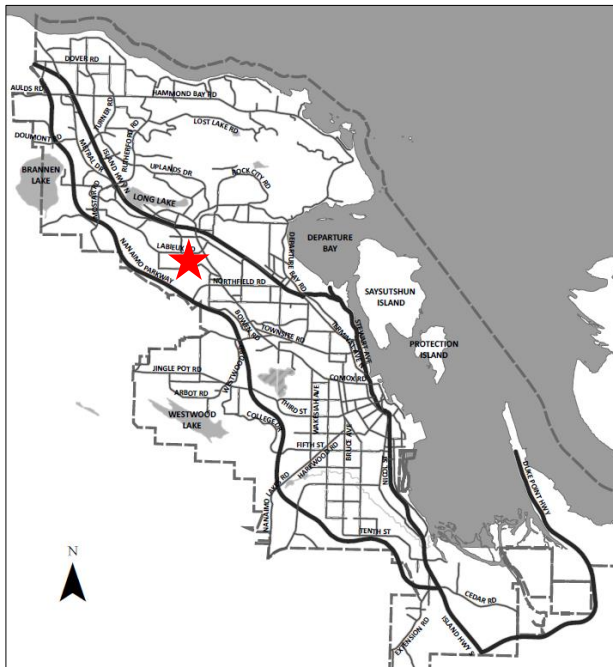


DATE OF MEETING | August 28, 2023 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT REZONING APPLICATION NO. RA488 – 2453 LABIEUX ROAD



## Proposal:

To allow for a multi-family residential development

## Current Zoning:

R1 – Single Dwelling Residential

## Proposed Zoning:

R6 – Low Density Residential with site-specific building height

## City Plan Land Use Designation:

Suburban Neighbourhood

## Lot Area:

5,600m<sup>2</sup>

RA



## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone 2453 Labieux Road from Single Dwelling Residential (R1) to Low Density Residential (R6) with site-specific height, to facilitate a multi-family residential development.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2023 No. 4500.211” (to rezone 2453 Labieux Road from Single Dwelling Residential [R1] to Low Density Residential [R6] with site-specific height) pass first reading;
2. “Zoning Amendment Bylaw 2023 No. 4500.211” pass second reading;
3. Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2023 No. 4500.211” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2023-AUG-28 should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA488, was received from Matthew Cheng Architecture Inc., on behalf of 1336178 BC Ltd., to amend City of Nanaimo Zoning Bylaw 2011 No. 4500 (the “Zoning Bylaw”) and rezone 2453 Labieux Road to facilitate a multi-family residential development.

### **Subject Property and Site Context**

The subject property is located in the Diver Lake neighbourhood and abuts Labieux Road to the north, Autumnwood Drive to the east, and York Crescent to the south. The lot currently contains a single residential dwelling that is accessed from Autumnwood Drive. The remainder of the large lot is undeveloped and contains a number of trees. The property slopes downhill by approximately 7m from south to north.

The surrounding neighbourhood contains a mix of single residential dwellings and ground-oriented multi-family residential developments, in addition to a place of worship immediately to the west of the subject property. Nearby multi-family residential properties include a 12-unit strata lot on York Crescent to the west, a 32-unit townhouse development on Autumnwood Drive across Labieux Road to the north, and a 29-unit townhouse development on Brandon Way and Parveen Place to the northeast. Amenities in close proximity to the subject site include Beban Park to the east, Diver Lake Park to the west, and commercial services along Bowen Road to the northeast.

## **DISCUSSION**

### **Proposed Zoning**

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) with site-specific building height. The maximum base density in the R6 zone is a Floor Area Ratio (FAR) of 0.45 with the opportunity to tier up to an FAR of 0.70 with the provision of amenities as outlined in ‘Schedule D’ of the Zoning Bylaw.

The maximum permitted building height in the R6 zone is 7.0m for flat roof (< 4:12 roof pitch) buildings and 9.0m for sloped roof ( $\geq$  4:12 roof pitch) buildings. The applicant is proposing a site-specific building height of 11.3m in order to accommodate full-height three-storey townhouses with ground-level garages. The intended building form is meant to allow for family-friendly dwelling units with three bedrooms in each unit. The site-specific zoning will also allow for flexibility in building design and accommodate buildings that follow the slope of the land, where building height is measured from average finished grade.

