

DATE OF MEETING | August 29, 2022

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | REZONING APPLICATION NO. RA475 – 444, 450, 500 COMOX ROAD, 55 MILL STREET, and 1 TERMINAL AVENUE

OVERVIEW

Purpose of Report

To present Council with an application to rezone 444, 450, and 500 Comox Road; 55 Mill Street; and, 1 Terminal Avenue from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7); and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision. |

Recommendation

That:

1. "Land Use Contract Discharge Bylaw 2022 No. 7355" (to discharge an existing Land Use Contract from the property title of 500 Comox Road) pass first reading;
2. "Land Use Contract Discharge Bylaw 2022 No. 7355" pass second reading;
3. "Zoning Amendment Bylaw 2022 No. 4500.204" (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) pass first reading;
4. "Zoning Amendment Bylaw 2022 No. 4500.204" pass second reading; and,
5. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2022 No. 4500.204" as outlined in the "Conditions of Rezoning" section of the Staff report dated 2022-AUG-29, should Council support the bylaws at third reading. |

BACKGROUND

A rezoning application, RA475, was received from Strongitharm Consulting Ltd. on behalf of 490892 BC Ltd (444, 450, 500 Comox Road and 1 Terminal Avenue) and Brad Martin and Ralston Alexander (55 Mill Street) to rezone the subject properties and amend the City of Nanaimo "Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to revise Comprehensive Development District Zone Seven (CD7). The proposed rezoning will facilitate a mixed-use residential, commercial, and hotel development and subdivision.

Subject Properties and Site Context

<i>Location</i>	The subject properties border the Millstone River to the northeast, Mill Street to the northwest, Comox Road to the south, and Terminal Avenue to the east.
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<i>Lot Areas</i>	563m ² – 444 Comox Road 611m ² – 450 Comox Road 1,223m ² – 500 Comox Road 1,046m ² – 55 Mill Street 2.59ha – 1 Terminal Avenue
<i>Current Zoning</i>	Comprehensive Development District Zone Seven (CD7) – 1 Terminal Avenue (portions) Medium Density Residential (R8) – 444 and 450 Comox Road, 55 Mill Street, and 1 Terminal Avenue (portions) Gateway (DT12) – 500 Comox Road
<i>Proposed Zoning</i>	Comprehensive Development District Zone Seven (CD7)
<i>City Plan – Future Land Use Designation</i>	Primary Urban Centre (Downtown)
<i>Neighbourhood Plan – Land Use Designation</i>	Nanaimo Downtown Plan – Future Study Area 1

The subject properties are located at the northern edge of Downtown Nanaimo, next to the mouth of the Millstone River. The site is immediately adjacent to Terminal Avenue which is a Provincial Ministry of Transportation and Infrastructure (MoTI) highway that crosses the Millstone River via the Pearson Bridge. Comox Road runs along the southern edge of the site where it intersects with Wallace Street and Terminal Avenue. Mill Street, in the northwest portion of the site, is a no-exit street that acts as an extension of Prideaux Street.

The property at 1 Terminal Avenue currently contains a former hotel building that closed in 2018 (Howard Johnson, previously the Tally-Ho Hotel) and was most recently used as a fitness gym. Other previous uses on the site have included a night club, long-distance bus terminal, a place of worship, and a liquor store. A secondary retail building on the site was most recently utilized as a home heating supply store and showroom. The entire property has been previously disturbed and is primarily a surface parking lot.

The properties at 444 and 450 Comox Road both contain small residential apartment buildings built in the 1950s. The property at 500 Comox Road previously contained an office building that was partially demolished after fire damage in 1995, leaving the exposed foundation and parkade walls that exist to this day. The property at 55 Mill Street contains a single residential dwelling. The overall site slopes downhill by approximately 20m from Comox Road in the south to the Millstone River in the north.

The surrounding neighbourhood is a transitional neighbourhood between the Old City neighbourhood to the south, a mix of commercial and former industrial uses to the southeast, and residential uses to the west. Adjacent land uses include: three- and four-storey residential apartment buildings fronting Prideaux Street to the west; a 14-unit townhouse development on Mill Street to the northwest; Maffeo Sutton Park across Terminal Avenue to the east (connected by a multi-use trail under the Pearson Bridge); and Comox Park, a fast food restaurant, Pioneer Cemetery Park, and a vehicle storage yard across Comox Road to the south. The subject site's street frontages are interrupted by a City-owned property at 5 Terminal Avenue at the intersection with Comox Road, and MoTI-owned properties at 300 Comox Street to the south.

Notable nearby services and amenities within walking distance include Pauline Haarer Elementary School, Bowen Park and the Nanaimo Curling Centre, the Old City Quarter shopping

district, and downtown shopping services along Commercial Street. Some recent nearby developments include a 57-unit seniors housing development at 77 Mill Street (completed 2020), a 90-unit multi-family residential building at 20 Barsby Avenue (completed 2021), and a 163-unit rental residential building at 340 Campbell Street (development permit approved 2022).

DISCUSSION

Proposed Development

The applicant proposes to rezone the subject properties not currently zoned CD7 in addition to a text amendment to revise the CD7 zone. The proposed rezoning will facilitate a six lot subdivision and mixed-use (commercial and residential) development. A proposed lot layout submitted with the rezoning application (see Attachment F) illustrates how development parcels will be created through a boundary adjustment subdivision, along with road dedication and park dedication. A new public road will connect the end of Mill Street with the intersection of Comox Road and Wallace Street, and a private road (publicly accessible) will connect to Comox Road between proposed Lots 1 and 2. A multi-use trail will traverse the proposed park and connect to the existing Waterfront Walkway below the Pearson Bridge. Another public trail will connect the park with Comox Road through proposed Lot 3.

A conceptual site plan (see Attachment C) was also submitted that illustrates how the lots could be developed under the proposed CD7 zone. The concept plan envisions a potential for 760 dwelling units on the overall site, in addition to a hotel, and more than 1,000m² of commercial retail space. The proposed development lots are listed below along with a description of the conceptual plan for each lot.

Proposed Lot	Location	Proposed Buildings in Concept Plan
Lot 1	At the western edge of the site, adjacent to existing residential uses.	Two 5- and 6-storey residential buildings.
Lot 2	Adjacent to Comox Road in the western portion of the site.	One 16-storey building.
Lot 3	In the centre of the site, flanked by the proposed road dedication	Two 6- to 8-storey buildings
Lot 4	At the eastern edge of the site, closest to Pearson Bridge.	One 16-storey building.
Lot 5	At the north edge of the site on Mill Street, adjacent to an existing townhouse development.	A 3-storey residential townhouse building.
Lot 6	In the southeast corner of the site at the intersection of Terminal Avenue and Comox Road.	A 6-storey hotel and conference centre.

Through future development permits, Development Permit Area (DPA) guidelines for form & character, watercourse protection, and sea level rise will be reviewed in more detail, and for the purposes of rezoning the applicant has demonstrated the suitability of the conceptual site plan as it relates to relevant DPAs.

The Zoning Bylaw requires a 30m watercourse setback from the top-of-bank above the Millstone River which is the typical setback that has been applied to major rivers to address the requirements of the Provincial Riparian Areas Regulation (RAPR). However, this portion of the

Millstone River is an estuary with marine and riparian characteristics; and, the RAPR is not applicable to this section of the river.

At the time of subdivision, a development permit application and variance to the watercourse setback is anticipated for the siting of the proposed street and multi-use trail based on the plans provided (approximately 15m and 10m from top-of-bank, respectively). The applicant has demonstrated that the siting of the street is required in order meet the grades between the end of Mill Street and the existing intersection on Comox Road. The location of the public multi-use trail is also fixed as it will connect to the existing trail below the Pearson Bridge. The proposed conceptual park plan (Attachment E) provides a significant net environmental improvement from the current condition and reflects an appropriate transition from an urban coastal environment to a more sensitive riparian environment further upstream.

A number of supporting technical studies to demonstrate the feasibility of the conceptual site plan have been provided, including; an environmental assessment, a traffic impact assessment, an archaeological impact assessment, and a civil servicing report. Staff support the general concept based on the information provided and the applicant’s demonstration that the site can be used for the intended use and density, with detailed design to address DPA guidelines through subsequent development permit and subdivision processes.

Comprehensive Development Zone

The existing Comprehensive Development District Zone Seven (CD7) allows for medium- to high-density mixed-use development, with a maximum permitted Floor Area Ratio (FAR) of 1.50 and the opportunity for bonus density up to 1.75 where underground parking is provided. Variable maximum building heights are permitted in the CD7 which make it difficult to subdivide. In the portions of the site not currently zoned CD7 (see Attachment B): the R8 zone allows multi-family residential with a maximum potential FAR of 1.85 and a maximum building height of 14m; and the DT12 zone allows for a variety of downtown-oriented uses (commercial and residential) with a maximum potential FAR of 2.00 and a maximum building height of 19.8m.

