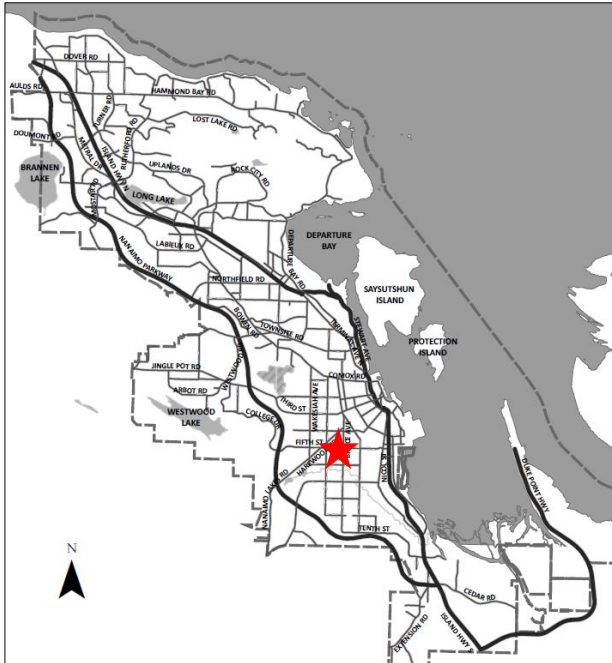


DATE OF MEETING | August 28, 2023

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING

SUBJECT | **OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP103 & REZONING APPLICATION NO. RA493 – 564 FIFTH STREET / 502 & 505 HOWARD AVENUE**



Proposal:

To allow a mixed-use development

Current Zoning:

- CS1 - Community Service One
- PRC3 - Parks, Recreation and Culture Three
- R6 - Low Density Residential

Proposed Zoning:

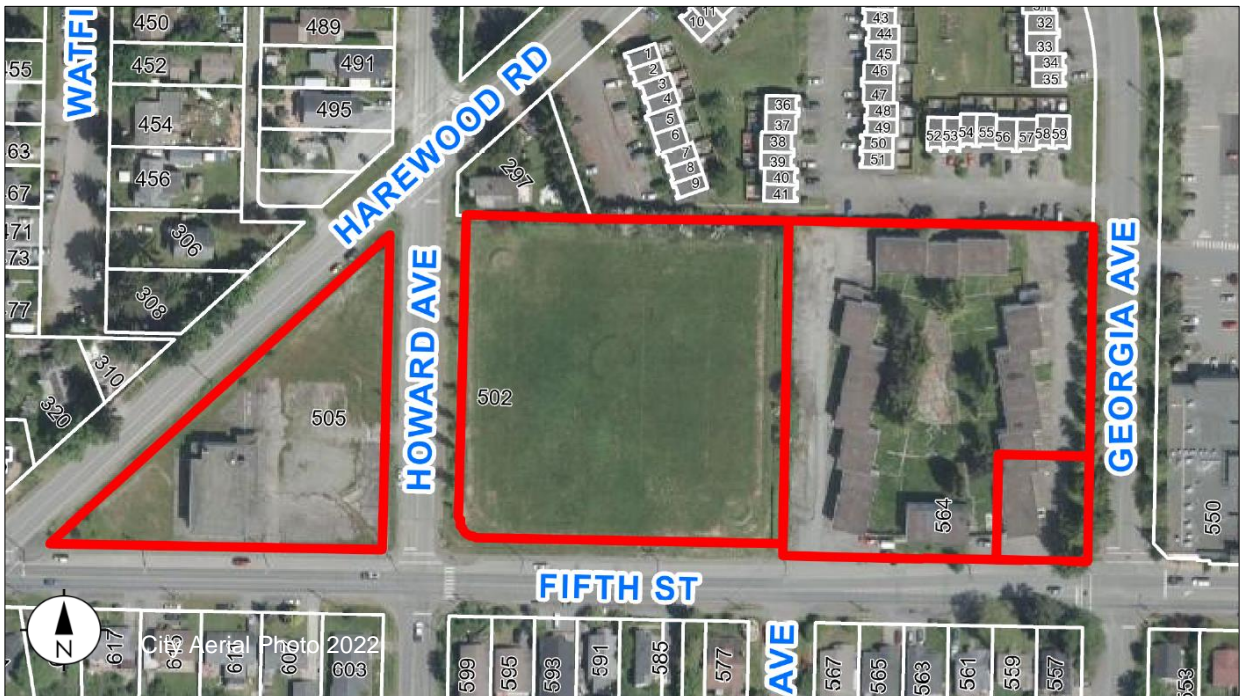
- CD12 - Comprehensive Development District Zone 12

