# **City of Nanaimo**

# REPORT TO NANAIMO COUNCIL

FILE C

# DATE OF MEETING: 2013-MAY-13

AUTHORED BY: D. JENSEN, COMMUNITY DEVELOPMENT PLANNER, COMMUNITY PLANNING S. HERRERA, PLANNER, PLANNING & DESIGN

RE: OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATIONS OCP00059 / OCP00060 REZONING APPLICATIONS RA000306 / RA000307 533, 537, 555,575 MILTON STREET

# STAFF RECOMMENDATION:

That Council:

- receive the report pertaining to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2013 NO. 6500.019";
- 2. receive the report pertaining to "ZONING AMENDMENT BYLAW 2013 NO. 4500.041"; and
- direct staff to secure the following, prior to adoption of Bylaw No. 4500.041, should Council support the bylaw at Third Reading:
  - a) lot consolidation; and
  - b) community contribution.

# NANAIMO ADVISORY PLANNING COMMITTEE RECOMMENDATION:

That Council consider approving Official Community Plan (OCP) Amendment Applications OCP00059 and OCP00060, and Rezoning Applications RA000306 and RA000307 for multiple family residential developments at 533, 537, 555 and 575 Milton Street.

#### PURPOSE:

To describe OCP amendment applications to amend the Old City Neighbourhood Concept Plan Sub-Area 2; and rezoning applications that would amend the existing DT11 (Old City Infill Service Commercial) zone to facilitate development of multiple family dwellings on the subject properties.

#### SUMMARY:

The City of Nanaimo has received applications from Ian Niamath Architect to amend the Old City Neighbourhood Concept Plan and rezone the subject properties to allow for multiple family residential developments. The subject properties are located in the Old City area, along Milton Street near Hecate Street. The proposed uses are supported under the Official Community Plan's Neighbourhood designation.

#### RE: OCP Amendment Application OCP00059 and OCP00060 Rezoning Application RA000306 and RA000307

#### BACKGROUND:

Located in the Old City neighbourhood, the subject property is approximately 5320 m<sup>2</sup> (1.3 acre) located along the south side of Milton Street (*see Attachment A*). The surrounding neighbourhood is composed of single family dwellings and smaller scale multiple family residential developments. Limited commercial activity is located on the same block of Milton Street, on the north side. The subject site at 575 Milton Street (OCP00059 / RA000307) is located at the corner of Hecate Street and was previously home to an old flour / granary mill. It is currently vacant. The E&N Railway runs along the west side of the property. It effectively separates this site from the remaining subject area. The remaining sites at 533, 537 and 555 Milton Street (OCP00060 / RA000306) are located west of the E&N Railway, and are also vacant.

The proposed development for 575 Milton Street (OCP00059 / RA000307) is an 18 unit multiple family residential development, which includes four live-work units. The proposed development for 533, 537 and 555 Milton Street (OCP00060 / RA000306) is a 20 unit multiple family residential development (see Attachments B and C).

In support of the proposal, the applicant has stated that the development will increase the density of the site with a variety of small scale housing types. This will increase the livability and reinforce the character of the neighbourhood. It also encourages sustainable development through infill and rejuvenation of an existing area, which is within walking distance to public transit, cycling paths and commercial services, thereby reducing vehicle traffic and increasing the use of public transportation.

#### DISCUSSION:

#### Official Community Plan

The subject area is designated Neighbourhood under the OCP. Objectives of this designation include maintaining the character and livability of existing neighbourhoods, increasing housing choice, and providing access to basic community services and neighbourhood level services. Policies support residential densities in the range of 10 to 50 units per hectare (uph), encourage the infill of residential lots, and support the development of a mix of residential options for all demographic categories and levels of affordability across the city.

The OCP density range of 10 to 50 uph is based on typical development scenarios for the various housing forms contemplated in the Neighbourhood designation. The proposed residential development at 575 Milton Street represents a density of 69 uph; and at 533, 537 and 555 Milton Street represents a density of 73 uph. These densities are slightly above the Neighbourhood density range, but the developments do include a range of unit sizes, thereby meeting the intent of the Neighbourhood density targets. Given the close proximity to the downtown core, with a host of services, public amenities and public transit available, the subject area is an appropriate candidate for the additional density as proposed.

