

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA000344 – 901 and 925 Harbour View Street

### STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to “ZONING AMENDMENT BYLAW 2015 NO. 4500.085”; and
2. direct Staff to secure covenants for off-site improvements, lot consolidation, row house building orientation, single car garages, shared driveways, and front yard setbacks prior to the adoption of the bylaw, should Council support the bylaw at Third Reading.

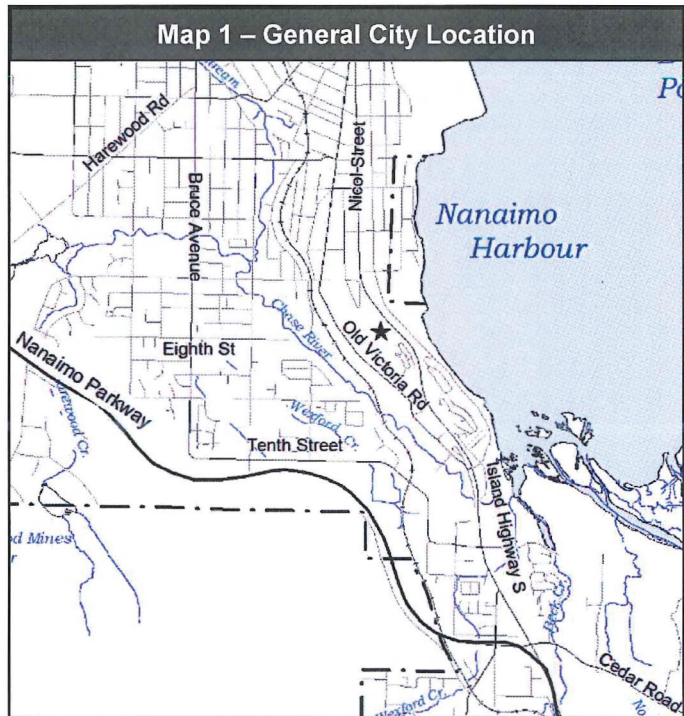
### PURPOSE:

The purpose of this report is to present a rezoning application to rezone a portion of the properties located at 925 and 901 Harbour View Street from Single Dwelling Residential (R1) and Medium Density Residential (R8) to Single Dwelling Residential-Small Lot (R2) and Row House Residential (R7) in order to subdivide and develop the majority of the site with small residential lots and row houses. A portion of the lot will retain the existing Medium Density Residential (R8) zone.

### BACKGROUND:

The City has received a rezoning application from Frank Basciano, on behalf of Hogler Enterprises (Harry Hogler), to rezone a portion of the properties located at 925 and 901

Harbour View Street from Single Dwelling Residential (R1) and Medium Density Residential (R8) to Single Dwelling Residential-Small Lot (R2) and Row House Residential (R7) in order to subdivide and develop the majority of the site with small residential lots and row houses. A portion of the lot will retain the existing Medium Density Residential (R8) zone.



Council *special*  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: *2015-SEP-14*