To support the proposed concept plan and better align with the Zoning Bylaw, “Zoning Amendment Bylaw 2022 No. 4500.204” will revise the CD7 and introduce new sub-zones to correspond with the lot layout plan. The proposed zoning will support the concept plan but will not secure building design or details which will be determined through subsequent development permits and subdivision approvals. Each sub-zone will have its own provisions for permitted uses, density, and building height, which will provide each development parcel with flexibility in how it may develop. The proposed CD7 zone can be found attached to the amendment bylaw, and a summary of the proposed zoning regulations is shown in the table below.

Regulation	Existing CD7 zone	Proposed CD7 zone
<i>Uses</i>	A number of uses inherited from the former C-11 zone.	Majority of existing uses retained, with those uses that do not align with the City Plan removed (e.g. automobile sales, car wash, etc.).
<i>Density</i>	FAR of 1.50 with the opportunity for up to 1.75 with underground parking.	Base density will range from 0.45 for sub-zone 5 (the same as the Low Density Residential R6 zone), to 1.50 for sub-zones 1, 3, and 6, and up to 3.20 and 4.05 for sub-zones 2 and 4, respectively.

<i>Building Height</i>	Calculated as twice the distance of a building from any street frontage, which could be up to 65m with current street frontages.	Proposed maximum building heights range from 13m for sub-zone 5 (3 storeys), 21m for sub-zone 1 (6 storeys), and to 58m for sub-zone 4 (16 storeys) adjacent to Terminal Avenue.
<i>Lot Coverage</i>	A maximum lot coverage of 100%.	Maximum lot coverage based on sub-zones, ranging between 40% and 52%.
<i>Setbacks</i>	No required setbacks except for multi-family residential buildings and in proximity to intersections.	Variable setbacks for each sub-zone and each street. Setbacks from Comox Road and Mill Street will include additional setbacks above the street-level to produce variable building forms.

All CD7 regulations have been refined to provide a suitable transition from existing residential properties in the west to the higher density Downtown zones in the south and east. Under the revised CD7 zone, incompatible uses and building heights will no longer be permitted adjacent to existing 3- and 4-storey residential uses.

Land Use Contract

In addition to the proposed Zoning Bylaw amendments, the rezoning application includes “Land Use Contract Discharge Bylaw 2022 No. 7355” which will authorize Staff to discharge a Land Use Contract (LUC) from the property title at 500 Comox Road. LUCs are agreements between property owners and local governments that stipulate use, density, and other regulations more commonly found in Zoning Bylaws. These were only authorized in British Columbia between 1971 and 1978, but where they have been registered they remain in effect and supersede zoning. All LUCs across the province will be terminated in 2024, but affected property owners have the option until then to request discharge of LUCs through a public rezoning process.

The existing LUC at 500 Comox Road was registered in 1977 and includes specific requirements related to the previous use on the lot for a retail and office building with an accessory dwelling unit (see Attachment H). Termination of the LUC is necessary for the proposed CD7 zoning to come into effect at 500 Comox Road, and Staff support the LUC Discharge Bylaw.

Policy Context

City Plan – Future Land Use

The City Plan identifies the subject properties as within the Downtown Primary Urban Centre future land designation which is recognized as the City’s cultural, economic, and mobility hub with the highest density and mix of uses. Building forms contemplated in this land use designation include a mix of low-rise, mid-rise, and high-rise buildings typically in mixed-use form with ground-floor commercial and residential / office above.

The proposed rezoning meets the intent of the City Plan policies by facilitating a medium- to high-density mixed-use development concept, including the provision of public park space and trail improvements, in close proximity to existing services and amenities within the City’s core. The proposed CD7 regulations for density, building height, and lot coverage will encourage more compact building forms than the current zoning while maintaining outdoor amenity space and natural space. This supports a number of City Plan objectives to create complete, compact communities while supporting the local economy and protecting ecologically valuable lands.

Nanaimo Downtown Plan

The subject properties are identified within “Future Study Area 1” in the Nanaimo Downtown Plan. The Plan recognizes the area’s importance as a gateway site to the Downtown and recommends further land use and building form study for the area between Comox Road and the Millstone River, east of the Island Rail Corridor and west of Terminal Avenue. The concept plan proposed with this rezoning application addresses this policy for most of the undeveloped portions in Future Study Area 1. The Downtown Plan also recognizes the importance of the walkway linkage below the Pearson Bridge to enhance the connectivity from the neighbourhood to the City’s Waterfront Walkway and adjoining park amenities.

City Plan – Mobility Network

The subject properties are located within an urban centre as identified in Figure 36 of the City Plan where there is the greatest opportunity for mobility options given the concentration of trip destinations and origins. In Figure 37 of the City Plan, Comox Road is designated as a Mobility Arterial, Mill Street as an Urban Local, and Terminal Avenue as a Highway. The new street constructed through the site will be expected to meet the Mobility Local standard. In order to achieve the desired road cross-section widths, road dedication from the north side of Comox Road and the south side of Mill Street will be secured through rezoning. A no-build covenant will also be secured until such time as the lots are subdivided and the new road through the site is dedicated.

The City Plan identifies a primary active mobility route through the subject site connecting the E&N Rail Trail with Downtown. There is currently an unprotected paved path that connects the end of Mill Street with the Waterfront Walkway below the Pearson Bridge. In the future, it is expected that the walkway will continue along the Millstone River, and a Statutory Right-of-Way (SRW) for a future multi-use trail was previously secured across the neighbouring property at 50 Mill Street. As part of the subject site’s redevelopment, a new multi-use trail will be constructed through the dedicated park and an SRW will be secured through rezoning for future extension to properties further west.

Adjacent to the site, Terminal Avenue is identified in the City Plan as the City’s primary future Bus Rapid Transit (BRT) Line which will provide another mobility option for the residents in the area. Comox Road is identified as a Bus Frequent Transit (BFT) Line.

A Traffic Impact Assessment (TIA) was submitted in support of the rezoning application and the analysis therein has been reviewed and accepted by Staff. In order to accommodate potential changes to the Comox Road and Wallace Street intersection (e.g. signalling and lane alignment), off-site works beyond the frontage of the site will be secured as a condition of rezoning.

Community Consultation

The subject properties are not located within the area of any recognized community association; however, the rezoning application was forwarded for information to the neighbouring Newcastle Community Association (across Millstone River to the north) and the Nanaimo Old City Community Association (across Comox Road to the south), and no comments have been received.

The applicant hosted a Public Information Meeting via Zoom on 2022-MAR-16 and invited immediate neighbours as well as representatives from both adjacent community associations. Approximately 33 members of the public attended the meeting electronically. Comments from the public generally focused on building height, parking, and public trail connections. Responses to these comments are summarized below.

1. *Building Height.* Building heights in the proposed CD7 zone will not be greater than under the existing CD7 zone and will reduce permitted building heights in some portions of the site. For example, building heights in sub-zone 1 will be limited to 21m (six-storeys) to provide a transition between taller buildings in the east to existing four-storey residential buildings in the west. The two sub-zones (2 and 4) where taller buildings are proposed have been sited to minimize impacts on the surrounding neighbourhood and are lower than the 65m building height that could be constructed under the current zoning.
2. *Parking.* The applicant has demonstrated that all required parking could be provided onsite with underground parking, under-the-building parking, or private garages in the case of the townhouse lot. There are existing parking concerns in the neighbourhood related to on-street parking availability along Mill Street. The City has modified on-street parking regulations on Mill Street which has added capacity. This change has also narrowed the travel lane creating a “queuing street” which has the added benefit of traffic calming. Additional opportunities for increased on-street parking will become available with road dedication through the proposed rezoning and subdivision. An existing parking lot at Maffeo Sutton Park will continue to provide parking for park users.
3. *Trail Connections.* Public trail connections will be secured through the site via the proposed park to connect with the existing trail under the Pearson Bridge. The multi-use trail will be 4m-wide to provide adequate space for all trail users while maintaining as much of a riparian buffer adjacent to the Millstone River as possible. An additional multi-use trail will connect north-south through the site between the proposed park and Comox Road. Further design review for both trails will occur at the detailed design stage.

Community Amenity Contribution

As the application was received prior to Council’s *Community Amenity Contribution Policy* coming into effect on 2022-JAN-01, the applicant is providing a Community Amenity Contribution (CAC) under the previous rate of \$1,000 for each residential unit. The applicant has provided an economic analysis and independent appraisal that found the proposed rezoning could result in 142 more dwelling units than what could be achieved under the existing zoning for the whole site. As such, the minimum expected CAC value would be \$142,000.

