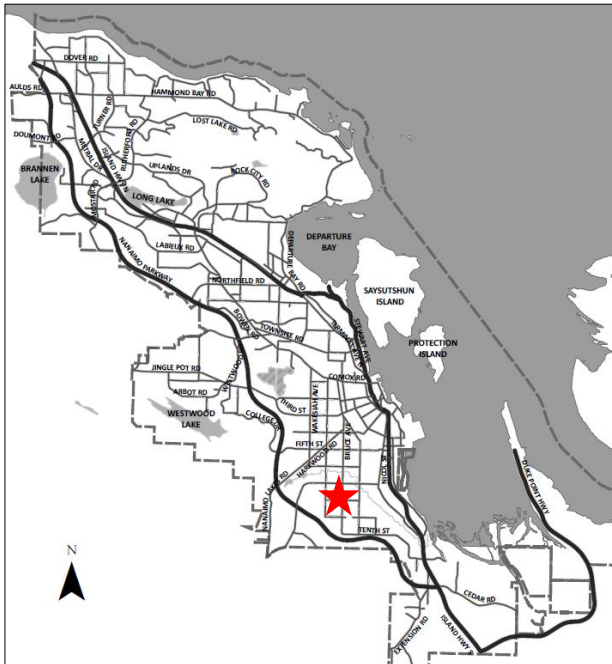


DATE OF MEETING | July 24, 2023

AUTHORED BY | MATTHEW REMPEL, SUBDIVISION PLANNER, SUBDIVISION

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP454 – 505 EIGHTH STREET



Proposal:

Variance to the Works and Services requirements as required for a two-lot subdivision.



Zoning:

CS1: Community Service 1
R1: Single Dwelling Residential

City Plan Future Land Use Designation:

Neighbourhood; Residential Corridor

Lot Area:

20,157m²



OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to vary the Works and Services and construction standards required in conjunction with a proposed subdivision.

Recommendation

That Council issue Development Variance Permit No. DVP454 at 505 Eighth Street to vary the Works and Services and construction standards for a subdivision as outlined in the “Proposed Variance” section of the Staff Report dated 2023-July-24

BACKGROUND

A development variance permit application, DVP454, was received from the Ballenas Housing Society (“Ballenas”) (formerly the Nanaimo Affordable Housing Society) on behalf of the owner, the Governing Council of Salvation Army in Canada (the “Salvation Army”), to vary the provisions of the “City of Nanaimo Subdivision Control Bylaw 1989 No. 3260” (the “Subdivision Control Bylaw”). The request is to vary the requirements associated with the construction of frontage Works and Services triggered by a two-lot subdivision application (SUB01427) located at 505 Eighth Street.

Subject Property & Site Context

The subject property is split-zoned (R1 Single Dwelling Residential and CS1 Community Service 1), and is located on the corner of Eighth Street and Bruce Avenue in the Harewood Neighbourhood. There is an existing Community Church and associated parking lot on the eastern half of the property adjacent to Bruce Avenue. The remainder of the lot consists of vacant, treed land. Established commercial, single family, and multi-family developments characterize the surrounding area with a neighbourhood centre located to the north of the property.

Statutory Notification has taken place prior to Council’s consideration of the variance.

DISCUSSION

Proposed Development

The Salvation Army has made an application to subdivide the property into two lots, in line with zoning boundaries that split the parcel. The owner has received a Preliminary Layout Acceptance (PLA) letter as part of the subdivision application which outlines requirements to complete the subdivision, including the Works which are subject to this variance.

This development variance permit application has been facilitated by prospective purchasers of proposed Lot 1, Ballenas, who have expressed their intent to develop affordable housing units on the site. However, this variance, if approved, would apply to the land regardless of who ultimately purchases it. As well, as the property is currently zoned R1 (Single Dwelling Residential), the proposed multi-family development would require a rezoning, including the associated Council consideration and public input processes.

The applicant has identified the frontage works requirements as cost-prohibitive to complete the subdivision as the “net proceeds to the Salvation Army following the completion of the requested Works and Services were not sufficient to make the subdivision worthwhile”. As such, the proposed variance to the frontage works requirement is requested for the subdivision, to facilitate a transfer of ownership of proposed Lot 1 to Ballenas (or other future owner). As this variance pertains only to this subdivision application, future development on proposed Lot 2 (the existing Salvation Army site) may trigger the City of Nanaimo Building Bylaw requirements to complete the frontage works for the modified section of Eighth Street and the entire frontage along Bruce Avenue. Additionally, any subsequent subdivision application may also trigger the completion of these works.

At the Council meeting on 2023-MAY-15, representatives from Ballenas attended as delegates requesting that the City provide a financial contribution to ensure the expenses for the required Works and Services are limited to \$500,000. This request for financial support was included in the applicant’s submission as part of this application; however, this request is a separate matter from the variance. In Staff’s opinion, the request is premature given that:

1. additional design and review is required to determine the details of the required works;
2. the property is not zoned for the proposed multi-family use; and,
3. there is no commitment to providing affordable housing through the subdivision of the property.

Proposed Variance

Bruce Avenue Frontage Works

City Plan classifies Bruce Avenue as a Mobility Collector road and is to be designed and constructed per the Manual of Engineering Standards and Specifications (MoESS) Drawing MC-XS2 (Attachment G) up to the centerline of the road along the full frontage abutting Bruce Avenue. The applicant is requesting a full exemption from the required frontage works improvements along this 100.80 metre frontage. The applicant’s rationale is that the City has future capital projects scheduled to rehabilitate the road surface and to construct a cycling facility from Eighth Avenue to South Side Drive, so the works will be completed at that time. However, the City’s capital projects, which are currently scheduled for 2031 (previously scheduled for 2024), are outside of the approved Financial Plan and would not result in frontage road works designed and constructed to the full MoESS standard.

