

DATE OF MEETING | November 15, 2021 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA467 – 440 KENNEDY STREET** |

OVERVIEW

Purpose of Report

To present Council with an application to permit a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the Old City Duplex Residential (R13) zone to facilitate a proposed boundary adjustment subdivision. |

Recommendation

That:

1. "Zoning Amendment Bylaw 2021 No. 4500.194" (to permit a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the R13 zone from 750m² to 500m² to facilitate a proposed boundary adjustment subdivision) pass first reading;
2. "Zoning Amendment Bylaw 2021 No. 4500.194" pass second reading; and
3. Council direct Staff to secure the road dedication, community amenity contribution, and a building orientation covenant, should Council support the bylaw at third reading. |

BACKGROUND

A rezoning application (RA467) was received from Barbara and Robert Humpherville for a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the R13 zone from 750m² to 500m² to facilitate a proposed boundary adjustment subdivision to create two buildable lots. There is a concurrent subdivision application (SUB01401) to facilitate the lot line adjustment.

Subject Property and Site Context

<i>Location</i>	The subject properties are located on the north side of Kennedy Street, between Franklyn Street and Albert Street.
<i>Total lot areas</i>	Lot 1 - 217.8m ² Lot 2 - 872.4m ²
<i>Current zone</i>	R13 - Old City Duplex Residential
<i>Proposed zone</i>	R13 - Old City Duplex Residential with site specific lot sizes of 500m ²
<i>Official Community Plan Designation</i>	Neighbourhood
<i>Old City Neighbourhood Concept Plan</i>	Multi-Family Low Density

The subject properties are located within the Old City Neighbourhood, south of the downtown area. There is an existing single family dwelling on the southern parcel (Lot 2) that encroaches onto Lot 1, which is undersized and otherwise vacant. Established single family homes and multi-family infill developments predominantly characterize the surrounding area. The property has a slope of approximately 3m from the high side on Kennedy Street to the low side on the rear lane.

DISCUSSION

Proposed Development

The subject properties at 440 Kennedy Street consist of two existing lots with parcel sizes of 217.8m² (Lot 1) and 872.4m² (Lot 2). The minimum lot size for subdivisions within the R13 zone is 750m². The applicant is proposing a site-specific amendment to reduce the minimum lot size requirement from 750m² to 500m² to facilitate a lot line adjustment to create two similar sized residential lots. Proposed Lot 1 will become a larger parcel (approximately 542.4m² in size), and proposed Lot 2 will become a smaller parcel (approximately 505.8m² in size). The R13 zone permits a duplex or single family dwelling on each lot; however, the applicant is proposing to develop each lot with a single family dwelling and a suite.

Parcel	Minimum Lot Size Required in the R13 Zone	Existing Lot Size	Proposed Lot Size
Lot 1	750m ²	217.8m ²	542.4m ²
Lot 2	750m ²	872.4m ²	505.8m ²

The boundary adjustment will result in Lot 2 being reduced by more than 10% of its original parcel size, which exceeds the allowable lot area reduction in the General Regulations (Section 6.22.5) of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”); therefore, a site-specific rezoning to permit smaller lot sizes is required.

Policy Context

Official Community Plan

The subject properties are located within the Neighbourhood future land use designation (Section 2.3) of the Official Community Plan (OCP). The Neighbourhood designation supports residential infill and a mix of housing types, including ground-oriented multiple-family units that are two to four storeys in height, with a density range of 10-50 units per hectare (uph). The proposed development meets the objectives of the OCP and facilitates the creation of a buildable residential infill lot in an existing neighbourhood near a major transportation route, commercial services, and parks.

Old City Neighbourhood Concept Plan

The subject properties are included in the Old City Neighbourhood Concept Plan. The Plan designates the properties as *Multi-Family Low Density*, with the following permitted uses: single family to fourplex. The proposed site-specific amendment would support low-density residential infill and complies with the Old City Neighbourhood Concept Plan policy.