Recognizing the scale of the development, the applicant has proposed a significant in-kind CAC with voluntary park dedication valued at \$1,698,300 and parks improvements within the dedication as shown in Attachment E valued at \$584,478 (including a public walkway, seating, lighting, etc., but not including riparian restoration that will otherwise be required), for a total CAC value of \$2,282,778. Staff support the proposed CAC as it will provide a desired park amenity in the neighbourhood and exceeds what would typically be expected through rezoning.

BC Energy Step Code Rezoning Policy

As per Council's BC Energy Step Code Rezoning Policy, a Section 219 Covenant will be registered on the subject properties as a condition of rezoning to secure a commitment to either a) exceed the required BC Energy Step Code by one step; or, b) provide a low-carbon energy system, to be determined at Building Permit issuance.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2022 No. 4500.204", Staff recommend the following items be secured prior to final adoption of the bylaw.

1. *Community Amenity Contribution / No-Build* – A Section 219 covenant with no-build and no-independent-sale restrictions until:
 - a. the subject site is subdivided in general accordance with the proposed lot layout as shown in Attachment F, or, the subject properties are consolidated and the new street through the site (to connect the end of Mill Street with the intersection of Comox Road and Wallace Street) and park (with an area of approximately 1,753m² as shown in Attachment F) are dedicated; and
 - b. the parks improvements within the proposed park dedication, generally as shown in Attachment E, are secured.
2. *BC Energy Step Code Commitment* – Registration of a Section 219 covenant to secure a commitment under the BC Energy Step Code Rezoning Policy.
3. *Road Dedication* – Road dedication with widths of:
 - a. Approximately 5.0m from the Comox Road frontage to allow for a future 'Mobility Arterial' cross-section width of 30m; and,
 - b. Approximately 3.9m from the Mill Street frontage on the south side of the street to allow for a future 'Urban Local' cross-section with a width of 20m.
4. *Public Access* – Blanket Statutory rights-of-way, to be reduced to specific SRWs at the time of subdivision, to secure:
 - a. Public access along the street not being dedicated as public road, south from the end of Mill Street to Comox Road; and,
 - b. Public access for a future multi-use trail adjacent to the Millstone River through the rear of proposed Lot 5.
5. *SRW Replacement* – Discharge of all existing charges related to servicing and road dedication, and replacement with new City standard charge documents and reference plans.
6. *Fire Flows Covenant* – A Section 219 covenant to require that fire flows be limited to maximum of 300 litres per second unless otherwise accepted by the City through a subsequent subdivision, development permit, or building permit process.
7. *Off-site Works*. Registration of a Section 219 covenant to secure construction of off-site works beyond the subject property frontage, to ensure the functionality of the Comox Road / Wallace Street intersection (including but not limited to: re-laning, curbs,

sidewalks, street lighting, traffic signaling, etc.), to be determined at the time of Design Stage Acceptance.

SUMMARY POINTS

- The application is to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7) and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision.
- To support the proposed concept plan and better align with the Zoning Bylaw, “Zoning Amendment Bylaw 2022 No. 4500.204” will revised the CD7 and introduced new sub-zones that match the lot layout plan.
- The rezoning application includes “Land Use Contract Discharge Bylaw 2022 No. 7355” which will authorize Staff to discharge a Land Use Contract (LUC) from the property title at 500 Comox Road.
- Staff support the general concept in principle given the information provided and the applicant’s demonstration that the site can be used for the intended use and density, with detailed design to address DPA guidelines through subsequent development permit and subdivision processes.
- The proposed rezoning meets the intent of the City Plan policies by facilitating a medium- to high-density mixed-use development concept, including the provision of public park space and trail improvements, in close proximity to existing services and amenities within the City’s core.
- Staff support the proposed CAC (park dedication and parks improvements) as it will provide a desired park amenity in the neighbourhood and exceeds what would typically be expected through rezoning.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Conceptual Building Renderings and Massing
ATTACHMENT E: Conceptual Park Plan
ATTACHMENT F: Proposed Lot Layout
ATTACHMENT G: Aerial Photo
ATTACHMENT H: Land Use Contract No. F90666
“Land Use Contract Discharge Bylaw 2022 No. 7355”
“Zoning Amendment Bylaw 2022 No. 4500.204”

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

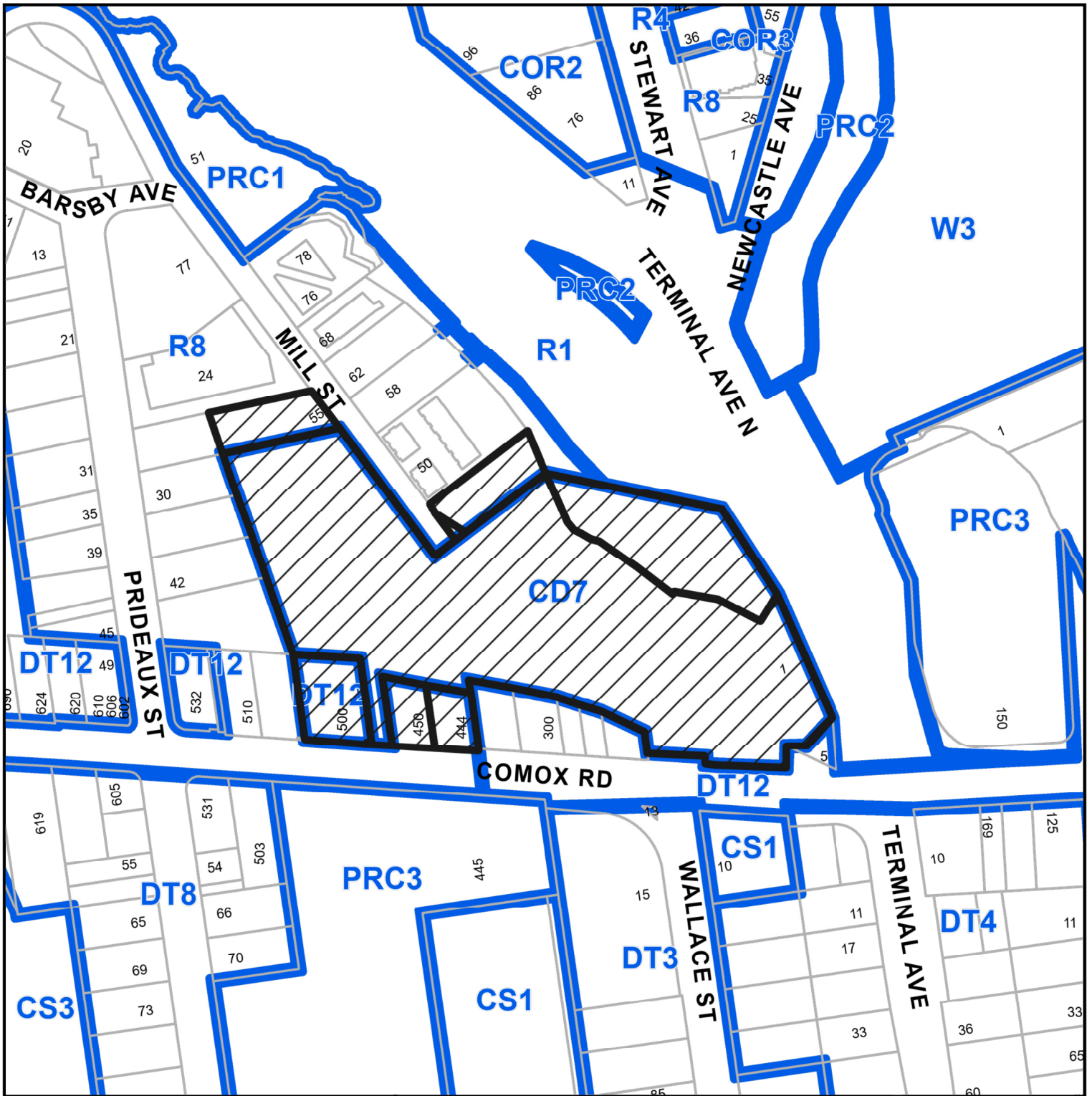
Dale Lindsay
General Manager, Development Services
/Deputy CAO

ATTACHMENT A CONTEXT MAP



1 TERMINAL AVENUE, 444, 450 & 500 COMOX ROAD, 55 MILL STREET

ATTACHMENT B LOCATION PLAN



REZONING APPLICATION NO. RA000475

CIVIC: 1 TERMINAL AVENUE, 444, 450 & 500 COMOX ROAD, 55 MILL STREET
LEGAL: SEE NEXT PAGE FOR LEGAL DESCRIPTIONS



Subject Property

LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 3360

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW

LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318 EXCEPT THAT PART IN PLAN 48701

LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272

LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116

LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584

ATTACHMENT C CONCEPTUAL SITE PLAN

Appendix B

D'AMBROSIO
architecture + urbanism



THIS DOCUMENT HAS BEEN ELECTRONICALLY CERTIFIED WITH DIGITAL CERTIFICATES AND ENCRYPTION TECHNOLOGY AUTHORIZED BY THE ABC. THE AUTHENTICATIVE ORIGINAL IS IN ELECTRONIC FORM. ANY PRINTED VERSION CAN BE HELD UNRELIABLE. TRUE COPY OF THE ORIGINAL WHEN SUPPLIED BY D'AMBROSIO ARCHITECTURE + URBANISM. SIGNATURE MARKS OF THE PROFESSIONAL SEAL AND DIGITAL CERTIFICATE, OR WHEN PRINTED FROM THE DIGITALLY CERTIFIED ELECTRONIC FILE.

