

## **Staff Report for Decision**

File Numbers: CA000022 and DP001329

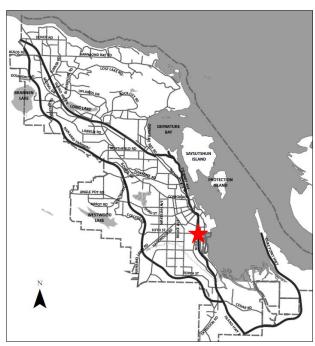
DATE OF MEETING September 8, 2025

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT COVENANT AMENDMENT APPLICATION NO. CA22 and

DEVELOPMENT PERMIT APPLICATION NO. DP1329 - 355 NICOL

**STREET** 



### Proposal:

A six-storey supportive housing building with 35 units

### Zoning:

CS1 - Community Service One

### **City Plan Land Use Designation:**

Residential Corridor

### **Development Permit Areas:**

DPA4 – Abandoned Coal Mine Workings Hazards DPA8 – Form and Character

#### Lot Area:

928m<sup>2</sup>









### **OVERVIEW**

#### **Purpose of Report**

To present for Council's consideration a concurrent covenant amendment and development permit to facilitate a supportive housing development at 355 Nicol Street.

#### Recommendations

#### Covenant Amendment

That Council direct Staff to discharge Section 219 covenant CB986844 from the property title of 355 Nicol Street.

#### **Development Permit**

That Council issue Development Permit No. DP1329 for a supportive housing development at 355 Nicol Street with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2025-SEP-08.

#### **BACKGROUND**

A development permit application, DP1329, was received from Muchalat Projects Ltd., on behalf of the Provincial Rental Housing Corporation, to permit a six-storey supportive housing development with 35 units at 355 Nicol Street. The subject property is one of four sites identified for housing projects in the July 2020 Memorandum of Understanding between City of Nanaimo and BC Housing. BC Housing has partnered with Snuneymuxw First Nation who intend to manage a permanent supportive housing development on the site. The lot was rezoned in 2023 with site-specific building height and density provisions (RA489).

#### **Subject Property and Site Context**

The subject property is located in the South End neighbourhood and is currently vacant. The lot abuts Nicol Street, which is under the jurisdiction of the Provincial Ministry of Transportation and Transit, to the west, and a City lane to the east. The property slopes down approximately 3-4m towards the lane. On the opposite side of the lane is a vacant City-owned property at 354 Haliburton Street and a BC Housing owned property at 364 Haliburton Street. Both properties on Haliburton Street will be utilized by the development at 355 Nicol Street for outdoor amenity space and off-site parking. BC Housing is proposing to incorporate these additional properties into the overall site plan given the limited area of the subject property to accommodate ancillary functions. Lease agreement terms for 354 Haliburton Street and Temporary Use Permit and Development Variance Permit applications for 364 Haliburton Street are being presented for Council's consideration on this same agenda.

The surrounding neighbourhood consists of a mix of residential and commercial uses with Nicol Street acting as a gateway corridor to Downtown Nanaimo. Adjacent properties include a motel to the north at the corner of Nicol Street and Farguhar Street, single dwelling and multi-family dwelling residential properties across the lane to the east, and single residential dwellings to the



south and west. Nearby applications for four-storey and six-storey residential developments further south on the same block are currently in process.

#### DISCUSSION

#### **Proposed Development**

The proposed development is a six-storey supportive housing building with 35 units ranging between 33m² and 38m² in floor area. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") defines supportive housing as a personal care facility. In addition to the dwelling units, the building will include support services for the Snuneymuxw First Nation. The proposed gross floor area is 2,069m² and the total Floor Area Ratio (FAR) will be 2.23, which is the maximum permitted site-specific FAR for a personal care facility at this location.

#### Site Design

The proposed building will be sited entirely on 355 Nicol Street. The principal building entry will face Nicol Street and a secondary pedestrian access will connect to the lane. All required parking will be provided, with one onsite parking space parallel to the lane and six off-site parking spaces on the opposite side of the lane (two at 354 Haliburton Street and four at 364 Haliburton Street). A covenant and easement will be registered for the off-site parking, as required by the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" (the "Parking Bylaw").

