

# City of Nanaimo

## REPORT TO COUNCIL

**DATE OF MEETING:** 2015-JUL-20

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

**RE:** DEVELOPMENT PERMIT NO. DP000940 - 4978 FILLINGER CRESCENT

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### STAFF RECOMMENDATION:

That Council issue Development Permit No. DP000940 at 4978 FILLINGER CRESCENT with the following variance:

- To reduce the watercourse setback to 5m.

### PURPOSE:

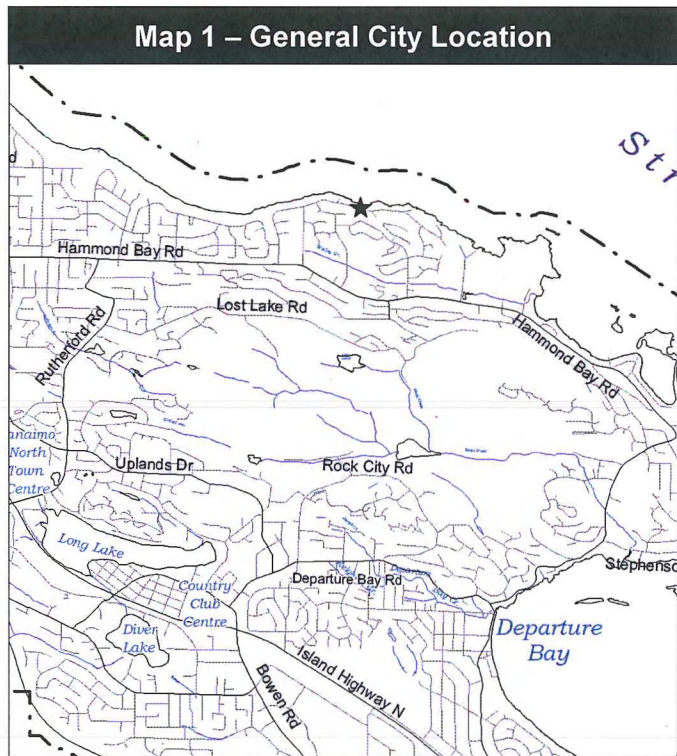
The purpose of this report is to seek Council authorization to issue a development permit for the renovation of a single residential dwelling within the watercourse setback area.

### BACKGROUND:

A development permit application was received from TALON PROPERTY DEVELOPMENTS LTD. (A. Benwell), on behalf of MS. IRENE WENNGATZ.

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.



Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2015-JUL-20

**Subject Property**

Zoning	R1 (Single Dwelling Residential)
Location	The subject property is located on the north side of Fillinger Crescent overlooking the Georgia Strait, two lots east of the Fillinger boat ramp.
Total Area	696m <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.