**Subject Property**

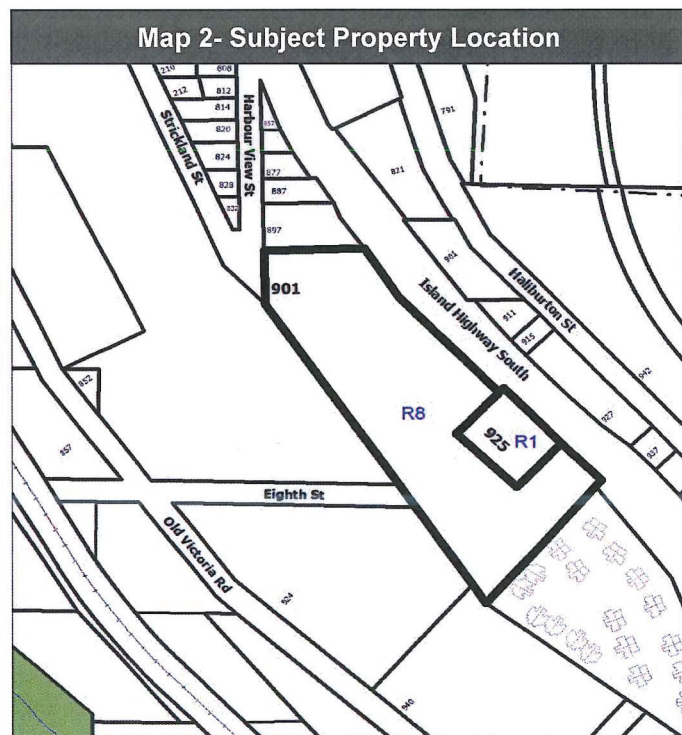
Current Zones	Single Dwelling Residential (R1)/ Medium Density Residential (R8)
OCP Designation	Neighbourhood
Neighbourhood Plan (South End)	Neighbourhood
Proposed Zone	Single Dwelling Residential Small Lot (R2)/ Row House Residential (R7), Medium Density Residential (R8)
Purpose	To permit a small lot and fee simple row house subdivision.
Location	Far south end of Harbour View Street, immediately south-west of the Island Highway.
Lot Size / Total Area	Subject properties- 3.8ha (9.46 acres) Area to be rezoned- 3.4ha (8.5 acres)

**DISCUSSION:**

**Site and Surrounding Area**

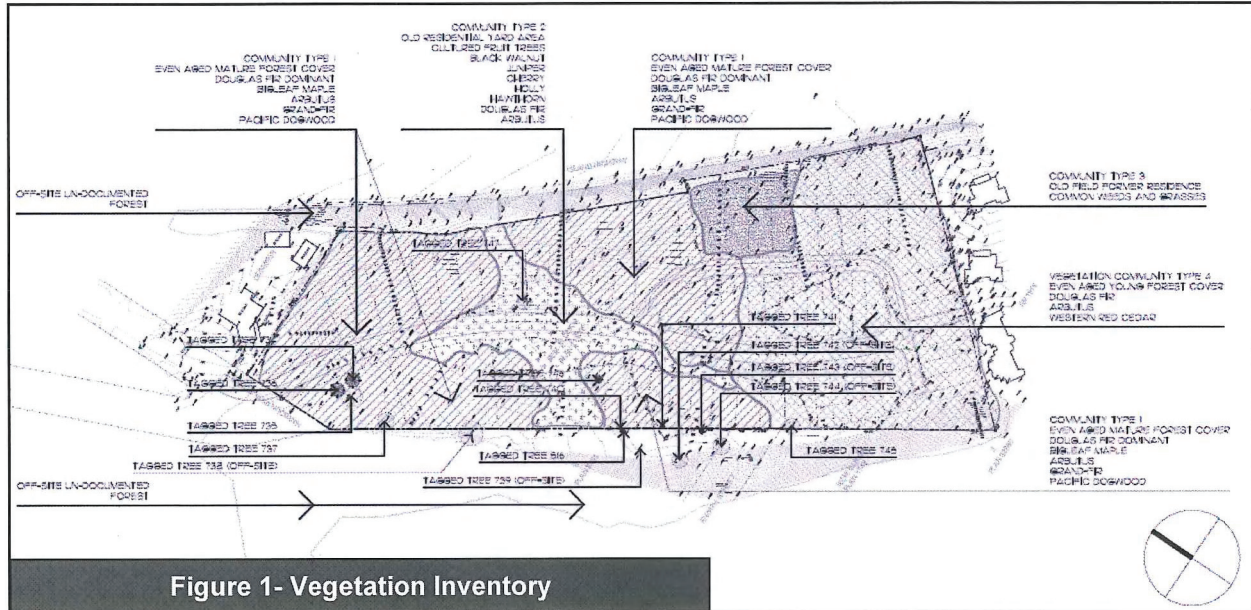
The subject area is located in south Nanaimo, on the southwest side of the Island Highway. The surrounding area contains a range of land uses including single residential homes to the north on Harbour View Street and Strickland Street, a medium density patio home residential development immediately south of the subject area, and a former school building recently purchased as a Cultural Centre to the north. A number of industrial uses exist to the south-west on Old Victoria Road. Uses on the opposite side of the Island Highway to the east are predominantly residential, with the exception of the Coastland Mill site on Haliburton Street and the Days Inn Hotel on the Island Highway to the northeast.