City Plan Land Use Designation:

- Mixed-Use Corridor
- Parks & Open Spaces

Lot Area:

- 9,234m² – 564 Fifth Street
- 9,475m² – 502 Howard Avenue
- 4,758m² – 505 Howard Avenue
- 2.35 ha (total lot areas)



OVERVIEW

Purpose of Report

To present Council with an application to redesignate 502 Howard Avenue from Parks & Open Spaces to Mixed-Use Corridor; and rezone 564 Fifth Street, 502 Howard Avenue and 505 Howard Avenue from Low Density Residential (R6), Parks, Recreation and Culture Three (PRC3) and Community Service One (CS1) to Comprehensive Development District Zone 12 (CD12) to facilitate a mixed-use development.

Recommendation

That:

1. “City Plan Amendment Bylaw 2023 No. 6600.001” (to redesignate 502 Howard Avenue from Parks & Open Spaces to Mixed-Use Corridor) pass first reading;
2. “City Plan Amendment Bylaw 2023 No. 6600.001” pass second reading; and,
3. “Zoning Amendment Bylaw 2023 No. 4500.213” (to rezone 564 Fifth Street, 502 Howard Avenue and 505 Howard Avenue from Low Density Residential [R6], Parks, Recreation and Culture Three [PRC3] and Community Service One [CS1] to Comprehensive Development District Zone 12 [CD12]) pass first reading;
4. “Zoning Amendment Bylaw 2023 No. 4500.213” pass second reading; and,
5. Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2023 No. 4500.213” 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 Memorandum of Understanding (MOU) between the City of Nanaimo, BC Housing Management Commission (BC Housing), the Board of Education of School District No. 68 (SD68), and Snuneymuxw First Nation (the “Knowledge Partners”), signed in 2019, established a framework and guiding principles for a comprehensive land use planning and development project, known as the Te’tuxwtun Project. Through collaboration and community engagement, the Knowledge Partners have developed a shared vision for the development of the lands which is presented here as a City Plan amendment and rezoning application for Council’s consideration.

A rezoning application, RA493, was received from Pooni Group, on behalf of BC Housing, SD68 and the City, to amend “City Plan Bylaw 2022 No. 6600” (“City Plan”) to redesignate the subject property at 502 Howard Avenue from Parks & Open Spaces to Mixed-Use Corridor; and to amend the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone the subject properties at 564 Fifth Street, 502 Howard Avenue and 505 Howard Avenue from Low Density Residential (R6), Parks, Recreation and Culture Three (PRC3) and Community Service One (CS1) to Comprehensive Development District Zone 12 (CD12) to facilitate a mixed-use development (Te’tuxwtun Project), a land and community enhancement project incorporating housing, services, education, outdoor spaces and amenities.

Subject Property & Site Context

The subject properties are located in the Harewood Neighbourhood, north of Fifth Street between Harewood Road and Georgia Avenue. The grade change across the properties is approximately 14m, sloping down to the west. Established single residential dwellings, multi-family

developments, and a neighbourhood commercial centre predominantly characterize the surrounding area. The property at 505 Howard Avenue contains an existing school building, 502 Howard Avenue contains an existing sports field and public open space, and 564 Fifth Street previously contained a multi-family development (Sanala) which was demolished in 2023 (with the exception of one building).

Site characteristics of note include proximity to transportation corridors (transit stops are located on Fifth Street and Bruce Avenue), and proximity to local commercial services and Vancouver Island University.

DISCUSSION

Policy Context

City Plan – Future Land Use

City Plan identifies 505 Howard Avenue and 564 Fifth Street within the Mixed-Use Corridor future land use designation with 502 Howard Avenue proposed to be redesignated to Mixed-Use Corridor from Parks & Open Spaces. A concurrent park disposition process will also be required to facilitate the proposed development, which is discussed in the report titled “Alternative Approval Process – 502 Howard Avenue Park Dedication Removal,” dated 2023-AUG-28, and contained in this agenda package.

