

DATE OF MEETING August 29, 2022

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

**SUBJECT REZONING APPLICATIONS NO. RA476 AND RA480 – 560, 604
FOURTH STREET AND 361 HOWARD AVENUE**

OVERVIEW

Purpose of Report

To present Council with applications to rezone 560, 604 Fourth Street and 361 Howard Avenue from Single Dwelling Residential (R1) and Community Service One (CS1) to Comprehensive Development District Zone Eleven (CD11) to facilitate a multi-family residential development.

Recommendation

That:

1. "Zoning Amendment Bylaw 2022 No. 4500.202" (to rezone 560, 604 Fourth Street and 361 Howard Avenue from Single Dwelling Residential [R1] and Community Service One [CS1] to Comprehensive Development District Zone Eleven [CD11] to facilitate a multi-family residential development) pass first reading;
2. "Zoning Amendment Bylaw 2022 No. 4500.202" pass second reading; and,
3. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2022 No. 4500.202" 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, RA476, was received from Howard Avenue Project Ltd., on behalf of 0760408 BC Ltd., to rezone 560 Fourth Street and 361 Howard Avenue, and a subsequent rezoning application, RA480, was received from Howard Avenue Project Ltd., on behalf of Gashtaseb and Mahin Kiamanesh, to rezone 604 Fourth Street. The applicant proposes to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") and rezone the subject properties to a new Comprehensive Development District Zone Eleven (CD11) to facilitate a proposed multi-family residential townhouse development. A concurrent boundary adjustment subdivision application (SUB01469) to adjust the boundary between 560 Fourth Street and 361 Howard Avenue is under review.

Subject Properties and Site Context

<i>Location</i>	The subject properties border Fourth Street to the south, Howard Avenue to the east, and a no-exit section of Watfield Avenue to the north.
<i>Lot Areas</i>	1.21ha – 560 Fourth Street 0.81ha – 604 Fourth Street 1.71ha – 361 Howard Avenue

<i>Current Zoning</i>	Community Service One (CS1) – 560 Fourth Street and 361 Howard Avenue Single Dwelling Residential (R1) – 604 Fourth Street
<i>Proposed Zoning</i>	Comprehensive Development District Zone Eleven (CD11)
<i>City Plan – Future Land Use Designation</i>	Neighbourhood – 560 and 604 Fourth Street Suburban Neighbourhood – 361 Howard Avenue
<i>Neighbourhood Plan – Land Use Designation</i>	Harewood Neighbourhood Plan – Neighbourhood and Townhome Neighbourhood

The subject properties are located in the north of the Harewood Neighbourhood near Vancouver Island University (VIU), approximately 200m to the west of the site. The properties at 560 Fourth Street and 361 Howard Avenue are presently vacant and were previously the site of a schoolhouse which was demolished in 1995. The lands were subsequently disposed of by the Nanaimo-Ladysmith School District (SD68) in 2006. The property at 604 Fourth Street contains a single residential dwelling.

Surrounding land uses are primarily residential with single residential dwellings immediately adjacent to the site and a three-unit strata lot on Wheatley Place. Nearby recent developments include four-storey mixed-use commercial and residential developments at 525 Third Street and 300 Howard Avenue, approximately 100m and 225m north of the site, respectively. Other amenities within walking distance to the site include Nanaimo District Secondary School, the Nanaimo Aquatic Centre, a local neighbourhood centre at Fourth Street and Bruce Avenue, and the University Village Shopping Centre. The site is also within walking distance of bus routes on Wakesiah Avenue.

DISCUSSION

Proposed Development

The applicant proposes to rezone the subject properties from Single Dwelling Residential (R1) and Community Service One (CS1) to Comprehensive Development District Zone Eleven (CD11) to facilitate a phased multi-family residential townhouse strata development. The conceptual site plan (see Attachment C) shows how the site is intended to develop under the CD11 zone. A combined total of 219 dwelling units in multiple three-storey townhouse blocks are included in the concept plan, in addition to an onsite amenity building. The proposed development also includes the extension of Watfield Avenue through the site and park dedication fronting Howard Avenue. Following rezoning and boundary adjustment, a total of three development lots will be created with approximate unit counts as outlined in the table below.

Proposed Lot	Description	Units
Lot 1	604 Fourth Street – RA000480	51
Lot 2	560 Fourth Street and 361 Howard Avenue, west of Watfield Avenue – RA000476	142
Lot 3	560 Fourth Street and 361 Howard Avenue, east of Watfield Avenue – RA000476	26+ amenity building

The proposed rezoning applications are being considered together under “Zoning Amendment Bylaw 2022 No. 4500.202”, as the developments are inter-dependent for networking and access to be secured through rezoning. The applicant’s intention is to proceed with development on

proposed Lots 2 and 3 immediately following rezoning, while there are no immediate plans to complete the development on proposed Lot 1 (604 Fourth Street).