A significant outdoor amenity space is proposed off-site at 354 and 364 Haliburton Street, with a walkway leading towards the lane from Haliburton Street. Another outdoor courtyard space on 355 Nicol Street, between the building and the lane, will include bicycle parking. Waste collection is proposed from the lane in the southeast corner of the lot. The site lighting plan includes bollard lighting along pathways and throughout the amenity space.

#### **Building Design**

Due to the slope of the land, the proposed building will present a five-storey elevation facing Nicol Street and a six-storey elevation facing the lane. Exterior building materials will consist of cementitious panel and corrugated metal siding. The metal siding panels will alternate between vertical and horizontal orientations as a reference to traditional basket weaving. Wall-mounted public art will be featured on the north and south elevations in the Hul'q'umi'num' language which translates to say "I am here". Wood-tone metal cladding with ancestral Snuneymuxw symbols will replicate window shutters on the west and east elevations.

#### Landscape Design

Generous landscaping is proposed around the building and throughout the amenity spaces. The landscaping has been designed in collaboration with the Snuneymuxw First Nation with a focus on natural restorative healing elements. The planting plan is made up of native species that are of cultural importance. The amenity space will be developed as a Sacred Garden and amenity features include natural play elements, gathering spaces with seating, and a meditation circle. Site furnishings will include custom designs with references to SFN cultural heritage. Welcome gateways are proposed to frame both entries facing Nicol Street and the lane. A woven willow fence is proposed to encircle the subject property and the Sacred Garden.

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The overall development design is in substantial compliance with the applicable City design guidelines and provides visual interest along the street frontage.

### **Design Advisory Panel**

The Design Advisory Panel (DAP), at its meeting held on 2024-MAR-14, accepted DP1329 as presented and provided the following recommendations:

- Consider adding passive shading and solar gain to the fenestration on the east and west façades;
- Consider ways to enhance natural light in the interior corridors and stairways;
- Consider adding weather protection for the patio area;
- Consider a visual connection on the laneway between the two properties;
- Consider screening the garbage enclosure with materials complementary to the building and landscape plan;
- Ensure an accessible entrance off Nicol Street;
- Consider a visually permeable fence on Haliburton Street; and,
- Consider using a bike rack that accommodates different types of bikes.

The applicant subsequently revised their plans in response to the DAP recommendations by adding windows to the stairwell landings, designing for a pedestrian crossing of the lane, and moving the garbage enclosure away from the south property line. It was noted by the applicant that both entries are accessible and that the proposed fence is visually permeable.

#### **Proposed Variances**

#### Minimum Front Yard Setback

The minimum required front yard setback in the CS1 zone is 6.0m. A front yard setback of 4.8m is proposed facing Nicol Street, a requested variance of 1.2m. The applicant has requested the variance in order to maximize the building enveloped on an undersized lot. Staff note that the zoning of the adjacent lots on Nicol Street permits smaller front yard setbacks between 3.5m and 4.5m. The proposed front yard setback of 4.8m also exceeds the Provincial Ministry of Transportation and Transit minimum setback along Nicol Street (typically 4.5m).

#### Off-Site Parking

The Parking Bylaw allows the required parking to be provided off-site where the parking is not on a lot zoned for residential use within Part 7 of the Zoning Bylaw. The applicant is proposing off-site parking at 354 and 364 Haliburton Street, both zoned Three and Four Unit Residential (R5). The applicant has requested to vary this condition to facilitate a viable building site and accommodate the required parking in close proximity to the subject property.

Staff support the proposed variances.



#### **COVENANT AMENDMENT**

A Covenant Amendment application, CA22, was received from M'akola Development Services, on behalf of the Provincial Rental Housing Corporation, to discharge existing Section 219 covenant CB986844 from the property title of 355 Nicol Street. As a condition of rezoning application RA489, the covenant was registered on the property title to require off-site improvements to the section of public lane between the subject property and Farquhar Street to the north. These improvements included a vehicle lane, sidewalk, and street lighting, to help improve fire vehicle and pedestrian access to the site. The lane is currently a one-way route from north to south.

