

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-OCT-05

AUTHORED BY: KARIN KRONSTAL, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA000359 – 1037 OLD VICTORIA ROAD

STAFF RECOMMENDATION:

That Council

1. Receive the report pertaining to “ZONING AMENDMENT BYLAW 2015 NO. 4500.090”; and,
2. Direct staff to secure a covenant for road dedication 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 for 1037 Old Victoria Road to rezone the subject property from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5).

BACKGROUND:

The City has received a rezoning application from the property owner Samantha Meyer to rezone the subject property from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) in order to construct a triplex.

Subject Properties: 1037 Old Victoria Road

Current Zone:	Single Dwelling Residential (R1)
Location:	Old Victoria Road, between Mackenzie Road and Melideo Road
Lot Size / Total Area:	3519 m ² (0.35ha)
OCP Designation:	Neighbourhood
Chase River Neighbourhood Plan:	Neighbourhood
Proposed Zone:	Three and Four Residential Unit (R5)

- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

Meeting Date: 2015-OCT-05

Site and Surrounding Area

The subject property is located along the north ravine bank of the Chase River and fronts on Old Victoria Road (see *Map 1- Location Plan*). The property is 25m wide and 141m deep, with one single family dwelling located close to the front of the property. The backyard of the property is divided by the Chase River ravine bank and features a section of terraced yard between the rear of the existing dwelling and the top of the ravine. The property is identified in the Zoning Bylaw 'Schedule C – Watercourse', which requires a 30m setback from the top of the Chase River bank. The footprint of the existing dwelling is within the 30m of the top of the river bank; however, as property was developed prior to the adoption of the setback regulation, this encroachment is considered legal non-conforming.

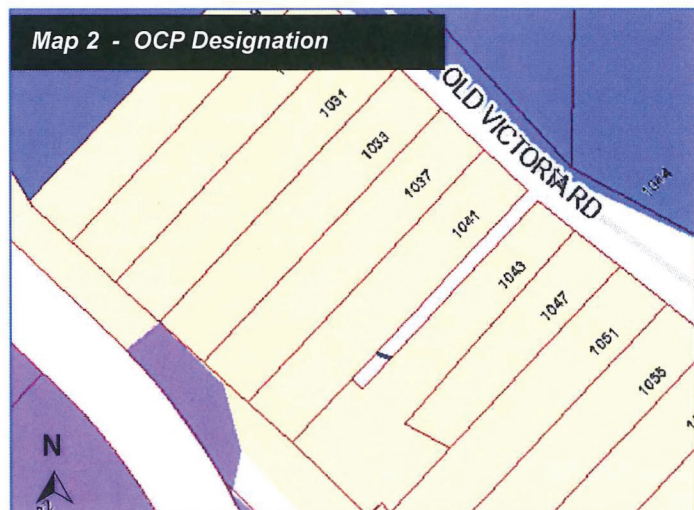
The surrounding land use on Old Victoria Road consists primarily of single family dwellings with pockets of industrial use to the north of the property. An all-purpose storage facility is located directly across the street from the subject property at 1030 Old Victoria Road. There is one property zoned Duplex Residential (R4) located north of the subject property at 1031 Old Victoria Road, and one property zoned Community Service 1 (CS1) located to the south of the property at 1064 Old Victoria Road.



Official Community Plan

The subject property is designated Neighbourhood in the Official Community Plan (OCP); see *Map 2 – OCP Designation*. The Neighbourhood designation encourages a mix of housing types that will provide housing for individuals and families of all age ranges and income levels, and which respects the neighbourhood character. Residential densities of 10-50 units per hectare are supported in Neighbourhood designation. The proposed concept of three units on a 0.35 ha property equates to a density of 8.6 units per hectare, which is slightly below the Neighbourhood density range. However, as much of the property is undevelopable due to the site constraints imposed by the location adjacent to the Chase River, staff is of the opinion that the density of the proposed rezoning meets the intent of the OCP.

The subject property is within the Natural Hazard Lands Development Permit Area (DPA3). The objective of DPA3 is to regulate development on lands of natural hazard in order to avoid property loss and maintain slope stability. Applicants seeking to develop a property in DPA3 are generally required to provide a geotechnical report to determine the conditions or requirements to be included in the Development Permit. The property owner provided a geotechnical report with the rezoning application, which is discussed further below.