Transportation Master Plan

The Nanaimo Transportation Master Plan (NTMP) reinforces the land use and transportation policies in the OCP by designating urban nodes and mobility hubs. The NTMP states that mobility hubs will be the focus of increased walking, cycling, and public transit opportunities. The subject properties are inside the 200m buffer area of the Downtown Mobility Hub, which supports higher-density residential housing that meets a mix of demographic needs and income levels. The proposed amendment would allow the infill of Lot 1 in an area near existing services and employment.

Community Consultation

A rezoning sign was posted on the property in September 2021, and the applicant consulted the neighbours by hand delivering information packages regarding the proposed development. In addition, Staff referred the application to the Nanaimo Old City Association (NOCA) and the applicant consulted the association directly. No comments were received from the neighbours or NOCA.

Community Amenity Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, applicants are encouraged to provide a Community Amenity Contribution (CAC) as part of their proposal. General practice for residential development is to secure a CAC with a minimum value of \$1,000 per dwelling unit. As the intent of the rezoning and subdivision application is to develop two single family dwellings, the applicant has proposed a CAC of \$2,000 towards local park and trail improvements. Staff support the proposed CAC.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2021 No. 4500.194”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication* – Road dedication of approximately 1.67m to allow widening of the lane.
2. *Community Amenity Contribution* – A monetary contribution of \$2,000 towards local park and trail improvements.
3. *Building Orientation Covenant* – The requirement for future buildings to face Kennedy Street with a pedestrian access to facilitate garbage collection on Kennedy Street.

SUMMARY POINTS

- A rezoning application has been received to permit a site-specific rezoning at 440 Kennedy Street to reduce the minimum lot size requirement in the Old City Duplex Residential (R13) zone from 750m² to 500m².
- The proposed site-specific rezoning and subsequent lot line adjustment will facilitate the creation of a buildable residential infill lot.
- A Community Amenity Contribution of \$2,000 is proposed to be directed towards local park and trail improvements.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Proposed Subdivision Plan
ATTACHMENT D: Conceptual Site Plan
ATTACHMENT E: Conceptual Building Renderings
ATTACHMENT F: Aerial Photo
“Zoning Amendment Bylaw 2021 No. 4500.194”

Submitted by:

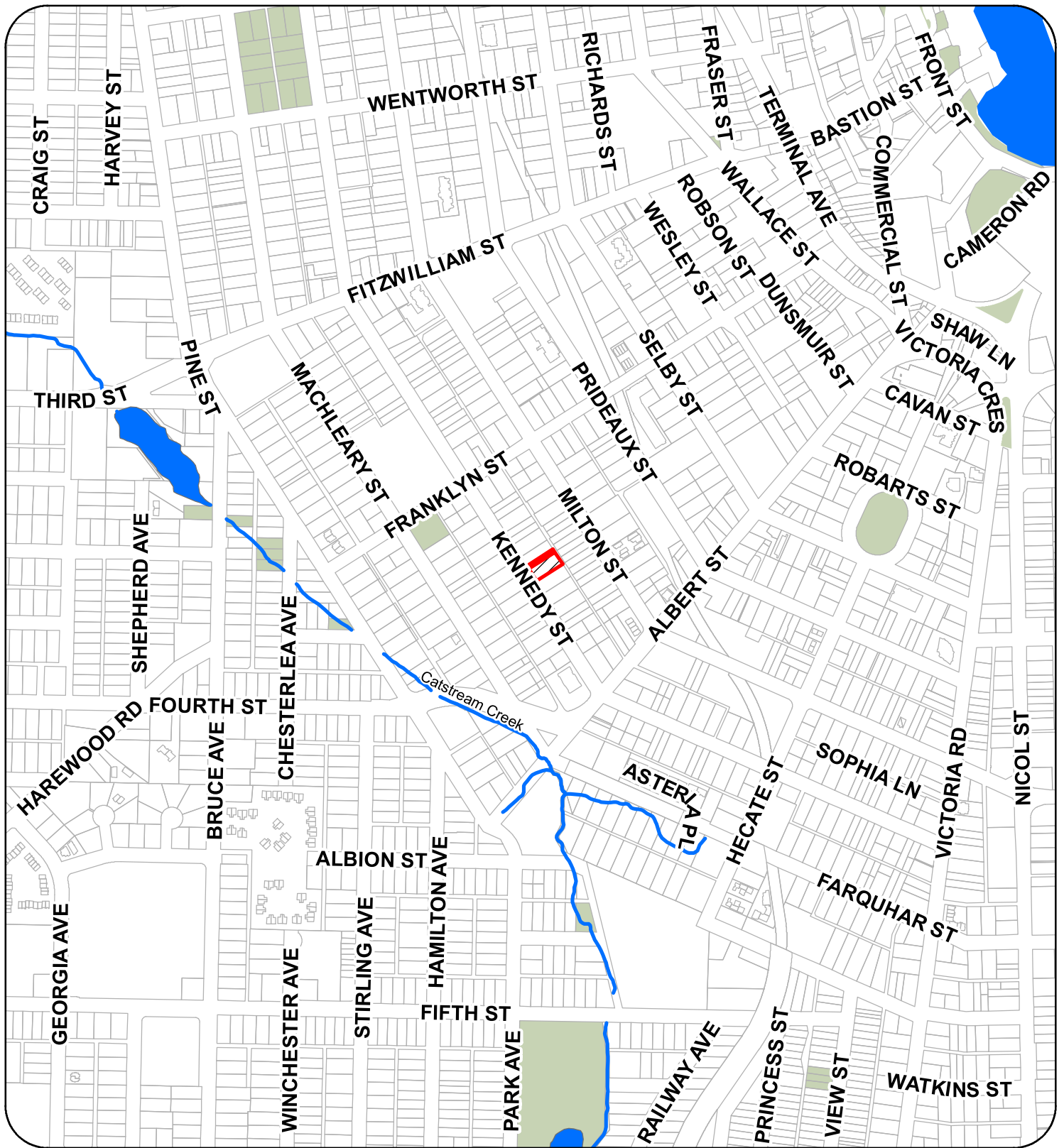
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