- NOTES:
1. Development scenario based on preliminary information and assumptions subject to changes and verification.
 2. Topographic information shown on the site has been transcribed from the existing and is preliminary in nature. Please refer to the legal survey for existing topographic information.
 3. Riparian setbacks and Natural Boundaries are shown as per the legal survey provided by Turner and Associates and D'AMBROSIO Architecture + Urbanism. Setbacks and are preliminary in nature. Both will need to be confirmed.
 4. Top of Bank established based on City of Nanaimo definition. Exact location will need to be confirmed.
 5. Floor Area Ratio (FAR) is shown inclusive of allowable base density and the additional requirements to achieve maximum allowable density within the zone based on providing 100% of required parking underground.
 6. Project Data is calculated as per City of Nanaimo Regulations.
 7. All numbers are approximate and subject to confirmation of technical and regulatory requirements.
 8. Density calculations are based on gross area and are inclusive of roof area and open space area.
 9. Lot numbers have been assigned for the purposes of this study. Lot lines are approximate. All legal information to be prepared by qualified BCLS.

5	Issued for Review	09/09/2022
4	Re-issued for RZ Tech. Upd 3	07/26/2022
3	Re-issued for RZ Tech. Upd 2	06/03/2022
2	Re-issued for RZ Tech. Upd 1	05/17/2022
1	Issued for Reaming App.	07/22/2021

rev no	description	date

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project name
Millstone Waterfront
vanamo, B.C.

sheet title
indicative Urban Design Plan

project no.	1932
drawing file	CAU Drawing Standards
date issued	June 3, 2022
scale	As Noted
drawn by	AC
checked by	FDA
revision no.	sheet no.

4 **A1.2**

RECEIVED
RA475
2022-AUG-10
CUBIST DESIGN INC.



ATTACHMENT D CONCEPTUAL BUILDING RENDERINGS



Prepared for Oakwood Park Estates by **D'AMBROSIO**
architecture + urbanism



2021-07-22

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RA475
2021-JUL-28
Current Planning

July 22, 2021 • **Millstone Riverfront** Rezoning Application Support Documents • A17a



Prepared for Oakwood Park Estates by **D'AMBROSIO**
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RECEIVED
RA475
2021-JUL-28
 Current Planning

July 22, 2021 • **Millstone Riverfront** Rezoning Application Support Documents • A17b

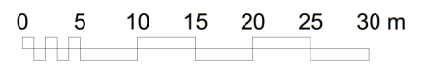
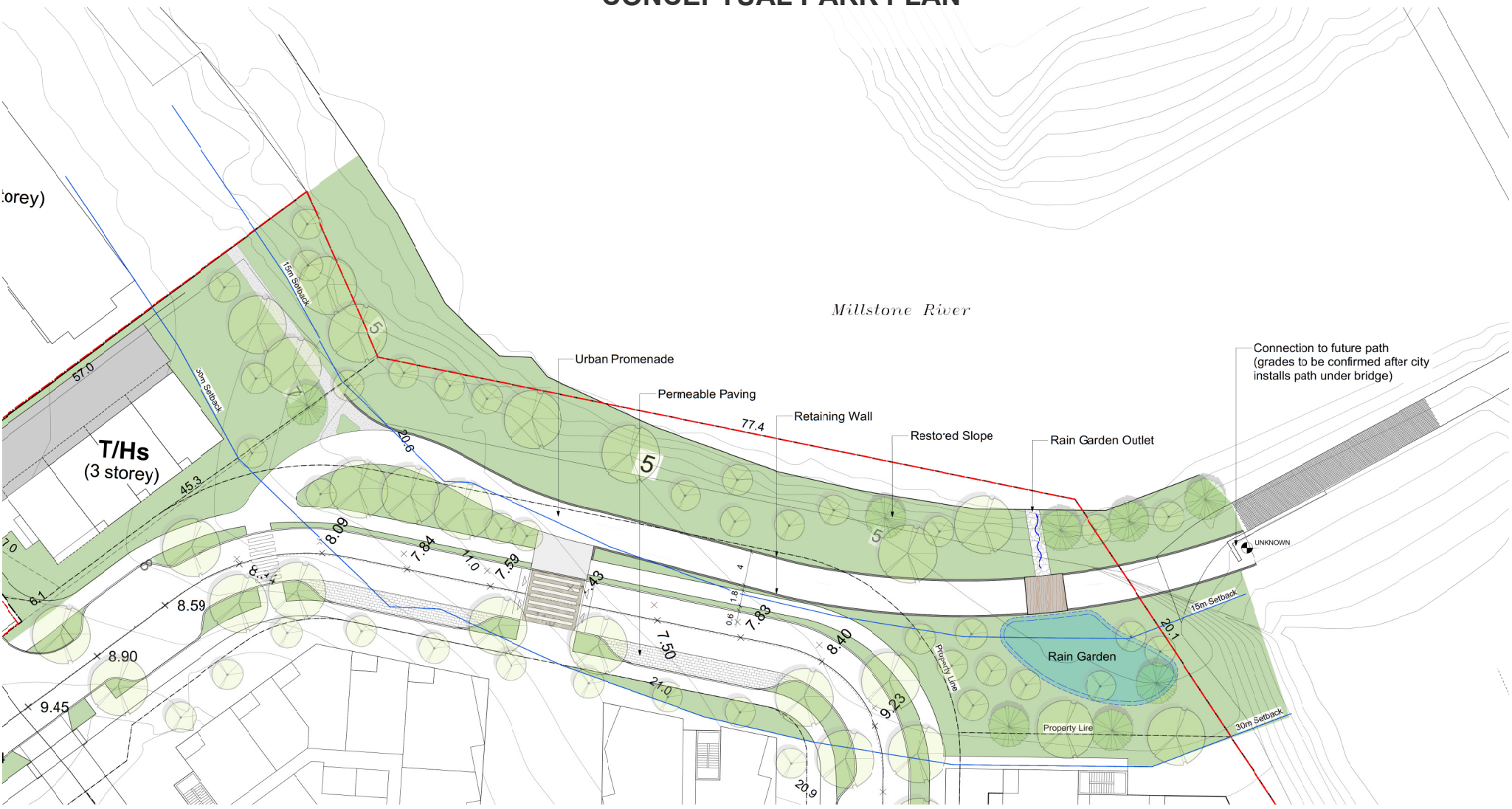