Eighth Street Frontage Works

City Plan classifies Eighth Street as an Urban Collector road and is to be designed and constructed per MoESS Drawing UC-XS2 (Attachment F) up to the centerline of the road dedication along the full frontage abutting Eighth Street. The applicant is proposing to construct the full frontage works without variances along the frontage of proposed Lot 1, which is 111.06 metres (56%) of the length of the frontage on Eighth Street. For the remaining 89.76 metres (44%) of Eighth Street, a variance is being requested for modified design and materials. The proposed modification would ensure a pedestrian and cycling connection to Bruce Avenue while reducing costs associated with the construction in the interim. The detailed cross section for the modified design is shown on Attachment D. Table 1 below outlines the general design and material variances being requested.

Table 1. Comparison of existing requirements for Eighth Street vs the proposed road design along Lot 2

Feature	Urban Collector XS2 Existing Standard Requirements	Proposed Modified Standard/Specifications
Pedestrian/ Cycling facilities	Separated bike lane and sidewalk, constructed with a 100mm thick concrete surface.	Combined bike path and sidewalk as a single pathway constructed with a 50mm thick asphalt surface.
Flex Zone	A 2.4m flexible area to be used for completing design requirements including parking, transit stops, utilities, storm water, landscaping, etc.	Grass landscaping
Boulevard	Landscaping and street trees separating pedestrian and vehicular traffic.	Grass landscaping
Barrier Curb	150mm concrete curb	100mm asphalt curb
Road Construction/ Thickness	Resurfacing to center line of the existing road dedication approximately 3.60 metres with an asphalt paved surface 100mm thick.	New surfacing up to the existing asphalt, approximately 2 metres of the required 3.60 metres, with a paved surface that matches the existing thickness of 75mm

The proposed terms and conditions of the development variance permit (Attachment A) include registration of a *Land Title Act* Section 219 covenant on title to proposed Lot 1 concurrent with approval of the subdivision in order to secure the proposed frontage works on Eighth Street with any development on that parcel.

Future Works and Services

The proposed variance effectively defers the frontage road works required of the subdivision to future development of either parcel, while securing the construction of modified road works on the Eighth Street frontage of proposed Lot 2 with development on proposed Lot 1. There is a potential that subsequent building permits on proposed Lot 2 could be exempt from works and services based on current exemptions in the Building Bylaw, in which case completion of Bruce Avenue and Eighth Street fronting proposed Lot 2 to the full MoESS standard would not occur. Not completing the full standard frontage works through development could result in an increased burden on general taxation.

Notwithstanding the above, considering the future development potential on both proposed parcels and that frontage road works will be secured on Eighth Street through development of Lot 1 by covenant, staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit No. DVP454 proposes to vary the works and services for a two lot subdivision.
- The proposed terms and conditions of the development variance permit include registration of a Land Title Act Section 219 covenant on title to proposed Lot 1 concurrent with approval of the subdivision in order to secure the proposed frontage works on Eighth Street with any development on that parcel.
- Staff support the proposed variance.

ATTACHMENTS

- ATTACHMENT A: Permit Terms and Conditions
- ATTACHMENT B: Subject Property Map
- ATTACHMENT C: Site Survey
- ATTACHMENT D: Modified Cross Section
- ATTACHMENT E: PLA Plan
- ATTACHMENT F: Urban Collector Cross Section (UC-XS2)
- ATTACHMENT G: Mobility Collector Cross Section (MC-XS1)

Submitted by:

Claire Negrin
Manager, Subdivision / Approving Officer

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

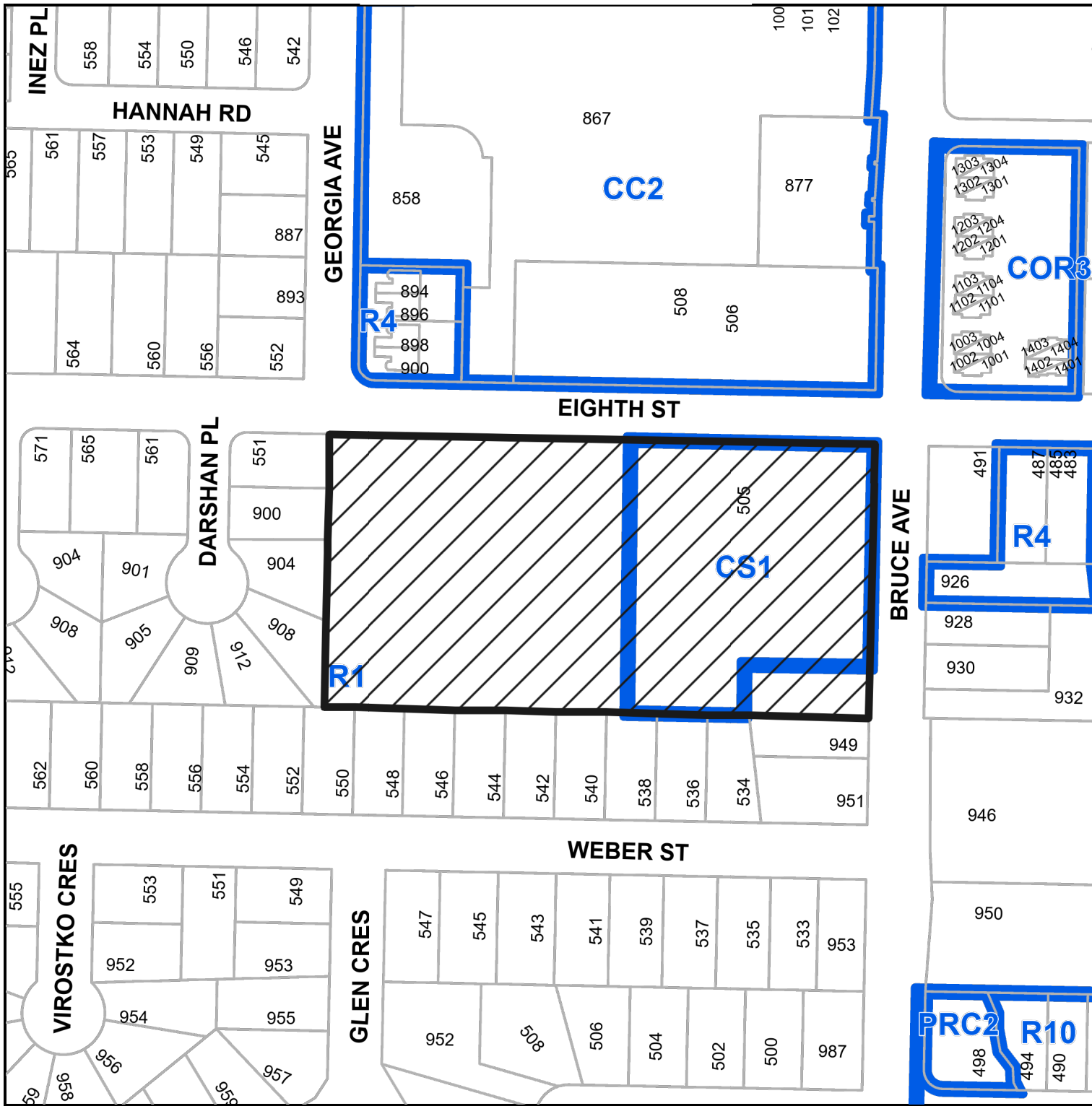
The “City of Nanaimo Subdivision Control Bylaw 1989 No. 3260” is varied as follows:

1. *Section 17.A Works and Service and Construction Standards* – to vary the frontage works and services in conjunction with the subdivision of 505 Eighth Street (SECTION 12, RANGE 8, SECTION 1, NANAIMO DISTRICT, PLAN 1747).

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by McElhanney, dated 2021-March-15, as shown in Attachment C.
2. The subject property shall be developed substantially in compliance with the Proposed Frontage Works Eighth Street, prepared by Cascara Consulting Engineers Ltd., received 2023-May-10, as shown in Attachment D.
3. Registration of covenant on proposed Lot 1 securing the Proposed Frontage Works on Eighth Street with any development on that parcel.

ATTACHMENT B SUBJECT PROPERTY MAP

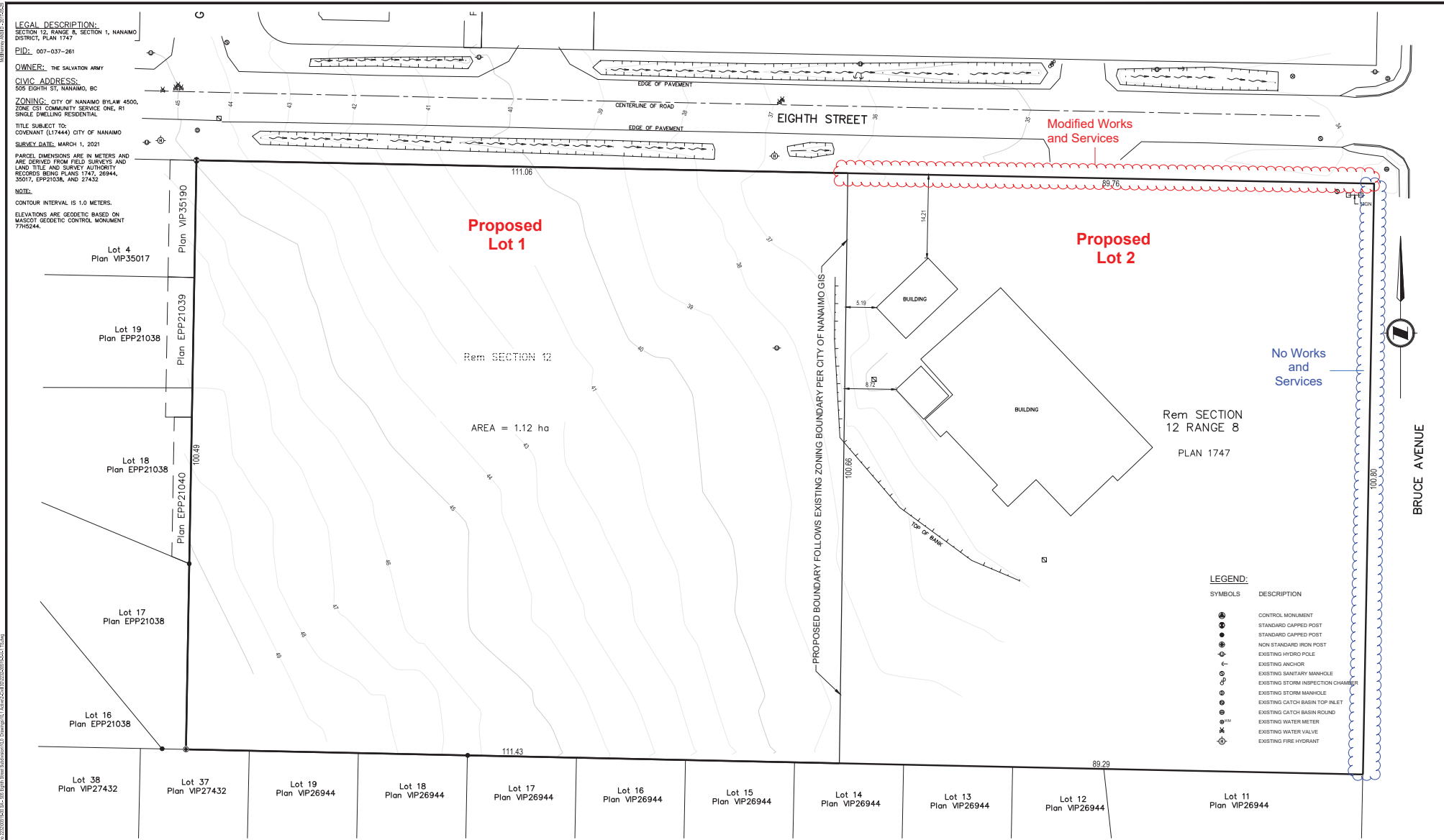


Development Variance Permit No. DVP454

CIVIC: 505 Eighth Street

 **Subject Property**

ATTACHMENT C SITE SURVEY

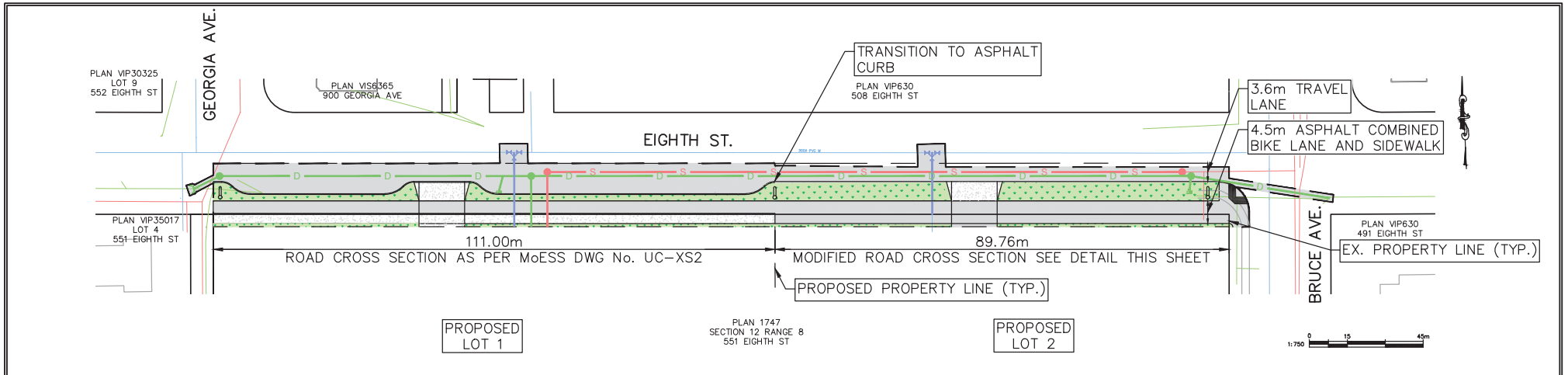


LEGEND:

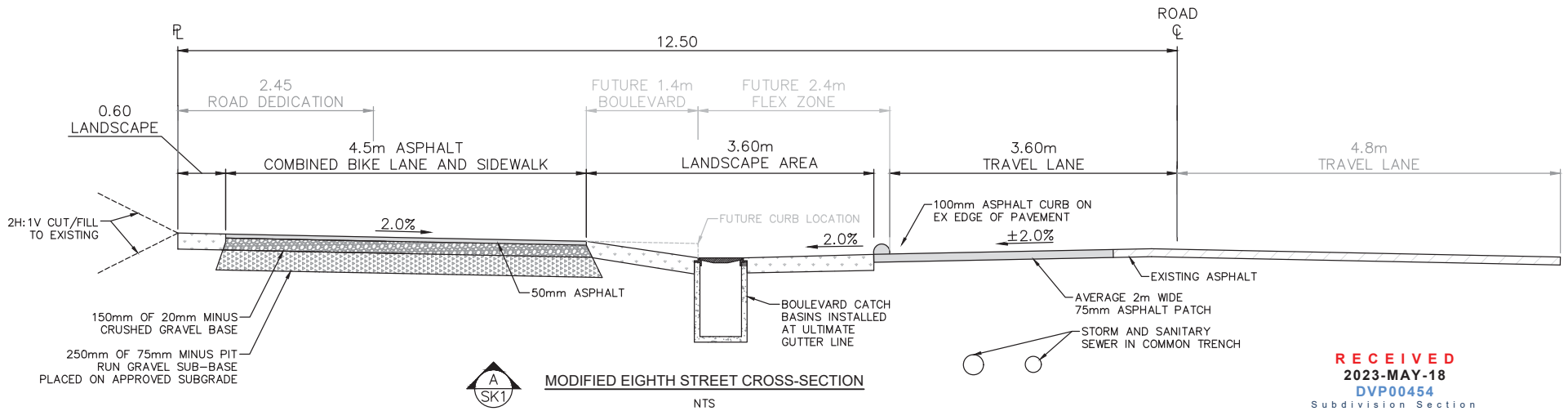
SYMBOLS	DESCRIPTION
⊙	CONTROL MONUMENT
●	STANDARD CAPPED POST
⦿	NON STANDARD IRON POST
⊕	EXISTING IRON POLE
⊖	EXISTING ANCHOR
⊙	EXISTING SANITARY MANHOLE
⊙	EXISTING STORM INSPECTION CHAMBER
⊙	EXISTING STORM MANHOLE
⊙	EXISTING CATCH BASIN TOP INLET
⊙	EXISTING CATCH BASIN ROUND
⊙	EXISTING WATER METER
⊙	EXISTING WATER VALVE
⊙	EXISTING FIRE HYDRANT