The subject area includes two separate properties, the larger property (901 Harbour View Street) is 3.4ha in area and is currently zoned Medium Density Residential (R8). The smaller lot (925 Harbour View Street) is zoned Single Dwelling Residential (R1) and borders 901 Harbour View Street on three sides with the remaining side fronting on the Island Highway. The property is accessed from the far south end of Harbour View Street, near the Harbour View Street/Strickland Street intersection.

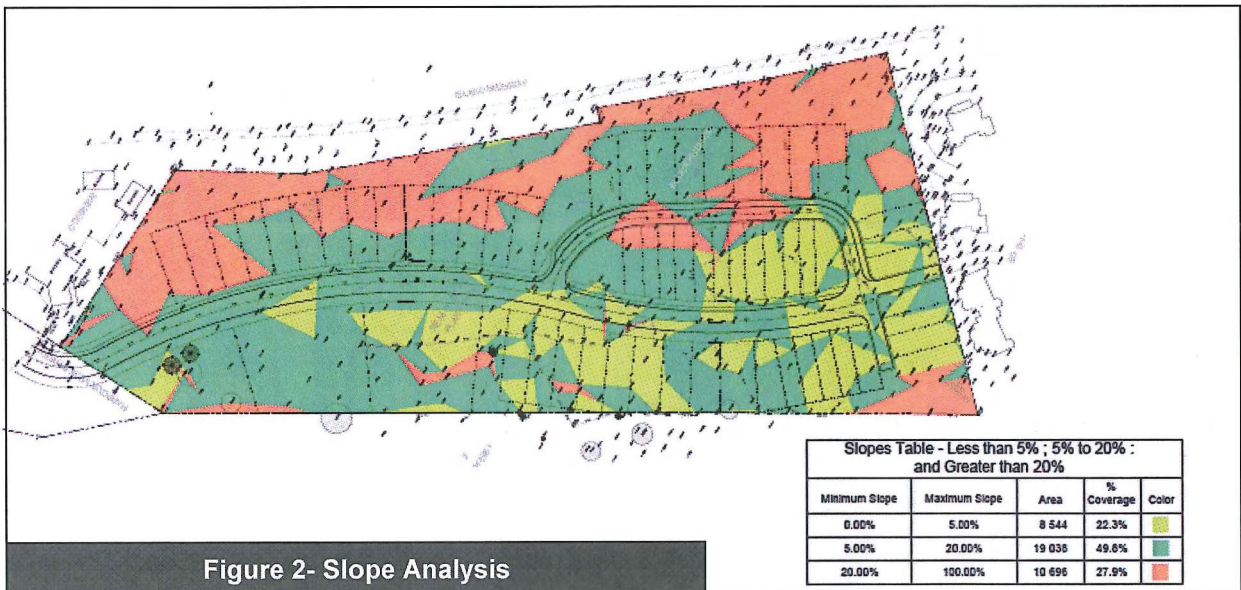




Both lots were historically occupied, however, they are currently vacant. The larger lot is heavily treed and includes a mixture of mature forest cover and planted fruit trees, while the smaller lot was used as a former residence and includes common weeds and grasses. No environmentally sensitive areas are present on the subject property. A vegetation inventory of the subject area is included below as 'Figure 1- Vegetation Inventory'.



Both subject properties are included within the Steep Slope Development Permit Area (DPA5); and 93% of the site has a slope of less than 30%, with 72% of the site having a slope of less than 20%. The applicant's slope analysis plan is shown below as 'Figure 2- Slope Analysis.'





### **Official Community Plan**

The subject properties are located within the Neighbourhood designation in both the Official Community Plan (OCP) and the South End Neighbourhood Plan. The Neighbourhood designation provides for low and medium density residential areas. Development in neighbourhoods will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in two to four-storey building forms, will be supported in neighbourhoods.