Massing Studies



ATTACHMENT E CONCEPTUAL PARK PLAN



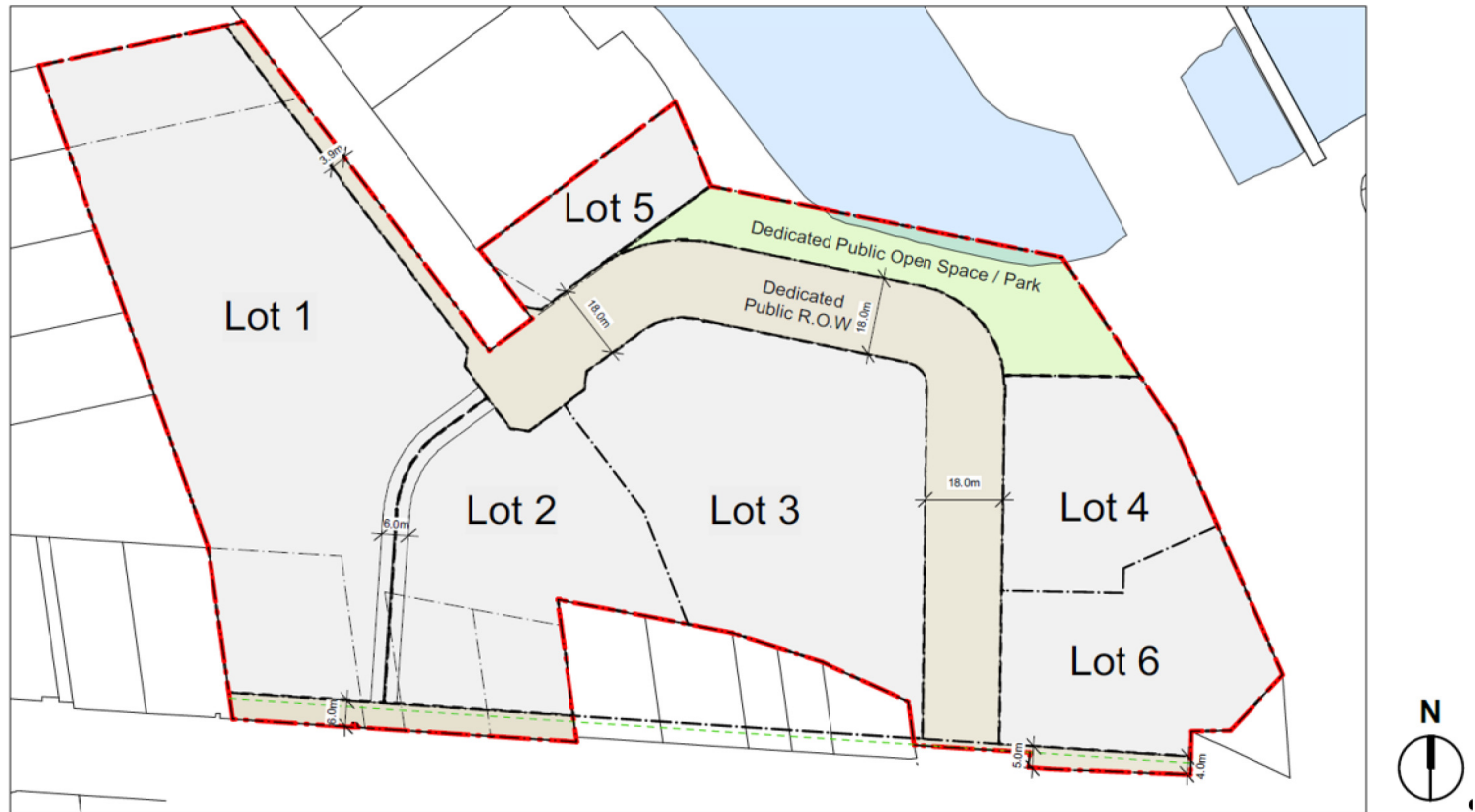
Millstone Waterfront Development
Schematic Landscape Plan
 FOR CLIENT REVIEW DATE: 2022.08.09

RECEIVED
 RA475
 2022-AUG-10
 Current Planning

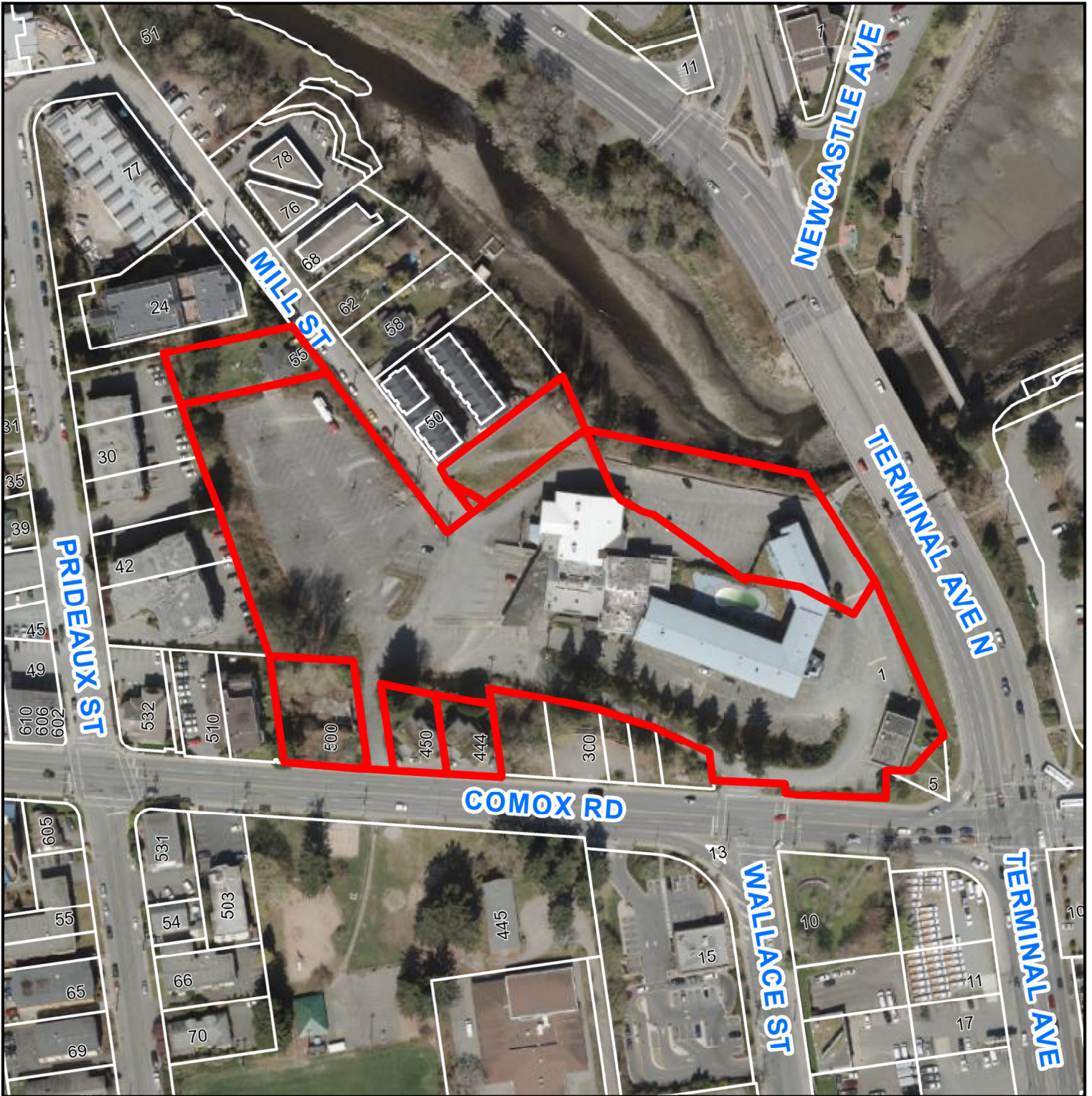


ATTACHMENT F PROPOSED LOT LAYOUT


Development Lot Plan



**ATTACHMENT G
AERIAL PHOTO**



REZONING APPLICATION NO. RA000475

 1 TERMINAL AVENUE; 444, 450, 500 COMOX ROAD; 55 MILL STREET

ATTACHMENT H LAND USE CONTRACT NO. F90666

Substitute Form "C"
Date: November 2, 1977 F90666
Declared Value: \$1.00
C.T. #F38641
Nature of Interest: Land
Use Contract

Applicant: *[Signature]*
Agent for
GREER & SPROULE
BARRISTERS & SOLICITORS
17 Church Street, P. O. Box 10
NANAIMO B.C. V9R 5K9
753-6135

CITY OF NANAIMO

[Signature]

THIS AGREEMENT made the 13th day of October , A.D. 1977.

8/11/77

10.11.77

BETWEEN:

*15/11/77
Monica Gerick*

CITY OF NANAIMO
455 Wallace Street,
Nanaimo, British Columbia

(hereinafter called "the Municipality")

OF THE FIRST PART

AND:

KLAUS GERICK, electrician, and
MONICA MAXINE GERICK, his wife, both of
R.R. #1, Cinnibar Drive,
Nanaimo, British Columbia

(hereinafter called "the Developer")

OF THE SECOND PART

WHEREAS the Municipality pursuant to Section 702A of the "Municipal Act", may, notwithstanding any By-law of the Municipality or Section 712 or 713 of the "Municipal Act", upon the application of an owner of land within a development area designated as such by bylaw of the Municipality, enter into a Land Use Contract containing such terms and conditions for the use and development of land as may be agreed upon with the Developer and thereafter the use and development of the land shall be in accordance with the Land Use Contract.

- 2 -

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of a By-law of the Municipality or Section 712 or 713 of the Municipal Act or both and has requested that the COUNCIL of the Municipality enter into the Contract under the terms, conditions and further consideration hereinafter set forth.

AND WHEREAS the COUNCIL of the Municipality, having had due regard for the considerations set forth in Division 111 of Part XXI of the "Municipal Act", has agreed to the terms and conditions and the consideration herein contained.

AND WHEREAS a Land Use Contract is deemed to be a Zoning By-law for the purposes of the "Controlled Access Highways Act" and if the land is so situated that it is subject to such "Act", the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the Municipality can enter into same.