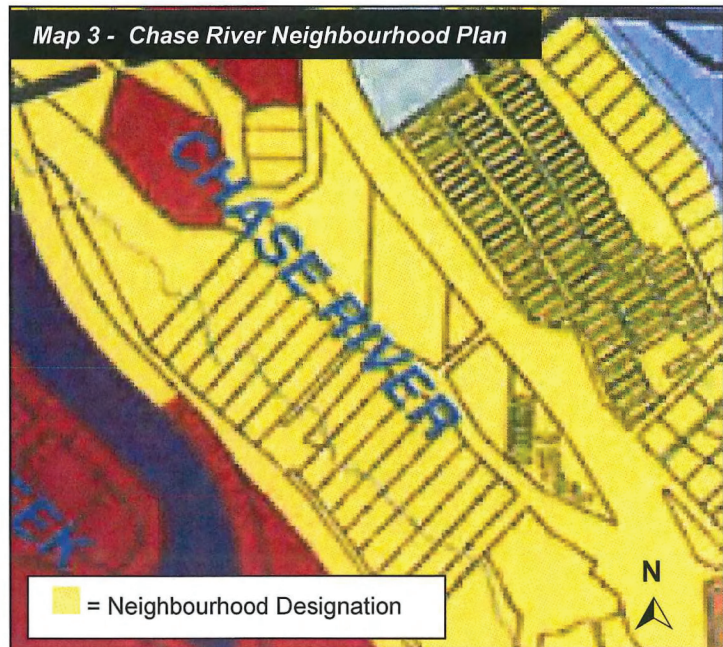


Nanaimo Transportation Master Plan

The proposed development is located between the Downtown and South Nanaimo Mobility Hubs but is not within the 600m buffer for either area. The closest grocery store is located on Island Highway at Tenth Street, approximately one kilometer from the subject property.

Chase River Neighbourhood Plan

The subject property is within the Chase River plan area and identified in the Chase River Neighbourhood Plan as a Neighbourhood designation (see *Map 3 – Chase River Neighbourhood Plan*). The Chase River Neighbourhood Plan (CRNP) refers to the development of housing in Neighbourhood designated areas as envisioned by the OCP. Schedule C of the CRNP recognizes the land adjacent to the Chase River as having potential for a multi-use trail or recreational opportunity, but notes this is a general location that would be explored during future development applications and in discussion with individual property owners as part of a City driven initiative. Schedule D of the Neighbourhood Plan identifies the Chase River as a Development Permit Area (DPA3) and Environmentally Sensitive Area (ESA).



Proposed Development

The applicant proposes to build a triplex with attached garages over the footprint of the existing dwelling (see *Figure 1 – Site Plan*, on which the footprint of the existing dwelling is indicated with a dashed line). The applicant's letter of rationale (included as 'Attachment A') notes that a triplex will add new housing stock with a contemporary design in a mature neighbourhood where most of the buildings are over twenty years old. The applicant's intention is to maximize the potential of the lot while respecting its environmental limitations, maintaining its rural characteristics, and ensuring the privacy of neighbouring properties.

The proposed location for the triplex is within the 30m setback from the top of the Chase River bank required under Schedule C of the Zoning Bylaw (see *Figure 2 – Riparian Area*, where the 30m setback is indicated with the dashed red line). As this siting will require a variance, the applicant was required to provide a Riparian Area Assessment (RAA) from a Qualified Environmental Professional demonstrating that the proposed siting of the building would not negatively impact the Chase River environment.

As the property is located within the DPA3, the geotechnical study of the property was also submitted along with the rezoning application. The property has a significant slope, with a drop of 7m from the front of the property to the top of the river bank, and 27m from the front property line to the rear property line. The study concluded that the land is considered safe for the intended use of a triplex provided that the construction abides by the recommendations provided in regards to drainage, foundation design and construction, and structural fill. As the property falls outside the area of south Nanaimo that has been undermined, no additional foundational reinforcement would be required at the time of development.

The applicant has submitted a preliminary rendering of the proposed development (see *Figure 3 – Conceptual Drawings*), but has indicated she intends to revise the design with the input of staff during the Development Permit process. Staff and the applicant have agreed that while the R5 zoning permits up to four units, given the site constraints three units would be the maximum development potential of this property.