Conceptual plans show how 30 ground-oriented townhouse dwelling units could be developed in seven building blocks on the site under the proposed zoning with sloped roofs. An earlier conceptual plan included a lower proposed building height with flat roof buildings, but this was changed to sloped roof buildings in order to better match the character of the surrounding neighbourhood. A shadow study has been submitted that shows the potential impacts of the proposed site-specific building height. A comparison of the existing and proposed zoning is outlined in the table below.

	Existing R1 Zone	Proposed Site-Specific R6 Zone
Maximum Density	Maximum 1-2 homes per lot ( <i>subdivision potential could allow up to 9 single residential dwelling lots with secondary suites</i> )	Maximum Floor Area Ratio between 0.45 and 0.70
Maximum Building Height	7.0m – flat roof 9.0m – sloped roof	7.0m – flat roof 11.3m – sloped roof
Maximum Lot Coverage	40%	40%
Minimum Yard Setbacks	4.5m – front yard 4.0m – flanking side yard 1.5m – side yard	6.0m – front yard 4.0m – flanking side yard 3.0m – side yard

As a condition of rezoning and in support of the building height rationale, Staff recommend securing a commitment to 100% family-friendly housing (three or more bedrooms per dwelling unit) in addition to a common outdoor amenity area with a minimum area of 175m<sup>2</sup>. The conceptual plans for the site show that all zoning regulations and parking requirements can be met without any variances anticipated.

## Policy Context

Staff are of the opinion that the proposed rezoning is consistent with City Plan, including the specific policy areas highlighted below.

### *City Plan – Future Land Use*

City Plan identifies the subject property within the Suburban Neighbourhood future land use designation where ground-oriented multi-unit dwellings and townhomes are supported with typical building heights of up to three storeys. The proposed zoning and site-specific building height meets the intent of the City Plan land use designation by facilitating a ground-oriented three-storey infill development in close proximity to existing services amenities.

### *City Plan – Affordable Housing*

Family-friendly housing and family-sized units are supported in Section C3.2 of City Plan, particularly near schools. syuwéñct Elementary School (formerly Coal Tyee Elementary) is located approximately 500m to the south of the subject property. As a condition of rezoning, the applicant has agreed to commit to all units on the lot being constructed as family-sized units. Section D4.5 of City Plan supports infill and intensification in existing neighbourhoods and promotes diversification of housing forms in all neighbourhoods. The proposed zoning will meet these objectives.

### *City Plan – Mobility Network*

The subject property is located outside of an urban centre as identified in Figure 36 of City Plan. The site is located on a future secondary active mobility route along Labieux Road, and is approximately 300m away from the 'Off-Bowen Bikeway,' parallel to Bowen Road. Bowen Road is identified as a future Bus Frequent Transit Line and an existing RDN Transit bus route (#30) operates along Labieux Road directly adjacent to the subject site. While all required vehicle parking is expected to be provided onsite, development in proximity to amenities and alternative transportation routes can lead to reduced private vehicle dependency and is encouraged by City Plan.

Staff recommend that road dedication and off-site works be secured as a condition of rezoning, to allow for all abutting streets to be constructed to the City's 'complete streets' standards.

### **Community Consultation**

The subject property is within the area of the Wellington Neighbourhood Association and the application was forwarded to the association. No comments have been received to date. The applicant hosted a public information meeting on 2023-JUN-26 at Beban Park and approximately 14 members of the public were in attendance. Comments heard during the public information meeting included concerns surrounding building height and pedestrian safety. Responses to these comments are outlined below.

1. *Building Height (Number of Storeys).* Some neighbours indicated a preference for two-storey townhouses such as those located on the opposite side of Labieux Road. The applicant noted that this building form was more prevalent in the 1990s and 2000s and, with current market conditions, it is more difficult to develop two-storey townhouses. Staff also note that the City Plan adopted in 2022 envisions typical building heights of up to three storeys, and opportunities to further address visual impacts can be explored as part of any subsequent form and character development permit.
2. *Pedestrian Safety.* Neighbours expressed some concerns with pedestrian safety along abutting streets (Labieux Road, Autumnwood Drive, and York Crescent) where there is a lack of sidewalks. All street frontages will be reconstructed at the building permit stage to include standard City sidewalks, and a raised intersection will be secured across Autumnwood Drive as a condition of rezoning. Additionally, the City will be reviewing whether a pedestrian crosswalk on Labieux Road is warranted and viable, and a portion of the rezoning Community Amenity Contribution will be directed towards active transportation improvements on Labieux Road.



## Community Amenity Contribution

In exchange for the value conferred on the lands through rezoning, the applicant is encouraged to provide a Community Amenity Contribution (CAC) as per Council's *Community Amenity Contribution Policy*. Based on the 2022 rates at the time of application, the anticipated CAC value would be \$2,500 per townhouse dwelling unit. The applicant is proposing a monetary contribution at this rate, payable at the time of building permit issuance, with 40% directed towards the City's Housing Legacy Reserve Fund (for affordable housing), 30% directed towards parks and trail improvements, and 30% directed towards active transportation improvements on Labieux Road. Based on the conceptual development plans, it is expected that the monetary contribution will equal \$75,000. 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 property 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 the time of building permit issuance.

## Conditions of Rezoning

Should Council support the application and pass third reading of "Zoning Amendment Bylaw 2023 No. 4500.211", Staff recommend that the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication* – Road dedication with an approximate width of 2.5m from the Labieux Road frontage and corner rounding with a radius of 6.0m from the intersections of Labieux Road and Autumnwood Drive and from the intersection of Autumnwood Drive and York Crescent.
2. *Off-Site Improvements* – Completion of a raised local intersection to the City's Manual of Engineering Standards and Specifications (MoESS standard R-RLI) where Autumnwood Drive intersects with Labieux Road, prior to building occupancy.
3. *Community Amenity Contribution* – A monetary contribution equal to \$2,500 per dwelling unit with 40% directed towards the Housing Legacy Reserve Fund, 30% directed towards parks and trail improvements, and 30% directed towards active transportation improvements on Labieux Road.
4. *BC Energy Step Code Commitment* – Registration of a Section 219 covenant to secure a commitment in accordance with the City's Energy Step Code Rezoning Policy.
5. *Family-Friendly Housing Commitment* – Registration of a Section 219 covenant to require that: a) all dwelling units include a minimum of three bedrooms; and, b) a common outdoor amenity space with a minimum area of 175m<sup>2</sup> be provided as part of any multi-family residential development.

### **SUMMARY POINTS**

- The applicant is proposing to rezone 2453 Labieux Road from Single Dwelling Residential (R1) to Low Density Residential (R6) with site-specific height, to facilitate a multi-family residential development.
- A monetary Community Amenity Contribution is proposed to be directed towards the Housing Legacy Reserve Fund, parks and trail improvements, and active transportation improvements on Labieux Road.
- As a condition of rezoning, the applicant has agreed to commit to all units on the lot being constructed as family-sized (minimum three-bedroom) units.
- The proposed zoning and site-specific building height meets the intent of the City Plan land use designation by facilitating a ground-oriented three-storey infill development in close proximity to existing services amenities.

### **ATTACHMENTS**

ATTACHMENT A: Subject Property Map  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Building Renderings  
ATTACHMENT D: Shadow Study  
“Zoning Amendment Bylaw 2023 No. 4500.211”

#### **Submitted by:**

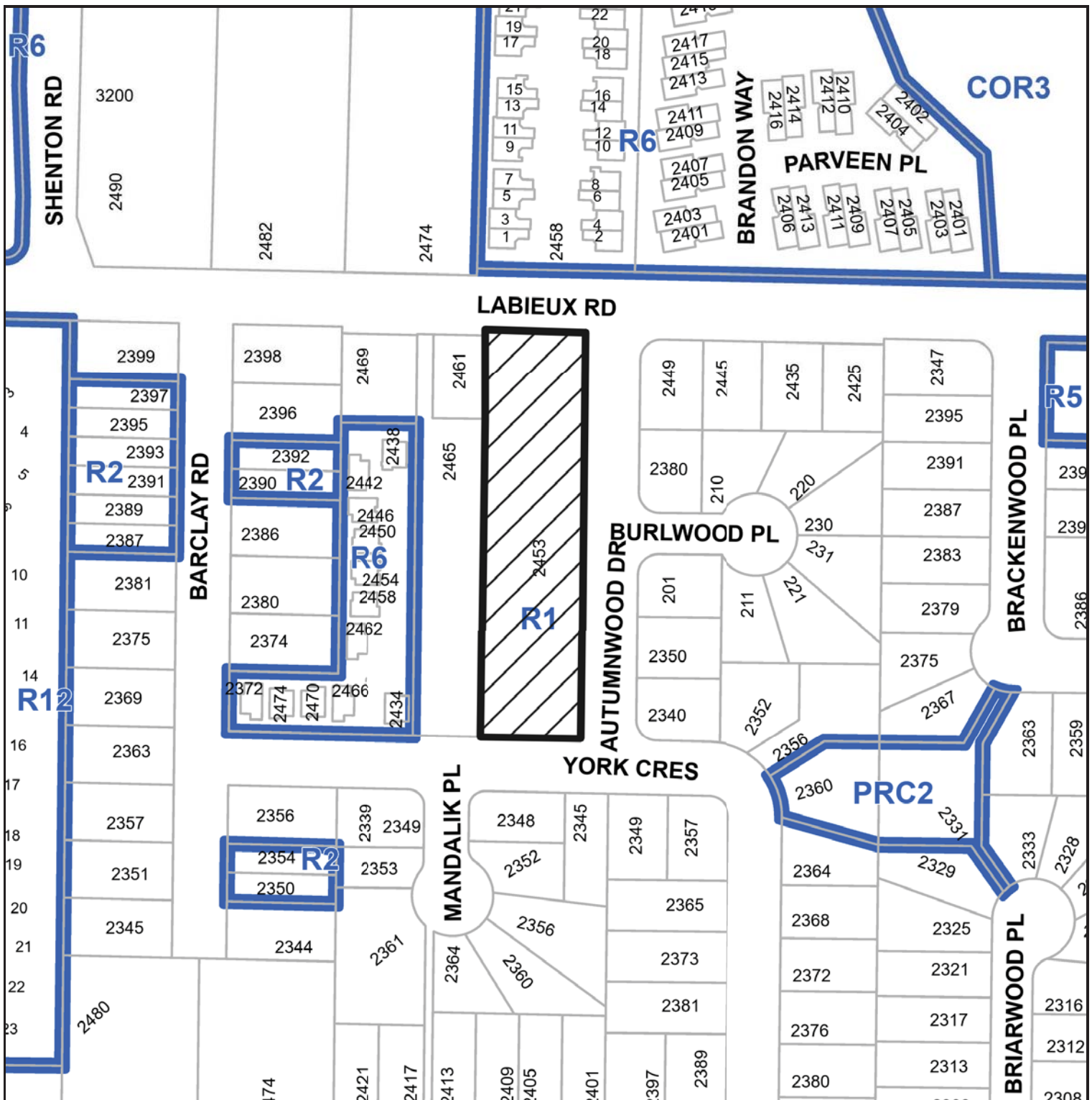
Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO

# ATTACHMENT A SUBJECT PROPERTY MAP



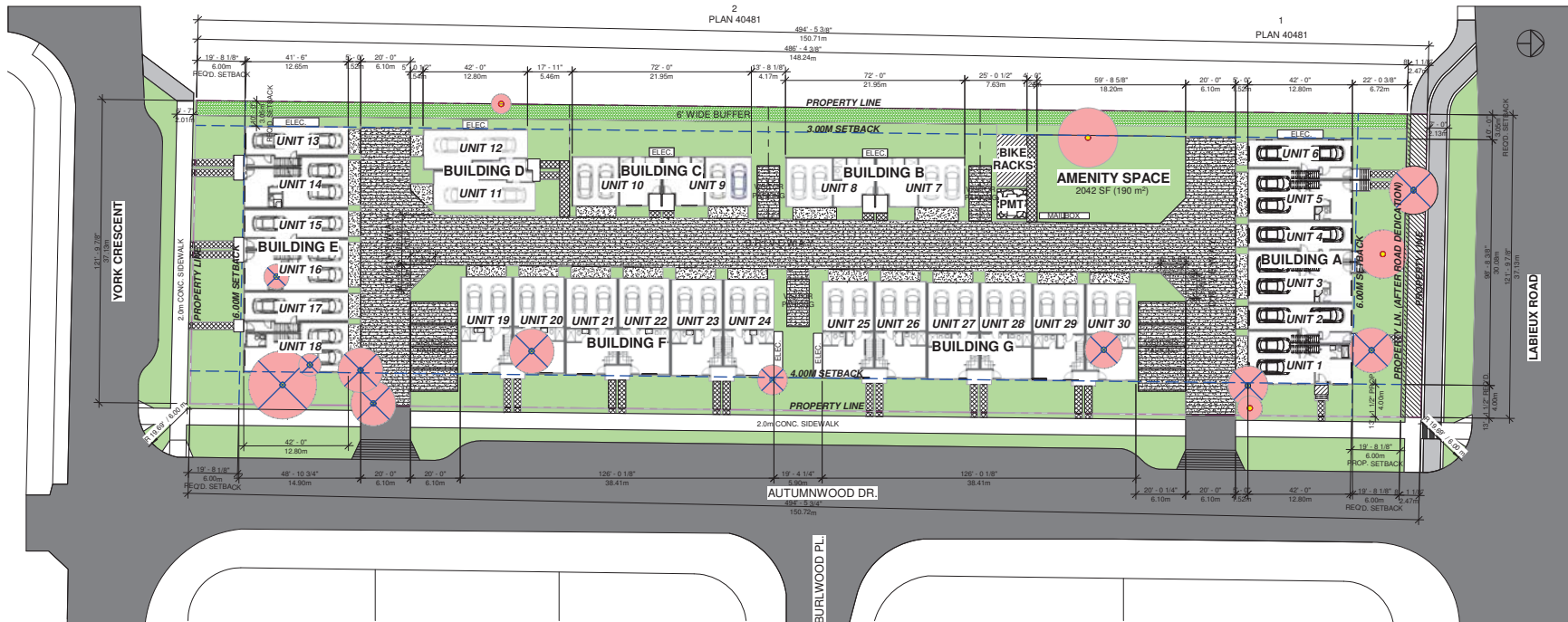
 2453 Labieux Road

# ATTACHMENT B CONCEPTUAL SITE PLAN

Frontage works and design to be determined through subsequent design approval.

## TREES LEGEND:

- LANDMARK TREES
- TREE PROTECTION ZONE (TPZ)
- TREES TO BE RETAINED
- TREES TO BE REMOVED



## HATCH LEGEND:

- ASPHALT DRIVEWAY
- ROAD / LANE DEDICATION (SEE CIVIL AND LANDSCAPING OFF-SITE JOB)
- BUILDING AREA
- PERMEABLE PAVERS (SEE LANDSCAPING PLAN)
- OPEN OUTDOOR SPACE
- PAVED WALKWAYS (REFER TO LANDSCAPING PLAN)
- PROP. CONCRETE WALKWAY
- 6' WIDE BUFFER

② SITE PLAN-2  
3/64" = 1'-0"



**MATTHEW CHENG  
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Revision:

REV	YY-MM-DD	DESCRIPTION	DRAWN
1	22-08-03	Architect's Sign and Seal	

Project Title  
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30-UNIT  
TOWNHOUSES**

2453 LABIEUX RD.,  
NANAIMO, B.C.

Sheet Title  
**SITE PLAN-2**

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**2023-AUG-03**

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# ATTACHMENT C CONCEPTUAL BUILDING RENDERINGS



① Aerial 3D View @ Northwest



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**AERIAL 3D VIEW**

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**A0.3**



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Exterior Perspective @ Labieux Road

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**EXT. PERSPECTIVE  
- BLD A @ Labieux  
Rd.**