AND WHEREAS a Land Use Contract may not deal with any lands designated "Flood Plain" on the Official Regional Plan, until the said Contract is approved by the Minister of Municipal Affairs.

AND WHEREAS the Developer acknowledges that he is fully aware of the provisions and limitations of Sections 702A of the "Municipal Act" and the Municipality and the Developer mutually acknowledge and agree that the COUNCIL of the Municipality cannot enter into this Agreement until the COUNCIL has held a Public Hearing thereon, in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing, and unless two-thirds of all of the Members of the COUNCIL vote in favour of the Municipality entering into this Contract.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

1. In this Agreement, unless the context otherwise requires:

Definitions

"Complete" or "Completion" or any variation of these words when used with respect to the work or works referred to herein shall mean completion to the satisfaction of the Planning Director of the Municipality when so certified by him in writing.

"Contract" or "Agreement" shall be construed to mean this Agreement.

"Municipal Engineer" shall be construed to mean and include the Municipal Engineer for the Municipality and his duly authorized assistants or such Consulting or other Professional Engineers as may be appointed to act for the Municipality.

"Planning Director" shall be construed to mean and include the Planning Director for the Municipality and his duly authorized assistants or such Consulting or other Professional Engineers as may be appointed to act for the Municipality.

"Work" or "Works" or any variation of these words shall be construed to mean and include all work required to be done for the setting-out, the execution and the completion of this Agreement to the satisfaction of the Municipality.

"Building Inspector" shall be construed to mean and include any Building Inspector employed

by the Municipality and any duly authorized assistants or such Consultants as may be appointed to act for the Municipality.

"Average Finish Grade Line" shall mean the average elevation of the perimeter of the sides of the building or structure measured perpendicularly to the highest part of the building excluding television antenna aerials and chimneys.

Land included
in Development

2. The Developer is the Registered Owner of an interest in all and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Nanaimo, in the Province of British Columbia, and more particularly known and described as:

Lot B, Section.1, Nanaimo
District, Plan 15272

(hereinafter called the "said lands")

3. The Developer agrees to carry out the work and construct, locate, provide and develop the said lands, structures, buildings, works, services, developments and facilities as

proposed in the application a true copy of which is annexed hereto and marked Schedule "A" and in accordance with the plans and specifications annexed hereto and marked Schedule "B" and for the purposes specified in Schedule "C" annexed hereto and to complete and pay for the entire cost of the completion of such development by the Completion Date specified herein.

Conditions
precedent to
development of
land

4. The Municipality will permit the Developer to carry out and perform all of the work contemplated by this Agreement upon condition that:
 - (a) The Developer proceeds without delay after the approval of this Contract to develop the said lands as proposed in paragraph 3 hereof;
 - (b) Whether or not this Contract is finally approved by the Municipality, the Developer will pay to the Municipality upon demand any reasonable legal and engineering fees and disbursements incurred for the negotiation, investigation, preparation and registration of this Agreement;
 - (c) All other terms and conditions of this Agreement including all of the applicable By-laws and regulations of the Municipality in force from time to time during the currency of this Agreement are complied with by the Developer.

Consent of
Encumbrancers

5. The Developer has obtained or shall, prior to or upon the approval of this Contract by the Municipality, obtain the consent of all persons having a registered interest in the said lands, to the provisions of this Agreement and to registration of the same in the Land Registry Office at Victoria, British Columbia in priority to such interest and have each of such persons execute the form of Consent set forth in Schedule "D".

Permitted Uses

6. The land, including the surface of water thereon and any and all buildings or structures erected thereon, thereafter or therein, shall be used for the purposes specified in Schedule "C" annexed hereto and for no other purpose whatsoever.
7. Every building or structure from time to time constructed, reconstructed, altered, moved or extended upon the said lands shall be sited in accordance with the provisions of and in conformity with the plans and specifications marked Schedule "B" annexed hereto, provided that minor alterations to the Plan which do not substantially alter the concept of the development may be permitted if approved

in writing by the Planning Director.

Height of
Buildings
and Structures

8. No buildings, structures or improvements erected on the said lands shall exceed forty (40) feet in height measured from the average finish grade line.

Off-Street
Parking

9. All off-street parking and loading shall be provided and maintained in accordance with the specifications outlined in Schedule "E" annexed hereto.

Landscaping,
Surface Treatments,
Fences, and
Screens

10. All landscaping, surface treatments, fences and screens shall be constructed, located, provided and maintained in accordance with the provisions of and in conformity to the plans and specifications marked Schedule "B", annexed hereto, provided that minor alterations to the plan which do not substantially alter the concept of the development may be permitted if approved in writing by the Planning Director.

Utilities

11. The Developer agrees to provide and supply all utilities and services to the lands entirely at its own expense, except for those which

by agreement with the Municipality may be assumed by the Municipality.

Signs

12. The Developer may construct and erect signs but in doing so shall comply with the relevant provisions of the Municipalities sign By-law.

Completion Date

13. The Developer will complete construction of the development provided for herein, including all appurtenant works, services, developments and facilities in accordance with the provisions of this Agreement (subject to such permitted alterations as may be made in any of said Schedules) by December 31, 1981 (hereinafter called "the Completion Date") provided always that if the Developer is unable to complete the construction of the said works by the Completion Date through circumstances outside the control of the Developer then the Completion Date may be extended by a period of time equivalent to the period of delay resulting from the circumstances outside the control of the Developer.

Schedules
Incorporated

14. The said Schedules "A" to "E" inclusive hereinbefore referred to are hereby incorporated into and made part of this Agreement.

15. Notwithstanding any provisions of this Contract hereinbefore contained and notwithstanding the provisions of the Building By-law, and amendments thereto of the Municipality and of any provisions of the "Municipal Act", R.S.B.C. 1960, Chapter 255 and amendments thereto, the Developer covenants and agrees that the Municipality may withhold the granting of any occupancy permit for the occupancy and/or use of any building or part thereof, constructed upon the said lands until all of the works herein have been completed to the satisfaction of the Planning Director.

Detailed Plans,
Specifications
and Working
Drawings

16. The Developer hereby acknowledges that while detailed plans, specifications and working drawings for the construction of the works and services to be built upon the land are not called for in this Agreement, this fact shall not be deemed to preclude the necessity and obligation of the Developer to submit such detailed plans, specifications and working

drawings to the Building Inspector of the Municipality and upon approval thereof by the said Building Inspector of obtaining from the Municipality a Building Permit for such work.

Indemnification
of Municipality

17. The Developer covenants to save harmless and effectually indemnify the Municipality against:
- (a) All actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomever brought by reason of the construction of the said works.
 - (b) All expenses and costs which may be incurred by reason of the execution of the said works resulting in damage to any property owned in whole or in part by the Municipality or which the Municipality is legally bound in any way or to any degree to construct, repair or maintain.
 - (c) All expenses and costs which may be incurred by reason of liens for non-payment of labour or materials, workmen's compensation assessments, unemployment insurance, Federal or Provincial Tax, check-off and for encroachments owing to mistakes in survey.

Cancellation
of Agreement

18. In addition to any other remedies available to the Municipality, in the event that the Developer fails to use and develop the whole of the said lands in accordance with the

terms of this Agreement, this Contract may, at the option of the Municipality, be cancelled and thereby rendered null and void.

Time

19. Time shall be the essence of this Agreement.

Municipal Representations etc.

20. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement.

Registration

21. This Agreement shall not have any force or effect unless and until it is registered as a first charge (except for mineral or undersurface rights registered under number 265028-G) in the Land Registry Office at Victoria, British Columbia against the said lands and when so registered shall be construed as running with the said lands pursuant to the provisions of Section 702A (4) of the "Municipal Act".

Interpretation

22. Wherever the singular or masculine is used herein, the same shall be construed as meaning

the plural, feminine or body corporate or politic where the Contract or the parties so require.

Binding Effect

23. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Notices

Any notice, request or demand provided for herein shall be sufficiently given or made if mailed by registered mail in the City of Nanaimo, in the Province of British Columbia, postage prepaid, addressed if to the Municipality at:

455 Wallace Street,
Nanaimo, British Columbia

and to the Developer at:

Cinnibar Drive,
R.R. #1, Nanaimo, British Columbia

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL of the Municipality was hereunto affixed in the presence of:

[Signature]
MAYOR

[Signature]
CITY CLERK

SIGNED, SEALED AND DELIVERED)
BY KLAUS GERICK and MONICA)
MAXINE GERICK in the presence)
of:)

[Signature]
Name

[Signature]
KLAUS GERICK

Address **DOUGLAS M. GREER**
37 CHURCH STREET
P. O. BOX 30
NANAYO, P.C. 198 5K4
SOLICITOR

[Signature]
MONICA MAXINE GERICK

Occupation

SCHEDULE "A"

114. (14)

Klaus Gerick

R. R. #1, Cinnabar Dr.

Nanaimo, B. C.