The applicant has explored options to complete the required improvements within a Statutory-of-Right or dedication from the property adjacent to the lane to the north owned by the Provincial Ministry of the Transportation and Transit (811 Farquhar Street), but has not been able to successfully negotiate either option with the Ministry. Given this, the applicant has revised their building drawings to have the principal entry face Nicol Street which means that lane improvements to accommodate fire access are no longer required. Pedestrian access to the rear of the building is proposed to cross 354 Haliburton Street and will not require the previously proposed sidewalk along the lane. The lane will still be used for vehicle access to the parking spaces and for waste collection access.

Staff support the proposed Covenant Amendment to discharge existing Section 219 covenant CB986844 and eliminate the requirement for improvements within the lane.

Council's *Covenant Amendment Process Policy* outlines the process for considering an amendment to a covenant previously secured through rezoning. Where a proposed Covenant Amendment does not pertain to land use, density, or community contributions, the notification process will be consistent with that of Development Variance Permits, as is the case with CA22.

Notification has taken place prior to Council's consideration of this Covenant Amendment.

#### **SUMMARY POINTS**

- Development Permit Application No. DP1329 is for a six-storey supportive housing development with 35 units at 355 Nicol Street.
- Variances are requested to reduce the minimum required front yard setback and to allow off-site parking on a residential-zoned property.
- Staff support the proposed Covenant Amendment to discharge existing Section 219 covenant CB986844 and eliminate the requirement for improvements within the lane.

#### <u>ATTACHMENTS</u>

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Subject Property Map

ATTACHMENT C: Site Plan

ATTACHMENT D: Building Elevations and Details

ATTACHMENT E: Building Renderings

ATTACHMENT F: Landscape Plan and Details





Submitted by:

Lainya Rowett Manager, Current Planning Concurrence by:

Jeremy Holm Director, Planning & Development

## ATTACHMENT A PERMIT TERMS AND CONDITIONS

#### **PERMIT TERMS**

The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is varied as follows:

1. Section 14.5.1 Siting of Buildings – to reduce the minimum required front yard setback from 6.0m to 4.8m as shown in Attachment C.

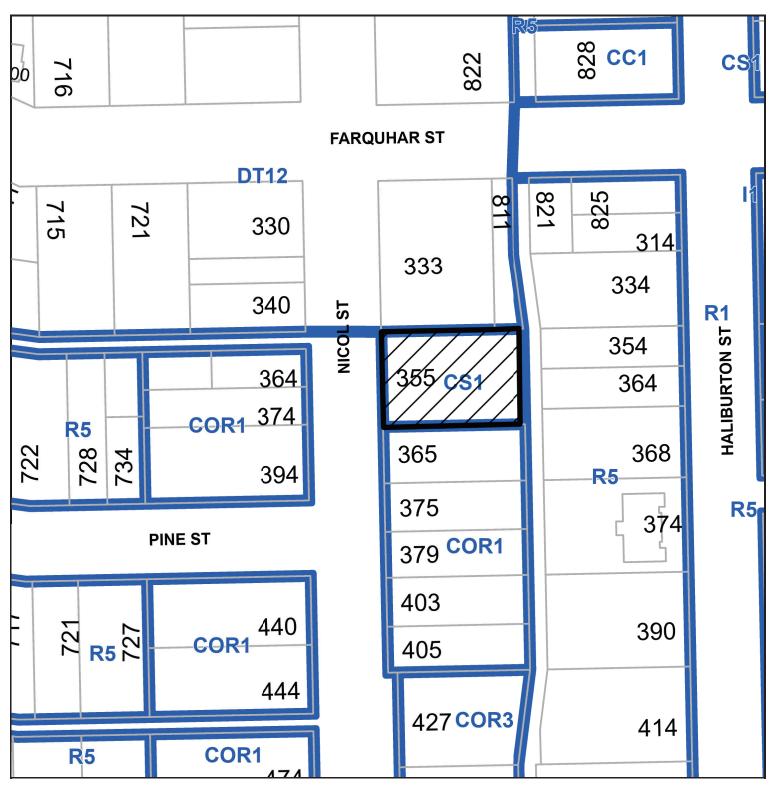
The City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" is varied as follows:

1. Section 2.1.i Off-Site Parking – to allow off-site parking to be located on a lot zoned as residential as shown in Attachment C.