Figure 3 – Conceptual Drawings

Conditions of Rezoning

Should Council support this application and pass Third Reading of Bylaw No.4500.090, staff recommends the following additional items also be secured prior to final adoption of the bylaw:

1. Road Dedication

Approximately 2.5m of road dedication fronting Old Victoria Road will be required.

2. Service Right of Way Widening

The existing Service Right of Way (SRW) containing the sanitary sewer is 3.0m in width, which does not meet current City standards. Staff recommends a new SRW document and plan be secured as a condition of rezoning to ensure that the SRW meets current City requirements.

3. Tree Replacement

Staff recommends securing the planting of 6-8 trees along the top of the ravine as recommended in the environmental report as a condition of rezoning.

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 \$3,000 towards trail maintenance in the Chase River area. Staff supports the community contribution proposal and recommends it be secured prior to adoption.

DISCUSSION:

Summary

The applicant faces a number of challenges in further developing this large property, including a significant slope and a riparian area. The applicant has provided the professional reports required to support the application for an increased density of use, and indicated a desire to meet the design guidelines of the OCP and the Chase River Neighbourhood Plan.

Public Input

Signage has been installed on-site and the application is posted on the City's web page, *What's Building in my Neighbourhood?* A Public Hearing will be scheduled if the associated bylaw passes First and Second Readings by Council.

The Planning and Transportation Advisory Committee

At its meeting of 2015-SEPT-15, the Planning and Transportation Advisory Committee (PTAC) recommended that Council approve the application. Staff concur with the PTAC recommendation and recommend that Council support the application as presented.

Respectfully submitted,

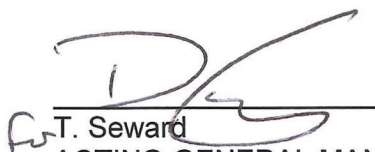


B. Anderson
Manager
PLANNING & DESIGN SECTION

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.

Drafted: 2015-SEPT-25
KK/sm

ATTACHMENT 'A'

Rezoning Rationale for 1037 Old Victoria Rd

1. Description of Surrounding Area

The subject property is located in the Northern part of Chase River. The properties to either side of the Rezoning lot are residential, zoned mostly R1 and R4. These properties are unique due to the fact that the Chase River containing a well-established leave strip on both sides of the river is through the middle of the lots, giving the properties a rural feel in the middle of the city. There are rail road tracks located south as well as industrial zoned properties located north and south of the subject property and a Kingdom Hall located to the west of it. Most surrounding residential properties are older homes developed in the 1970s to the early 1990s, and very little new construction has been in the area.

2. Purpose of Rezoning

The purpose of the application is to construct a triplex onto the current lot as to reach the property's full potential and economic benefit. The subject lot is .86 acres in size and has 80 ft. road frontage, it is within walking to south gate mall and chase river estuary, the bus stop is a block down from the lot, and it is a short 10 minute drive to the university and NDSS high school. Having a multifamily house in this location will encourage more transit use and walking. The lot presently has a small house on it that is outdated which will be demolished and replaced with a new multifamily building.

3. The goals of Nanaimo's Official Community Plan & Chase River's Neighbourhood Plan

The Rezoning of 1037 Old Victoria to R5 will increase the density to a three unit lot creating more affordable housing for the growing community while leaving plenty of open space and to help protect the Chase River leave strip, native saplings will be planted on the property in the green-way to enhance the current vegetation and ecosystems. The proposed development will enhance the residential character of the existing neighbourhood and be built to maintain the neighbour's privacy while taking full advantage of the lot's rural character which has breath taking forest and river views in the back yard of Chase River and the mature trees in the leave strip. I would like to also submit my Community Contribution Proposal of: \$2000 to be used for trail improvements in the Chase River community.

CITY OF NANAIMO

BYLAW NO. 4500.090

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2015 NO. 4500.090".
- 2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 6, SECTION 1, NANAIMO DISTRICT, PLAN 21290 (1037 Old Victoria Road) from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) as shown on Schedule A.

PASSED FIRST READING _____
 PASSED SECOND READING _____
 PUBLIC HEARING HELD _____
 PASSED THIRD READING _____
 MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____
 COVENANT REGISTERED _____
 ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000359
Address: 1037 Old Victoria Road

Schedule A



REZONING APPLICATION NO. RA000359

LOCATION PLAN

Civic: 1037 Old Victoria Road



 Subject Property