March 21, 1977

The Mayor and City Council,
City of Nanaimo,
City Hall,
Nanaimo, B. C.

*W.G.
M.L.*

Your Worship, and Members of Council,

Enclosed, please find our application and plans, for a land use contract on our property on Comox Road.

The property, at present is zoned, multiple dwellings. We would like to construct an office and professional building with provision on the ground floor for related retail outlets.

You will note, on the enclosed plan, that underground parking has been provided for, with entrance from the east side. I have received verbal approval from the owners of the Tally Ho Motor Hotel for use of their 30ft. access road. Written approval will be forthcoming. Mr. Archie Leach, indicated to me that he feels that this type of development would be an asset to their operation.

The proposal is for a three story building, with 5,120 sq. ft. of rental area, on the ground floor, and 5,600 sq. ft. on the 2nd. and 3rd. floors.

RECEIVED

MAR 23 1977

CITY OF NANAIMO

COPY TO _____

There is provision for 35, off street parking stalls. The proposed building is to be constructed of concrete block.

Yours very truly,


Klaus Gerick

CITY OF NANAIMO

APPLICATION FOR LAND USE CONTRACT

Mr. Klaus and Monica Gerick, as owners of, Lot W, Block 48, Plan 15272,
on Comox Rd., Nanaimo
(as Owner or Agent of the Owner(s))

hereby make application pursuant to the provisions of the Land Use Contract Procedure By-law for a Land Use Contract to proceed with a development project, and present herewith as part of this application plans and particulars respecting the several clauses and schedules set out in Schedule 1 of the Land Use Contract Procedure By-law, and which fully describe the development project applied for.

I/WE also agree to pay all legal and other costs, involved with the preparation of a land use contract.

Klaus and Monica Gerick Owner or Agent
Name of Applicant
Address: R. R. #1, Cinnabar Dr. Telephone No. 754-4958
Nanaimo, B. C.

Klaus Gerick
Signature of Applicant

SCHEDULE "D"

Plans and Specifications

SCHEDULE "C"

Permitted Uses

The use of the land and all buildings and structures to be erected thereon shall be restricted to:

1. Retail Stores and Offices

2. 1 Apartment Dwelling Unit.

Handwritten notes:
A
W.D.
7/1/1

SCHEDULE "D"

CITY OF NANAIMO
LAND USE CONTRACT

CONSENT

KNOW ALL MEN BY THESE PRESENTS THAT:

GULF TRADING CORP. LTD.
(Incorporation Number 96,982)

of:

17 Church Street,
Nanaimo, British Columbia

being the holder of a charge by way of a Mortgage registered in the Land Registry Office at the City of Victoria, British Columbia, under Number F53919 against ALL AND SINGULAR that certain parcel or tract of land and premises being in the City of Nanaimo, in the Province of British Columbia known and described as:

Lot B, Section 1,
Nanaimo District, Plan 15272

in consideration of the sum of ONE (\$1.00) DOLLAR hereby agrees and consents to the registration of the Land Use Contract made between the registered owner

of the said lands annexed hereto having the same force and effect as a Restrictive Covenant running with the land and against the above described lands in priority to the said Mortgage in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

THE COMMON SEAL OF GULF TRADING CORP. LTD. was hereunto affixed in the presence of:

[Handwritten signature]

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 19th day of October, 19 77,
at Nanaimo, in the Province of British Columbia,
oath of James C. Goodwin (whose identity has been proved by the evidence or
appeared before me and acknowledged to me that he is the Treasurer, who is) personally known to me,
Gulf Trading Corp. Ltd., and that he is the person
who subscribed his name to the annexed instrument as Treasurer of the said
Gulf Trading Corp. Ltd. and affixed the seal of the
company

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at Nanaimo in the Province of
British Columbia, this 19th day of October
one thousand nine hundred and seventy-seven.

WILLIAM BERESFORD NEY
A Commissioner for taking Affidavits
for British Columbia

[Handwritten signature]
A Notary Public and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

SCHEDULE "E"

Off-Street Parking and Loading Requirements:

(1) Size:

Each space shall be of a minimum size of 9' X 18' and shall be located on site.

(2) For Retail Stores:

To be provided and maintained in ratio of 5.5 spaces for each 1000 square feet of gross lease area.

(3) For Offices:

To be provided and maintained in ratio of 3.5 spaces for each 1000 square feet of gross lease area.

(4) For Apartments:

To be provided and maintained in ratio of 1.5 spaces for each apartment unit.

14
11/1

CITY OF NANAIMO

BYLAW NO. 7355

A BYLAW TO AUTHORIZE THE DISCHARGE OF A LAND USE CONTRACT

WHEREAS the City of Nanaimo entered into a Land Use Contract with KLAUS GERICK and MONA MAXINE, to provide for the development of LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road, hereby referred to as the “Lands”);

AND WHEREAS the City of Nanaimo adopted “Land Use Contract Authorization Bylaw 1977 No. 1844” on January 26th, 1977;

AND WHEREAS the said Land Use Contract was registered in the Victoria Land Title Office under registration number F90666 on November 4th, 1977;

AND WHEREAS the City of Nanaimo has agreed to release and discharge said Land Use Contract from the Lands;

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as the City of Nanaimo “Land Use Contract Discharge Bylaw 2022 No. 7355”.

Discharge

2. The City of Nanaimo does hereby discharge the Land Use Contract registered against the Lands in the Victoria Land Title Office on November 4th, 1977 under registration number F90666.

Execution of Documents

3. The Mayor and Director of Legislative Services are hereby authorized to execute all documents necessary for the discharge of the Land Use Contract.

Repeal

4. The City of Nanaimo “Land Use Contract Authorization Bylaw 1977 No. 1844” is hereby repealed.

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

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 4500.204

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, 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 Bylaw Amendment Bylaw 2022 No. 4500.204".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By deleting Section 16.7 and replacing it with a new Section 16.7 as shown in Schedule A of this Bylaw.
 - 2) By amending the table in section 17.11 by adding the following row after the row labeled 'CD5':

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage / Landfill / Refuse Receptacles
CD7	1	1	1	2

- 3) By rezoning the lands legally described as LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272 (444 Comox Road), LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272 (450 Comox Road), LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road), LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584 (55 Mill Street), and LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360 (portion of 1 Terminal Avenue) from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7), as shown on Schedule B of this Bylaw.

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

MAYOR

CORPORATE OFFICER

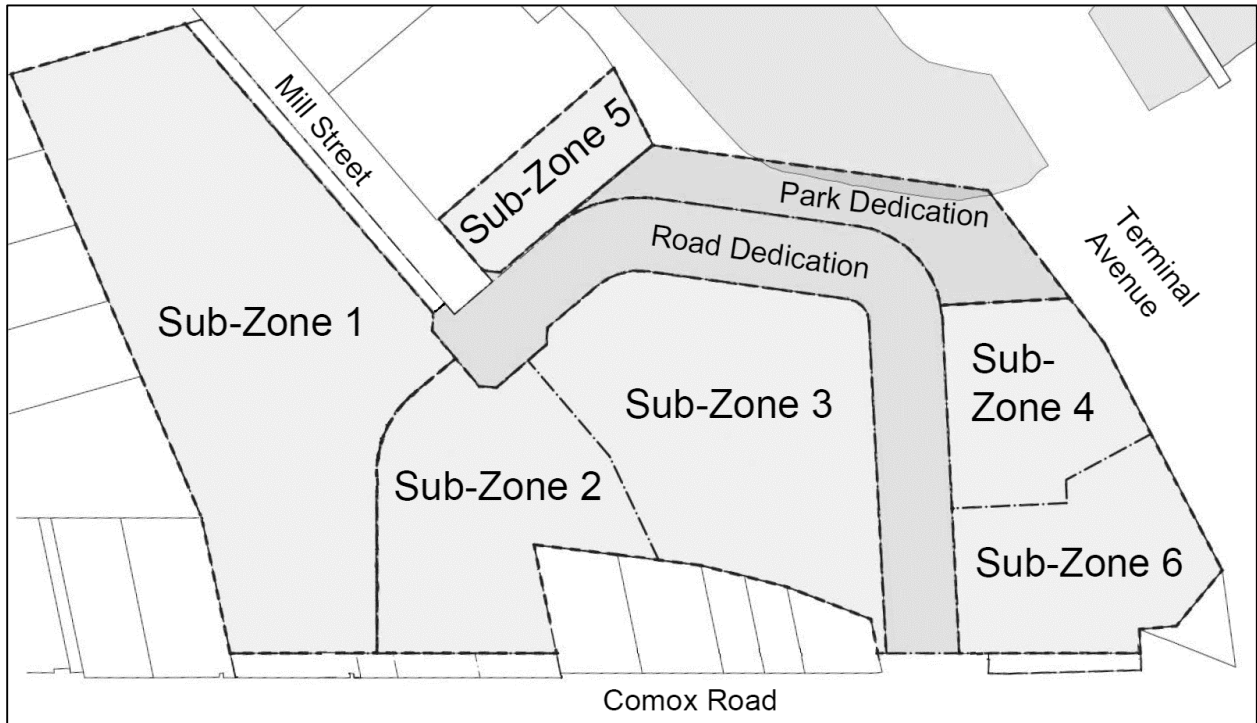
File: RA000475
 Address: 444/450/500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

16.7 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE SEVEN (CD7)

The intent of this zone is to provide a comprehensive mixed-use development area at the north edge of Downtown Nanaimo adjacent to the Millstone River, with a range of commercial and residential uses.