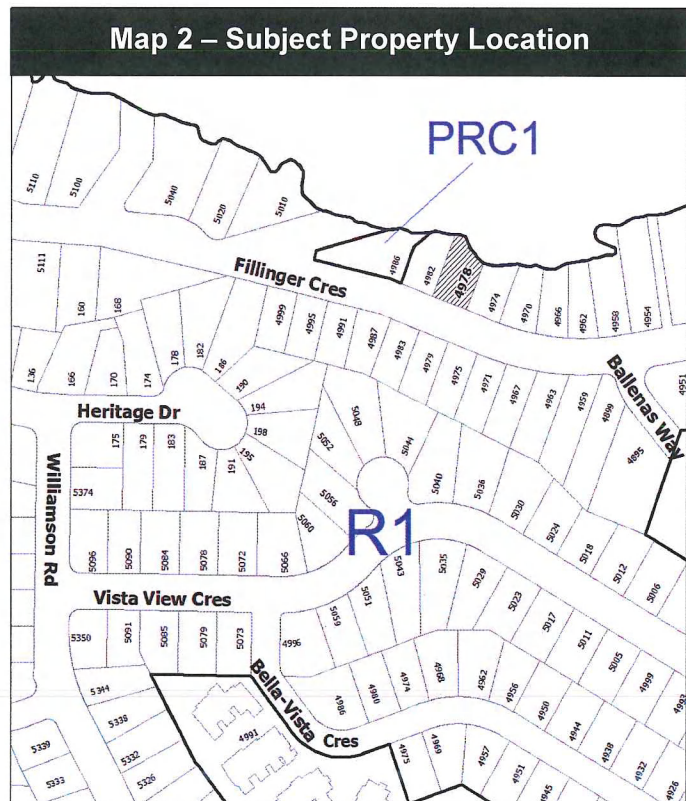
**DISCUSSION:**

*Proposed Development*

The applicant is proposing to extensively renovate a single residential dwelling in order add a second storey element and add a garage. The siting of the dwelling does not conform to watercourse setbacks within the current City of Nanaimo “Zoning Bylaw 2011 No. 4500”. The dwelling was originally constructed in 1984, prior to the adoption of the watercourse setbacks in the zoning bylaw. The dwelling is located 5m from the natural boundary of the sea (Georgia Strait). The proposed setback variance will legalize the siting of the existing building and the proposed additions. A copy of the proposed site plan is attached as Schedule A.

An Executive Summary has been prepared by Qualified Environmental Professional (see Schedule B). The summary notes there is no new encroachment into the riparian area; and, the works will not result in any new impacts on existing wildlife habitats or the foreshore area. A 5m<sup>2</sup> area currently planted as bamboo will be replanted with native plantings.

The planting plan will include a variety of native plants such as: Pacific Crab-Apple, Salal, Swordfern and Nootka Rose. Planting will take place in late fall.



**REQUIRED VARIANCES**

- *Watercourse Setback*


The required watercourse setback is 15m. The proposed watercourse setback is 5m, a proposed variance of 10m.

Respectfully submitted,

  
\_\_\_\_\_  
B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:

  
\_\_\_\_\_  
D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT

*for*   
\_\_\_\_\_  
T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2015-JUN-23  
Prospero attachment: DP000940  
LW/gn/lm*