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The amount of density is not exceptional for this area. Other existing developments within the immediate area, such as along Prideaux Street or Franklyn Street, are at higher or similar densities than that proposed by this development (eg, VIVO development, 446 Milton Street, and other Prideaux Street apartments / condominiums). The proposed developments would be located on existing parcels that, while larger than a conventional single family lot, are a smaller parcel size than typical for a multiple family development.

## Old City Neighbourhood Concept Plan

The subject area is also designated Sub-Area 2, 'Infill Commercial Business and Professional Service / Commercial' under the Old City Neighbourhood Concept Plan, which is Schedule B of the OCP. Section 4.2.1 of the Neighbourhood Plan states that permitted uses under this designation include business and professional offices and service commercial uses, limited to three storeys in height and maximum lot coverage of 50%. Further, Section 4.5 and 4.6 speak to maintaining the pedestrian scale and character of the Old City and limiting new multiple-family and commercial building heights to a maximum of three storeys in order to maintain public ocean views and keep new buildings in scale with historic development. As such, the proposal meets the intent of the OCP Neighbourhood designation, but the Neighbourhood Plan makes no provision for residential use or densities within the given sub-area. With the proposed addition of multiple family residential units on the subject property, an amendment to the Neighbourhood Plan is required.

Both the Neighbourhood Plan and associated Nanaimo Old City Multiple Family Residential Design Guidelines speak to preserving the character of the area. This includes streetscape character, building massing, yards and gardens, and architectural details. The Neighbourhood Plan specifically emphasizes the importance of providing a full range of housing forms and ensuring new design is sensitive to the scale and character of the neighbourhood. Should this application proceed, the applicant will be required to submit development permit applications to address the form and character of the proposed developments.

#### **Proposed Development**

OCP00060 / RA000306 – 533, 537, 555 Milton Street		
Total Site Area	0.27 ha (0.67 acres)	
Use(s)	Multiple Family Dwelling	
Number of Units	20 residential units	
Unit Sizes	Bachelor, 1 and 2 bedroom units sizes ranging from 48.4 m <sup>2</sup> (521 ft <sup>2</sup> ) to 76.3 m <sup>2</sup> (821 ft <sup>2</sup> )	
Gross Floor Area	1971.3 m <sup>2</sup> (21,219 ft <sup>2</sup> )	
Lot Coverage	30.2 %	
Density	0.71 FAR (Floor Area Ratio)	
Building Height	9.45 m (3 storeys)	
On-Site Parking	20 spaces required, 24 provided	
Proposed Plans	The proposed Site Plans and Conceptual Building Elevations are attached to this report (see Attachments B and C)	

The applicant has proposed to construct the following two developments with the Old City Infill Service Commercial (DT11) zone:

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OCP00059 / RA000307 – 575 Milton Street		
Total Site Area	0.26 ha (0.64 acres)	
Use(s)	Multiple Family Dwelling Live/Work	
Number of Units	14 Residential units; and         4 Live / Work units	
Unit Sizes	Residential Units         1 and 2 bedroom units         sizes ranging from 52.3 m² (563 ft²) to 84.9 m² (914 ft²)         Live / Work Units         1 and 2 bedroom units         sizes ranging from 152.5 m² (1,642 ft²) to 183.8 m² (1,978 ft²)	
Gross Floor Area	2481 m <sup>2</sup> (26,706 ft <sup>2</sup> )	
Lot Coverage	36.5 %	
Density	0.95 FAR (Floor Area Ratio)	
Building Height	11.02 m (3 storeys)	
On-Site Parking	<ul> <li>Residential: 14 spaces required, 14 provided</li> <li>Live / Work: 2 provided *</li> <li>* The Development Parking Regulations Bylaw does not provide a parking rate for 'live/work'. If the standard 'retail' rate is applied using the total floor area available for commercial uses within the live/work units, then 17 spaces would be required for the 4 live/work units. However, an occupant may decide to use the space entirely for residential purposes as the units are flexible spaces, therefore commercial uses may or may not be present in the future. If all the live/work units are used as residential units then 4 parking spaces would be required. Ultimately, as only 2 parking spaces can be accommodated on the lot, a parking variance will be applied for through the Development Permit application process.</li> <li>It is typical that variances are granted at the Development Permit stage for mixed use developments based on the varying daytime and evening demands: commercial units need parking in the day and residential units contain flexible spaces, based on these reasons staff is supportive of a future parking variance for the live/work units at the Development Permit stage.</li> </ul>	
Proposed Plans	The proposed Site Plans and Conceptual Building Elevations are attached to this report (see Attachments B and C)	