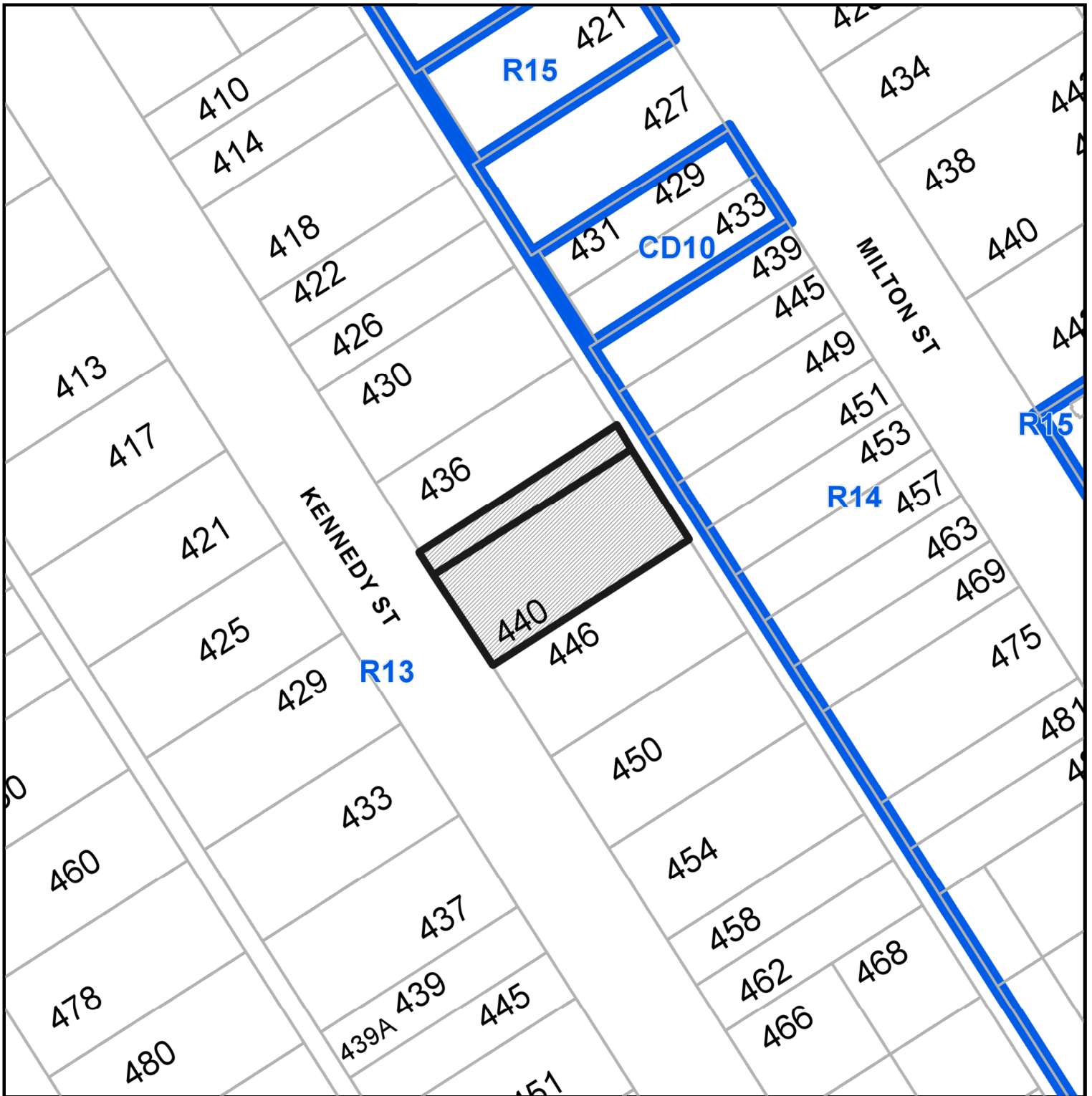
Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP



 440 KENNEDY STREET

ATTACHMENT B
LOCATION PLAN



REZONING APPLICATION NO. RA000467

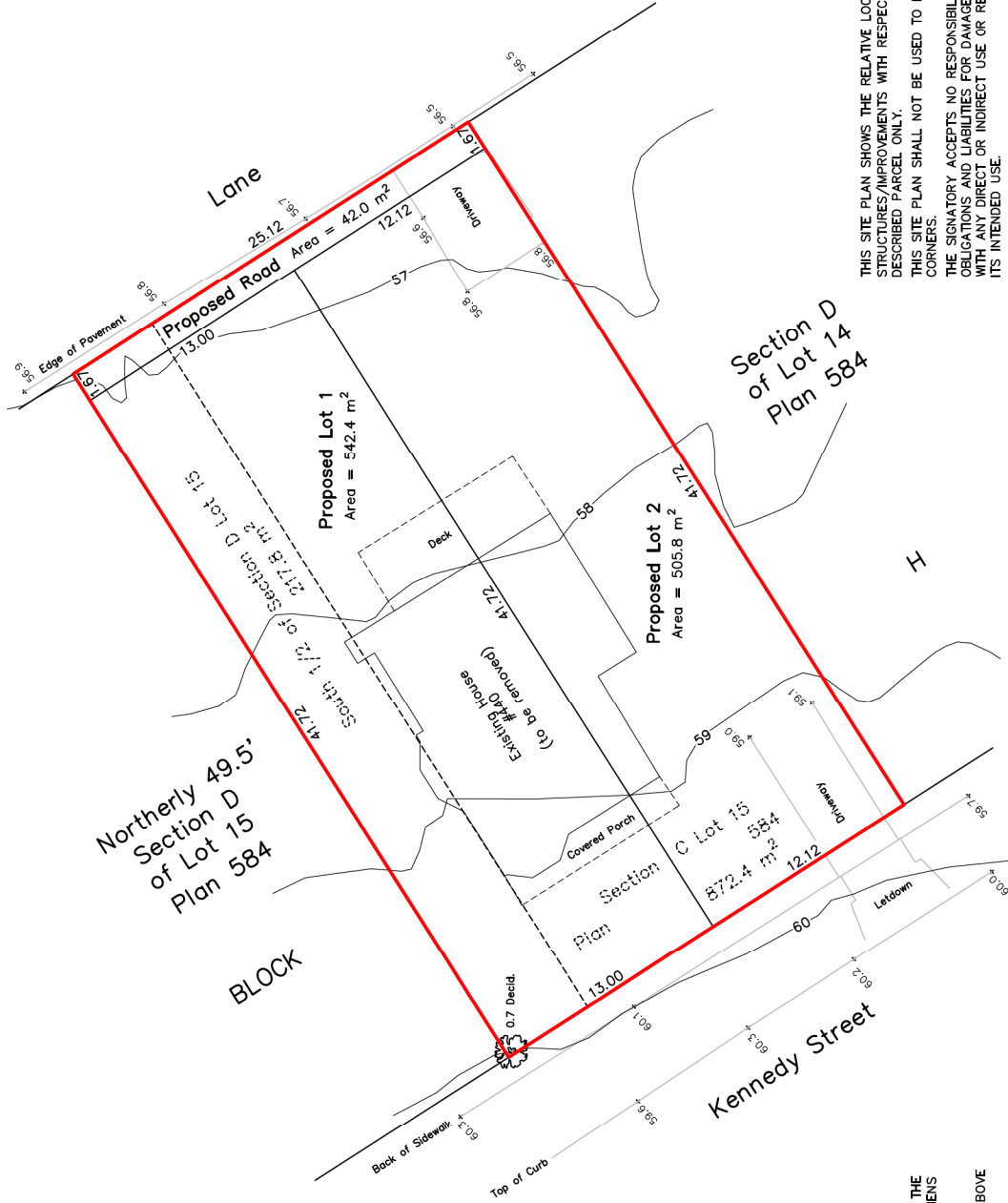
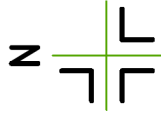