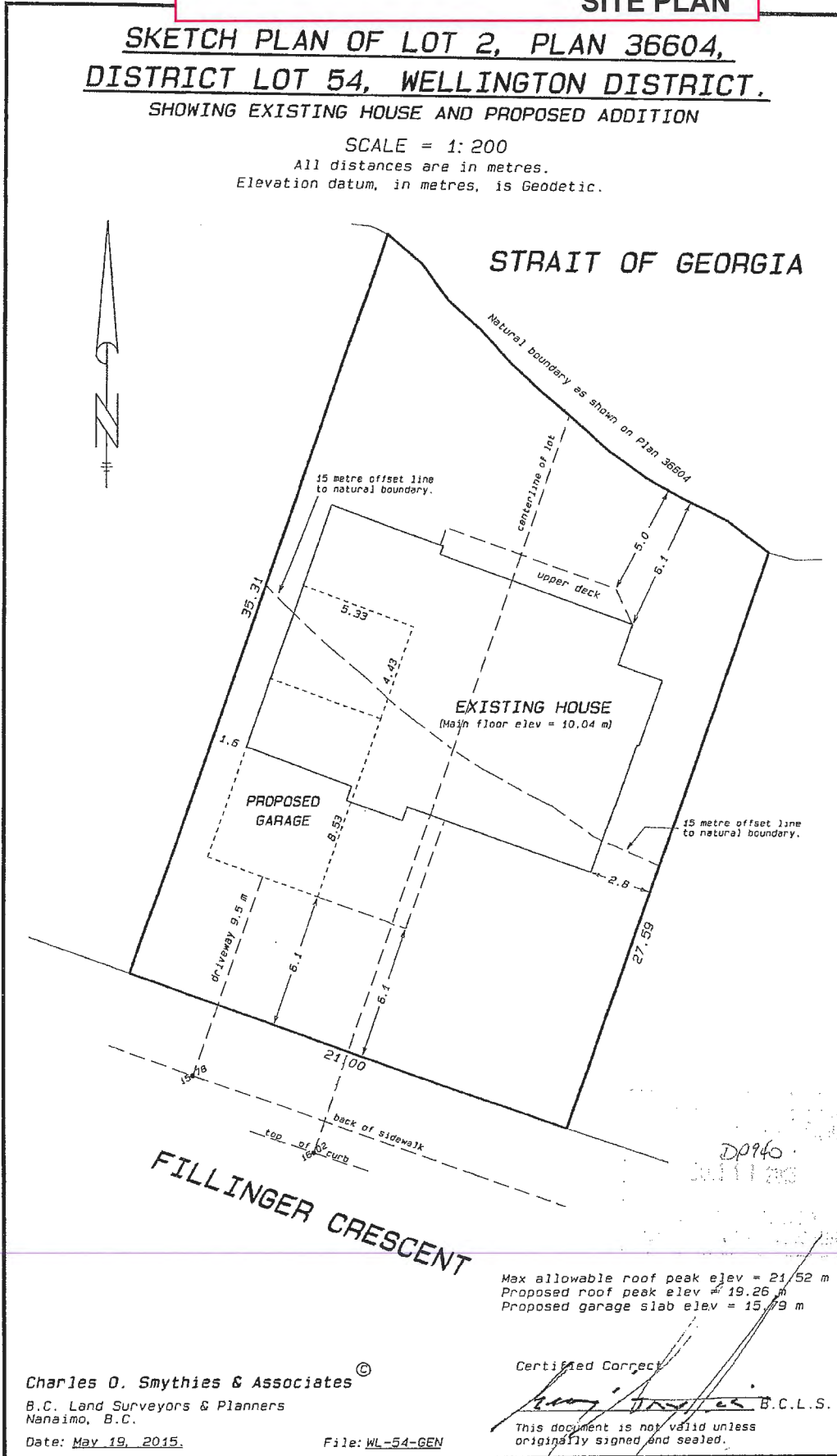
**SITE PLAN**

**SKETCH PLAN OF LOT 2, PLAN 36604,**  
**DISTRICT LOT 54, WELLINGTON DISTRICT.**  
SHOWING EXISTING HOUSE AND PROPOSED ADDITION

SCALE = 1:200

All distances are in metres.

Elevation datum, in metres, is Geodetic.



FILLINGER CRESCENT

Max allowable roof peak elev = 21.52 m  
Proposed roof peak elev = 19.26 m  
Proposed garage slab elev = 15.79 m

Charles O. Smythies & Associates ©  
B.C. Land Surveyors & Planners  
Nanaimo, B.C.

Date: May 19, 2015.

File: WL-54-GEN

Certified Correct

*[Signature]* B.C.L.S.

This document is not valid unless  
originally signed and sealed.

4978 Fillinger



**EXECUTIVE SUMMARY  
& ENVIRONMENTAL REPORT**

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**D. R. Clough Consulting**

Fisheries Resource Consultants  
6966 Leland Road Lantzville B.C. V0R 2H0  
Ph/fax: 1-250-390-2901, email: drclough@shaw.ca

July 3, 2015

Attn: Talon Property Development  
c/o Al Benwell  
685 Park Avenue Nanaimo B.C. V9R 4H5  
ph 250-751-5858

**RE: DPA for Freshwater/Marine Setbacks in Nanaimo  
Wengatz Property  
4978 Fillinger Crescent, Nanaimo B.C.**

**Executive Summary:** Following the outline of the Riparian Setback Policy Review (2014-Apr-28).

**Impact Statement:** The house is located 5.0 m from the Marine High Water Mark. A renovation of the building is being conducted; no works exceed the existing footprint in the DPA area. The works in the DPA are to be maintenance of the building interior/exterior walls and windows.

**Agency Review:** With no new encroachment, this results in no serious harm with DFO. There are no discernable Wildlife Act issues either with no dens, cavities or nests observed on the property.

**Habitat Compensation or Remediation:** There are no new impacts of the works that impact habitat but the narrow foreshore area has an area (1x5m) of planted Bamboo by a past resident. It is recommended to be removed as the species is non-native and in the DPA. This site will be replanted by a professional landscaper with native plants. The native species to plant are on-site; Pacific Crabapple ( Malus lusca), Sword Fern (Polystichum munitum), Salal ( Gaultheria shallon) and Nootka Rose (Rosa nutkana). The area will be planted with 1 plant per 0.3m in the fall to set root over winter (approx. 15 plants from 4-5 inch pots depending on soil area). The harsh environment of limited soils, moisture and sun, salt and wind exposure may limit survival of the plants. They will require watering their first summer.

**Monitoring:** The construction envelope will avoid encroachment into the vegetated parts of the DPA and this site will be inspected during the planting processes. A professional landscaper will be employed to replace the bamboo area with native plants. The species planting will be inspected by the QEP and the landscaper will then be tasked with maintenance to ensure they make it through their first summer.

**Environmental Report**

**Background:** The home at 4978 Fillinger Crescent is being renovated along the marine foreshore. The property is a distance of a minimum of 5.0 m from the east side off the deck corner growing to approximately 10m on the west side. The renovation plans are to maintain the same footprint along the foreshore side. The report identifies the environmental bylaw requirements as stipulated by the planning department with the City of Nanaimo. This report was revised in June 2015 from the original May 2015 report to include an executive summary.