<p>THIS DRAWING AND DESIGN IS THE PROPERTY OF McELHANNAY AND SHALL NOT BE LOANED, REPRODUCED OR REPRODUCED WITHOUT THE CONSENT OF McELHANNAY. McELHANNAY WILL NOT BE HELD RESPONSIBLE FOR THE IMPROPER OR UNAUTHORIZED USE OF THIS DRAWING AND DESIGN.</p> <p>THIS DRAWING AND DESIGN HAS BEEN PREPARED FOR THE CLIENT REQUIRED TO MEET THE STANDARDS AND REQUIREMENTS OF THE APPLICABLE PUBLIC AGENCIES AT THE RISK OF McELHANNAY. McELHANNAY, ITS EMPLOYEES, SUBCONTRACTORS AND AGENTS WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS OR CONSEQUENCES RESULTING FROM THE USE OR RELIANCE UPON OR ANY CHANGES MADE TO THIS DRAWING BY ANY THIRD PARTY, INCLUDING CONTRACTORS, SUBCONTRACTORS, CONSULTANTS AND EMPLOYEES OR THEIR EMPLOYEES OR AGENTS, WITHOUT McELHANNAY'S PRIOR WRITTEN CONSENT.</p> <p>NO INFORMATION ON EXISTING UNDERGROUND UTILITIES MAY NOT BE COMPLETE OR ACCURATE. McELHANNAY, ITS EMPLOYEES, SUBCONTRACTORS AND AGENTS WILL NOT BE HELD RESPONSIBLE FOR THE LOCATION OR DEPTH OF ANY UNDERGROUND UTILITIES. IT IS THE CLIENT'S RESPONSIBILITY TO OBTAIN ALL NECESSARY INFORMATION FROM THE LOCAL UTILITY PROVIDERS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL EXERCISE CAUTION OF ALL EXISTING FACILITIES BY NOTING ALL UTILITIES AND AVOID THE LOCATION OF EXISTING UTILITIES.</p>		<p>McElhannay</p> <p>Suite 1 1301 Edgemoor Road Nanaimo BC Canada V9S 3V3 1-250-776-3336</p>	<p>SALVATION ARMY</p> <p>PROPOSED SUBDIVISION 505 EIGHTH STREET</p> <p>NANAIMO, BC</p>	<p>Drawing No. 00519-0-V-1</p> <p>Project Number 2232-00519-00</p> <p>Rev. 0</p>
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ATTACHMENT D MODIFIED CROSS SECTION



EIGHTH ST - PROPOSED FRONTAGE WORKS



RECEIVED
2023-MAY-18
DVP00454
Subdivision Section

No.	Date	By	Revisions	Eng.
C	10MAY2023	MBR	ISSUED FOR DEVELOPMENT VARIANCE PERMIT	KMD
B	02MAY2023	MBR	FOR DISCUSSION	KMD
A	28APR2023	MBR	FOR DISCUSSION	KMD