Subject Property

CIVIC: 440 KENNEDY STREET

LEGAL: SECTION C OF LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT,
PLAN 584; SOUTH 1/2 OF SECTION D, OF LOT 15, BLOCK H, SECTION 1,
NANAIMO DISTRICT, PLAN 584, EXCEPT THE NORTHERLY 49.5 FEET

ATTACHMENT C PROPOSED SUBDIVISION PLAN



THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.
THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIMS ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
ML2830LL
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

**SITE PLAN SHOWING PROPOSED SUBDIVISION OF:
SECTION C & THE SOUTH 1/2 OF SECTION D, BOTH OF
LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584.
PID 000-050-270 & 000-050-288**

Client: ROB HUMPHERVILLE	Scale: 1:250	Drawn by: DRW	Chic Address: 440 KENNEDY STREET, NANAIMO
File: 17-063-C-REV1	Date: October 25, 2021	Existing Zoning: R13	



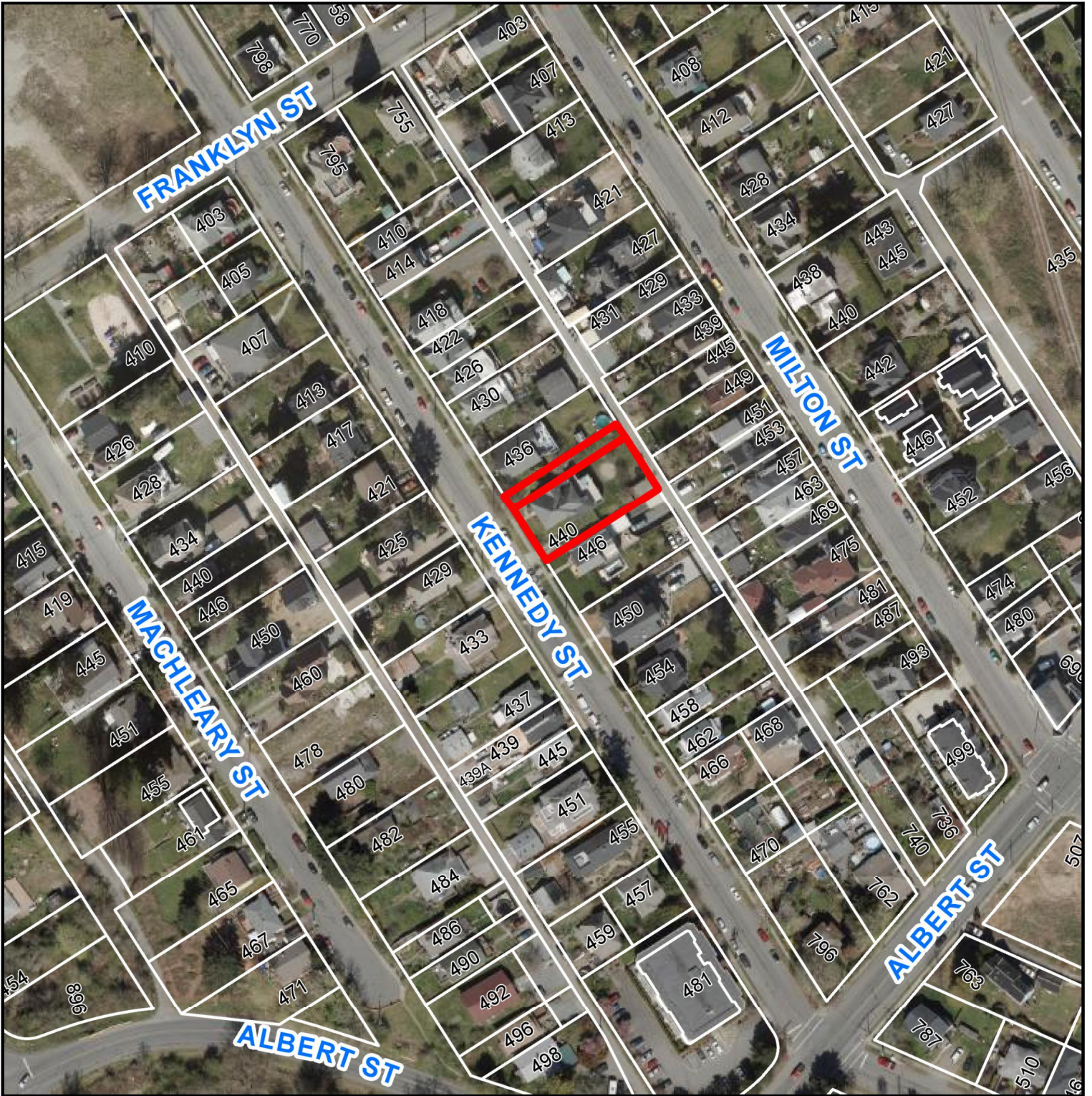
SCALE 1:250
DISTANCES AND ELEVATIONS ARE IN METRES.

GEODETTIC ELEVATIONS ARE DERIVED FROM CONTROL MONUMENT 77H5103 (CVD28BC DATUM).
CONTOURS ARE DERIVED FROM CITY OF NANAIMO MAPPING DATA.

RECEIVED
RA467
DENOTES DECIDUOUS TREE
2021-OCT-25
Current Planning

Turner & Associates
land surveying inc.
435 Terminal Avenue North
Nanaimo, B.C. V9S 4J8
250-753-9778
www.turnersurveyors.ca

ATTACHMENT F
AERIAL PHOTO



REZONING APPLICATION NO. RA000467



440 KENNEDY STREET

CITY OF NANAIMO

BYLAW NO. 4500.194

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

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 2021 No. 4500.194".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (A) By adding the following after Subsection 7.4.7:
7.4.8 Notwithstanding 7.4.1, the minimum lot size shall be 500m² for the lands legally described as SECTION C OF LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584 and SOUTH 1/2 OF SECTION D, OF LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE NORTHERLY 49.5 FEET.

