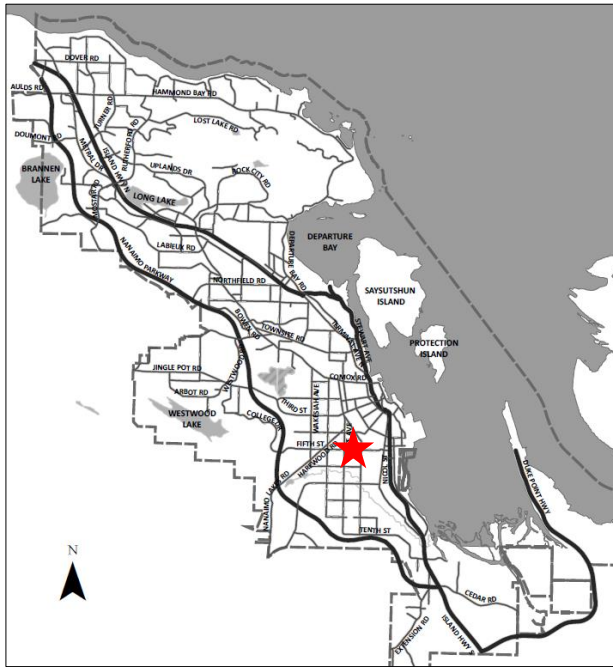


DATE OF MEETING | January 16, 2023

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING

SUBJECT | REZONING APPLICATION NO. RA482 – 488 & 492 FIFTH STREET



Proposal:
Rezone to allow a multi-family (or mixed use) development.



Current Zoning:
R1 – Single Dwelling Residential

Proposed Zoning:
COR1 – Residential Corridor

City Plan Land Use Designation:
Residential Corridor

Lot Area:
1,123m² – 488 Fifth Street
702m² – 492 Fifth Street
1,825m² (total lot area)



OVERVIEW

Purpose of Report

To present Council with an application to rezone 488 and 492 Fifth Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family residential or mixed use development.

Recommendation

That:

1. “Zoning Amendment Bylaw 2023 No. 4500.207” (To rezone 488 and 492 Fifth Street from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
2. “Zoning Amendment Bylaw 2023 No. 4500.207” pass second reading; and,
3. Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2023 No. 4500.207” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2023-JAN-16 should Council support the bylaw at third reading.

BACKGROUND

A rezoning application, RA482, was received from Ellins Architect Inc., on behalf of P J & R Holdings Ltd., to amend the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone the subject properties at 488 and 492 Fifth Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family residential or mixed use development.

Subject Property & Site Context

The subject property is located in the Harewood Neighbourhood on the north side of Fifth Street between Winchester Avenue to the east and a lane to the west. Established single residential dwellings, ground-oriented multi-family dwellings and commercial uses (University Village Shopping Centre) predominantly characterize the surrounding area. Both subject properties currently contain a single residential dwelling. The grade change of the properties is approximately 2m and slopes downward from the lane to Winchester Avenue.

DISCUSSION

Proposed Development

The applicant proposes to rezone the subject properties from Single Dwelling Residential (R1) to Residential Corridor (COR1) zone to facilitate either a residential or a mixed-use residential and commercial development. The COR1 zone allows for a range of live/work, office and residential uses with a maximum building height of 14m, or 18m where parking is provided underground. The base maximum permitted Floor Area Ratio (FAR) in the COR1 zone is 1.00, with the opportunity to tier up to an FAR of 1.5 where amenities are provided as outlined in Schedule D of the Zoning Bylaw.

The conceptual plans submitted in support of the rezoning application illustrate how the site could be developed in a four-storey building form in the COR1 zone. The proposed Floor Area Ratio (FAR) is 1.0, which is in line with the COR1 zone. The concept plans contemplate a 13.7m high residential building consisting of 24 dwelling units, or potentially a mixed-use building with

residential and office units. The development concept demonstrates that the required parking can be provided onsite and that the COR1 zoning requirements can be met. No variances are anticipated; however, this would be confirmed through the design review at the Development Permit stage.

Staff note that while the concept plan shows a four-storey building form, the proposed rezoning if approved could facilitate development under the full allowances of the COR1 zone.

