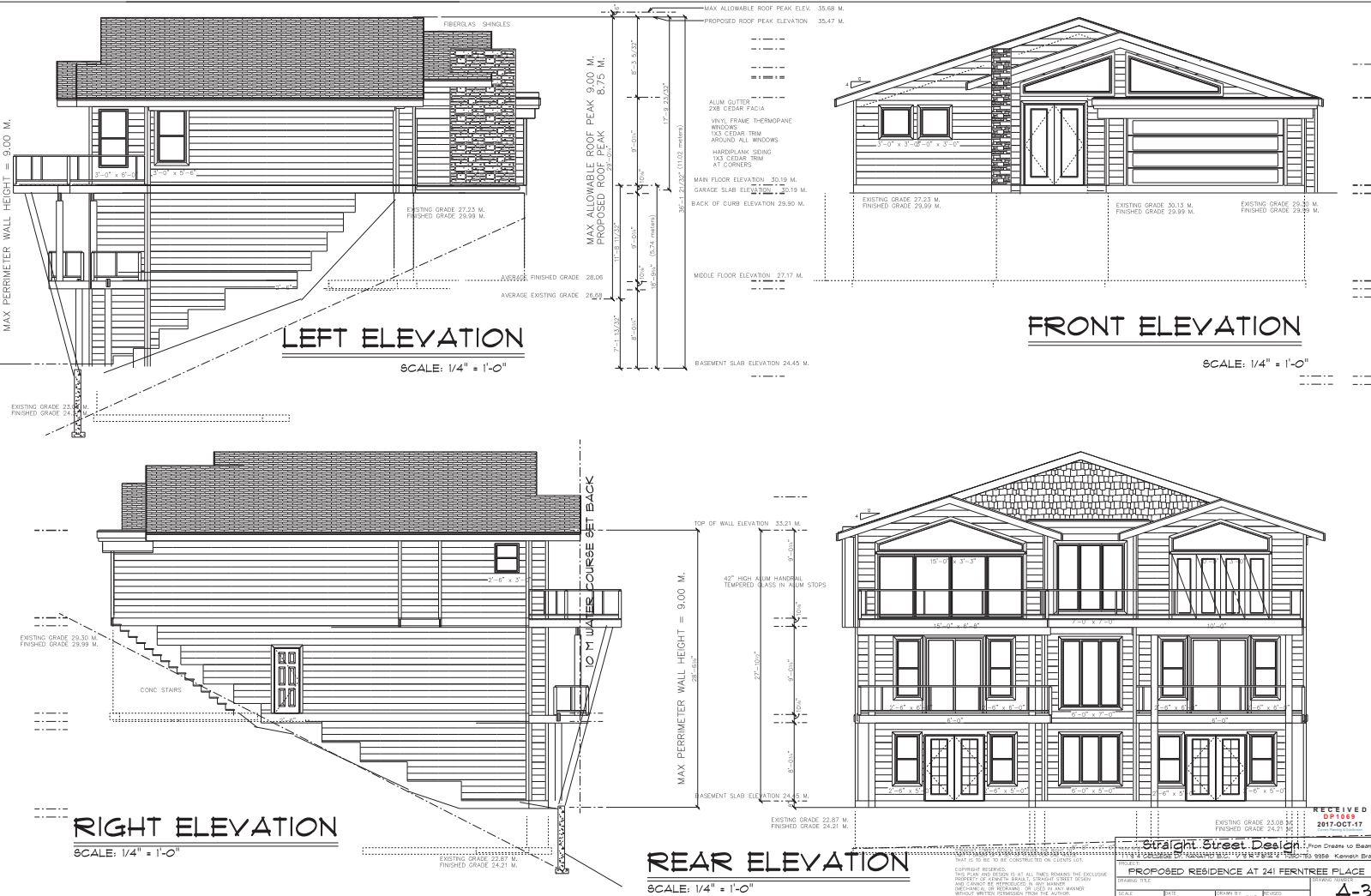
Proposed garage slab = 30.19
Proposed upper floor = 30.19
Proposed middle floor = 27.17
Proposed lower floor = 24.35
Proposed peak of roof = 35.47