However, in order to proceed with the above multiple family and mixed use developments, amendments to the DT11 zone are required.

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#### **Proposed Amendments**

These applications to amend the OCP and the Zoning Bylaw represent the latest in a series of redevelopment projects that have taken place in the Old City neighbourhood within the last few years, as noted below:

554 Albert Street	3 Multiple Family Units Constructed
Asteria Place	15 Duplex Units Constructed
325 Hecate Street	66 Unit Seniors Congregate Care Constructed
421 Milton Street	5 Multiple Family Residential Units Approved
433 Milton Street	4 Residential Units Under Application
446 Milton Street	7 Multiple Family Residential Units Constructed
499 Milton Street	4 Multiple Family Residential Units Under Construction
555 Prideaux Street	4 Multiple Family Residential Units Under Construction
500 Block Milton Street	Inquiries Regarding Multiple Family Residential Development

Recent activity clearly indicates an interest in development along Milton Street, and particularly with respect to various forms of residential development. This increase in residential density serves to support the nearby commercial activity within the Downtown Urban Node, which is intended to serve as the primary Urban Node in the city, providing for arts and culture, commercial services, offices and higher density residential.

With the intent of promoting these services and higher density residential within the Urban Node, and with the increased pressure for residential development within the Old City neighbourhood area, the Neighbourhood Plan Sub-Area 2 may no longer advance the vision of the OCP, particularly with inconsistencies between Sub-Area 2 requiring commercial / professional services only, and the OCP Neighbourhood designation providing for increased residential densities. Staff suggest a general amendment be considered that addresses not only these applications, but also supports residential development along this portion of Milton Street, between Albert Street and Hecate Street. The general amendments would include:

- Amending the Nanaimo Old City Neighbourhood Concept Plan, Sub-Area 2 'Infill Commercial Business and Professional Service / Commercial' designation to allow for multiple family residential development. This amendment would address only that section of Sub-Area 2 located along Milton Street, between Albert Street and Milton Street (see Attachment D).
- Amending the Old City Infill Service Commercial zone (DT11) to allow for additional uses, including multiple family dwelling, live / work, artist studio, daycare, and personal service use. With the addition of multiple family dwelling uses, the 'density' and 'size of buildings' sections within the DT11 zone should also be amended in order for the zone to be workable (see *Attachment E*).

#### Lot Consolidation

The proposed development is located over several existing lots; as such staff recommends, as a condition of rezoning, that lot consolidation of 533, 537, and 555 Milton Street occur prior to final adoption of the bylaw and that consolidation of the two legal lots addressed as 575 Milton Street also occur prior to final adoption of the bylaw.

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#### **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. In response to Council's policy, the applicant is proposing a monetary contribution of \$20,000 toward construction of the E&N trail. Staff supports this community contribution proposal and recommends that this item be secured as a condition of rezoning. Please note that this community contribution proposal is less than typical contributions received for similar applications; support for a lesser contribution is based on the zone amendments affecting more parcels than just the subject properties, and that the zone amendments may facilitate future development in the area which is greatly desired in the neighbourhood.

#### Public Input

The OCP amendment applications are posted on the City website; to date, no submissions have been received. The zoning amendment applications have been posted online on *What's Building In My Neighbourhood?* since December 2012.

Three members of the Neighbours of Nob Hill were invited to sit on the Nanaimo Advisory Planning Committee while the applications were being considered; two representatives attended. Correspondence received from the Association indicates no objections save for a request that design of the developments respect the Old City character.

The applicant also met with both the Neighbours of Nob Hill and the adjacent Nanaimo Old City Association, as well as hosting a public meeting on 2013-FEB-08, of which approximately six people attended. No major concerns were identified.