City Plan (D4.4 Corridors) supports intensification of existing neighbourhoods incorporating low-to mid-rise mixed-use with street facing commercial and residential above (and behind) with typical building heights between three to six storeys. While portions of the development may exceed six storeys on certain elevations in response to site grade, overall, the proposed CD12 zone will allow a development form that meets the intent of City Plan policies by providing higher density development incorporating multi-family, commercial, institutional uses and a green public open space in close proximity to mobility networks, amenities, and services.

Harewood Neighbourhood Plan

The Harewood Neighbourhood Plan (HNP) identifies the subject properties as Mixed Use Corridor, Village Corridor, and Parks and Open Spaces which contemplates a mix of higher density multi-family residential housing with ground floor commercial services, public amenities in this area. The proposed rezoning meets the intent of the HNP land use and development policies.

City Plan – Affordable, Adaptable & Family-Friendly Housing

City Plan (Section C3.2) addresses the need for more affordable and supportive housing across the City including the provision of family-friendly and adaptable units, especially near schools (Policy C3.2.22). The development concept proposes the inclusion of adaptable units and family-friendly units (two bedroom and up).

City Plan – Culture

City Plan (Section C4.5) encourages partnerships with First Nations to increase visibility and recognition of traditional territories through collaborative projects (including art, signage, and

place-naming) and school programming. Located within the traditional territory of the Snuneymuxw people, Te'tuxwtun (the traditional name for Mount Benson), proposes to incorporate below market rental housing for the Snuneymuxw First Nation as well as First Nation led school programs and a community gathering space building which provides a significant collaboration opportunity.

City Plan – Mobility Network

The subject properties are located approximately 300m from the University Secondary Urban Centre as identified in Figure 36 of the City Plan, are adjacent to Fifth Street, a frequent bus transit corridor, and are located in close proximity to a secondary active mobility route.

A number of road dedications will be required, to allow fronting roads to be completed to the applicable City of Nanaimo cross-sections as outlined in the Conditions of Rezoning section of this Staff Report.

In support of the application, a Transportation Impact Assessment has been received and accepted in principle. It is noted that the development concept represents a parking variance which would need to be confirmed at design stage and reviewed through the Development Permit Process in accordance with Council's *Policy for Consideration of a Parking Variance*.

Proposed City Plan Land Use Designation

The applicant proposes to redesignate 502 Howard Avenue from Parks & Open Spaces to Mixed-Use Corridor. The current designation supports only park, plaza, open space and recreational uses; as such, a City Plan amendment is required to support the proposed a mix of uses envisioned within 502 Howard Avenue as part of the comprehensive planned development. The Mixed-Use Corridor future land use designation supports residential, commercial, and institutional uses serving the surrounding neighbourhood in close proximity to frequent transit networks. The proposed future land use designation would facilitate the proposed development and continue to support public open spaces and amenities along with the proposed community gathering space as shown within the Te'tuxwtun concept plan.

Proposed Zoning

The applicant proposes to rezone the subject properties from R6, PRC3 and CS1 to a comprehensive development zone (CD12) to facilitate a mixed-use development. The conceptual plans include six buildings with approximately 390 multi-family residential dwelling units and underground parking, ground-oriented commercial and institutional (academic school and recreational facility uses) in low- to mid-rise building forms with a central publicly accessible open space network through the site and community gathering space building.

The proposed CD12 zone includes three Sub-Zones which allow a range of residential, commercial, and institutional uses (including multiple family dwelling, park, school, daycare, office, restaurant, retail, artist studio and live/work) and is based on the Mixed-Used Corridor (COR2) zone in the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw").

The proposed CD12 zone is comparable in density (with bonusing opportunities), lot coverage and setbacks to the COR2 zone, with some flexibility in setbacks and height. The proposed zoning also incentivizes additional density for the provision of affordable housing units secured by

Housing Agreement. Additional base density has been incorporated into Sub-Zone 3 as institutional uses and less intensive residential development are proposed for the other Sub-Zones.

The maximum permitted building height within all Sub-Zones is proposed to be 20m; 2m greater than the maximum 18m within the COR2 zone to address grade and to maximize opportunity for provision of open space. The requirement to provide a minimum two storeys above grade has been relaxed for Sub-Zones 1 & 2 to accommodate the potential for single storey institutional buildings (school and the community gathering space).

Setbacks proposed for the front and flanking side yards can accommodate required landscape buffers and projections into setbacks such as stairs and entry porticos. A 7.5m buffer to the abutting residential zone to the north is also proposed.

The proposed rezoning to a comprehensive development zone complies with applicable City Plan policies. Staff support the proposed City Plan and Zoning Bylaw amendments.

Community Consultation

The subject property is within the area of the Harewood Neighbourhood Association. The application was forwarded to the association on 2023-MAY-12. Staff responded to a request for clarification on the application, and no further comments have been received.

BC Housing has undertaken two phases of engagement:

- Phase 1 occurred between 2022-JAN-03 to 2022-FEB-04 and included an online community survey, community circle conversations with members of the surrounding neighbourhood and local organizations and dialogue with Sanala tenants including mailouts, social media outreach, a website, and posters displayed in prominent locations in the neighbourhood.
- Phase 2 commenced 2023-MAR-05 (ongoing) and included dialogue with Sanala tenants, an information sharing meeting with the Harewood Neighbourhood Association, mail out to the surrounding community, and social media outreach.

During the engagement process, comments were generally supportive of the proposed building form, underground parking, daycare, onsite amenities, and community garden. Concerns were expressed regarding traffic and site safety, affordable and accessible housing, provision of parkland/open space and private space for Sanala residents, aboveground parking, and securing proposed elements of the project. BC Housing is continuing to work with the Knowledge Partners on refining the design of the project to address concerns raised prior to making a development permit application.

Community Amenity Contribution

In exchange for the value conferred on the lands through rezoning, the application was reviewed in accordance with Council's *Community Amenity Contribution Policy*. Based on the 2023 rates at the time of application and the conceptual plans provided, an approximate monetary contribution of \$1,172,682 would be anticipated in accordance with the mix of commercial (\$34 per m² of gross floor area) and multi-family (\$41 per m² of gross floor area) proposed.

Two in-kind CACs are proposed as part of the rezoning:

1. Publicly Accessible Open Space – provision of 1.29 ha of internal and perimeter publicly accessible open spaces including pathways, plazas, landscaped areas, and a gathering space (to replace and supplement the current 0.95 ha of parkland) as shown on Attachment D. As a condition of rezoning, Staff recommend that a statutory right-of-way be secured over Sub-Zone 3 to secure public access through and for use of the space.
2. Community Gathering Space – provision of a community gathering space building, the specifics of which will be determined through a functional programming assessment at time of Development Permit.

The development concept proposes 356 market rental units along with 34 below market rental units to replace the demolished Sanala units previously located on 564 Fifth Street. The details of the unit composition and number of market units and non-market rental units will be determined at design stage.

Given the public partnerships for this project, and as the total value of the CACs achieved through ultimate buildout is anticipated to exceed the monetary contribution that would otherwise be provided through rezoning (100% rental units, publicly accessible open space and a community gathering space), Staff support the proposed CACs.

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 titles of 564 Fifth Street 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 2023 No. 4500.213", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – registration of a Section 219 covenant to secure the following, prior to building permit issuance:
 - a statutory right-of-way across 564 Fifth Street to secure public access through and for use of the publicly accessible open space.
2. *BC Energy Step Code* – registration of a Section 219 covenant to secure a commitment in accordance with the City's *BC Energy Step Code Rezoning Policy* for 564 Fifth Street.
3. *Road Dedication Covenant* – registration of a Section 219 covenant to secure road dedication as follows, prior to building permit issuance:
 - a width of approximately 4.14m along the Fifth Street frontage of 505 Howard Avenue and 564 Fifth Street and 0.14m from 502 Howard Avenue to allow for a future 'Mobility Collector' cross-section of 28.4m;
 - a width of approximately 2.44m to 3.29m along the Harewood Road frontage from 505 Howard Avenue to allow for a future 'Urban Collector' cross-section 25m / 26.7m;

- a width of approximately 2.44m to 3.29m along the Howard Avenue frontage from 505 Howard Avenue and 502 Howard Avenue to allow for a future ‘Urban Collector’ cross-section of 25m / 26.7m; and,
- corner rounding with a radius of 6.0m for all intersections.

Notwithstanding the above, given limitations on disposition of property from 505 Howard Avenue, any commitment for dedication is subject to SD68 Board of Education approval.

4. *Lot Consolidation* – consolidation of the two parcels comprising of 564 Fifth Street.

Application Referral

In accordance with Section 475 of the *Local Government Act*, when considering an amendment to an Official Community Plan (City Plan), local governments must provide one or more opportunities for consultation with organizations or authorities that it considers may be affected by the amendment. Should Council support first and second reading of the City Plan amendment application (OCP103), Staff would send a formal referral to the Snuneymuxw First Nation, Regional District of Nanaimo, Ministry of Transportation and Infrastructure, Ministry of Environment and Climate Change Strategy, Island Health, and Nanaimo-Ladysmith Public School District 68 for comment. Staff note that both the Snuneymuxw First Nation and School District 68 are Knowledge Partners in this project. |

SUMMARY POINTS

- This application is to redesignate 502 Howard Avenue from Parks & Open Spaces to Mixed-Use Corridor; and rezone the subject properties from Low Density Residential (R6), Parks, Recreation and Culture Three (PRC3) and Community Service One (CS1) to Comprehensive Development District Zone 12 (CD12) to facilitate a mixed-use development.
- The conceptual plans illustrate a six-building development with multi-family, commercial and institutional buildings.
- The applicant is proposing an in-kind Community Amenity Contribution including publicly accessible open space and a community gathering space.
- The proposed rezoning to a comprehensive development zone complies with applicable City Plan policies.
- Staff support the proposed City Plan and Zoning Bylaw amendments. |

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Development Rendering
ATTACHMENT D: Proposed Publicly Accessible Open Space
“City Plan Amendment Bylaw 2023 No. 6600.001”
“Zoning Amendment Bylaw 2023 No. 4500.213”]

Submitted by:

Lainya Rowett
Manager, Current Planning]

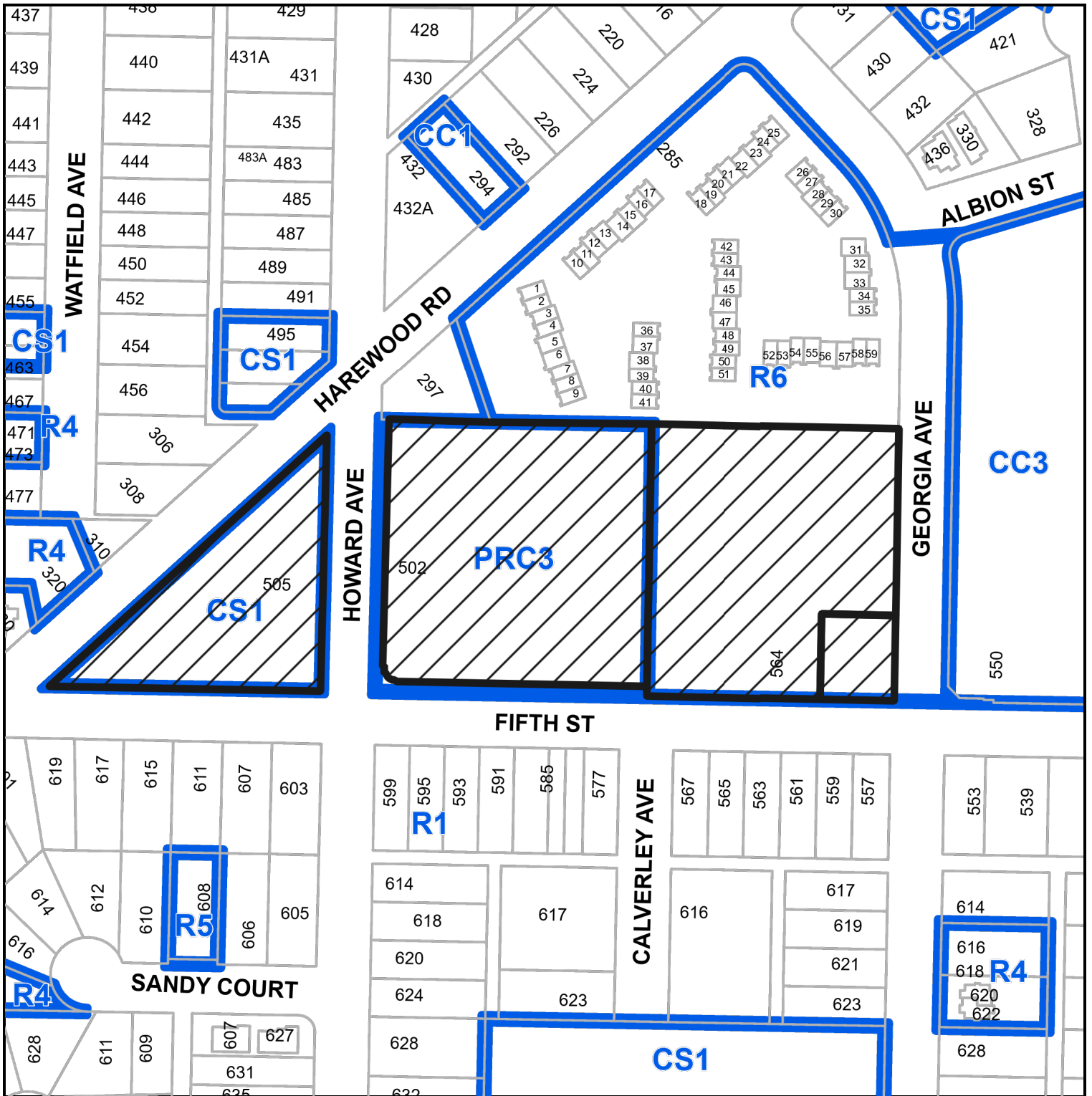
Concurrence by:

Jeremy Holm
Director, Development Approvals

Richard Harding
General Manager, Parks, Recreation & Culture

Dale Lindsay
General Manager, Development Services
/ Deputy CAO]

ATTACHMENT A SUBJECT PROPERTY MAP



564 FIFTH STREET AND 502 & 505 HOWARD AVENUE

ATTACHMENT B CONCEPTUAL SITE PLAN

LEGEND:

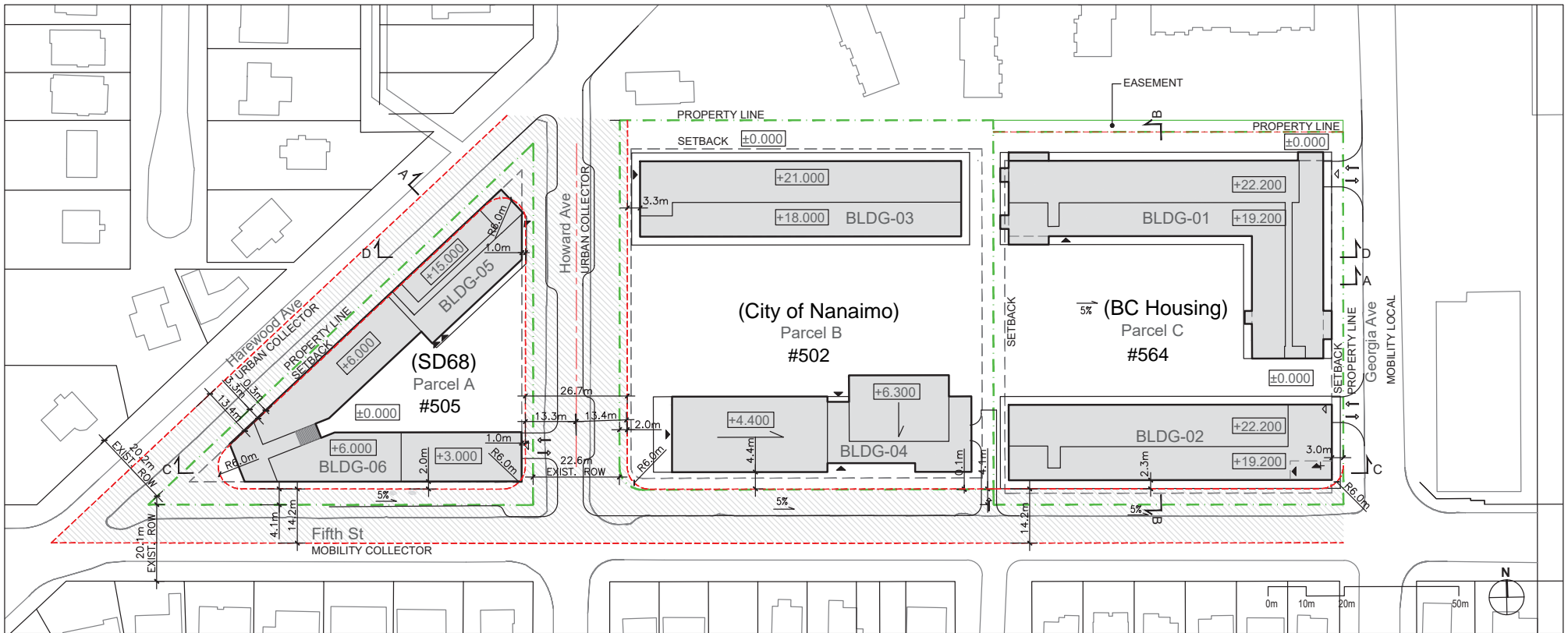
- ±21.000 BUILDING HEIGHT
 - ▼ ACCESS TO BUILDING
 - ▽ ACCESS TO PARKING
 - ▭ BUILDING OUTLINE
 - ▭ ROOFTOP OUTLINE
 - ROAD DEDICATION - CENTRE LINE OF ROW *
- NOTE
*MEASUREMENTS WERE DONE ACCORDING TO THE SURVEY