16.7.1 ESTABLISHMENT OF SUB-ZONES

16.7.1.1 Regulations in the CD7 zone will be established within sub-zones as identified in the following plan:



16.7.2 PERMITTED USES

16.7.2.1 The uses listed in the following table shall be permitted in sub-zones where indicated with a 'P' within the corresponding column with sub-zone number, as per the conditions of use specified:

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Arcade	--	P	P	P	--	P	
Assembly Hall	P	P	P	P	--	P	
Bingo Hall	--	P	P	P	--	P	
Commercial School	--	P	P	P	--	P	
Convention Centre	--	P	P	P	--	P	

SCHEDULE A

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Court of Law	--	P	P	P	--	P	
Cultural Facility	P	P	P	P	--	P	
Custom Workshop	--	P	P	P	--	P	
Daycare	P	P	P	P	P	P	
Funeral Parlour	--	P	P	P	--	P	
Hotel	--	P	P	P	--	P	
Laundromat	P	P	P	P	--	P	
Library	P	P	P	P	--	P	
Liquor Store	--	P	P	P	--	P	
Live/Work	P	P	P	P	P	P	
Micro-Brewery	--	P	P	P	--	P	The Gross Floor Area of a micro-brewery shall not exceed 557m ² .
Multiple Family Dwelling	P	P	P	P	P	P	Within sub-zones 3, 4, and 6, multiple family dwelling residential shall only be permitted where a commercial use exists on the same lot.
Neighbourhood Pub	--	P	P	P	--	P	
Office	P	P	P	P	--	P	
Personal Care Facility	P	P	P	P	--	P	
Printing and Publishing Facility	--	P	P	P	--	P	
Recreation Facility	P	P	P	P	--	P	
Religious Institution	P	P	P	P	P	P	
Repair Shop	--	P	P	P	--	P	
Restaurant	P	P	P	P	--	P	
Retail	P	P	P	P	--	P	
Rooming House	P	P	P	P	P	P	
Shopping Centre	--	P	P	P	--	P	
Personal Care Facility	P	P	P	P	P	P	
Seniors' Congregate Housing	P	P	P	P	P	P	
Social Services Resource Centre	P	P	P	P	--	P	
Veterinary Clinic	P	P	P	P	--	P	

P = Permitted Use
-- = Use Not Permitted

SCHEDULE A

16.7.2.2 The uses listed in the following table shall be permitted as an accessory use where indicated with an ‘A’ within the corresponding column with sub-zone number, as per the conditions of use specified:

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Accessory Dwelling	A	A	A	A	A	A	
Boarding and Lodging	A	A	A	A	A	A	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Home Based Business	A	A	A	A	A	A	Subject to Part 6.
Secondary Suite	A	--	--	--	A	--	Subject to Part 6. Must be accessory to a single residential dwelling.
Short-Term Rental	A	A	A	A	A	A	Subject to Part 6.
Teletheatre Outlet	--	A	A	A	--	A	Must be contained within a Hotel or Neighborhood Pub.

P = Permitted as an Accessory Use
-- = Use Not Permitted

16.7.3 DENSITY

16.7.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot in each sub-zone. The additional density columns permit additional density where the specified criteria have been provided. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements as specified in Schedule D of this Bylaw, and Tier 2 awards additional density where a development meets or exceeds the Tier 2 requirements as specified in Schedule D. Where a development achieves additional density as established through a development permit process, the additional floor area may be added to the base density within the sub-zone. A development may achieve all of the additional density available within the sub-zone:

Sub-Zone	Maximum Allowable Floor Area Ratio (FAR)	Additional Density	
		Tier 1	Tier 2
1	1.50	+0.2	+0.25
2	3.20	+0.2	+0.25
3	1.50	+0.2	+0.25
4	4.05	+0.2	+0.25
5	0.45	+0.1	+0.15
6	1.50	+0.2	+0.25

SCHEDULE A

16.7.3.2 Notwithstanding Subsection 16.7.3.1, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the adjacent finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

16.7.3.3 Notwithstanding Subsection 16.7.3.1, up to 15% of the calculated maximum permitted floor area of a lot in any sub-zone may be transferred to a lot in another sub-zone, with the exception of sub-zone 5, through a form & character development permit process and provided that a Section 219 covenant is registered on the property title of both subject parcels to record the terms of the density transfer.

16.7.4 LOT SIZE AND DIMENSIONS

16.7.4.1 The minimum lot size for a serviced lot shall be 1,000m².

16.7.4.2 The minimum lot frontage shall be 20m.

16.7.4.3 The minimum lot depth shall be 40m.

16.7.5 SITING OF BUILDINGS

16.7.5.1 The following table specifies the minimum distance a principal building must be set back from any front or flanking side lot line shared with the respective street identified in the first column:

Street	Front / Flanking Side Yard
Comox Road	0m – for the first five storeys of the building 2.2m – for any portion of the building above the fifth storey
Mill Street	3.5m – for the first four storeys of the building 4.5m – for any portion of the building above the fourth storey
Street labeled 'Road Dedication' in Subsection 16.7.1.1	2.5m
Terminal Avenue	5.5m

16.7.5.2 The following table specifies the minimum distance a principal building must be set back from any side or rear lot line within each respective sub-zone:

Sub-Zone	Side Yard	Rear Yard
1	7.5m	7.5m
2	7.5m	7.5m
3	5.0m	7.5m
4	2.5m	3.0m
5	3.0m	7.5m
6	3.0m	3.0m

16.7.5.3 Notwithstanding Subsections 16.7.5.1 and 16.7.5.2, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

SCHEDULE A

- 16.7.5.4 Notwithstanding Subsection 16.7.5.1, the maximum front yard setback shall be 6m from all lot lines shared with a street except for the street known as Terminal Avenue where there is no maximum front yard setback.
- 16.7.5.4.1 Where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback.
- 16.7.5.4.2 Where more than one principal building exists on the lot at least 50% of the property frontage must include a building front face within the maximum front yard setback area.
- 16.7.5.5 No vehicle parking shall be permitted between the front face of a principal building and any lot line abutting a street.
- 16.7.5.6 Notwithstanding Subsections 6.5.1, 16.7.5.1, and 16.7.5.2, a minimum setback shall not be required for an underground parking structure except from any lot line shared with the street known as Terminal Avenue where the minimum setback for an underground parking structure shall be 4.5m.

16.7.6 SIZE OF BUILDINGS

- 16.7.6.1 The following table specifies the maximum permitted lot coverage and building height, as well as the minimum required height of a principal building, within each respective sub-zone:

Sub-Zone	Lot Coverage	Maximum Building Height	Minimum Building Height
1	40%	21m	2 Storeys
2	40%	55m	2 Storeys
3	44%	30m	2 Storeys
4	52%	58m	2 Storeys
5	40%	13m	n/a
6	40%	25m	2 Storeys

16.7.7 HEIGHT OF FENCES

- 16.7.7.1 The maximum height of a fence shall not exceed 1.2m where located within 3m of any front or flanking side lot line.
- 16.7.7.2 The maximum height of a fence shall not exceed 1.8m in any side or rear yard.
- 16.7.7.3 The maximum height of a fence shall not exceed 3.0m in any portion of the lot that is not within a front, flanking side, side, or rear yard setback.

SCHEDULE B

LEGAL DESCRIPTIONS:

LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272

LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116

LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584

Delegation Request

Delegation's Information:

Deane Strongiharm, Brad Martin, and Franc D'Ambrosio have requested an appearance before Council.

City: Victoria
Province: BC

Delegation Details:

The requested date is 2022-AUG-29

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:.

Introduction to land-use application for #1 Terminal Ave. (Former Tally Ho Inns site) - RA000475

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