#### Consultation Under Sections 879 and 881 of the Local Government Act

When amending an Official Community Plan, Council must undertake consultation in accordance with sections 879 and 881 of the *Local Government Act*. Those sections of the *Act* provide as follows:

#### Consultation during OCP development

- 879 (1) During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.
  - (2) For the purposes of subsection (1), the local government must
    - a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be be early and ongoing, and
    - b) specifically consider whether the consultation is required with
      - i. the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan,
      - ii. the board of any regional district that is adjacent to the area covered by the plan,
      - iii. the council of any municipality that is adjacent to the area covered by the plan,
      - iv. first nations,
      - v. school district boards, greater boards and improvement district boards, and
      - vi. the Provincial and federal governments and their agencies.
  - (3) Consultation under this section is in addition to the public hearing required under section 882 (3) (d). [of the Act]

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#### Planning of school facilities

- 881 (1) If a local government has adopted or proposes to adopt or amend an official community plan for an area that includes the whole or any part of one or more school districts, the local government must consult with the boards of education for those school districts
  - a) at the time of preparing or amending the community plan, and
  - b) in the event, at least once in each calendar year.
  - (2) For consultation under subsection (1), the local government must seek the input of the boards of education as to the following:
    - a) the actual and anticipated needs for school facilities and support services in the school districts;
    - b) the size, number and location of the sites anticipated to be required for the school facilities referred to in paragraph (a);
    - c) the type of school anticipated to be required on the sites referred to in paragraph (b);
    - d) when the school facilities and support services referred to in paragraph (a) are anticipated to be required;
    - e) how the existing and proposed school facilities relate to existing or proposed community facilities in the area.

To date, City staff have undertaken the following steps in relation to the consultation requirements of sections 879 and 881 of the Act:

Initial Referral to the Ministry of Transportation and Infrastructure
Initial Referral to the Ministry of Forests, Lands and Natural Resource Operations
Initial Referral to School District 68

The results of these consultative steps are attached as Attachment F to this staff report. In addition to these consultative steps, staff recommends that the following additional steps be taken in relation to the consultation requirements of sections 879 and 881 of the Local Government Act:

- Formal Referral to the Ministry of Transportation and Infrastructure, including a copy of the relevant staff report, proposed bylaw amendment, and initial application.
- Formal Referral to the Ministry of Forests, Lands and Natural Resource Operations, including a copy of the relevant staff report, proposed bylaw amendment, and initial application.
- Formal Referral to School District 68, including a copy of the relevant staff report, proposed bylaw
  amendment, and initial application.

The results of these additional consultative steps will be provided to Council as part of the package provided to Council in advance of the public hearing.

Respectfully submitted,

C. Jackson Manager/Community Planning Community Safety and Development

Concurrence by:

A. Fucker **Director of Planning** Community Safety & Development

#### CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2013-MAY-01 \tempestdocs\tempestdocs\prospero\planning\ocp\ocp00059\council report.doc dj/sh

B. Anderson

Manager., Planning & Design Community Safety and Development

T/ Swabey-General Manager Community Safety & Development-



Attachment A

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP00059 REZONING APPLICATION NO. RA000307



LOCATION PLAN



Civic: 575 Milton Street

RE: OCP Amendment Application OCP00059 and OCP00060 Rezoning Application RA000306 and RA000307



Attachment A

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP00060 REZONING APPLICATION NO. RA000306







Civic: 533, 537 and 555 Milton Street

RE: OCP Amendment Application OCP00059 and OCP00060 Rezoning Application RA000306 and RA000307

Attachment A Subject Property Map (OCP Designation / Neighbourhood Plan) (Page 3 of 3)



RE: OCP Amendment Application OCP00059 and OCP00060 Rezoning Application RA000306 and RA000307



RE: OCP Amendment Application OCP00059 and OCP00060 Rezoning Application RA000306 and RA000307

# Attachment B Conceptual Site Plan (Page 2 of 2)





Attachment C **Conceptual Building Elevations** 

RE: OCP Amendment Application OCP00059 and OCP00060 Rezoning Application RA000306 and RA000307