Proposed Watercourse Setback Variance to Cantilevered Deck (8.17m)

Proposed Front Yard Setback Variance

ATTACHMENT D PROPOSED ELEVATIONS

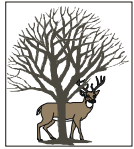


RECEIVED
DP1068
2017-OCT-17

Straight Street Design
2100 Creeks to Beams
Kamron Braun

PROPOSED RESIDENCE AT 241 FERNTREE PLACE
DRAWING TITLE
SCALE: 1/4" = 1'-0"
DATE: 10/17/17
DRAWN BY: KCB
CHECKED BY: KCB
DATE: 10/17/17

A-3



Toth and Associates Environmental Services

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

November 1, 2017

Tom Harris

2203-288 Ungless Way
Port Moody, B.C. V3H 0C9

Re: Summary of results for the Environmental Assessment of 241 Fern Tree Place, Nanaimo (PID 000-273-619).

Toth and Associates Environmental Services conducted a detailed *Riparian Areas Regulation* (RAR) assessment of 241 Fern Tree Place on the north side of Long Lake on October 19, 2009. The development proposal includes construction of a single family residence on the property. The subject property is one of the last remaining undeveloped lakefront lots in the area and most of the surrounding waterfront properties have been successfully developed with reduced watercourse setbacks. The lot size is very small at approximately 5,220 square feet, or roughly 27m deep by 18m wide.

Application of the 15 m SPEA setbacks required by the RAR and the City of Nanaimo, in combination with the City of Nanaimo's setbacks from lot boundaries would result in sterilization of the property from development.

The current development plan proposes a reduction in the watercourse setback from Long Lake from 15m to 10m, with a minor area of intrusion (10m²) into the proposed 10m setback for upper storey balconies (Figure 1). The total area of intrusion into the 15m setback proposed under the current development plan is 90m². The City of Nanaimo provided a Letter of Support (City File# CIP2057, December 3, 2009) for reduction of the watercourse setback to 7.5m for the previously proposed development.

There are 11 trees on the subject property including 1 cherry < 30 cm, 5 Douglas-fir and 4 Arbutus > 30 cm, and 1 Significant Douglas-fir > 80 cm diameter. Based on JE Anderson's Topographic Site Plan, the development will require removal of the cherry tree, 3 Douglas-fir and 3 arbutus > 30 cm diameter. No Significant Trees will be removed. The City's Management and Protection of Trees Bylaw 2013 (No. 7126) requires 18 trees to be replaced for the 7 trees to be removed. As there is insufficient space on the subject property for replacement of all the trees, cash-in-lieu for trees not replaced will be paid to the City.

The City of Nanaimo has requested a restoration plan as mitigation for the setback reduction. Understorey vegetation on the property is comprised of dense salal with very little available space for additional native plantings and it is my understanding that the proponent fully intends to preserve as much of the native vegetation as possible within the proposed setback. I have provided a landscape plan (Figure 2) that requires the planting of 90 native plants (1 plant / 1 m² of intrusion) within the proposed watercourse setback including 56 herbs, 30 shrubs and 4 trees (Table 1).

RECEIVED
DP 1069
2017-NOV-01
Current Planning & Subdivision

Summary of RAR assessment results for 241 Ferntree Place, Nanaimo

A single pervious soft surface pathway will provide access to water. The trail has been aligned to avoid damage or removal of existing trees and vegetation (Figure 1).

A fence will be installed along the proposed setback boundary prior to the start of construction to prevent intrusion within the setback area.

The City of Nanaimo requires a vegetation maintenance program for the restoration area for a term of three (3) years with maintenance scheduled every 3 months and supplemental watering for the first 2 summers.

It is our professional opinion that the proposed construction of a home on the property involving a 90 m² intrusion inside the 15 m Streamside Protection Enhancement Area (SPEA) setback associated with the Zones of Sensitivity for Large Woody Debris and Bank Stability, and Litter Fall and Insect Drop will not have a significant impact on the riparian function of Long Lake.