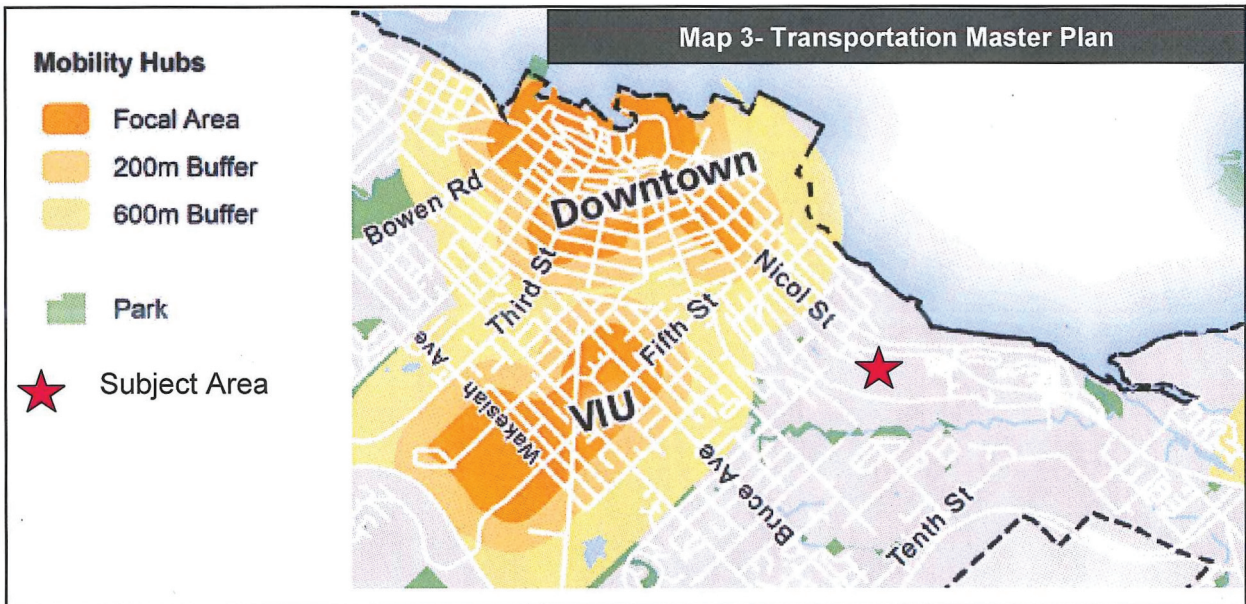
When calculated, based on the area to be rezoned only (including proposed park area), the proposed density is 15 units per hectare (54 residential units on 3.4ha of land). Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

The South End Neighbourhood Plan land use map includes the subject area as a desirable location for future park space.

### **Nanaimo Transportation Master Plan Considerations**

The subject property is located in a neighbourhood area, outside of a mobility hub. The area is not well served by transit. The closest bus route is the 7 (Cinnabar/Cedar) and includes stops on Old Victoria Road when traveling southbound and Haliburton Street when traveling northbound, towards downtown.

The subject area is approximately 825m south of the existing Neighbourhood Commercial Centre, which includes the Jolly Miner Pub on Haliburton Street and just over 1km from the southern boundary of the downtown urban node.





### **Proposed Development**

The applicant has submitted a rezoning application to rezone the majority of the subject properties in order to permit a 57-lot subdivision comprised of the following:

- a. 34 Single Residential Dwelling- Small Lot (R2) lots;
- b. 20 Row House Residential (R7) lots;
- c. 2 Medium Density Residential (R8) lots; and
- d. 1 lot to be dedicated as city park.

The majority of the subject area is currently zoned Medium Density Residential (R8) which permits multiple family residential developments up to four stories in height with a maximum floor area ratio of 1.25. A small portion (10% of the subject area) will remain R8 zoned. The remainder of the area is proposed to be zoned for small lots, fee simple row houses or dedicated as parkland. The development concept includes 8,234m<sup>2</sup> of park area, which represents over 20% of the site area park to be secured at subdivision. The proposed rezoning represents a reduction in the total number of allowable units within the subject area. A map showing the proposed zoned boundaries is included as 'Map 4 - Proposed Zones'.