Policy Context

City Plan – Future Land Use

City Plan identifies the subject properties within the Residential Corridor land use designation, which supports medium density residential development along urban arterial and collector roads. The Residential Corridor designation supports a mix of building forms including low- to mid-rise residential apartments (three to six storeys) and townhouses. Development under the proposed COR1 zone would be consistent with and meet the policy objectives of the Residential Corridor designation.

City Plan – Mobility Network

The subject properties are located outside of an urban centre as identified in Figure 36 of the City Plan, with the nearest centres being the University secondary urban centre (located approximately 1km to the west) and Downtown primary urban centre (located approximately 1km to the northeast). The subject properties are located 50m from a neighbourhood centre at the corner of Fifth Street and Bruce Avenue, a primary active mobility route and frequent transit line within the Vancouver Island University mobility hub as identified by the Nanaimo Transportation Master Plan (NTMP).

Fifth Street is designated an Urban Collector in Schedule 4 (“Road Network”) of City Plan which requires a 25.0m / 26.7m road dedication (depending upon whether a left turn lane is required at the Bruce Avenue intersection). The existing road dedication is approximately 20.117m. As such, 2.44m for future road widening and a 0.85m Statutory Right-of-Way will be secured as conditions of rezoning. A 1.2m dedication for future widening along the lane as well as 6.0m radius for corner rounding at the intersection of Fifth Street and Winchester Avenue will also be secured as conditions of rezoning.

Harewood Neighbourhood Plan

The Harewood Neighbourhood Plan identifies the subject properties within the Residential Corridor land use designation, which supports residential and mixed-use developments in two to four storey building forms. The plan identifies 488 Fifth Street as a potential heritage property; however, the existing dwelling is not listed on the City of Nanaimo Heritage Register.

Community Consultation

The subject property lies within the Harewood Neighbourhood Association area and was referred for their comment. A response has not been received; however, the applicant advised they consulted with the association prior to submission of the application. The applicant hosted a Public Information Meeting on 2022-JUL-14 at the Royal Canadian Legion, where approximately ten

neighbours attended the meeting. Questions and concerns were raised regarding densification, building form, pedestrian safety, traffic, unit ownership (sale or rental), and the provision of affordable housing. The applicant has provided the following responses:

1. *Land Use / Density*: the conceptual plans illustrate a four-storey apartment development and the proposed development complies with the Residential Corridor designation policies. Staff note that the subject properties are not in close proximity to future low-density residential land use designations under the City Plan, and adjacent land use designations include: Mixed-Use Corridor (up to six storeys) to the west, Residential Corridor to the north and south (up to six storeys), and Neighbourhood to the east (up to four storeys).
2. *Safety/Traffic/Parking*: the development concept demonstrates that the required parking can be provided onsite and will be reviewed during the Development Permit process. As a condition of rezoning, offsite works adjacent to Fifth Street will be secured (i.e. construction of sidewalks) and access to the proposed development will be required from Winchester Avenue and/or the lane.
3. *Tenure*: the tenure of housing is not restricted. The applicant noted that the units could be sold or rented and that the provision of affordable units would be considered during the development permit process.

Community Amenity Contribution

In exchange for the value conferred on the lands through rezoning, the applicant is encouraged to provide a Community Amenity Contribution (CAC) as per Council's Community Amenity Contribution Policy. The applicable rate for multiple family dwellings (other than townhouses) is \$30 per m² of gross floor area. Should the project move forward as a mixed-use development, the applicable rate for commercial development is \$34 per m² of gross floor area. The applicant has proposed to secure a monetary CAC at these rates, with 40% to be used towards the City's Housing Legacy Reserve Fund and 60% to be used toward parks and recreation improvements. Based on the conceptual plans provided, a monetary contribution between \$50,100 and \$51,212 is anticipated. Staff support the proposed CAC.

