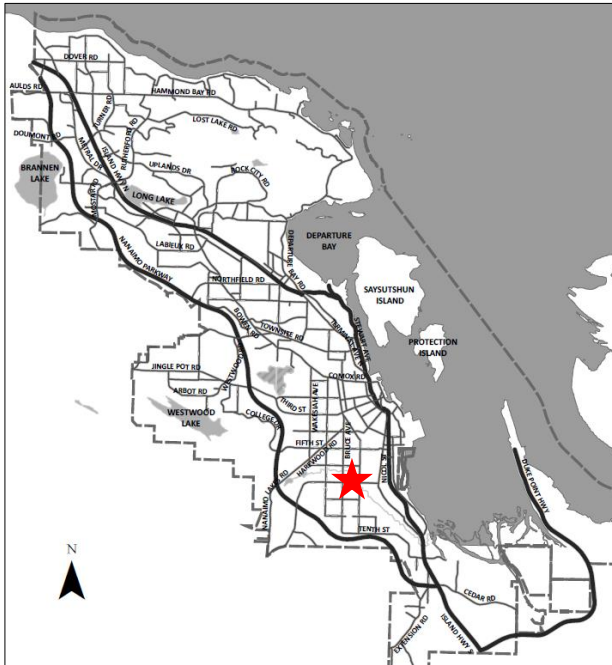


DATE OF MEETING | September 25, 2023

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT | DEVELOPMENT PERMIT APPLICATION NO. DP1308 – 855 DOUGLAS AVENUE



Proposal:

Proposed encroachment into Watercourse Leave Strip.



Zoning:

R1 - Single Dwelling Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Development Permit Areas:

DPA1: Environmentally Sensitive Areas

Lot Area:

1,858m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application to vary the watercourse leave strip for a proposed detached secondary suite at 855 Douglas Avenue.

Recommendation

That Council issue Development Permit No. DP1308 for a proposed detached secondary suite within the watercourse leave strip at 855 Douglas Avenue with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2023-SEP-25.

BACKGROUND

A development permit application, DP1308, was received from Lindsay and Dianna Fitzgerald to allow a proposed detached secondary suite on the subject property with a variance to reduce the required watercourse leave strip.

This development permit application was considered by Council on 2023-AUG-28 and denied with the following resolution being passed:

"that Development Permit Application No. DP1308 be denied for the reasons that the principle of net gain has not been demonstrated and the required reporting has not been submitted."

The applicant has submitted additional information and clarification to demonstrate how the proposal addresses the principle of net gain and the proposed Permit Terms and Conditions have been revised accordingly.

Subject Property and Site Context

The subject property is located at the corner of Douglas Avenue and an undeveloped portion of Eighth Street, on a lot that borders the Chase River. The property is situated at the top of a steep, forested ravine of the Chase River. The entire property is located within Development Permit Area DPA1 – Environmentally Sensitive Areas, which extends 30m from the top of ravine bank across the property and into Douglas Avenue. Approximately 570m² of the lot area is level and suitable for development between the top of the ravine and the front lot line. An existing dwelling, and an accessory shed to be removed, are currently located within the existing historically cleared area suitable for development. A development permit is required to allow the proposed detached suite within the DPA, and watercourse leave strip.

DISCUSSION

Proposed Development

The applicant proposes to construct a two-storey detached secondary suite with the closest point, the southwest corner, being 4.5m from the top of bank of the Chase River. The footprint of the proposed detached secondary suite is 45m² with a total gross floor area of 89m².

Chase River is a major fish-bearing stream, as such, the Provincial Riparian Areas Protection Regulation (RAPR) applies to this watercourse. The property is also subject to the City's Development Permit Area DPA1 – Environmentally Sensitive Areas, which applies to the riverbed and all area within 30m of the top of bank.

To address the DPA guidelines, the applicant submitted an Environmental Assessment prepared by a Qualified Environmental Professional (QEP). The report confirmed that the Streamside Protection and Enhancement Area (SPEA), as defined by the RAPR, is 30m from the natural boundary of Chase River, located mid-slope up the ravine. The City's required leave strip is measured from the top of bank and extends well beyond the SPEA boundary and across the entire property into the road. The proposed leave strip (4.5m from top of bank) is more than 30m horizontally from the SPEA boundary; therefore, the SPEA would not be reduced by the proposed watercourse leave strip variance.

The QEP concluded that the large, forested ravine that provides excellent quality fish and wildlife habitat will remain undisturbed and nothing of ecological value will be lost or negatively impacted by the proposed development. The QEP further noted that the area proposed for development within the DPA has no wildlife or habitat value and contains no environmentally sensitive features.

While there is limited benefit to enhancing the ecological value of the portion of the property outside of the ravine, the property owner has committed to removing invasive species and replanting an area of 166m² adjacent to the ravine from existing lawn to natural habitat by planting native species and seeds, as shown on Attachment F. Where possible, the plantings will include species that are supportive of pollinators. When the enhancement is complete, the replanted area will be approximately four times the size of the footprint of the proposed detached secondary suite. Staff have reviewed and accepted the QEP's observations and conclusions.

In addition, the City has received a letter of support for the proposed variance from the Nanaimo & Area Land Trust (NALT) (Attachment G).

A geotechnical report was also submitted. The proposed detached secondary suite is located outside the geotechnical setback, and the engineer confirmed the property is safe and suitable for the intended residential use, provided the recommendations of the geotechnical report are followed. The geotechnical report will be registered as a covenant through the building permit process.

The proposed development meets the development permit area guidelines and demonstrates improved site conditions that will protect the high value riparian habitat (ravine) and achieve a net gain in the quality and quantity of functional habitat over existing conditions.

Proposed Variances

Watercourse Leave Strip

The required watercourse leave strip is 30m as measured from the top of bank. The proposed watercourse leave strip is 4.5m from the top of bank. This represents a variance of 25.5m.

The proposed variance will allow the removal of existing structures within the leave strip and enhancements to an existing property that is located entirely within DPA1. Site conditions will be

improved following the removal of the existing accessory building, which is currently constructed within the geotechnical setback. There is low ecological value in the area proposed for construction. The QEP concluded that no negative impacts are anticipated with the proposed development as the steep forested ravine, which provides fish and wildlife habitat, will remain intact and the risk of release of sedimentation or deleterious substances into the SPEA is very low and can be managed with standard protection measures during construction.

Staff support the proposed variances.

SUMMARY POINTS

- Development Permit Application No. DP1308 requests the watercourse leave strip be reduced from 30m to 4.5m to allow the construction of a detached secondary suite.
- This application was considered by Council on 2023-AUG-28 and was denied as the principle of net gain was not demonstrated and the required reporting was not submitted to address the applicable (DPA) guidelines, however, additional information and clarification has been provided to demonstrate how the proposed addresses the principle of net gain.
- The proposed development is located outside of the 30m SPEA.
- The QEP concluded that the large, forested ravine that provides excellent quality fish and wildlife habitat will remain undisturbed and nothing of ecological value will be lost or negatively impacted by the proposed development.
- The development permit application meets the development permit area guidelines and achieves improved site conditions and a net gain in the quality and quantity of functional habitat over existing conditions.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Environmental Assessment
ATTACHMENT E: Building Elevations
ATTACHMENT F: Proposed Areas of Restoration
ATTACHMENT G: Letter of Support from NALT

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO