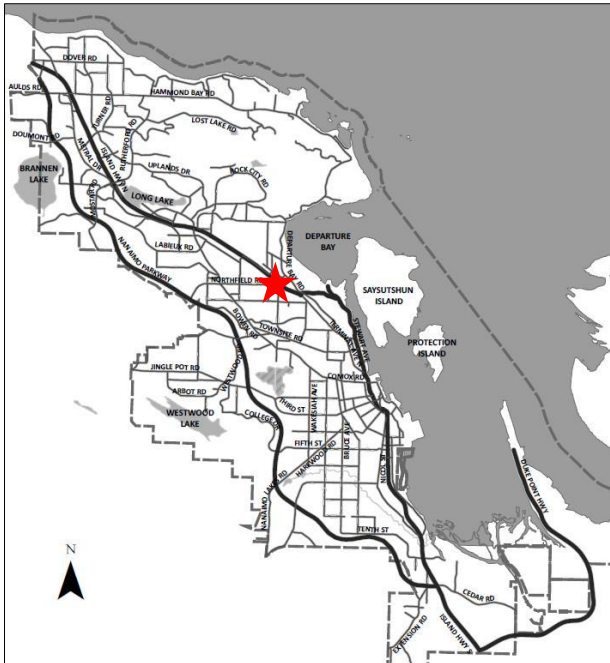


FOR: COUNCIL MEETING

MEETING DATE: July 6, 2026

DEPARTMENT: PLANNING AND DEVELOPMENT

SUBJECT: COVENANT AMENDMENT APPLICATION NO. CA23 – 2137 BOUNDARY AVENUE



Proposal:

To discharge a covenant from the property title to allow four dwelling units

CA

Zoning:

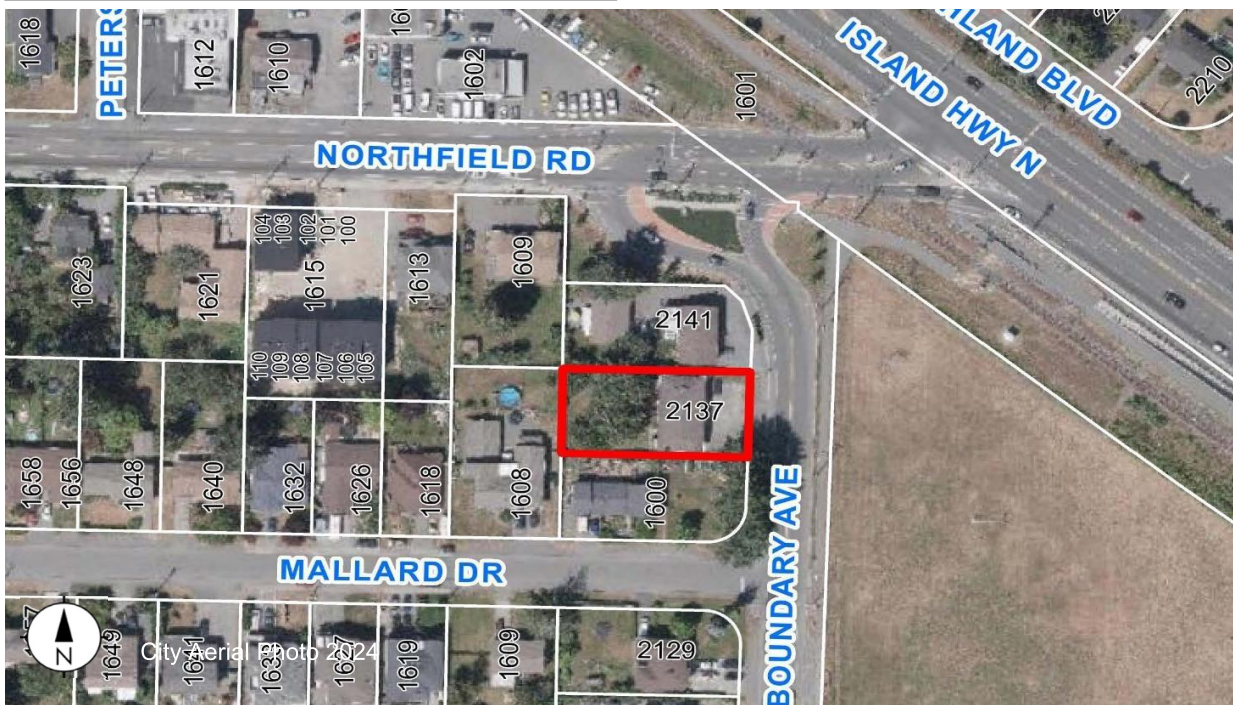
R5 – Three and Four Unit Residential

City Plan Land Use Designation:

Neighbourhood

Lot Area:

1,037m²



OVERVIEW**Purpose of Report**

To present for Council's consideration a covenant amendment application to discharge a Section 219 covenant from the property title of 2137 Boundary Avenue, to allow up to four dwelling units on the subject property.

Recommendation

That Council direct Staff to proceed with public notification prior to consideration of Covenant Amendment Application No. CA23 for 2137 Boundary Avenue at an upcoming Council meeting.

BACKGROUND

A Covenant Amendment Application, CA23, was received from Bryan McIntosh to discharge a Section 219 covenant (FB193416) from the property title of 2137 Boundary Avenue.

A rezoning application (RA000201) was approved in 2008 to rezone the subject property from Residential Duplex Zone (RM-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to legalize the existing triplex. A covenant (FB193416) was registered on the property title to restrict the number of units on the subject property to three, and to secure 1.8 metre landscape buffer and parking improvements, including the provision of four off-street parking stalls.

Subject Property and Site Context

The subject property contains an existing triplex and is located in the Townsite neighbourhood. The surrounding neighbourhood uses include low-density single residential dwellings to the northeast, south and west, Woodlands Secondary School to the east, highway industrial uses to the northwest, as well as Brooks Landing Shopping Centre and Nanaimo Regional General Hospital.

DISCUSSION**Proposed Development**

The applicant is proposing to discharge a Section 219 covenant (FB193416) in order to allow a fourth dwelling unit to be developed within the existing building on the subject property.

Following the adoption of Zoning Bylaw No. 4500 in 2011, the zoning of the subject property was changed to Three and Four Unit Residential (R5), which permitted a maximum density of three dwelling units and a maximum floor area ratio of 0.55. In 2024, "Zoning Amendment Bylaw 2024 No. 4500.223" was adopted to implement the Provincial Small-Scale Multi-Unit Housing legislation. As such, under the current R5 zone, lots greater than 280m² may contain up to four dwelling units. However, the covenant restricting the subject property to three dwelling units remains in effect.

The site was developed in accordance with the registered covenant, including the required landscape buffer and parking improvements. The proposed covenant discharge would remove the existing

restriction and allow up to four dwelling units on the subject property, consistent with the current R5 zoning. Following the proposed discharge of the covenant, the property will exceed current landscape buffer requirements and meet current parking requirements. A building permit will be required for the proposed additional dwelling unit.

Policy Context

City Plan

City Plan identifies the subject property within the Neighbourhood future land use designation, which supports low to modest increases in density and diverse housing that respects existing residential character. The Neighbourhood designation supports the provision of ground-oriented multi-unit dwellings including triplex and fourplex building forms.

The proposed discharge of covenant FB193416 to allow four dwelling units as permitted in the existing R5 zone is consistent with the intent of the Zoning Bylaw and City Plan vision for development in the Neighbourhood designation.

Covenant Amendment Process Policy

Council's *Covenant Amendment Process Policy* outlines the process for considering an amendment to a covenant previously secured through rezoning. Where the proposed Covenant Amendment pertains to land use, density, or community contributions, Council can either direct the application to a public hearing or public notification prior to consideration of a proposed Covenant Amendment. Staff recommend that Council direct the application for public notification as outlined in the policy instead of a public hearing given that the proposed Covenant Amendment is consistent with City Plan and will discharge a covenant to align with the density permitted in the existing R5 zone. |

OPTIONS

1. That Council direct Staff to proceed with public notification prior to considering the proposed Covenant Amendment application at an upcoming regular Council meeting.
 - *Advantages of this option:* The application may be considered earlier based on Council's meeting schedule than by proceeding with a public hearing. Notification requirements would still be completed as per the development variance permit process.
 - *Disadvantages of this option:* Notification would be limited to the property owners and residents within 10m of the subject property.
 2. That Council direct Staff to proceed with public notification prior to considering the proposed Covenant Amendment application at an upcoming public hearing.
 - *Advantages of this option:* Notification would be broader, extending to the property owners and residents within 100m of the subject property.
 - *Disadvantages of this option:* This option may delay the application consideration until after the next available scheduled public hearing.
- |

KEY MESSAGES

- Covenant Amendment application No. CA23 proposes to discharge Section 219 covenant (FB193416) from the property title of 2137 Boundary Avenue, to allow up to four dwelling units on the subject property.
- Staff support the proposed Covenant Amendment application which is consistent with City Plan policies and the existing R5 zoning to support ground-oriented multi-family development in the Neighbourhood designation.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Existing Site Plan

Authored by:

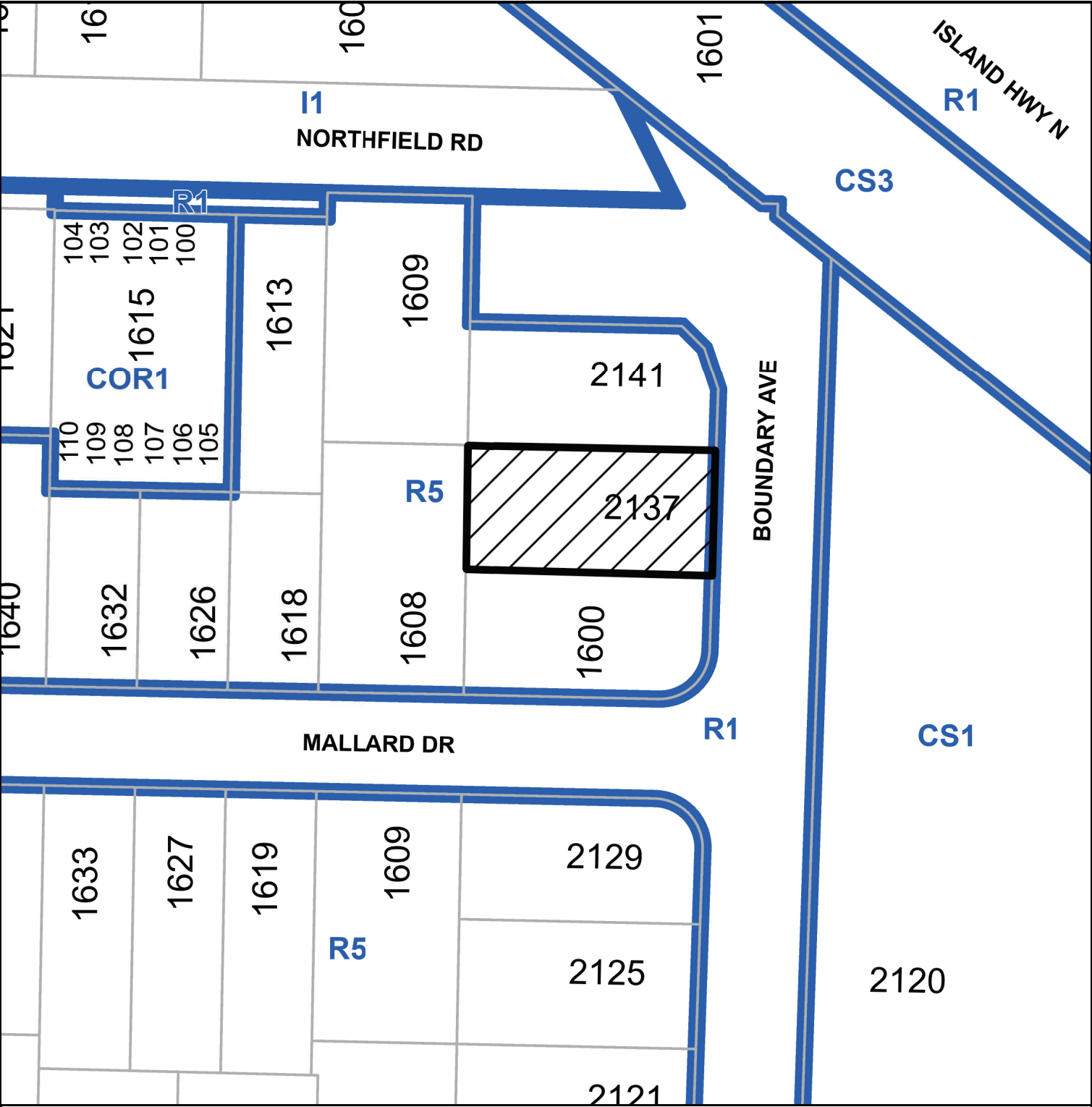
Vidhi Kyada
Planner I, Current Planning

Concurrence by:

Lainya Rowett
Manager, Current Planning

Jeremy Holm
Director, Planning and Development

ATTACHMENT A
SUBJECT PROPERTY MAP



 2137 BOUNDARY AVENUE

ATTACHMENT B
EXISTING SITE PLAN

PLANT LIST

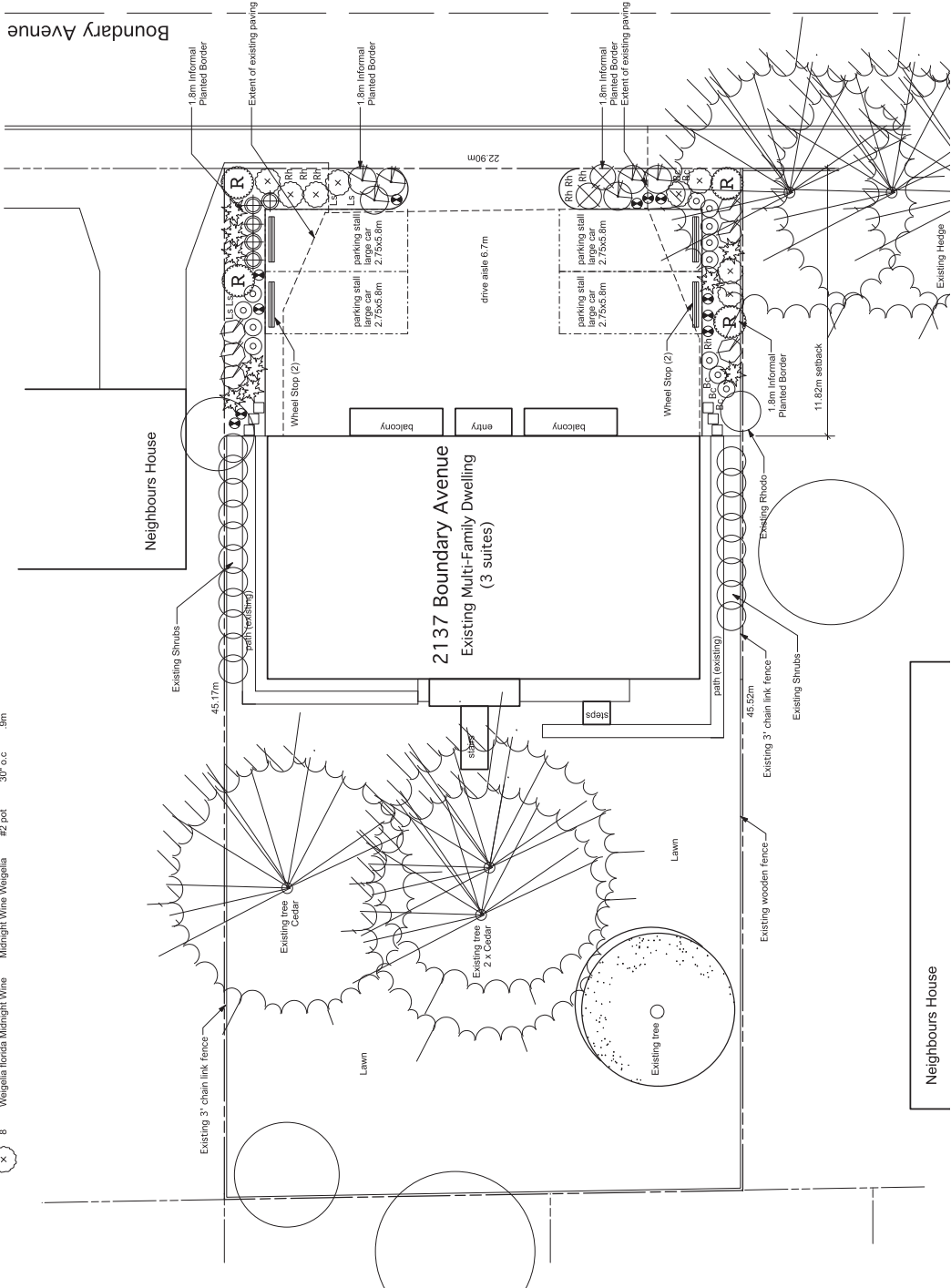
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	MATURE SIZE	SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
SHRUBS												
	12	Azalea Grand Hybrid	Girard's Holshel Azalea	#1 pot	24" o.c.	6m/8m	Rc	24	Rubus corymboides	Emerald Carpet	4" (10cm) pot	12" o.c.
	5	Gaultheria shallon	Salal	#1 pot	24" o.c.	6m	Bc	5	Bergenia cordifolia	Heartleaf Bergenia	4" (10cm) pot	18" o.c.
	6	Pieris taiwanensis 'Snowdrift'	Snowdrift Pieris	#2 pot	30" o.c.	5m/1.2m	LS	11	Hosta sieboldiana	Plantain Hosta	4" (10cm) pot	24" o.c.
	4	Rhododendron Vulcan	Vulcan Flame Rhodo (red)	#5 pot	36" o.c.	2m	LS	4	Leucanthemum superbum SL	Snow Lady Shasta Daisy	4" (10cm) pot	18" o.c.
	6	Rhododendron 'Yaku Princess'	Pale Pink Yaku Rhodo	#2 pot	36" o.c.	75m	SW	9	Polystichum munifolium	Sword Fern	#1 pot	24" o.c.
	2	Skimmia japonica	Reevesiana Skimmia	#2 pot	30" o.c.	9m/8m	Rh	7	Rubusckia Hirta	Black-Eyed Susan	4" (10cm) pot	18" o.c.
	8	Weigelia florida Midnight Wine	Midnight Wine Weigella	#2 pot	30" o.c.	9m						

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
GROUND COVERS					
Rc	24	Rubus corymboides	Emerald Carpet	4" (10cm) pot	12" o.c.
PERENNIALS AND FERNS					
Bc	5	Bergenia cordifolia	Heartleaf Bergenia	4" (10cm) pot	18" o.c.
LS	11	Hosta sieboldiana	Plantain Hosta	4" (10cm) pot	24" o.c.
LS	4	Leucanthemum superbum SL	Snow Lady Shasta Daisy	4" (10cm) pot	18" o.c.
SW	9	Polystichum munifolium	Sword Fern	#1 pot	24" o.c.
Rh	7	Rubusckia Hirta	Black-Eyed Susan	4" (10cm) pot	18" o.c.



GENERAL NOTES:
All plant material and planting per latest edition of BCSLABCLNA Landscape Standards.
Coordinate and place planting and to specified depths for all planting beds.
To coordinate with site plan and landscape design with 50% depth of cut, each.
Contractor is responsible to confirm location of all buried services and foundations.

Boundary Avenue



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Landscape Architecture
2280 Park Crescent
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CLIENT
Wayne McIntosh
Langley, BC

PROJECT
2137 Boundary Ave
Nanaimo
Duplex
Development

DRAWING
Landscape
Planting Plan

DRAWING NUMBER
L-1

SCALE
1:100 metric

DRAWN
PACW

PRINT DATE
APRIL 3, 2008

PROJECT NUMBER
8031

RECEIVED
CA23
2026-JAN-06
Current Planning