# Attachment C Conceptual Building Elevations (Page 2 of 2)







Proposed Amendment to Old City Infill Service Commercial (DT11) Zone:

0.85 FAR; Additional Density of +0.2 for Tier 1 and +0.25 for Tier 2

Additional Permitted Uses: Multiple Family Dwelling Live / Work Artist Studio Daycare Personal Service Use

Proposed Density:

Proposed Building Height:

10.5 metres

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# Attachment F Consultation With External Agencies (Page 1 of 3)

From:	Edgar, David D TRAN:EX [David.Edgar@gov.bc.ca]
Sent:	Thursday, January 03, 2013 1:19 PM
To:	Deborah Jensen
Subject:	Official Community Plan Amendment Applications OCP59/OCP60 and Rezoning Applications RA306/RA307
Attachments:	2012 11 20 OCP Application.pdf; 2012 11 20 OCP Amendment Rationale.pdf; 2012 11 20 Site Plans.pdf; 2012 11 20 OCP Application.pdf; 2012 11 20 OCP Amendment Rationale.pdf; 2012 11 20 Site Plans.pdf; Application.pdf; Building Elevations.pdf; Application.pdf; Building Elevations.pdf; 2012 12 18 REFERRAL MOTI OCP59 60.pdf
Deborah,	
The Ministry has no o	objection to these amendments.
Dave	
Dave	
Dave Edgar	
A/Senior Highway Sa	
	ation and Infrastructure
3rd Floor - 2100 Labi	
Nanaimo, B.C. V9T 6	E9
2: (250) 751-3276	
Fax (250) 751-3288	
: David.Edgar@go	y ho cá
David. Edgardago	v.b.ca
From: Deborah Jense	en [mailto:Deborah.Jensen@nanaimo.ca]
	mber 18, 2012 12:47 PM
To: Edgar, David D T	
Cc: Shella Herrera; C	
	munity Plan Amendment Applications OCP59/OCP60 and Rezoning Applications RA306/RA307
Good afternoon.	
Please see the attach	ed. We would appreciate your comments at your earliest convenience.
f you have any quest	ions or require additional information, please do not hesitate to contact me at 250.755.4473.
Deborah	
Deborah Jensen, M	CIP, RPP
Community Develo	pment Planner
	Development Division
ity of Nanaimo	werelopment ortaion
38 Franklyn Street, Na	
hone (250) 755-4473	Fax (250) 755-4479
<u>اب</u>	

## Attachment F Consultation With External Agencies (Page 2 of 3)

# Ministry of Forests, Lands and Natural Resource Operations

No Response

# Attachment F Consultation With External Agencies (Page 3 of 3)

# Deborah Jensen From: Pete Sabo [psabo@sd68.bc.ca] Sent: Tuesday, December 18, 2012 1:06 PM To: Deborah Jensen Cc: David Hutchinson

Subject: Official Community Plan Amendment Applications OCP59/OCP60 and Rezoning Applications RA306/RA307

Deborah, thanks I note you are looking for a response before January 18<sup>th</sup>. I also note that as part of the APC I will get a chance to vote on the item at the appropriate meeting.

I see that the lots are in the Bayview Catchment area and that lot 575 has a vacant building on it and 533/537 and 555 are 3 lots next to each other with no buildings.

At this point the District does not have any issues to point out with respect to the application.

I may have further comments and will vote on the matter at the appropriate APC meeting.

Pete

From: Deborah Jensen [mailto:Deborah.Jensen@nanaimo.ca] Sent: December-18-12 9:51 AM To: David Hutchinson Cc: Pete Sabo; Sheila Herrera; Cindy Hall Subject: Official Community Plan Amendment Applications OCP59/OCP60 and Rezoning Applications RA306/RA307

Good morning.

Please see the attached. We would appreciate your comments at your earliest convenience.

If you have any questions or require additional information, please do not hesitate to contact me at 250.755.4473.

Deborah

Deborah Jensen, MCIP, RPP Community Development Planner Community Safety and Development Division City of Nanaimo 238 Franklyn Street, Nanaimo, BC Phone (250) 755-4473 Fax (250) 755-4479