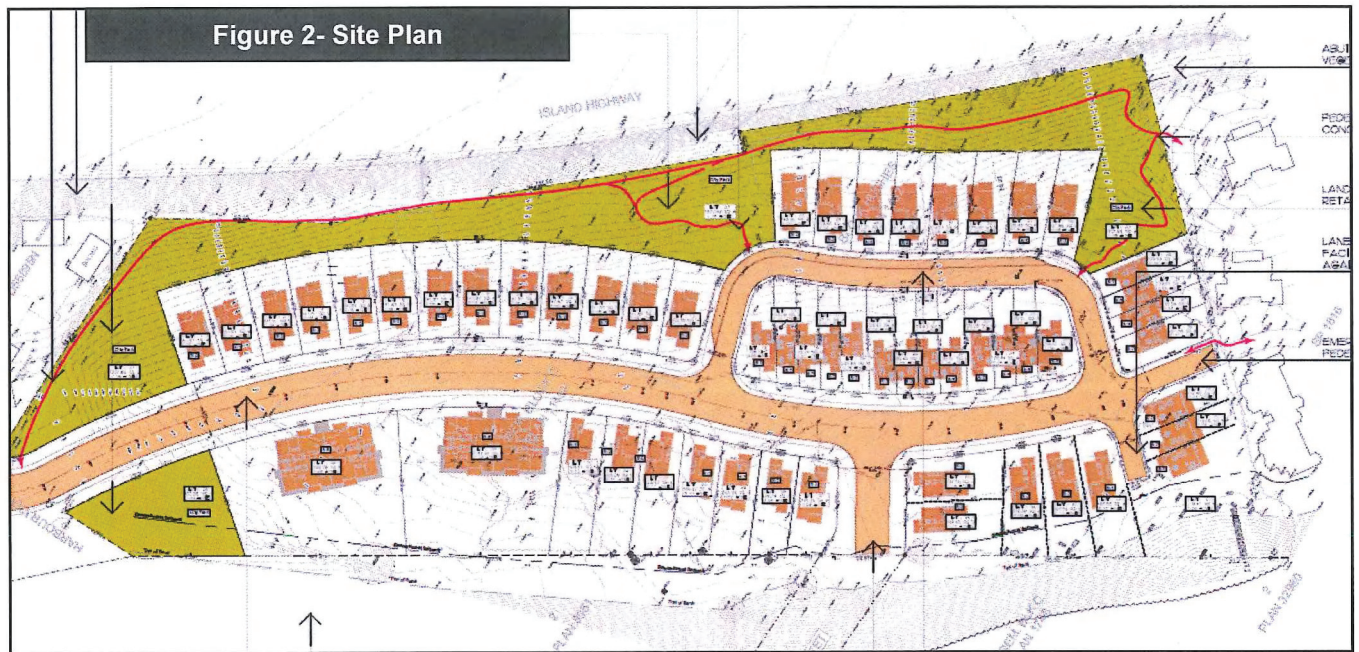


The proposed development will be accessed by extending Harbour View Street to the south. In the immediate term, the sole access to the development will be through Harbour View Street, although the development concept includes a future connection to Eighth Street in the event that a road is developed in the future. An emergency only access connection will also be developed through the multiple family site to the south. A second local road loops around the row houses within the site, and will be used to access the row house lots and eight of the proposed small lots.

The majority of the row house lots will be located between the extension of Harbour View Street and the local road, with the buildings facing Harbour View Street and accessed from the local road to the rear. The applicant plans to subdivide the zero lot line row homes to permit individual lot ownership. The R7 lot sizes range from 175m<sup>2</sup> to 281m<sup>2</sup>, and meet the minimum required size and dimensions within the R7 zone.

The proposed 34 small lots (R2) range in size from 328m<sup>2</sup> to 498m<sup>2</sup>, inclusive of the geotechnical setback area. As lot size is calculated exclusive of the geotechnical setback area, the applicant has noted Lots 42 to 44 and Lot 46 may be eliminated or reconfigured pending a further geotechnical evaluation at the subdivision stage. The applicant's conceptual site plan, showing the proposed lots, is shown below as 'Figure 2 - Site Plan'.