**Site Plan;** The following items are required in the DPA for this property

a.) Legal survey of proposed development delineating the proposed development and natural surrounding features.	<i>Attached is sketch plan of Lot 2, Plan 36604, D.L 54 by C.O. Smythies &amp; Associates (May 19, 2015)</i>
b.) The development permit area (15m setback from the HWM)	<i>The Natural Boundary is shown on the plan (there is a bedrock drop off to the ocean approx. 5m below)</i>
c.) Existing buildings and structures	<i>The existing and proposed footprint areas are shown on the plan</i>
d.) Topographic features	<i>The house main floor elevation is 10.04 m.</i>

**Site Environmental Description:**

A site inventory providing a description and evaluation of environmental/wildlife values including those not necessarily critical to fish habitat.
<i>The house is located on a rock bluff overlooking a north facing view of Georgia Strait. The rock drop-off is the surveyed natural boundary. The property has similar lots and development on either side.</i>
<i>There are pockets of native and non-native vegetation on the west side of the property line. The treed vegetation consists of three younger Douglas Fir with 0.2 to 0.3m diameter. There is a small 1x5m thicket of ornamental grass on the foreshore. On the ocean side of the 4-6m height rock bluff are native plants including Crabapple, Nootka Rose, Swordfern, and Salal. The remaining area is bare rock and soils to the ocean.</i>

**Development Plans:**

Description of the proposed development and its impact within the setback area.
<i>The work plan is taken from May 10, 2015 blueprints. There will be no impact to any of the DPA with this development. The plans describe the rebuild of deck and house footings on the same footprint. On the foreshore (DPA) side the house the most significant changes are new windows and siding. The Fillinger Crescent side of the house is to have a concrete footing to build up a new carport to access the home. The front side of the house will have a changed roof line and additional area on the second floor over the main floor. The construction crews have been instructed to not disturb the native plants on the perimeter of the property.</i>

**Environmental Protection Plan**

An environmental mitigation plan for any impact within the setback area.
<i>The contractor and property owner must do the work carefully to ensure the foreshore area is not disturbed or contaminated.</i>

1. *No heavy equipment use is planned in the foreshore area.*
2. *No disturbance of existing vegetation will occur (other than Bamboo removal) .*
3. *A pre work review of protective practices will be had with the contractor and employees by the environmental professional, at which time the vegetated area will be flagged off limits.*
4. *No storage of building materials on native plants and along the shoreline is allowed*
5. *All construction materials must be contained in the building/deck envelope or road side of the project.*
6. *The concrete works are to be kept away from the DPA area and tools not allowed to be washed on the shoreline side of the house.*
7. *Milestone environmental inspections will be conducted regarding work around the foreshore at pre work, during and completion of plant mitigation.*

## **Mitigation**

The narrow foreshore area has an area (1x5m) of planted Bamboo by a past resident. It is recommended to be removed as the species is non-native and in the DPA. This site will be replanted by a professional landscaper with native plants. The native species to plant are on-site; Pacific Crabapple ( *Malus lusca*), Sword Fern (*Polystichum munitum*), Salal ( *Gaultheria shallon*) and Nootka Rose (*Rosa nutkana*). The area will be planted with 1 plant per 0.3m in the fall to set root over winter (approx. 15 plants from 4-5 inch pots depending on soil area). The harsh environment of limited soils, moisture and sun, salt and wind exposure may limit survival of the plants. They will require watering their first summer.

Encouraging continued growth of the trees and native shrubbery provide ecological benefits and offer a more scenic view framed by the plants. The recommended reference is the BC Develop With Care Guidebook ( <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC-Cover.pdf>), it has advice and links to information on coastal plant communities and restoration.

## **Conclusion**

There will be no damage to riparian vegetation with any of these proposed plans. The work is relatively benign for environmental risk to fish or wildlife habitat. Following this plan will prevent any environmental concerns.

Regards,



David R. Clough, RPBio

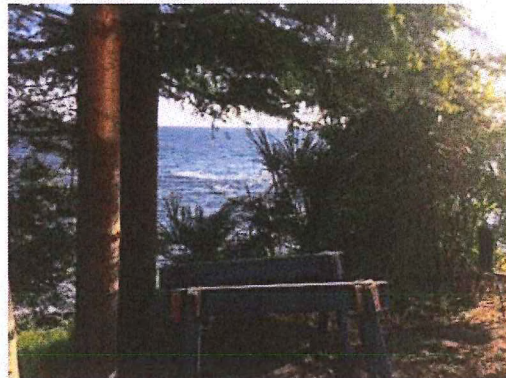
Attachments; Photo page, site sketch, building plans



Fig. 1; Photo Page 4978 Fillinger Crescent



1.) Fillinger Rd approach.