Design by	KMD
Drawn by	MBR
Checked by	
Approved by	

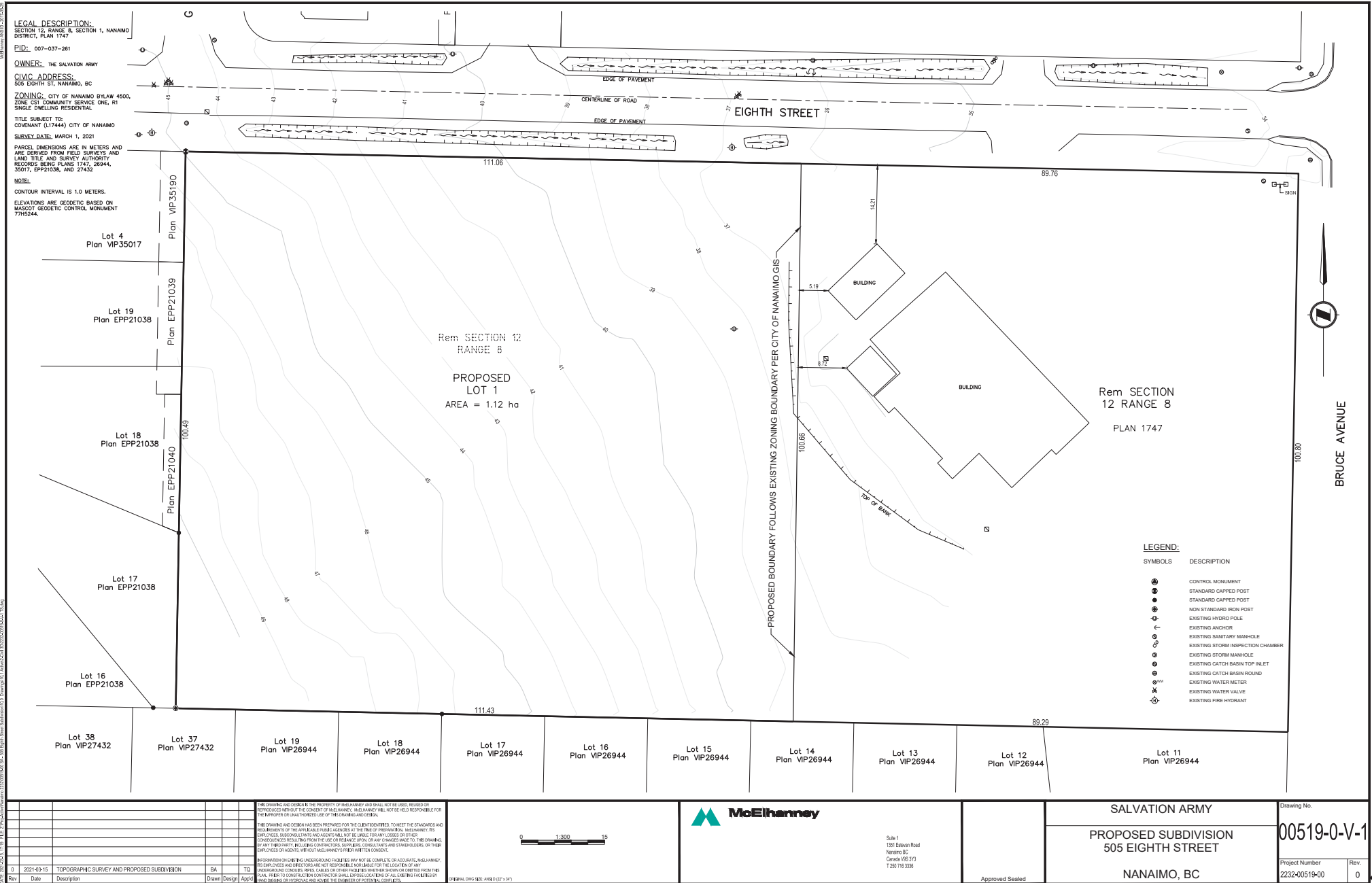
CASCARA
CONSULTING ENGINEERS LIMITED

#203-335 Wesley Street
Nanaimo, BC V9R 2T5
Phone: 250.591.7364
Email: info@cascara.ca

Scale	horiz. SHOWN	vert. N/A
Neg. No.	Sheet 1 of 1	
Cost Center		
Drawing No.	SK1	

Project	BALLENAS HOUSING SOCIETY 505 EIGHTH STREET
Title	PROPOSED FRONTAGE WORKS EIGHTH STREET

ATTACHMENT E PLA PLAN



LEGAL DESCRIPTION:
SECTION 12, RANGE 8, SECTION 1, NANAIMO DISTRICT, PLAN 1747
PID: 007-037-261
OWNER: THE SALVATION ARMY
CIVIC ADDRESS: 505 EIGHTH ST, NANAIMO, BC
ZONING: CITY OF NANAIMO BYLAW 4500, ZONE C51 COMMUNITY SERVICE ONE, R1 SINGLE DWELLING RESIDENTIAL
TITLE SUBJECT TO COVENANT (L17444) CITY OF NANAIMO
SURVEY DATE, MARCH 1, 2021
PARCEL DIMENSIONS ARE IN METERS AND ARE DERIVED FROM FIELD SURVEYS AND LAND TITLE AND SURVEY AUTHORITY RECORDS BEING PLANS 1747, 26944, 35071, EPP21038, AND 27432
NOTE:
CONTOUR INTERVAL IS 1.0 METERS.
ELEVATIONS ARE GEODETIC BASED ON MASCOOT GEODETIC CONTROL MONUMENT 7795244.

