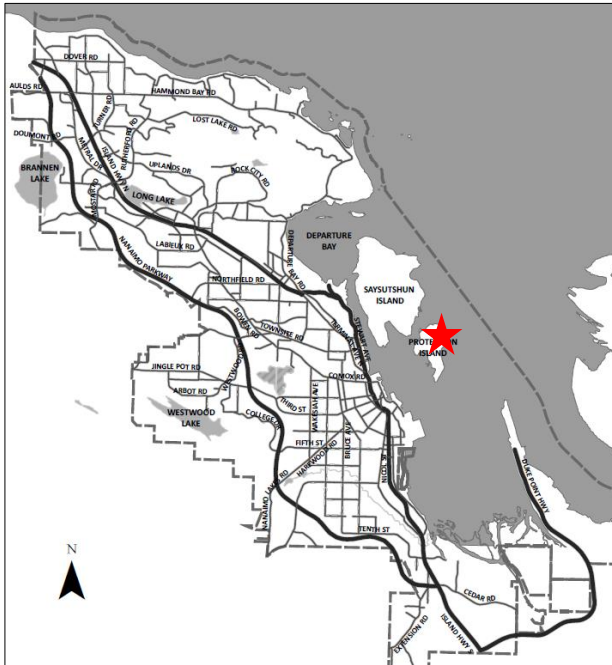


DATE OF MEETING | November 4, 2024

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1351 – 27**
HISPANOLA PLACE



Proposal:

Variance to allow site improvements for an existing dwelling within the marine foreshore leave strip.

Zoning:

R3 – Island Residential

City Plan Land Use Designation:

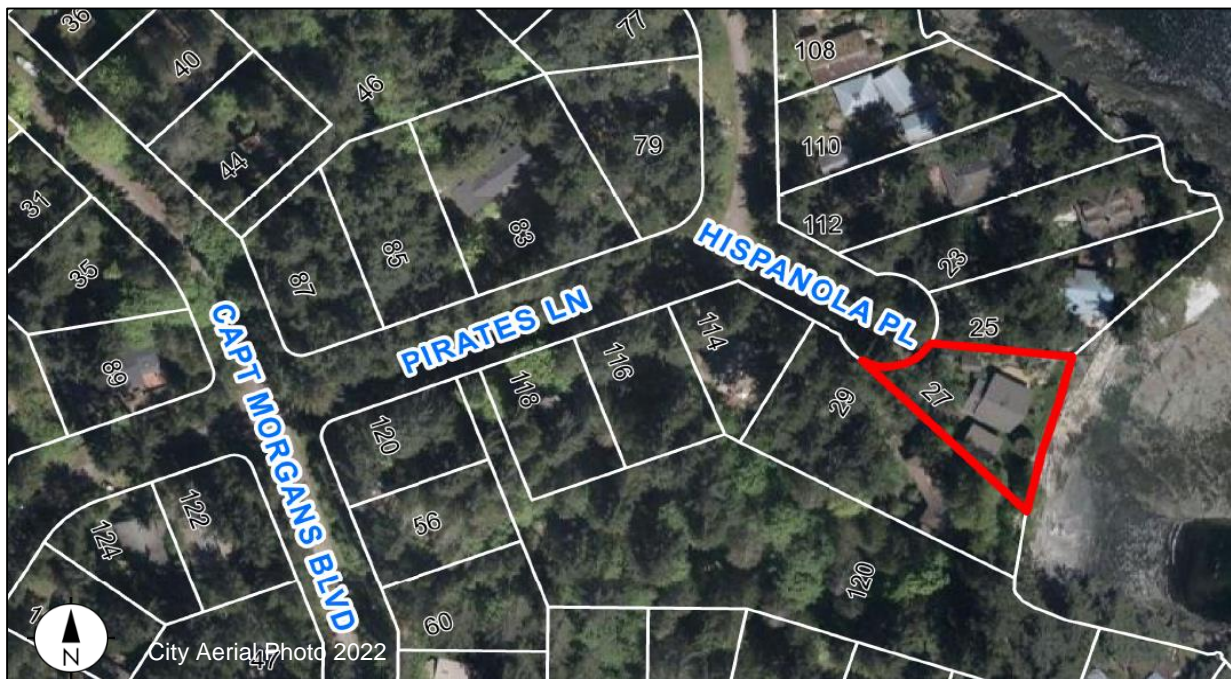
Suburban Neighbourhood

Development Permit Areas:

DPA1 – Environmentally Sensitive Areas

Lot Area:

1,093m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application to allow site improvements for an existing dwelling within the marine foreshore leave strip at 27 Hispanola Place.

Recommendation

That Council issue Development Permit No. DP1351 for site improvements within the marine foreshore leave strip at 27 Hispanola Place with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2024-NOV-04.

BACKGROUND

A development permit application, DP1351, was received from Redwood Coastal Construction Ltd, on behalf of Kevin Thomson, to reduce the minimum required setback from the natural boundary of the sea (leave strip) within the Marine Foreshore Environmentally Sensitive Area (ESA) to allow the reconstruction and expansion of an existing deck and landscaping alterations at 27 Hispanola Place.