Comprehensive Development Zone

The applicant initially explored rezoning to the Row House Residential (R7) zone for the proposed development, but through review with Staff it was determined that this zone would not be appropriate due to the Zoning Bylaw definition of row houses which requires dwelling units on fee-simple lots with common party walls on side lot lines. Instead, a new CD11 zone is proposed that allows for strata development without fee-simple lots.

The proposed CD11 zone will include site-specific zoning regulations for density, building height, lot coverage, and setbacks, and will also secure the site concept plan to ensure that the properties are developed generally in accordance with the plan. Proposed CD11 regulations are summarized below:

- *Density.* A maximum Floor Area Ratio (FAR) of 1.00 is proposed which is comparable with the R7 zone where a review of typical R7 developments has calculated an average FAR of 1.02.
- *Building Height.* A maximum building height of 9m for flat roof buildings (<4:12 pitch) and 11.7m for sloped roof building (≥4:12 pitch). The proposed height accounts for the anticipated three-storey design of the proposed townhouse units.
- *Lot Coverage.* A maximum lot coverage of 70% is proposed which is consistent with the R7 zone.
- *Setbacks.* Maximum principal building setbacks of 2.0m-2.8m from streets and 2.0m-3.0m from adjacent properties are proposed. These setbacks will provide adequate buffers for landscaping along adjacent properties.

For comparison, under the existing CS1 zone at 560 Fourth Street and 361 Howard Avenue, a variety of institutional uses with a maximum FAR of 1.25 and maximum building height of 14m would be permitted.

Policy Context

City Plan – Future Land Use

The City Plan identifies 560 and 604 Fourth Street as within the Neighbourhood future land use designation and 361 Howard Avenue as within the Suburban Neighbourhood future land use designation. The Neighbourhood designation contemplates low-rise residential development with typical building heights up to four storeys, and the Suburban Neighbourhood designation contemplates low-rise residential development with typical building heights up to three storeys. Both designations support ground-oriented multi-unit townhomes, particularly in areas close to services and transit. The proposed CD11 zone meets the intent of the City Plan policies by permitting ground-oriented multi-family residential development and encouraging infill that complements the housing diversity in the existing neighbourhood near transit, commercial services, and amenities.

Harewood Neighbourhood Plan

The Harewood Neighbourhood Plan (HNP) identifies the subject site as primarily within the Neighbourhood designation. A portion of 560 and 604 Fourth Street immediately adjacent to

Fourth Street is identified as within the Townhome Neighbourhood designation. Both designations support multi-family development in two- to four-storey building forms to transition between adjacent low density neighbourhoods and commercial centres. The proposed rezoning meets the intent of the HNP land use designations.

The HNP also identifies the subject site as the location of a potential future park. To address the HNP, the applicant is proposing to dedicate approximately 1,219m² of 361 Howard Avenue as public park.

Affordable Housing Strategy

The Nanaimo Affordable Housing Strategy (AHS) supports infill and intensification in existing neighbourhoods and promotes the diversification of housing forms in all neighbourhoods. Recognizing the need for family-friendly housing in this neighbourhood, the applicant is proposing a mix of three- and four-bedroom units, which is consistent with the AHS objective for increased family-friendly housing. As a condition of rezoning, a covenant will be secured to require that a minimum of 50% of all dwelling units contain three or more bedrooms.

City Plan – Mobility Network

The subject properties are located outside of an urban centre, as identified in Figure 36 of the City Plan, with the nearest centre being the University Urban Centre approximately 200m to the west. Fourth Street is designated as a Mobility Collector and Howard Avenue is designated as an Urban Collector in Schedule 4 (“Road Network”) of the City Plan. Watfield Avenue is expected to be built to the Urban Local standard as it is extended through the site to complete the connection to Third Street.

Road dedication will be secured from the Fourth Street and Howard Avenue frontages, as well as dedication for Watfield Avenue to accommodate the anticipated road standards. In order to increase block permeability, a road reserve covenant will also be secured along the north property line, west of Watfield Avenue, for a potential future extension of Foster Street. All other roads shown in the concept plan are private roads, and an access agreement between properties will require all vehicle access to 604 Fourth Street be from Watfield Avenue (across the adjacent lot) to reduce driveways on Fourth Street.

A public active transportation network will also be secured across the site, with a north-south multi-use trail following the property line between 560 and 604 Fourth Street, and an east-west multi-use trail through the Foster Street road reserve and across Watfield Avenue to Howard Avenue through the dedicated park. All public trails will be secured by Statutory Right-of-Way as a condition of rezoning.

Community Consultation

The subject properties are within the area of the Harewood Neighbourhood Association; the application has been forward to the association and no comments have been received to date. The applicant hosted a public information meeting on 2022-MAY-05 at the Nanaimo Aquatic Centre and over 30 members of the public were in attendance. Positive comments received referred to the park dedication and proposed building form, and some concerns were expressed regarding the proposed density and its potential impacts on parking and traffic. Responses to these concerns are outlined below.