LEGEND:

SYMBOLS	DESCRIPTION
⊙	CONTROL MONUMENT
●	STANDARD CAPPED POST
⦿	STANDARD CAPPED POST
⦿	NON STANDARD CAPPED POST
⦿	EXISTING HYDRO POLE
⦿	EXISTING ANCHOR
⦿	EXISTING SANITARY MANHOLE
⦿	EXISTING STORM INSPECTION CHAMBER
⦿	EXISTING STORM MANHOLE
⦿	EXISTING CATCH BASIN TOP INLET
⦿	EXISTING CATCH BASIN ROUND
⦿	EXISTING WATER METER
⦿	EXISTING WATER VALVE
⦿	EXISTING FIRE HYDRANT

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DESCRIPTION ON EXISTING UNDERGROUND UTILITIES MAY NOT BE COMPLETE OR ACCURATE. McELHANNAY, ITS EMPLOYEES, SUBCONTRACTORS AND AGENTS WILL NOT BE HELD RESPONSIBLE FOR THE LOCATION OR DEPTH OF ANY UNDERGROUND UTILITIES. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY INFORMATION FROM THE PLAN. PRIOR TO CONSTRUCTION CONTRACTOR SHALL EXPOSE LOCATIONS OF ALL EXISTING FACILITIES BY MEANS OF GROUND PENETRATING RADAR AND ADVISE THE ENGINEER OF ANY DISCREPANCIES.



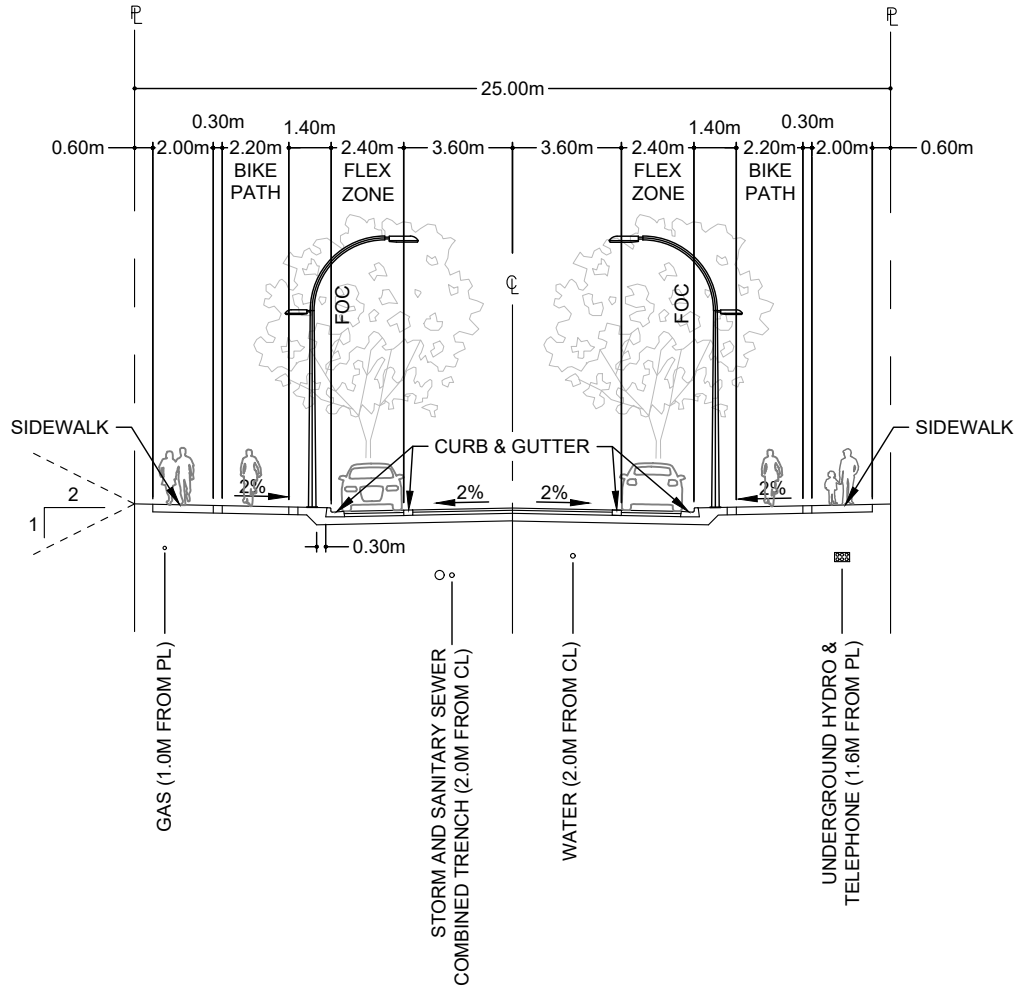
Suite 1
1301 Edgemoor Road
Nanaimo BC
Canada V9S 3V3
T 250 716 3335