BC Energy Step Code Rezoning Policy

As per Council's BC Energy Step Code Rezoning Policy, a Section 219 Covenant will be registered on the subject properties as a condition of rezoning to secure a commitment to either: (a) exceed the required BC Energy Step Code by one step; or (b) provide a low-carbon energy system, to be determined at Building Permit issuance.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2023 No. 4500.207", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – A monetary contribution equal to \$30 per m² for multiple family dwelling gross floor area and \$34 per m² for commercial gross floor area, payable at the time of Building Permit issuance, with 40% to be used towards the Housing Legacy Reserve Fund and 60% to be used towards parks and recreation improvements in the City.

2. *BC Energy Step Code Commitment* – A Section 219 covenant to secure a commitment in accordance with the City’s *BC Energy Step Code Rezoning Policy*.
3. *Road Dedication* – Dedication of the following:
 - Road dedication with a width of approximately 2.5m and the registration of a Statutory Right-of-Way with an additional width of approximately 0.85m (a total 3.29m width) along Fifth Street to allow for a future ‘Urban Collector’ cross-section of 25.0m / 26.7m;
 - Road dedication with a width of approximately 1.2m along the laneway to allow for a future cross-section of 7.0m;
 - Road dedication for the corner rounding at the intersection of Fifth Street and Winchester Avenue with a radius of 6.0m.
4. *Off-site Works* – works to be completed prior to building occupancy, including:
 - the construction of the full intersection of Winchester Avenue and Fifth Street; and,
 - the construction of the full lane adjacent to the subject site;
5. *Lot Consolidation* – Consolidation of the subject properties.

SUMMARY POINTS

- This application is to rezone the subject properties from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family residential (or mixed use) development.
- The conceptual plans illustrate 24 residential studio units or one-bedroom units (or 19 residential units with commercial units on the ground floor facing Fifth Street) in a four-storey building form.
- The proposed development complies with City Plan policies for the Residential Corridor designation and provides infill housing near existing services and transit.
- A Community Amenity Contribution is proposed to be directed towards the City’s Housing Legacy Reserve Fund and local parks and recreation improvements.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Building Rendering
“Zoning Amendment Bylaw 2023 No. 4500.207”

Submitted by:

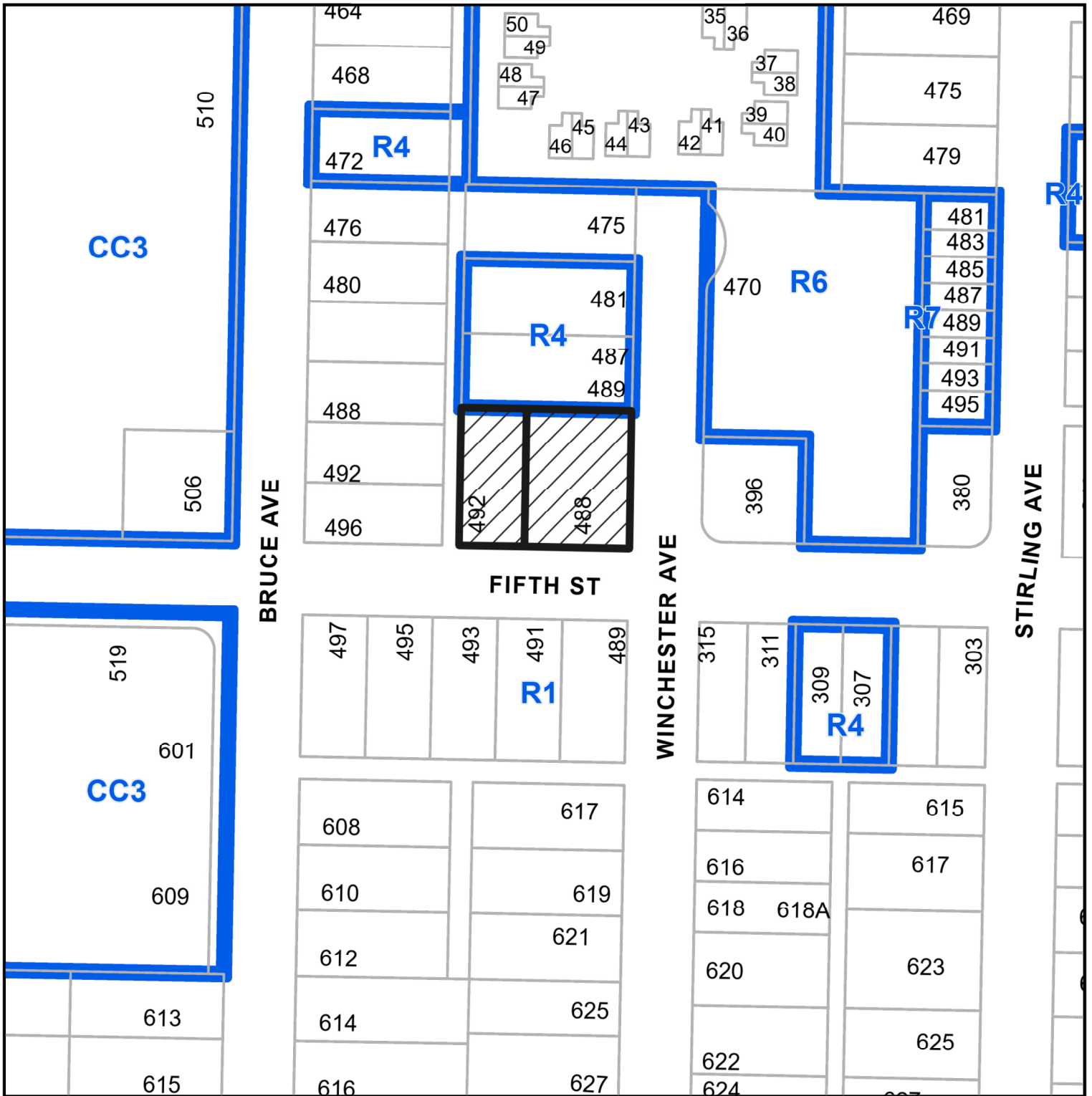
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