The existing dwelling was constructed before the property was designated within an ESA Development Permit Area (DPA), though setbacks applied at the time of the dwelling construction. A Board of Variance application (BOV94-27) was approved in 1994 to reduce the required leave strip from 15.0m to 7.5m to facilitate the construction of the single-family dwelling and detached garage largely within the leave strip. The applicant proposes to renovate the dwelling with site improvements. Since the dwelling renovations will not alter the building footprint, these works do not trigger a development permit requirement; however, the proposed replacement and expansion of the existing open deck within the ESA requires a development permit approval and variance to the leave strip.

Subject Property and Site Context

The subject property is located on the east side of Protection Island and nearly half of the lot is within the ESA. The property is flat and contains a single-family dwelling, accessory buildings and site improvements within the leave strip including a retaining wall along the natural boundary, boat ramp, stone patio, and raingarden. The existing landscaped area includes primarily lawn with some ornamental trees. The surrounding neighbourhood includes low-density residential development and Ben Gunn Park.

DISCUSSION

Proposed Development

The applicant is proposing to reconstruct an existing deck (41.6m²) within the rear yard in a similar footprint (40m²) and add a low-impact boardwalk (20m²) to connect the upgraded deck to a proposed hot tub and deck (22.7m²) between the dwelling and detached garage. The proposed

improvements will result in approximately 85m² of deck space within the leave strip, of which 41.6m² includes the reconstruction of the existing deck.

The rear yard is entirely within the leave strip and previously disturbed with lawn, a deck, gravel, and pavers. The lawn covers approximately 382m² and provides no functional habitat and minimal biophysical features. In addition to the deck improvements, the applicant proposes to remove and replace the lawn with coastal backshore habitat plantings, including trees, shrubs, perennials, and groundcovers, as identified on the Landscape Plan (Attachment E). Existing indigenous species that have been identified surrounding the existing raingarden will remain.

In support of the application and to address the Development Permit Area (DPA1) guidelines, the applicant submitted an Environmental Assessment, prepared by a Qualified Registered Professional (QRP) which concluded that the proposed works are minor in nature and the DPA guidelines will be met with a net gain in the quality and quantity of functional habitat within the ESA once the proposed improvements are complete. The report also confirmed there are no wildlife corridors or wildlife trees within the leave strip and that the existing hydrology will be maintained within the property.

To further support the site improvements and demonstrate compliance with the applicable guidelines, the following measures and maintenance strategies will be taken:

- To protect the Marine Foreshore ESA from disturbance, temporary silt fencing will be erected along the existing retaining wall to ensure protection from works occurring within the leave strip.
- To promote natural revegetation, organic mulch will be used to emulate natural conditions, minimize soil erosion and support plant growth.
- Existing indigenous trees will be retained and the proposed project will not disturb the root zone of any native vegetation.
- All existing and future invasive plants within leave strip will be removed by hand.
- Indigenous plantings shall be allowed to regenerate naturally to achieve the target condition of a functional habitat within 20 years.
- Fallen leaves, woody debris, and other natural litter will be left to support functional habitat growth.
- Replacement planting will occur, as required, for the die-off of any newly planted specimens.
- Adherence to the vegetation restoration plan, complete with a three-year monitoring and maintenance plan to ensure the health of the restoration plantings.
- The size of the existing stone patio will be reduced, ornamental vegetation will be replaced with indigenous trees, and the raingarden will be supplemented with indigenous planting.

Much of the leave strip area has been altered by the existing structures, limiting the area available for restoration planting to the 382m² of existing lawn. The conversion of existing lawn, which provides no functional habitat, to a contiguous area of coastal backshore habitat using marine coast plants will achieve a net gain through the creation of functional habitat with better ecological value and restoration of the existing conditions within the leave strip area.

Proposed Variance

Leave Strip Adjacent to the Sea

The minimum required leave strip adjacent to the sea is 15.0m from the natural boundary. The proposed leave strip is 4.5m from the natural boundary for the proposed open deck. This represents a variance of 10.5m from the City of Nanaimo Zoning Bylaw 2011 No. 4500 and is 3.0m closer to the natural boundary of sea than the previously approved Board of Variance application (BOV94-17).

Staff support the proposed variance to allow the site improvements and proposed restoration of the leave strip area. The minimal 43m² expansion and reconstruction of the open deck has no negative impact on the ESA and there is low ecological value within the existing lawn. The restoration of the 382m² lawn achieves the principle of net gain. The proposed site improvements meet the development permit area guidelines and improve existing site conditions with a net gain in the quality and quantity of functional habitat within the marine foreshore leave strip.]

SUMMARY POINTS

- Development Permit Application No. DP1351 requests a variance to the Marine Foreshore ESA leave strip from 15.0m to 4.5m to allow for site improvements and revegetation of existing landscape conditions.
- An Environmental Assessment, completed by a QRP was submitted in support of the application.
- The development permit application meets the development permit area guidelines and the QRP concluded that the proposal achieves improved site conditions and a net gain in the quality and quantity of functional habitat over existing conditions.
- Staff support the proposed variance.]

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Environmental Assessment
ATTACHMENT E: Landscape Plan & Details]

Submitted by:

Lainya Rowett
Manager, Current Planning]

Concurrence by:

Jeremy Holm
Director, Planning & Development]