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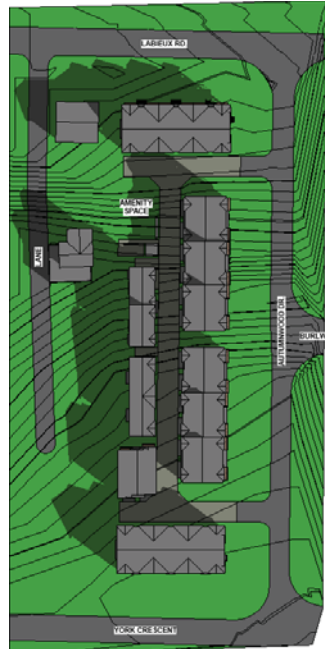
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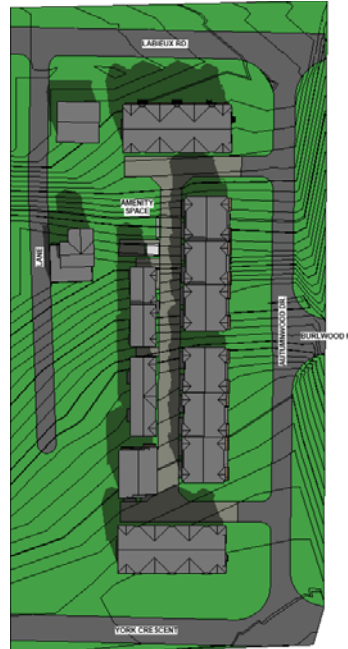
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# ATTACHMENT D SHADOW STUDY



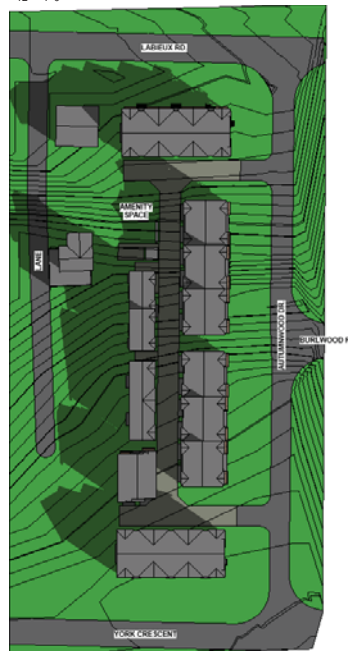
① FALL EQUINOX 10AM  
12" = 1'-0"



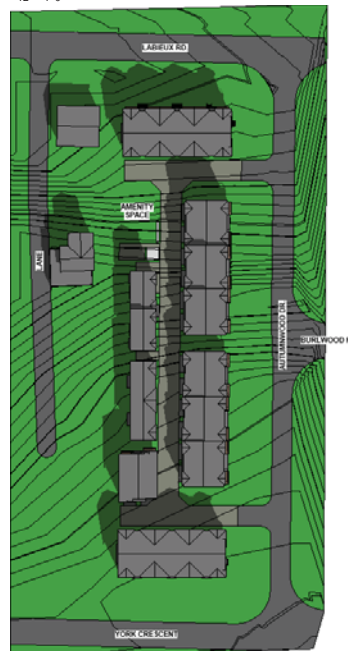
② FALL EQUINOX 12PM  
12" = 1'-0"



③ FALL EQUINOX 3PM  
12" = 1'-0"



④ SPRING EQUINOX 10AM  
12" = 1'-0"



⑤ SPRING EQUINOX 12PM  
12" = 1'-0"



⑥ SPRING EQUINOX 3PM  
12" = 1'-0"



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Sheet Title

**SHADOW ANALYSIS**

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CITY OF NANAIMO

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Checked: MC

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Project Number: 22NTH01

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Draw. No.:

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CITY OF NANAIMO

BYLAW NO. 4500.211

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 Amendment Bylaw 2023 No. 4500.211".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - 1) By rezoning the lands legally described as LOT C, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 21603 (2453 Labieux Road) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A of this Bylaw.
  - 2) By adding the following after the last Subsection of Section 7.6, and numbering in sequential order:

Notwithstanding Subsection 7.6.1, the height of a principal building with a sloped roof ( $\geq$  4:12 roof pitch) shall not exceed 11.30m on the lands legally described as LOT C, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 21603 (2453 Labieux Road).

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: RA000488  
Address: 2453 Labieux Road



## SCHEDULE A



### REZONING APPLICATION NO. RA000488



**Subject Property**

CIVIC: 2453 LABIEUX ROAD

LEGAL: LOT C, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 21603