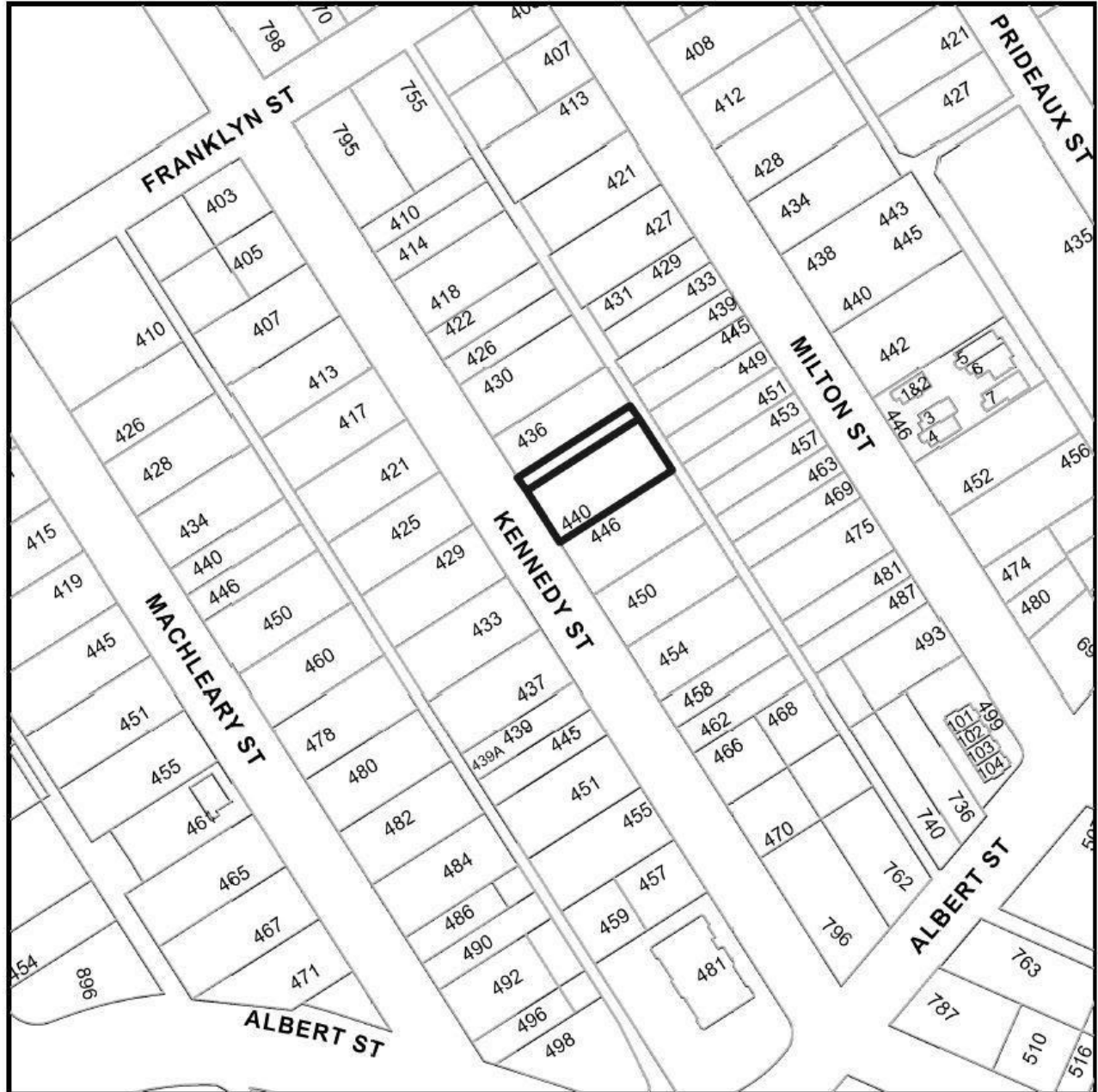
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000467
Address: 440 Kennedy Street

SCHEDULE A



Subject Property

REZONING APPLICATION NO. RA000467

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PLAN 584; SOUTH 1/2 OF SECTION D, OF LOT 15, BLOCK H, SECTION 1,
NANAIMO DISTRICT, PLAN 584, EXCEPT THE NORTHERLY 49.5 FEET