Please contact us if you require any additional information.

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



Toth and Associates Environmental Services

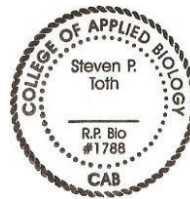


Table 1. Recommended native plant species for restoration of the watercourse setback on 241 Ferntree Place

Species	Common Name	Size	\$/each	Quantity	\$ Cost	Sun	Moisture
Trees							
<i>Taxus brevifolia</i>	Western Yew	5 gal	\$28.00	1	\$28.00	Low	Low
<i>Conus nuttallii</i>	Pacific Dogwood	5 gal	\$28.00	1	\$28.00	Mod	Mod
<i>Malus fusca</i>	Pacific Crab Apple	5 gal	\$18.00	2	\$36.00	Mod	High
Shrubs							
<i>Amelanchier alnifolia</i>	Saskatoon	2 gal	\$8.50	3	\$25.50	High	Low
<i>Mahonia nervosa</i>	Dull Oregon Grape	2 gal	\$5.50	12	\$66.00	Mod	Low
<i>Vaccinium ovatum</i>	Evergreen Huckleberry	2 gal	\$6.00	2	\$12.00	Mod	Mod
<i>Holodiscus discolor</i>	Ocean Spray	2 gal	\$8.50	2	\$17.00	High	Low
<i>Ribes sanguineum</i>	Red Flowering Currant	2 gal	\$9.50	2	\$19.00	Mod	Mod
<i>Symphoricarpos albus</i>	Snowberry	2 gal	\$8.50	7	\$59.50	Mod	Mod
<i>Vaccinium parvifolium</i>	Red Huckleberry	1 gal	\$6.00	2	\$12.00	Mod	Mod
Herbs							
<i>Polystichum munitum</i>	Sword Fern	1 gal	\$4.75	25	\$118.75	Mod	Mod
<i>Asarum caudatum</i>	Wild Ginger	1 gal	\$2.75	5	\$13.75	Mod	Low
<i>Aster douglasii</i>	Douglas' Aster	1 gal	\$2.75	5	\$13.75	High	Mod
<i>Dicentra formosa</i>	Bleeding Heart	1 gal	\$2.25	5	\$11.25	Mod	Mod

Summary of RAR assessment results for 241 Ferntree Place, Nanaimo

Species	Common Name	Size	\$/each	Quantity	\$ Cost	Sun	Moisture
<i>Digitalis purpurea</i>	Common Foxglove	1 gal	\$2.25	5	\$11.25	High	Mod
<i>Disporum hookeri</i>	Hooker's Fairybells	1 gal	\$2.75	5	\$13.75	Mod	Mod
<i>Satueija douglasii</i>	Yerba Buena	1 gal	\$2.75	7	\$19.25	Mod	Low
Total:				90	\$518.50		

Note: Costs are based on wholesale prices indicated on the Streamside Native Plant's website (<http://streamsidenativeplants.com/>)

Table 2. Map symbols used on landscape plan


















Species	Common Name	Quantity	Symbol
<i>Taxus brevifolia</i>	Western Yew	1	
<i>Conus nuttallii</i>	Pacific Dogwood	1	
<i>Malus fusca</i>	Pacific Crab Apple	2	
<i>Amelanchier alnifolia</i>	Saskatoon	3	
<i>Mahonia nervosa</i>	Dull Oregon Grape	12	
<i>Vaccinium ovatum</i>	Evergreen Huckleberry	2	
<i>Holodiscus discolor</i>	Ocean Spray	2	
<i>Ribes sanguineum</i>	Red Flowering Currant	2	
<i>Symphoricarpos albus</i>	Snowberry	7	
<i>Vaccinium parvifolium</i>	Red Huckleberry	2	
<i>Polystichum munitum</i>	Sword Fern	25	
<i>Asarum caudatum</i>	Wild Ginger	5	
<i>Aster douglasii</i>	Douglas' Aster	5	
<i>Dicentra formosa</i>	Bleeding Heart	5	
<i>Digitalis purpurea</i>	Common Foxglove	5	
<i>Disporum hookeri</i>	Hooker's Fairybells	5	
<i>Satueija douglasii</i>	Yerba Buena	7	