SALVATION ARMY
PROPOSED SUBDIVISION
505 EIGHTH STREET
NANAIMO, BC

Drawing No. **00519-0-V-1**
Project Number 2232-00519-00
Rev. 0

Rev	Date	Description	Drawn	Design	App'd
1	2021-03-15	TOPOGRAPHIC SURVEY AND PROPOSED SUBDIVISION	BA	TD	

ATTACHMENT F URBAN COLLECTOR CROSS SECTION



NOTES:

1. PAVED SURFACE - 100mm ASPHALT (COMPACTED THICKNESS)
2. BASE - 150mm AS PER SECTION 9
3. SUB-BASE - 250mm AS PER SECTION 9
4. BARRIER CURB AND GUTTER TO BE USED IN ACCORDANCE WITH STANDARD DRAWING CS-1.
5. POCKET PARKING DELINEATION CURB TO BE OPTIONAL UNLESS PARKING HAS BEEN DESIGNED WITH A REVERSE CROSSFALL. ROLLOVER OR VALLEY CURB TO BE USED AS GRADE BREAK FOR DRAINAGE PURPOSES.
6. DEPTHS OF SURFACING AND BASE GRAVELS ARE MINIMUM AND IN SOME CASES WILL HAVE TO BE INCREASED TO MEET MAXIMUM ALLOWABLE BENKELMAN BEAM DEFLECTION.
7. FLEX ZONE TO BE UTILIZED FOR: LANDSCAPING, STREET TREES, POCKET PARKING, TRANSIT STOPS, BUS SHELTERS, BIKE PARKING, FURNITURE, UTILITY BOXES/CABINETS, HYDRANTS, POWER POLES, STREETLIGHTS, STORMWATER MANAGEMENT, OR WASTE RECEPTACLES.
8. BANDING/BUFFER ON EITHER SIDE OF THE BIKE PATH SHALL BE 0.3m STAMPED CONCRETE WITH TRANSVERSE SCORE LINES AT 0.3m INTERVALS. WHERE VERTICAL SEPARATION IS PREFERRED, MOUNTABLE MONOLITHIC CURB MAY BE UTILIZED. ALTERNATIVE TREATMENTS TO BE APPROVED BY THE CITY ENGINEER.
9. POCKET PARKING DOOR ZONES OR OTHER HARD SURFACES TO USE COLOURED AND/OR STAMPED CONCRETE.
10. ROAD HAS CONTROLLED ACCESS. ACCESS UNDER APPROVAL FROM CITY ENGINEER.
11. CROSS-SECTIONS TO BE USED IN CONJUNCTION WITH CITY'S COMPLETE STREET DESIGN GUIDELINES.
12. STREETLIGHTS ARE DIAGRAPHIC. LIGHTING LEVELS TO BE IN ACCORDANCE WITH SECTION 10.
13. LANDSCAPING TO BE IN ACCORDANCE WITH SECTION 14.

G:\INFRASTRUCTURE PLANNING\STANDARDS & PRODUCTS\SI\DESIGN\NOI13 MAY 2020\2020-05-01 FINAL\NOISS EDITION NO13.DOCUMENT\2020 DRAWING SECTIONS\SECTION 8 DWGS\UC-XS2