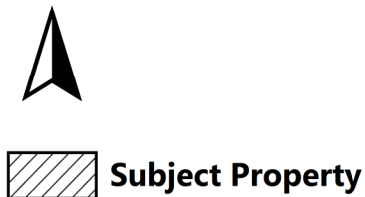
ATTACHMENT A SUBJECT PROPERTY MAP



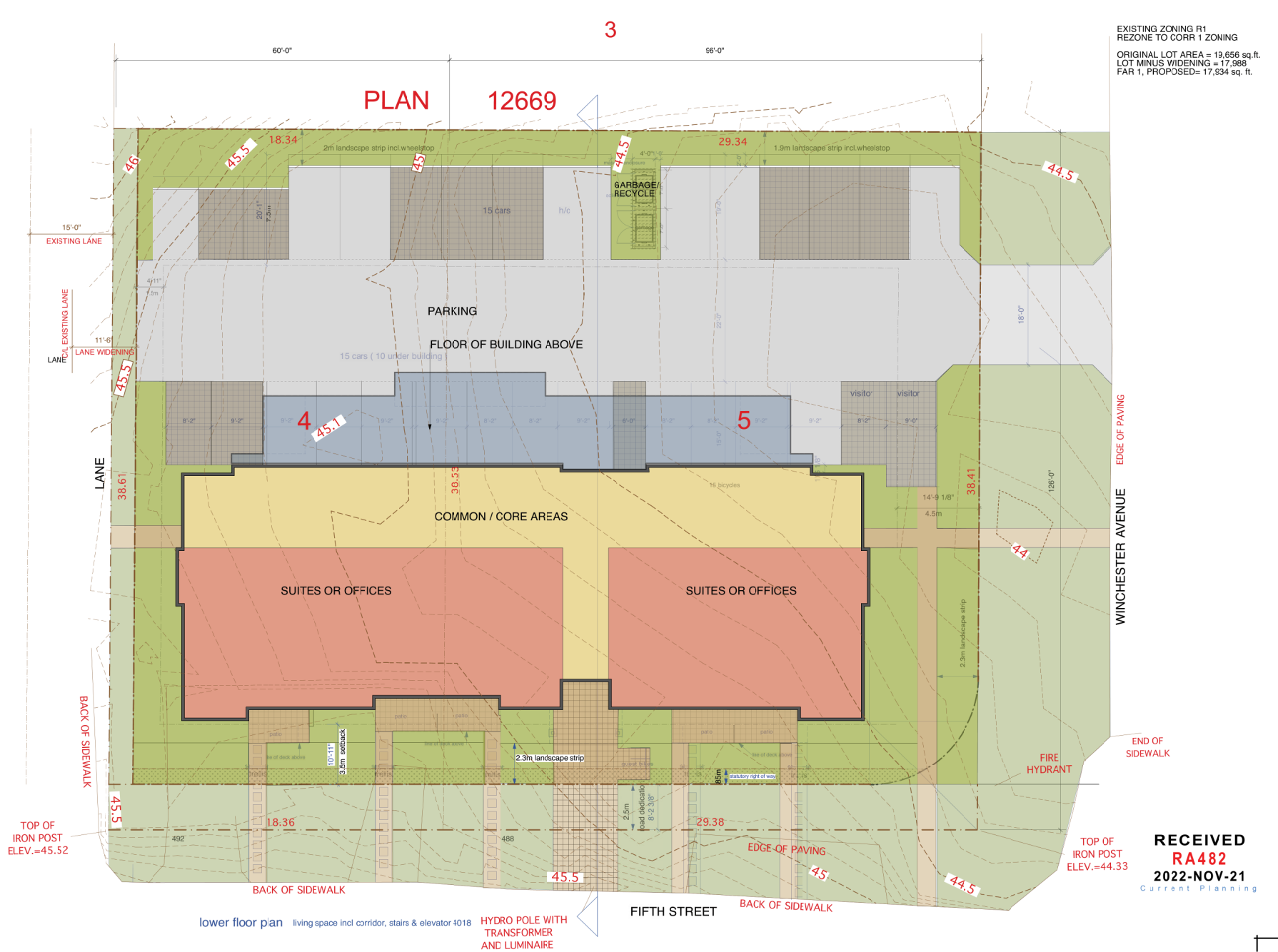
REZONING APPLICATION NO. RA000482

CIVIC: 492 & 488 FIFTH STREET

LEGAL: LOT 4, SECTION 1, NANAIMO DISTRICT, PLAN 12669 & LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 12669



ATTACHMENT B CONCEPTUAL SITE PLAN



EXISTING ZONING R1
REZONE TO CORR 1 ZONING
ORIGINAL LOT AREA = 19,656 sq. ft.
LOT MINUS WIDENING = 17,988
FAR 1, PROPOSED = 17,934 sq. ft.

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NO.	DATE	REVISION
jan 12 2022	preliminary 27 unit	
jan 27 2022	24 unit revision	
nov 1 2022	simplified & updated site plan	

**488 492 FIFTH ST
MULTI-FAMILY PROJECT
PJ&R HOLDINGS
NANAIMO B.C.**

 50 hagg road
galena island b.c. V0R 1X1
business: (250) 247-8585
res: (250) 247-8513
ellinsarchitect@shaw.ca
ellins architect inc.
architecture • planning • interior design

DRAWING:
**SITE PLAN /
LOWER FLOOR PLAN**

**RECEIVED
RA482
2022-NOV-21**
Current Planning

DRAWN BY: JE, BE
DATE: NOV. 1, 2019
SCALE: AS NOTED

PROJECT NO. 2019-01 DRAWING NO. **A1.0**

**ATTACHMENT C
CONCEPTUAL BUILDING RENDERING**



RECEIVED
RA482
2022-MAR-02
Current Planning

CITY OF NANAIMO

BYLAW NO. 4500.207

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*,

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2023 NO. 4500.207".
- 2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 12669 (488 Fifth Street) & LOT 4, SECTION 1, NANAIMO DISTRICT, PLAN 12669 (492 Fifth Street) from Single Dwelling Residential (R1) to Residential Corridor (COR1) as shown on Schedule A.

PASSED FIRST READING: _____
 PASSED SECOND READING: _____
 PUBLIC HEARING HELD: _____
 PASSED THIRD READING: _____
 ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000482
 Address: 488 & 492 Fifth Street

SCHEDULE A



REZONING APPLICATION NO. RA000482



Subject Property

CIVIC: 488 / 492 FIFTH STREET

LEGAL: LOTS 4 AND 5, SECTION 1, NANAIMO DISTRICT, PLAN 12669