#### **CONDITIONS OF PERMIT**

- 1. The subject property shall be developed generally in accordance with the Site Plan prepared by MacDonald Hagerty Architect Ltd., dated 2025-AUG-06, as shown on Attachment C.
- 2. The subject property shall be developed in substantial compliance with the Building Elevations and Details, prepared by MacDonald Hagerty Architect Ltd., dated 2024-SEP-09, as shown on Attachment D.
- 3. The subject property shall be developed in substantial compliance with the Landscape Plan and Details prepared by Biophilia Design Collective, dated 2025-AUG-11, as shown on Attachment F.
- 4. Off-site landscaping shall be completed on the lots legally described as THAT PART OF SECTION 1 NANAIMO DISTRICT SHOWN ON PLAN EPP129816 (354 Haliburton Street) and EAST 1/2 OF LOT 8, SECTION 1, NANAIMO DISTRICT, PLAN 4377 EXCEPT PART IN PLAN VIP52121 (364 Haliburton) in substantial compliance with the Landscape Plan and Details prepared by Biophilia Design Collective, dated 2025-AUG-11, as shown on Attachment F.
- Registration of a Section 219 covenant and easement to secure off-site parking on the lots legally described as THAT PART OF SECTION 1 NANAIMO DISTRICT SHOWN ON PLAN EPP129816 (354 Haliburton Street) and EAST 1/2 OF LOT 8, SECTION 1, NANAIMO DISTRICT, PLAN 4377 EXCEPT PART IN PLAN VIP52121 (364 Haliburton) as shown in Attachment C, prior to building occupancy.
- 6. Submission of a geotechnical report to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for Geotechnical Assessments Above Abandoned mine workings* and *Guidelines for Completion of Geotechnical Reports* to satisfy the objectives and guidelines of Development Permit Area No. DPA4 Abandoned Mine Workings Hazards, and registration of a "save harmless" Section 219 covenant in favour of the City requiring compliance with any of the recommendations of the geotechnical report, prior to building permit issuance.

# ATTACHMENT B SUBJECT PROPERTY MAP







## **ATTACHMENT C SITE PLAN**

#### PROJECT CONTEXT







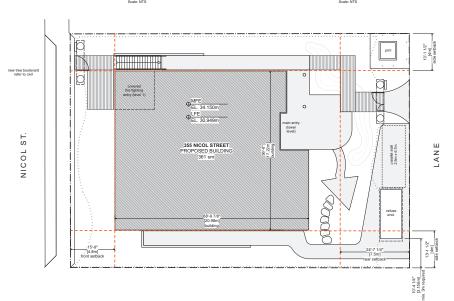
#### ZONING INFORMATION

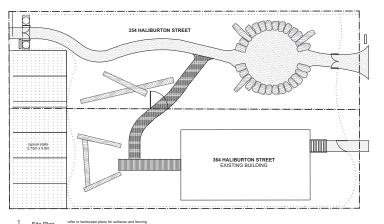
City of Nanaimo 355 Nicol St Lot A, Section 1, Nanaimo District, Plan EPP29088

Property Identification Number PID 029-218-560

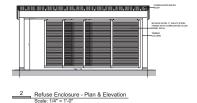
The subject land is a .23 acre parcel bordered by Nicol Street to the West, a motel to the North, single family residential to the South, single family to the East. It is located in close proximity to the downlown core and several nearby parks.

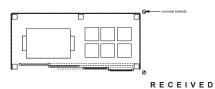
ZONING SUMMARY	PERMITTED UNDER CS1		PROPOSED CS1 (CD)	
SETBACKS	FRONT YARD SETBACK REAR YARD SETBACK SIDE YARD * SEE SITE PLAN FOR PROPO-	6 METERS 7.5 METERS 4 METERS SED DISTANCES TO L	4.8 METERS (Variance) 7.5 METERS 4 METERS LOT LINES	
LOT COVERAGE / FSR	PERSONAL CARE FACILITY  Max Coverage  Max FSR	40% 2.23	TOTAL LOT AREA TOTAL BUILDING AREA TOTAL LOT COVERAGE TOTAL GROSS FLOOR AREA PROPOSED ESP	928 SQ/M 361.11 SQ/M 38% 2069 SQ/M 2.23
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT	18.5 METERS	* SEE ELEVATIONS FOR BUILDI	18.5 METERS NG HEIGHTS
USABLE OPEN SPACE	N/A	N/A	N/A	
FF STREET PARKING + LOADING	PERSONAL CARE FACILITY 0.2 PER SLEEPING UNIT Total Required	0.2 36 7 SPACES	Total provided	7 SPACES
LANDSCAPE + SCREENING	Landscape Buffer Fence Height	N/A 2 METERS	SEE LANDSCAPE PLAN	











2025-AUG-21

HALIBURTON ST.

**BC HOUSING** 



Supportive Housing

Site Plan & Program

A0.02

# ATTACHMENT D BUILDING ELEVATIONS AND DETAILS







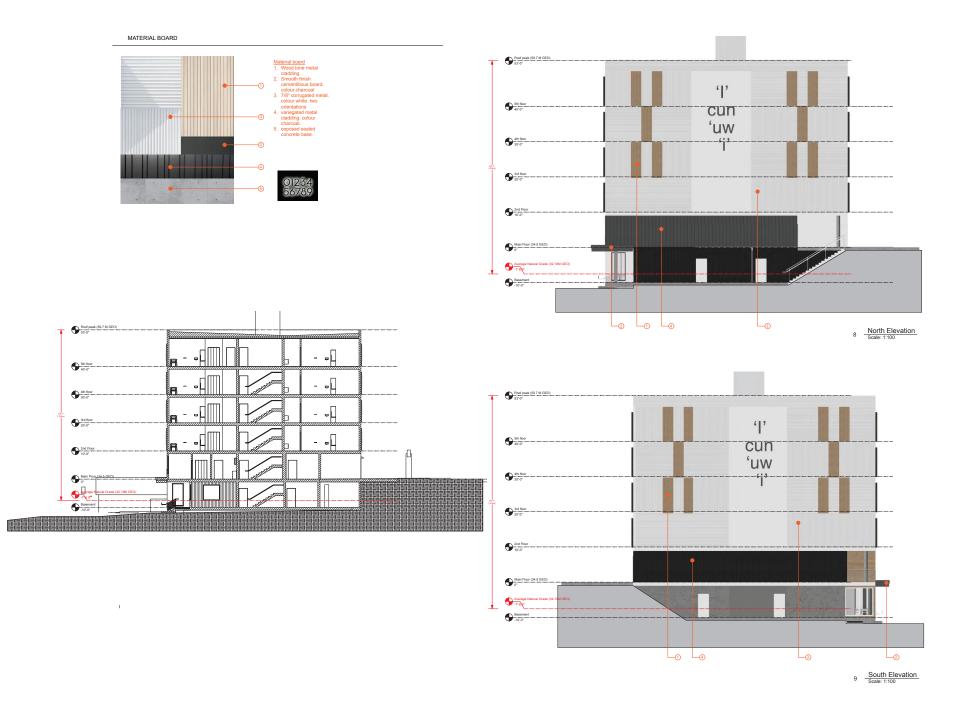


C 2024-09-00 Instance For DP FG 6 2024-02-12 ISSUED FGR DP R1 A 2022-11-16 Instance for DP 6V Y M D ISSUED

Elevations

RECEIVED DP1329 2024-SEP-09

A2.00





A2.01

# ATTACHMENT E BUILDING RENDERINGS















355 Nicol St



C 2024-09-09 Instance For DP R3 B 2024-02-12 ISSUED FOR DP R1 A 2023-11-16 Instance for DP R6V V M D R6SE

Renders

RECEIVED
DP1329
2024-SEP-09
Current Planning

A3.02







355 Nicol St



C 2024-09-09 Issued For DP R3 B 2024-02-12 ISSUED FOR DP R1 A 2022-11-16 Issued for DP

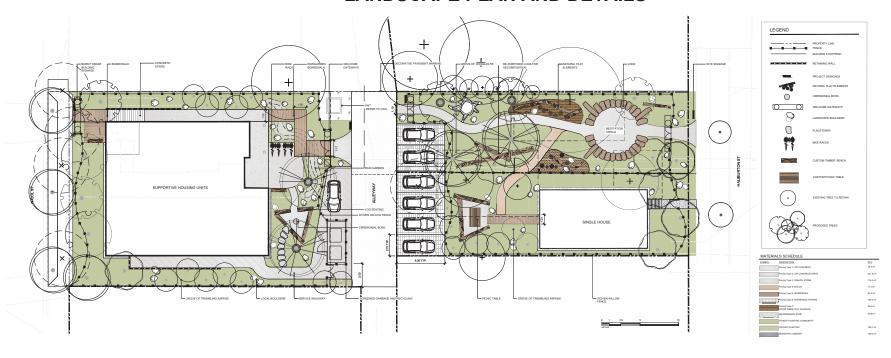
Renders

RECEIVED
DP1329
2024-SEP-09
Current Planning

A3.03

## **ATTACHMENT F** LANDSCAPE PLAN AND DETAILS

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2025-AUG-21









MATERIALS PLAN

PRECEDENTS





CUSTOM FURNITURE





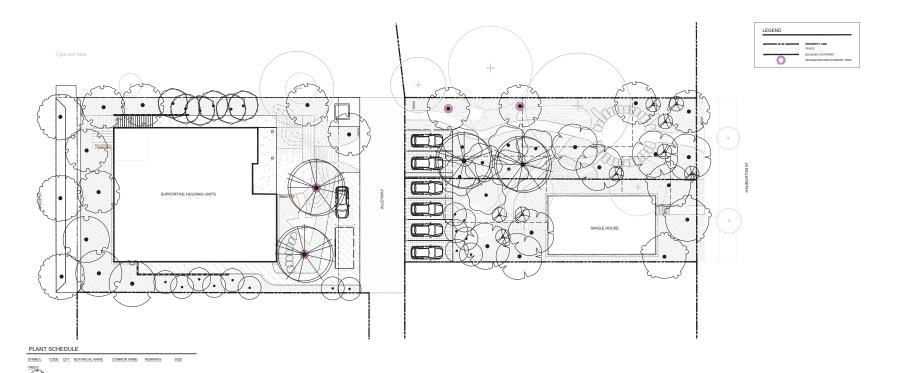


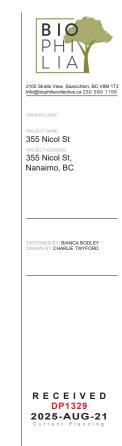












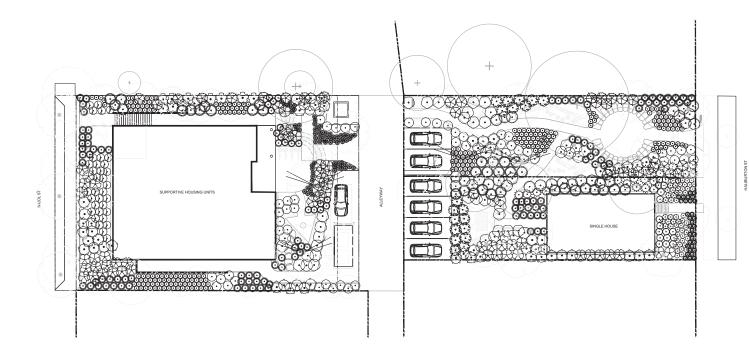






TREE PLANTING PLAN

DWG NO: L2.01



LEGEND	
	PROPERTY LINE FENCE BUILDING FOOTPRINT

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	REMARK
+ HRUBS	AM2	37	Achillea millefolium	Common Yarrow	#1 Conta
$(\tilde{\cdot})$	AT	42	Achtys triphytla	Vanilla Leaf	#1 Conta
₩.	C02	73	Carex obnupta	Slough Sedge	#1 Conta
Ó	FF	32	Festuca roemeri	Roemer's Fescue	#1 Conta
(ز	G82	11	Gaultheria shallon	Salal	#3 Conta
Ø	HD2	28	Holodiscus discolor	Oceanspray	#3 Conta
Œ	JE2	18	Juncus effusus	Soft Rush	#1 Conta
* *	MN	20	Mahonia nervosa	Oregon Grape	#1 Conta
₿	oc	35	Oemleria cerasiformis	Osoberry	#3 Conta
)	PM2	37	Polystichum munitum	Western Sword Fern	#1 Conta
)	PW	103	Pteridium aquilinum	Western Bracken Fern	#1 Conta
$\bar{\cdot}$	RN	54	Rose nutkene	Nootka Rose	#2 Conta
)	SG	17	Solidago canadensis	Goldenrod	#1 Conta
Ð	SD3	16	Spiraea douglasii	Western Spirea	#1 Conta
)	SA2	58	Symphoricarpos albus	Common Snowberry	#3 Conta
Œ	SD2	19	Symphyotrichum subspicatum	Douglas Aster	#1 Conta
Э.	TT2	243	Tiarella trifoliata	Threeleaf Foamflower	#1 Conta
D	UD2	34	Urtica dioica	Stinging Nettle	#1 Conta
Э	VO2	26	Vaccinium ovatum	Evergreen Huckleberry	#3 Conta
3	VP2	19	Vaccinium parvifolium	Red Huckleberry	#3 Conta



2105 Straits View, Saanichton, BC V8M 1T3 Info@biophiliacollective.ca 250 590 1156

IER/CLIENT:

355 Nicol St

355 Nicol St, Nanaimo, BC

DESIGNED BY: BIANCA BODLEY DRAWN BY: CHARLIE TWYFORD

# RECEIVED DP1329 2025-AUG-21

7	RE-ISSUED FOR DP	25/08/11
7	ISSUED FOR BP	25/07/21
6	ISSUED FOR 50% COORDINATION	25/08/08
5	ISSUED FOR 30% COORDINATION	25/04/14
4	RE- ISSUED FOR DP	24/08/27
3	RE- ISSUED FOR DP	24/01/31
2	ISSUED FOR DP	23/10/08
1	ISSUED FOR RZ/DP	22/02/24
NO.	ISSUE	YY/MM/DI





PLANTING PLAN

DWG NO: L2.02

BIO

OWNER/CLIENT:

355 Nicol St 355 Nicol St, Nanaimo, BC

DESIGNED BY: BIANCA BODLEY DRAWN BY: CHARLIE TWYFORD

2105 Straits View, Saanichton, BC V8M 1T3 Info@biophiliacollective.ca 250 590 1156

#### OVERSTORY PLANTING - TREES



XPEY/ THUJA PLICATA/ WESTERN RED CEDAR



TS'SEY'/ PSEUDOTSUGA MENZIESII/ DOUGLAS-FIR



TS'ALHULHP/ ACER MACROPHYLLUM/ BIGLEAF MAPLE



DOGWOOD

QAANLHP/ ARBUTUS MENZIESII/ PACIFIC KWI'TXULHP/ CORNUS NUTTALLII/ FLOWERING MADRONE



TUSHNETS/ AMELANCHIER ALNIFOLIA/ SASKATOON



T'ULUM'ULPH/ PRUNUS EMARGINATA/ BITTER CHERRY



QW'IIQW'I'YUL'USHULHP/ POPULUS TREMULOIDES/ DANCING TREE

#### UNDERSTORY PLANTING - SHRUBS, FERNS AND GROUNDCOVERS



**EPILOBIUM** ANGUSTIFOLIUM/ FIREWEED

MEDICINAL USE: RICH IN VITAMIN C, FLOWERS A GREAT SOURCE OF HONEY NECTAR: MATURE STEMS PRODUCE FIBRE FOR





MEDICINAL USE



ATHYRIUM FILIX-FEMINA/ LADY FERN

MEDICINAL USE:



SUNII'ULHP/ MAHONIA NERVOSA/ OREGON-GRAPE

MEDICINAL USE: ANTIOXIDANT, RICH IN VITAMIN C



SHALLON/ SALAL

MEDICINAL USE: EDIBLE BERRIES, USED AROUND FOOD IN PITCOOKING AS FLAVOURING



TTH'ULETTH'LE'/ ASARUM CAUDATUM/ WILD GINGER



MEDICINAL USE: AROMATIC PLANT FOR GOOD FORTUNE, STEMS USED TO ALLEVIATE INDIGESTION, BLOATING, AND OTHER DIGESTIVE DISCOMFORTS



TL'USIIP/ POLYPODIUM GLYCYRRHIZA/ LICORICE

MEDICINAL LISE: GOOD FOR COUGHS, COLDS, SORE THROATS



T'ULIQW'ULHP/ ACHILLEA MILLEFOLIUM/ YARROW

MEDICINAL USE: AROMATIC BATH FOR SICK PEOPLE, USED TO TREAT COLDS AND RESPIRATORY AILMENTS, TEA DRUNK AS



SXU'ENHWEEN/ PLANTAGO

LEAVES USED AS A POULTICE FOR BURNS, SORES AND STINGS



T'EETS'ULHP/ SPIRAEA DOUGLASII / HARDHACK

WOOD USED FOR SALMON SPREADERS



LILA'/ RUBUS SPECTABILIS/ SALMONBERRY

MEDICINAL USE \EDIBLE SHOOTS, PEELED



P'UP'Q'IYAASULHP/ SYMPHORICARPOS ALBUS/ SNOWBERRY

MEDICINAL USE: MEDICINAL USE: BERRIES USED MEDICINALLY AGAINST WARTS, TWIGS BOILED AND SOLUTION USED TO RELAX MUSCLES



MEDICINAL USE



'AYUM SQW'IIL'MUHW/ EVERGREEN HUCKLEBERRY/ VACCINIUM OVATUM

ANTIOXIDANT, RICH IN VITAMIN C



SXWELE'ULHP/ SALIX SITCHENSIS/ SITKA WILLOW



STHEXELLIM/ POLYSTICHUM

MEDICINAL USE: BARK USED GENERALLY AS PAIN-KILLING MEDICINE



MUNITUM/ SWORD FERN

MEDICINAL USE: WOUND HEALING, FRONDS USED IN CEREMONIAL BATHING AND WINTER DANCES



SP'EETTH'/ RIBES BRACTEOSUM/ STINK CURRANT

MEDICINAL USE: ANTIOXIDANT, RICH IN VITAMIN C



YWIINI HP/ ROSA GYMNOCARPA/ DWARF WILD ROSE

MEDICINAL USE: PETALS CONSUMED FOR THEIR POTENTIAL MILD DIURETIC OR ASTRINGENT PROPERTIES



DIOICA/ STINGING NETTLE

MEDICINAL USE: RELIEVE JOINT AND MUSCLE PAIN.



RECEIVED DP1329

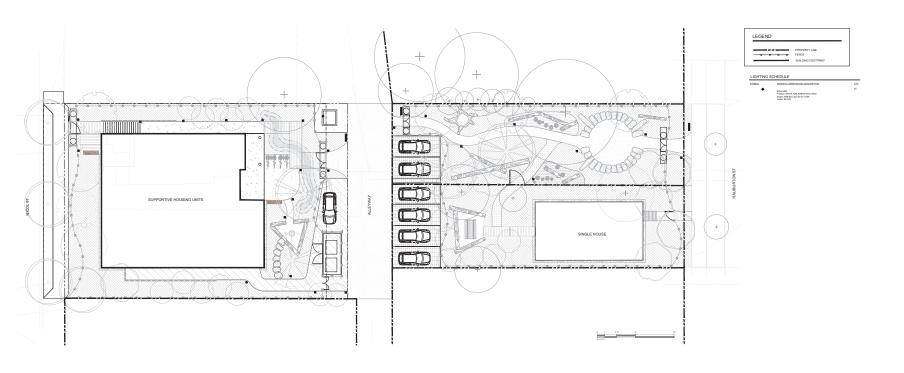
2025-AUG-21

7 RE-ISSUED FOR DP
7 ISSUED FOR BP
6 ISSUED FOR 50% COORDINATION



PLANTING IMAGERY









-		
7	RE-ISSUED FOR DP	25/08/11
7	ISSUED FOR BP	25/07/21
6	ISSUED FOR 50% COORDINATION	25/06/06
5	ISSUED FOR 30% COORDINATION	25/04/14
4	RE- ISSUED FOR DP	24/08/27
3	RE- ISSUED FOR DP	24/01/31
2	ISSUED FOR DP	23/10/06
1	ISSUED FOR RZ/DP	22/02/24
NO.	ISSUE	YYMMDD





LIGHTING PLAN

DWG NO: L3.01