The applicant's letter of rationale is included as 'Attachment A'.

### **Small Lot Policy**

Council adopted the following Small Lot Policy on 2015-FEB-05, which now forms part of the Neighbourhood designation of the OCP:

- Small lot, single family housing lots will be encouraged within neighbourhoods where:
  - an adjacent lane exists, or will be provided through site development, or the proposed small lot development is an infill development and all lots will be accessed from an existing city street;
  - the site is within walking distance or accessible by transit to a local service centre or commercial services and neighbourhood amenities exist, such as a park, school, or cultural facility; and,
  - the proposed development contributes to a mix of housing types within the existing neighbourhood or within the proposed development, including a range of lot sizes; and the proposed development encourages attractive, pedestrian-oriented housing.

The proposed development cannot be considered an infill development. All of the proposed lots will be accessed from a newly constructed street, but a laneway will not be provided. The applicant has elected not to construct a laneway in order to provide more land for park and better address the topography of site.

While it is Staff's opinion that the subject area is not well serviced by transit, nor is it within walking distance of commercial services, it is important to note that the proposed rezoning will actually decrease the permitted density within the subject area. The intent of the small lot criteria regarding the site being within walking distance to services or transit, is to encourage greater density and infill within walkable or transit accessible neighbourhoods. Given the proposed rezoning represents a decrease in density, it is Staff's opinion this criteria is not critical to the rezoning application.



The proposed rezoning includes a wide variety of lot sizes and housing types including row houses, small lots and apartment style housing. A form and character development permit will be required for the proposed row house and apartment units, but not for the single residential dwellings on the small lots. The applicant has agreed to register a covenant which will restrict the dwellings to a single car garage and requiring a maximum 4.5m setback in order to promote a more pedestrian friendly housing form.

### ***Conditions of Rezoning***

Should Council support this application and pass Third Reading of Bylaw No.4500.082, Staff recommends the following items be secured prior to final adoption of the bylaw:

1. *Row House Building Orientation:*

The front of the row house dwellings located between the two proposed roads shall be oriented toward the main road (Harbour View Street) and vehicle accesses and garages shall be located to the rear off the proposed local road.

2. *Single Car Garages:*

All small lots and row houses shall only be permitted to have a single car garage.

3. *Shared Driveways:*

All small lots will be required to have shared driveways.

4. *Front Yard Setbacks:*

All small lots shall have a front yard setback no greater than 4.5m for the principal dwelling (not including the required 6m setback to any carport or garage).

5. *Offsite Improvements:*

A covenant will be registered on the subject properties requiring off-site improvements including the completion of the sidewalk along the south edge of South Street; improvements to the South Street/Strickland Street intersection; and, a realignment of Harbour View Street as it enters the site.

6. *Lot Consolidation:*

The two subject properties will be consolidated prior to Final Adoption of the rezoning bylaw.

### ***Community Contribution***

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. Given the proposed rezoning represents a decrease in the overall permissible density on the site no community contribution was requested or offered.

### ***Staff Comment***

The proposed development represents a range of housing types to be constructed within Nanaimo's South End neighbourhood. The applicant met with the South End Community Association (SECA) on 2015-MAY-06 and again on 2015-JUN-03. The application is consistent with the South End Neighbourhood Plan and SECA did not identify any concerns with the proposed application.

While the proposed development does not meet every objective of the City's Small Lot Policy, Staff is in support of the application given the rezoning will result in significant park dedication



and a more diverse housing form than permitted under the existing medium density residential (R8) zone. It is Staff's opinion that the proposed mix of row houses and small lots is better suited to the existing low-medium density residential neighbourhood.

***Planning and Transportation Advisory Committee / Advisory Planning Committee***

At its meeting of 2015-MAR-17, the Advisory Planning Committee (APC) recommended the rezoning be approved. Since the application was considered by APC, the committee has been disbanded and replaced with the Planning and Transportation Advisory Committee.

Respectfully submitted,



B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

**CITY MANAGER COMMENT:**

I concur with the staff recommendation.

*DS/sm/hd*  
*Drafted: 2015-SEP-01*