3.) West side trees at property line.



2.) Frontage area looking west.

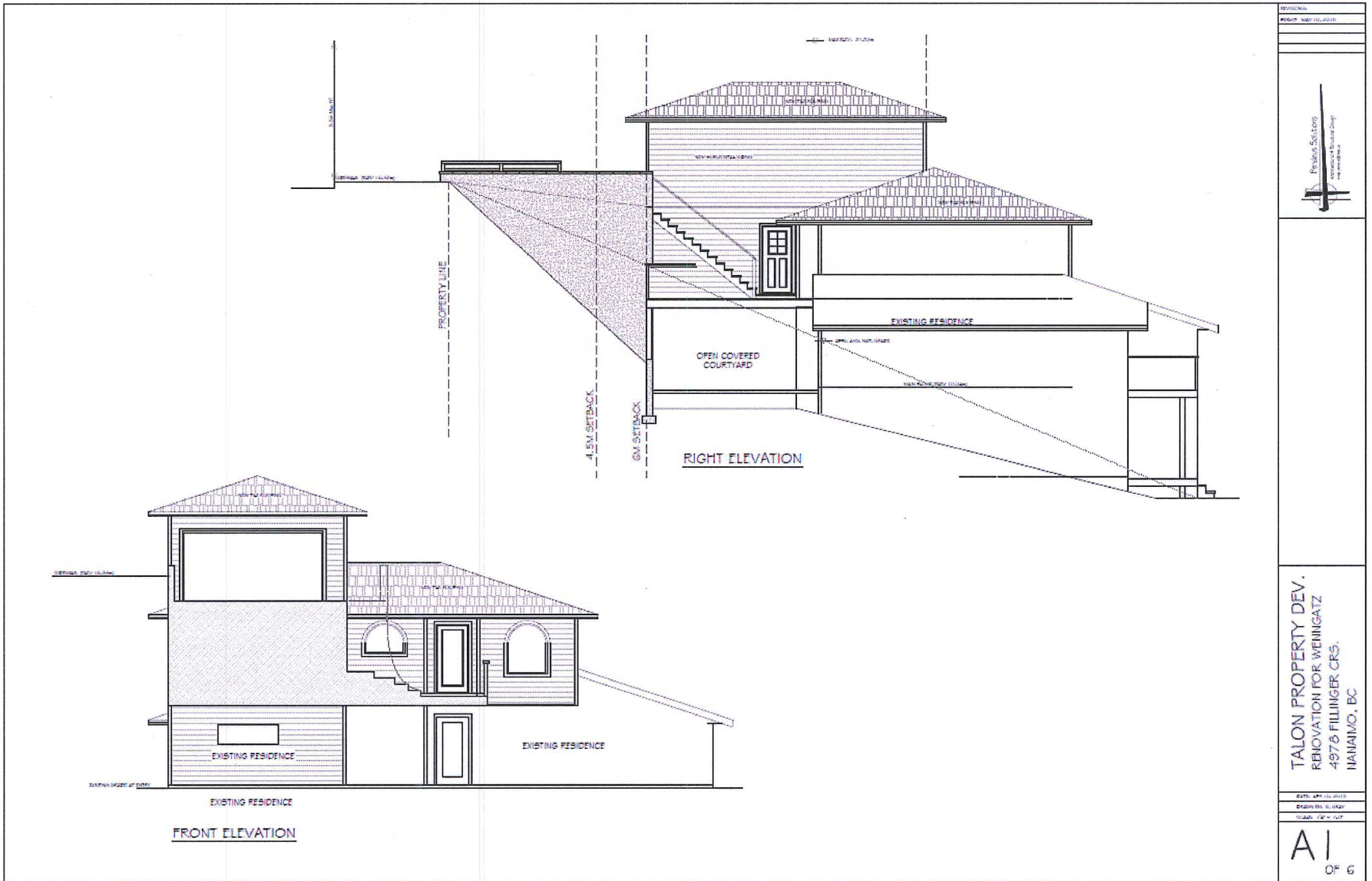


4.) Non native grasses on frontage.



Site Layout - from Architectural Drawings (Perdeus Solutions , May 10, 2015 5pp Complete drawings submitted separately

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**Riparian Features Site Sketch - May 2015**