Figure 1. Survey plan with proposed 10m setback and intrusion area

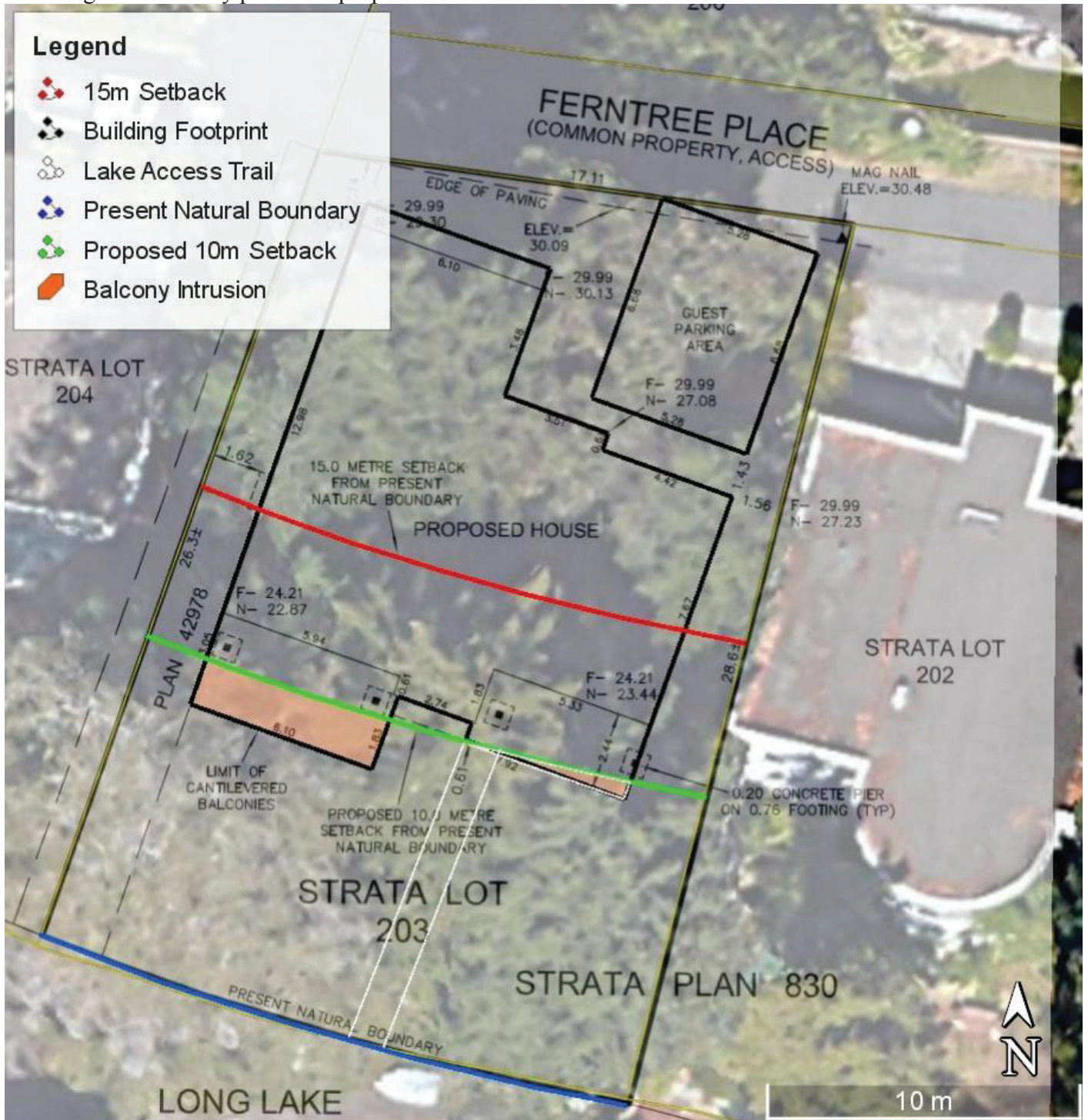
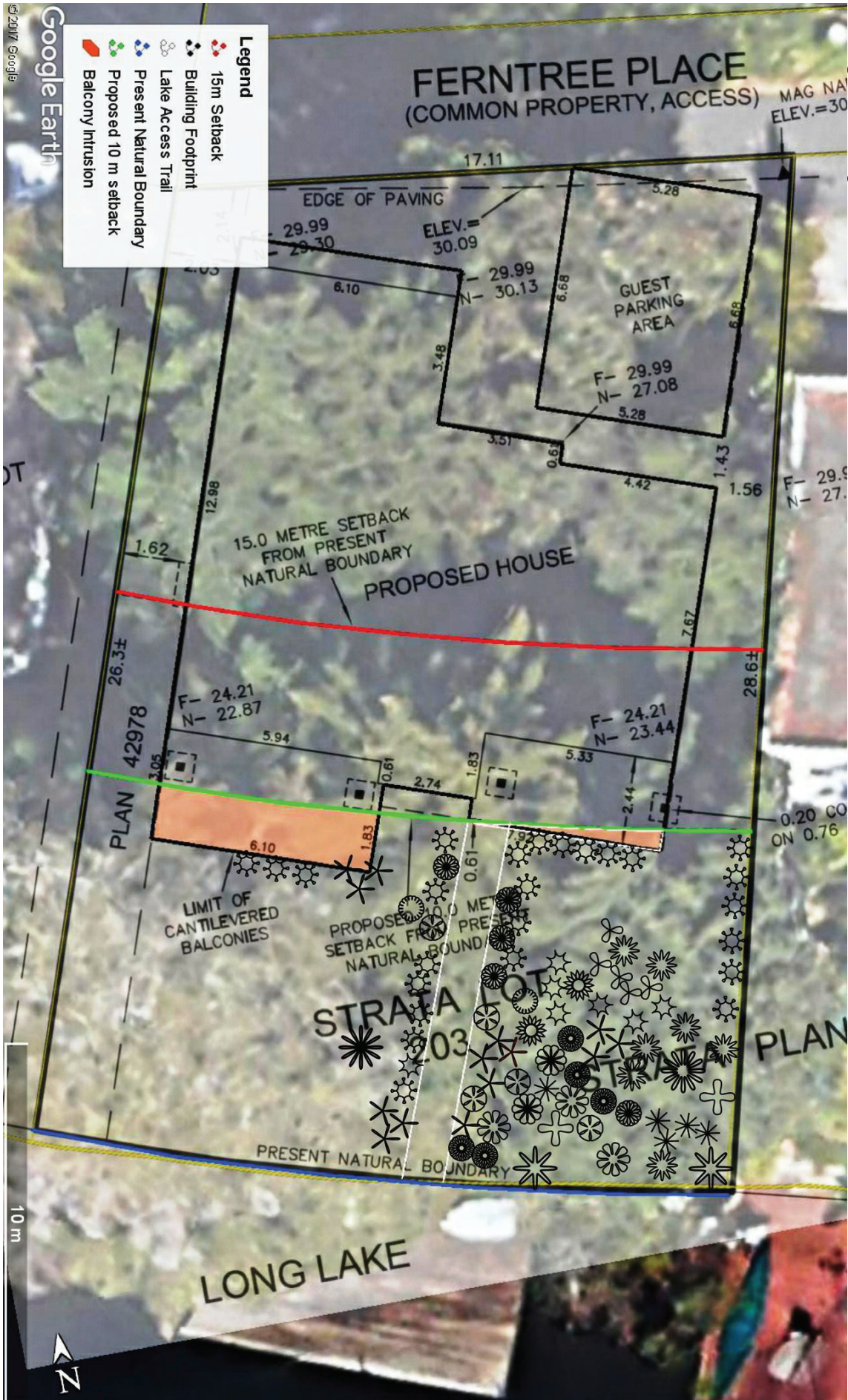


Figure 2. Proposed Restoration Plan for 241 Ferntree Place



ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP001069