7.3.2020

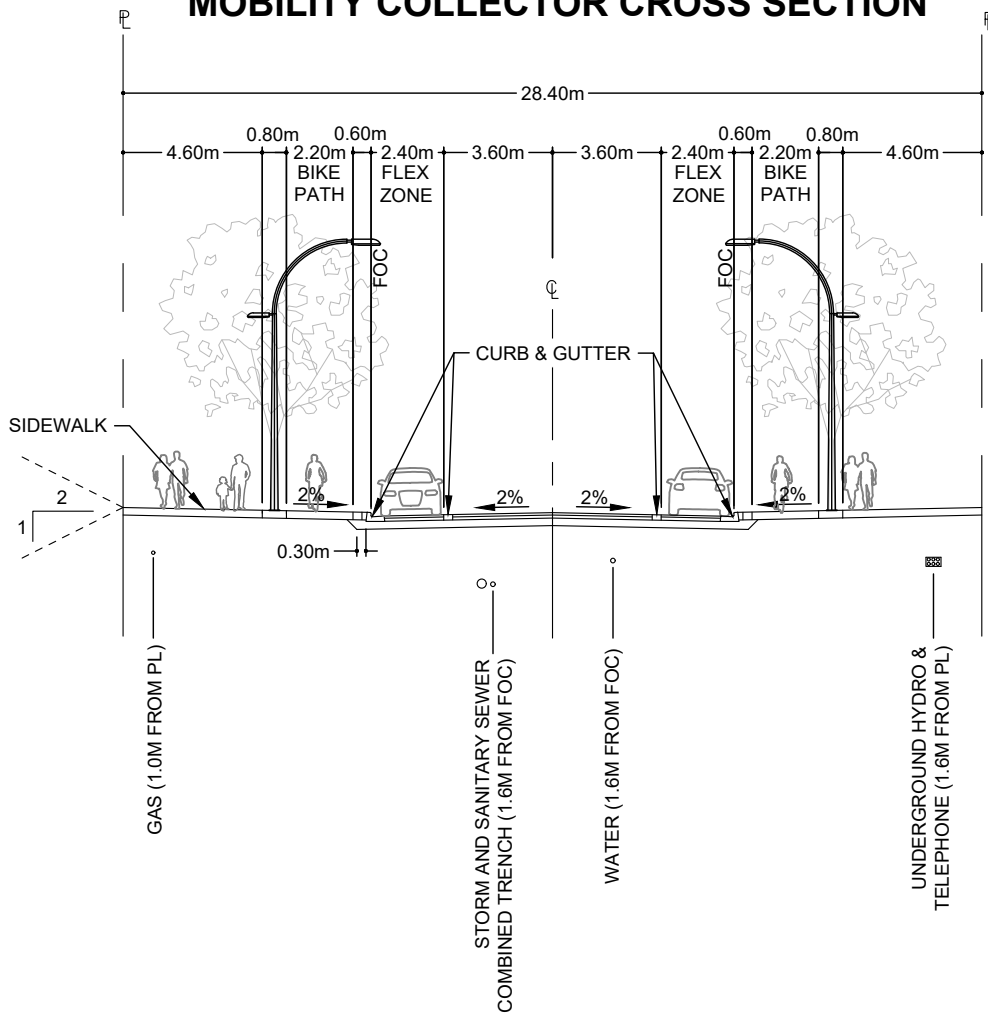


STREET TYPES & CROSS SECTIONS
URBAN COLLECTOR

Scale:	NTS
Created:	AUG 2019
Rev Date:	MAY 2020
Dwg No:	UC-XS2

ATTACHMENT G

MOBILITY COLLECTOR CROSS SECTION



NOTES:

1. PAVED SURFACE - 100mm ASPHALT (COMPACTED THICKNESS)
2. BASE - 150mm AS PER SECTION 9
3. SUB-BASE - 250mm AS PER SECTION 9
4. BARRIER CURB AND GUTTER TO BE USED IN ACCORDANCE WITH STANDARD DRAWING CS-1.
5. CENTER MEDIANS TO BE LANDSCAPED WHERE POSSIBLE AND IN ACCORDANCE WITH STANDARD DRAWING C-7.
6. POCKET PARKING DELINEATION CURB TO BE OPTIONAL UNLESS PARKING HAS BEEN DESIGNED WITH A REVERSE CROSSFALL. ROLLOVER OR VALLEY CURB TO BE USED AS GRADE BREAK FOR DRAINAGE PURPOSES.
7. DEPTHS OF SURFACING AND BASE GRAVELS ARE MINIMUM AND IN SOME CASES WILL HAVE TO BE INCREASED TO MEET MAXIMUM ALLOWABLE BENKELMAN BEAM DEFLECTION.
8. FLEX ZONE TO BE UTILIZED FOR: LANDSCAPING, STREET TREES, POCKET PARKING, TRANSIT STOPS, BUS SHELTERS, BIKE PARKING, FURNITURE, UTILITY BOXES/CABINETS, HYDRANTS, POWER POLES, STREETLIGHTS, STORMWATER MANAGEMENT, OR WASTE RECEPTACLES.
9. SIDEWALK TO INTEGRATE WITH BUILDING FRONTAGE.
10. BANDING/BUFFER ON EITHER SIDE OF THE BIKE PATH SHALL BE 0.3m STAMPED CONCRETE WITH TRANSVERSE SCORE LINES AT 0.3m INTERVALS. WHERE VERTICAL SEPARATION IS PREFERRED, MOUNTABLE MONOLITHIC CURB MAY BE UTILIZED, ALTERNATIVE TREATMENTS TO BE APPROVED BY THE CITY ENGINEER.
11. POCKET PARKING DOOR ZONES OR OTHER HARD SURFACES TO USE COLOURED AND/OR STAMPED CONCRETE.
12. ROAD HAS CONTROLLED ACCESS. ACCESS UNDER APPROVAL FROM CITY ENGINEER.
13. CROSS-SECTIONS TO BE USED IN CONJUNCTION WITH CITY'S COMPLETE STREET DESIGN GUIDELINES.
14. STREETLIGHTS ARE DIAGRAPHIC. LIGHTING LEVELS TO BE IN ACCORDANCE WITH SECTION 10.
15. STREET TREES TO BE DESIGNED USING SOIL VOLUMES OR SILVA CELLS AS PER SECTION 14.

G:\INFRASTRUCTURE PLANNING\STANDARDS & PRODUCTS\SI\DESS\EDITION NO13 MAY 2020\2020-05-01 FINAL MOESS EDITION NO13 DOCUMENT\2020 DRAWING SECTIONS\SECTION 8 DWGS\MC-XS2

7.3.2020



STREET TYPES & CROSS SECTIONS
MOBILITY COLLECTOR (PARKING)

Scale:	NTS
Created:	AUG 2019
Rev Date:	MAY 2020
Dwg No:	MC-XS2