1. *Density.* Expressed as units per hectare (uph), the proposed development through rezoning would be approximately 58uph. The target density is 60uph in the Neighbourhood designation and 25uph in the Suburban Neighbourhood Designation. However, the target densities in the City Plan are intended as general densities for overall land use designations rather than being applied to individual parcels on a project-by-project basis. The density proposed through the CD11 zone would achieve a viable residential project. Given the subject site’s close proximity to amenities and the substantial area of road and park dedication (approximately 15% of the existing lot area), the proposed density is supported by Staff.
2. *Parking.* The applicant has demonstrated that all required parking can be provided onsite with tandem two-vehicle garages for each dwelling unit and surface visitor parking. Additional on-street parking is expected to be created through the Watfield Avenue extension.
3. *Traffic.* A Traffic Review Memo was provided by a professional transportation consultant in support of the rezoning applications. Staff have reviewed the memo and accept the findings. The proposed development will address the existing discontinuous network by creating new street connections in addition to new connections in the active transportation network as envisioned by the City Plan.

Community Amenity Contribution

As both applications were 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 is proposing to secure in-kind and monetary CACs for each rezoning application as outlined in the table below.

Application	Proposed CAC	Anticipated CAC value
RA000476	Parks improvements generally as shown in Attachment E	\$168,000
RA000480	A monetary contribution of \$1,000 per dwelling unit towards the City’s Housing Legacy Fund	\$51,000
<i>Total</i>		<i>\$219,000</i>

The total value of the contributions is anticipated to equal what would be expected through rezoning in accordance with the applicable rate, and Staff support the proposed CAC.

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. 4500.202”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – Contributions to include:
 - a. Parks improvements within the proposed park dedication with a value of \$168,000 as shown in Attachment E, to be secured prior to any building permit issuance at 560 Fourth Street and 361 Howard Avenue (RA476); and,
 - b. A monetary contribution equal to \$1,000 per dwelling unit proposed at 604 Fourth Street (RA480), payable at the time of Building Permit issuance, to be used towards the City's Housing Legacy Fund.
2. *BC Energy Step Code Commitment* – Registration of a Section 219 covenant to secure a commitment in accordance with the City's BC Energy Step Code Rezoning Policy.
3. *Family-Friendly Housing Commitment* – Registration of a Section 219 covenant to ensure that at least 50% of all dwelling units contain a minimum of three bedrooms.
4. *Road Dedication* – Road dedication with approximate widths of:
 - a. 4.2m from the Fourth Street frontage to achieve a future 'Mobility Collector' cross-section width of 28.4m;
 - b. 2.5m from the Howard Avenue frontage to achieve a future 'Urban Collector' cross-section width of 25m; and,
 - c. 20.1m for the extension of Watfield Avenue across the site, with corner rounding (6m radius) at the intersection with Fourth Street, to achieve a future 'Urban Local' cross-section.
5. *Park Dedication* – Dedication of parkland on Howard Avenue with an area of approximately 1,219m², as shown in Attachment C.
6. *Road Reserve Covenant* – A road reserve Section 219 covenant with a width of 20m for future road dedication of Foster Street between the west property line and Watfield Avenue (as shown in Attachment C), to accommodate a future 'Urban Local' cross-section.
7. *Access Restriction* – To restrict vehicle access to Fourth Street, the registration of:
 - a. An access restriction Section 219 covenant to require removal of any vehicle access to Fourth Street at the time of redevelopment of each property; and,
 - b. A reciprocal access agreement between 604 Fourth Street and proposed Lot 2 (west of Watfield Avenue).
8. *Multi-use Trail Network* – Registration of a Statutory Right-of-Way (SRW) with a width of 6m; and a Section 219 covenant to ensure the construction of the following public multi-use trails (as shown in Attachment C) to the 'Urban Hard Surface Trail' standard is secured prior to any building permit issuance:
 - a. An east-west multi-use trail between Watfield Avenue and the proposed park;
 - b. A north-south multi-use trail between Fourth Street and the future Foster Street road reserve; and
 - c. An interim east-west multi-use trail within the future Foster Street road reserve between the north-south trail and Watfield Avenue, until such time as Foster Street is constructed.

9. *SRW Replacement* – Discharge of existing SRWs N52554, N52555, R85688, 309406G, and EG159101, and replacement with new City standard charge documents and reference plans.
10. *Boundary Adjustment* – Completion of the proposed boundary adjustment to create the development parcels shown in Attachment C.

SUMMARY POINTS

- The applications are to rezone 560, 604 Fourth Street and 361 Howard Avenue from Single Dwelling Residential (R1) and Community Service One (CS1) to Comprehensive Development District Zone Eleven (CD11) to facilitate a multi-family residential development.
- A combined total of 219 dwelling units in multiple three-storey townhouse blocks are included in the concept plan.
- The proposed CD11 zone meets the intent of the City Plan policies by permitting ground-oriented multi-family residential development and encouraging infill that complements the housing diversity in the existing neighbourhood near transit, commercial services, and amenities.
- The applicant has proposed to secure a Community Amenity Contribution including parks improvements with a value of \$168,000 in the proposed park dedication (for RA476) and a monetary contribution of \$1,000 per dwelling unit towards the City's Housing Legacy Fund (for RA480).

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Conceptual Building and Public Trail Renderings
ATTACHMENT E: Proposed Public Park Improvements
ATTACHMENT F: Aerial Photo
“Zoning Amendment Bylaw 2022 No. 4500.202”

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

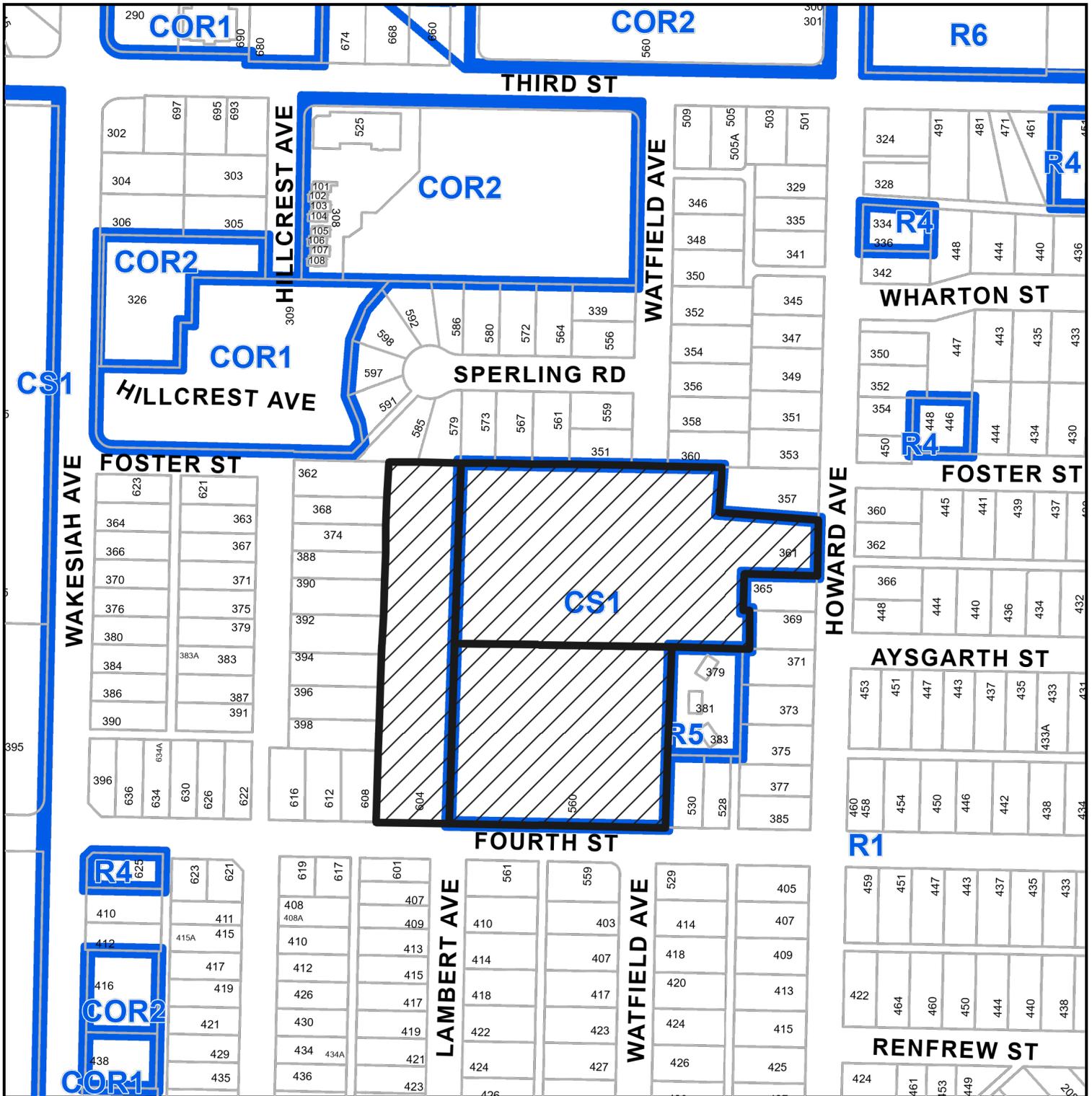


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560 FOURTH STREET / 604 FOURTH STREET / 361 HOWARD AVENUE

ATTACHMENT B LOCATION PLAN



Subject Property

REZONING APPLICATION NO.s RA000476 / RA000480

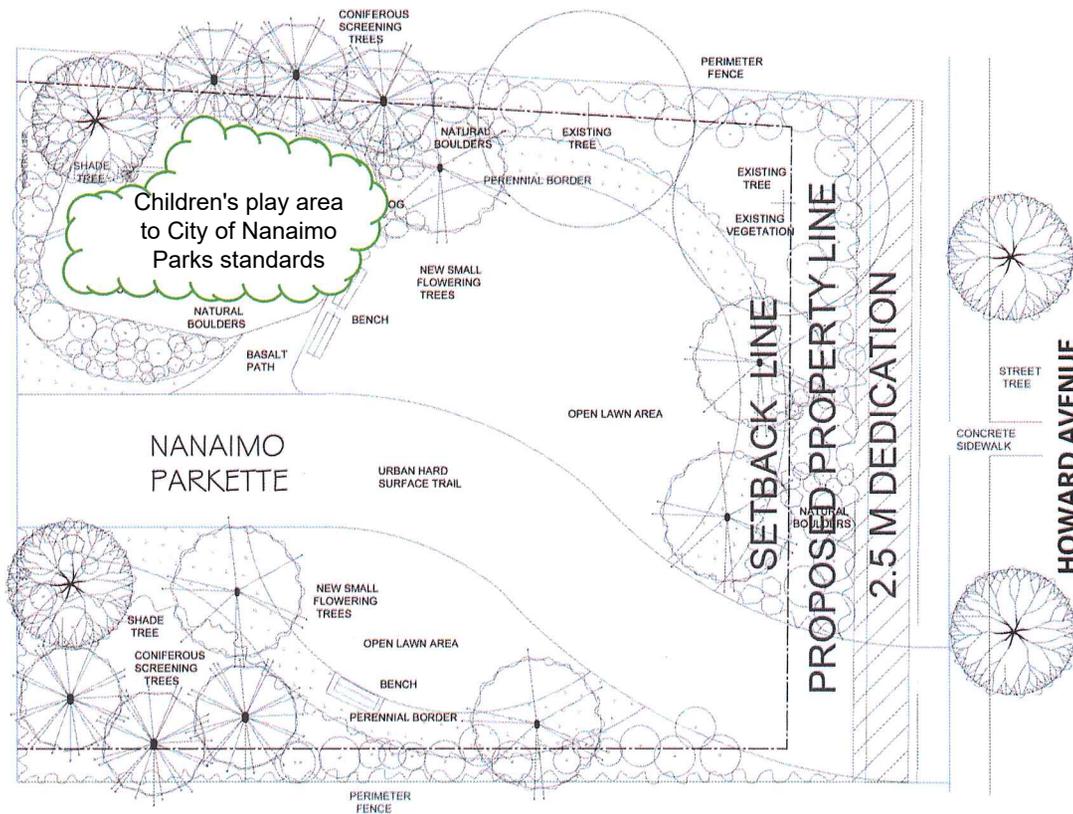
CIVIC: 560 and 604 FOURTH STREET / 361 HOWARD AVENUE
 LEGAL: THE WEST 6 CHAINS OF SECTION 29, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630; SECTION 30, RANGE 6, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, EXCEPT THOSE PARTS IN PLANS 824R, 825R AND 7614 and THE EAST 2 CHAINS OF THE EAST 1/2 OF SECTIONS 29 AND 30, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630

ATTACHMENT D CONCEPTUAL BUILDING AND PUBLIC TRAIL RENDERINGS



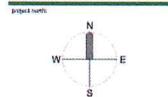


ATTACHMENT E PROPOSED PUBLIC PARK IMPROVEMENTS



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- SCALE
- 1:500 (NOT SCALE THE DRAWING, WORK TO FIGURES COMBINATION ONLY)
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 - THE DRAWING IS THE PROPERTY OF FORTHE LANDSCAPE ARCHITECTS AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION



issue / revision

No.	Issue / Revision	Date
1	ISSUED FOR I/P	08/09/22

project site:
HAREWOOD TOWNHOMES
550 FOURTH STREET & 261 HOWARD AVENUE

drawing title:
PARKETTE PLAN

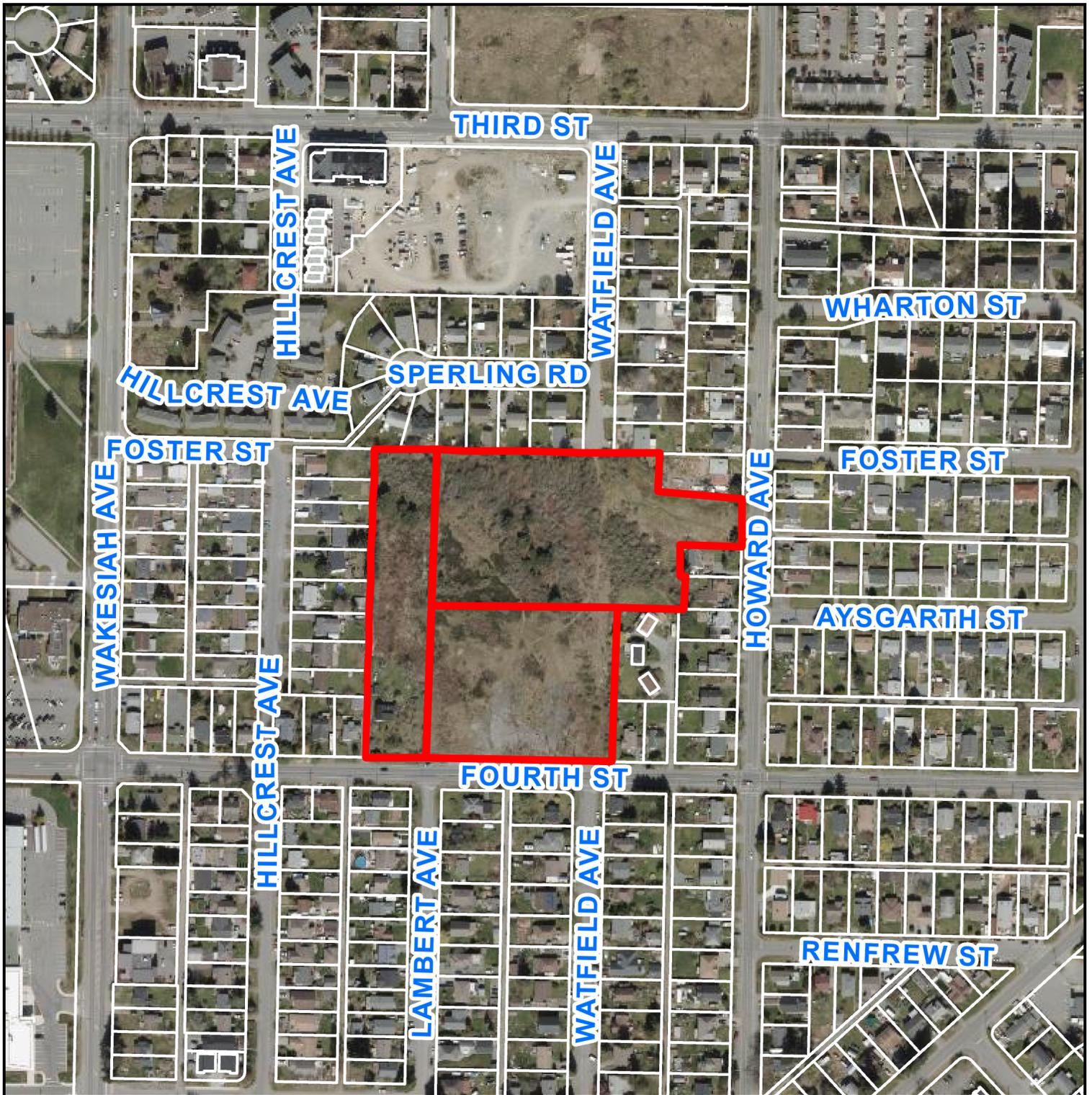
project no.: 1

date:	29 JULY 2022	scale:	1:100
checked by:	FOURTH	drawn by:	FRANCIS

RECEIVED
RA476
2022-AUG-04
Custom Planning

L2

ATTACHMENT F
AERIAL PHOTO



REZONING APPLICATION NO.s RA000476 / RA000480

 560 & 604 FOURTH STREET / 361 HOWARD AVENUE

CITY OF NANAIMO

BYLAW NO. 4500.202

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. 4500.202".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By amending the table in subsection 6.10.2 to delete the text "CD9 and CD10" in the first column of the first row, and replacing it with "and CD9 to CD11".
 - 2) By amending the table in subsection 6.16.2 to delete the text "CD10" in the first column of the last row, and replacing it with "CD11".
 - 3) By adding '16.11 Comprehensive Development District Zone Eleven (CD11)' after section 16.10, as shown in Schedule A of this Bylaw.
 - 4) By amending the table in section 17.11 – Minimum Landscape Treatment Levels by adding the following row after the row labeled 'CD5':

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage / Landfill / Refuse Receptacles
CD11	1	2	2	2

- 5) By rezoning the lands legally described as THE WEST 6 CHAINS OF SECTION 29, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630 (560 Fourth Street), THE EAST 2 CHAINS OF THE EAST 1/2 OF SECTIONS 29 AND 30, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630 (604 Fourth Street), and SECTION 30, RANGE 6, NANAIMO DISTRICT, PLAN 630, EXCEPT THOSE PARTS IN PLANS 824R & 825R & 7614 (361 Howard Avenue) from Single Dwelling Residential (R1) and Community Service One (CS1) to Comprehensive Development District Zone Eleven (CD11), as shown on Schedule B of this Bylaw.

PASSED FIRST READING: _____
 PASSED SECOND READING: _____
 PUBLIC HEARING HELD: _____
 PASSED THIRD READING: _____
 ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000476 and RA000480
 Address: 560, 604 Fourth Street, and 361 Howard Avenue

SCHEDULE B

16.11 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE ELEVEN (CD11)

The intent of this zone is to facilitate a residential townhouse development.

16.11.1 PERMITTED USES

Principal Use	Conditions of Use
Multiple Family Dwelling	All dwelling units must have their primary entrance on the ground level.

Accessory Uses	Conditions of Use
Daycare	Subject to Part 6.
Home Based Business	Subject to Part 6.
Short-Term Rental	Subject to Part 6.

16.11.2 DENSITY

Where the use is multiple family dwelling, the maximum Floor Area Ratio shall not exceed 1.00.

16.11.3 LOT AREA AND DIMENSIONS

Lot area and dimensions shall be generally as shown in the plans included within Subsection 16.11.8 of this Bylaw.

16.11.4 LOT COVERAGE

The maximum lot coverage shall be 70%.

16.11.5 SITING OF BUILDINGS

16.11.5.1 A principal building must be set back a minimum of 2.8m from all front and flanking side lot lines shared with the street known as Fourth Street.

16.11.5.2 A principal building must be set back a minimum of 2.0m from all front and flanking side lot lines shared with the street known as Watfield Avenue.

16.11.5.3 A principal building must be set back a minimum of 3.0m from all side and rear lot lines.

16.11.5.4 Notwithstanding Subsection 16.11.5.3, any portion of a principal building where the height is no greater than 9.0m must be set back a minimum of 2.0m from all side and rear lot lines.

SCHEDULE B

16.11.6 HEIGHT OF BUILDINGS

The maximum building height shall be:

- a) 9.0m for a building with a flat roof (with a roof pitch less than 4:12); and
- b) 11.7m for a building with a sloped roof (with a roof pitch equal to or greater than 4:12).

16.11.7 ACCESSORY BUILDINGS

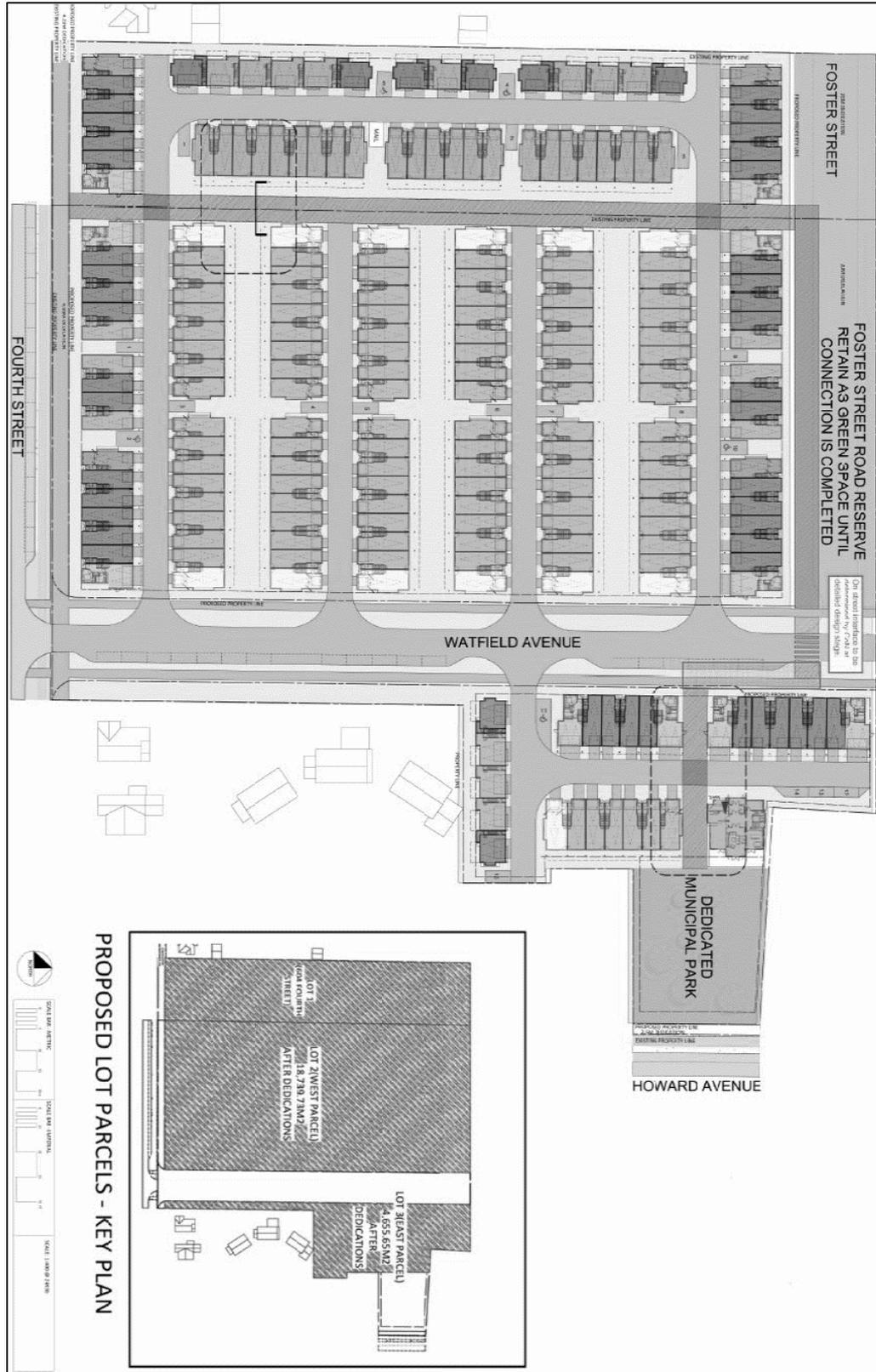
16.11.7.1 Notwithstanding Subsections 6.6.3 and 6.6.4, the minimum side or rear yard setback for an accessory building shall be 1.5m.

16.11.7.2 Notwithstanding Subsection 6.6.5, the maximum permitted height of an accessory building shall be 9.0m.

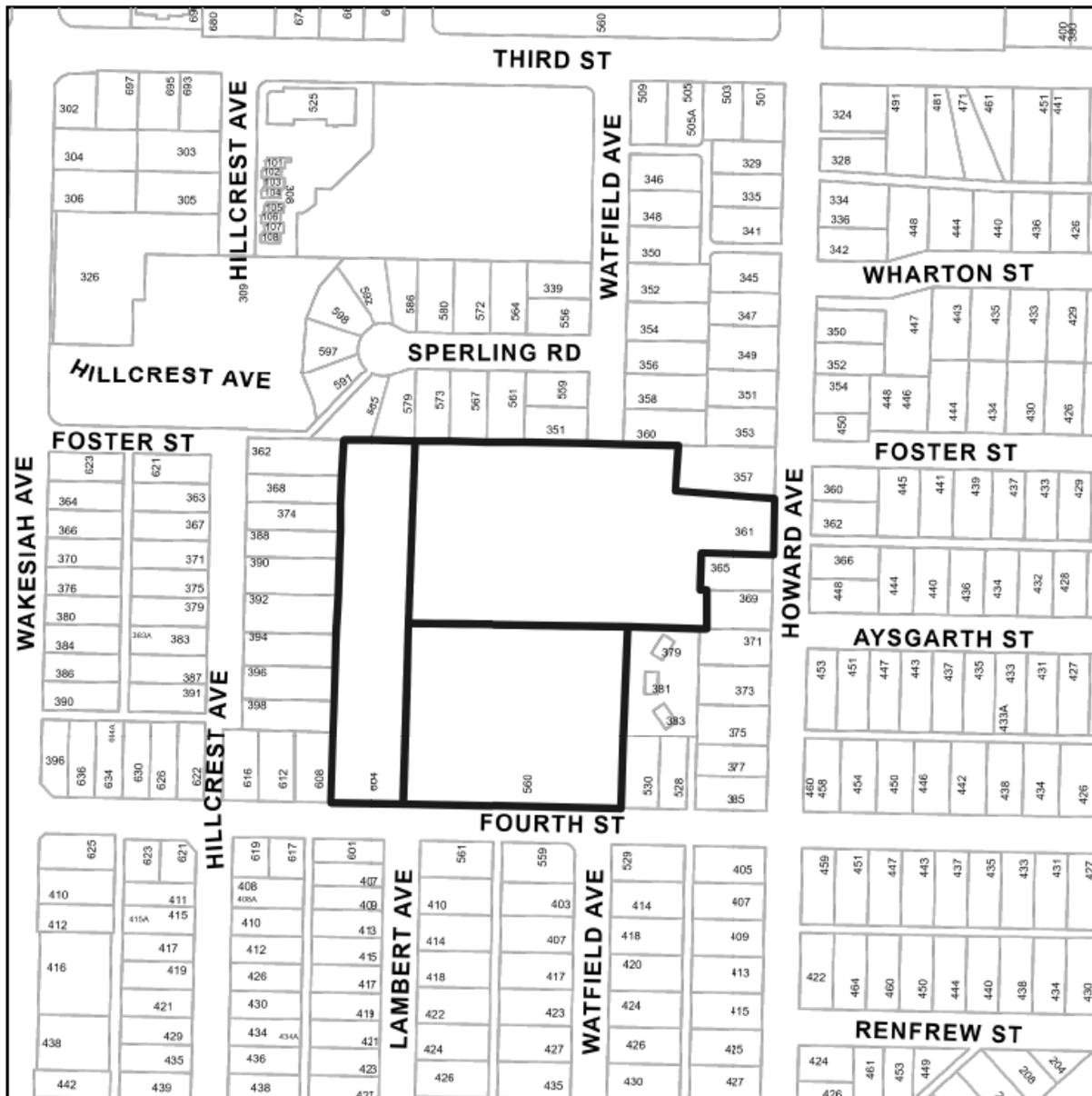
SCHEDULE B

16.11.8 PLANS

Within the CD11 zone area, lots shall be developed in general accordance with the following development plan:



SCHEDULE B



Subject Properties

REZONING APPLICATION NOs. RA00476 / RA000480

CIVIC: 560 AND 604 FOURTH STREET / 361 HOWARD AVENUE
 LEGAL: THE WEST 6 CHAINS OF SECTION 29, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630; SECTION 30, RANGE 6, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, EXCEPT THOSE PARTS IN PLANS 824R, 825R AND 7614 and THE EAST 2 CHAINS OF THE EAST 1/2 OF SECTIONS 29 AND 30, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630