AREAS SUMMARY - ORIGINALLY PROVIDED

	PARCEL A		PARCEL B		PARCEL C		TOTAL
	BLDG-06	BLDG-05	BLDG-04	BLDG-03	BLDG-02	BLDG-01	
BUILDING GROSS AREA (excluding parking)	2,517.90 sm	2,409.20 sm	1,624.10 sm	9,734.90 sm	9,075.60 sm	12,805.80 sm	38,167.50 sm
BUILDING GROSS AREA PER PARCEL	4,927.10 sm		11,359.00 sm		21,881.40 sm		
BUILDING FOOTPRINT	1,559.90 sm	612.80 sm	1,624.10 sm	1,664.20 sm	1,674.30 sm	2,261.60 sm	
BUILDING FOOTPRINT PER PARCEL	2,172.70 sm		3,288.30 sm		3,935.90 sm		
SITE AREA	4,757.98 sm		9,475.06 sm		9,233.60 sm		23,466.64 sm
LOT COVERAGE	45.66 %		34.70 %		42.63 %		
FSR	1.04		1.20		2.37		1.63

AREAS SUMMARY - AFTER ROAD DEDICATIONS APPLICATION

	PARCEL A		PARCEL B		PARCEL C		TOTAL
	BLDG-06	BLDG-05	BLDG-04	BLDG-03	BLDG-02	BLDG-01	
BUILDING GROSS AREA (excluding parking)	2,517.90 sm	2,409.20 sm	1,624.10 sm	9,734.90 sm	9,075.60 sm	12,805.80 sm	38,167.50 sm
BUILDING GROSS AREA PER PARCEL	4,927.10 sm		11,359.00 sm		21,881.40 sm		
BUILDING FOOTPRINT	1,559.90 sm	612.80 sm	1,624.10 sm	1,664.20 sm	1,674.30 sm	2,261.60 sm	
BUILDING FOOTPRINT PER PARCEL	2,172.70 sm		3,288.30 sm		3,935.90 sm		
SITE AREA	3,680.00 sm		9,278.00 sm		8,573.00 sm		21,531.00 sm
LOT COVERAGE	59.04 %		35.44 %		45.91 %		
FSR	1.34		1.22		2.55		1.77



SITE PLAN 1:1000



Te'Tuxwtun Master Plan

Nanaimo, BC

RECEIVED
RA493
2023-JUN-16
Current Planning

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project code
20004
drawn checked

status
checked

SITEPLAN
ROAD DEDICATIONS STUDY

scale date
1:1000 2023.06.14

drawing number

PD 01

revision

ATTACHMENT C CONCEPTUAL DEVELOPMENT RENDERINGS



RECEIVED
RA493
2023-MAR-16
Curient Planning



FORMLINE ARCHITECTURE
100 Park Royal S, Suite 807 West Vancouver, BC V7T 1A2
604.912.0203 E info@formline.ca W www.formline.ca

Te'Tuxwtun Master Plan

Nanaimo, BC

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project code
20004
drawn

status
checked

VISUALISATIONS

AERIAL VIEW

scale date
NTS 2022.11.30


drawing number

PD 11

revision

View - Street Level




FORMLINE ARCHITECTURE
 100 Park Royal S, Suite 907 West Vancouver, BC V7T 1A2
 604.912.0203 E info@formline.ca W www.formline.ca

TeḷTuxwtun Master Plan

Nanaimo, BC

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project code
20004
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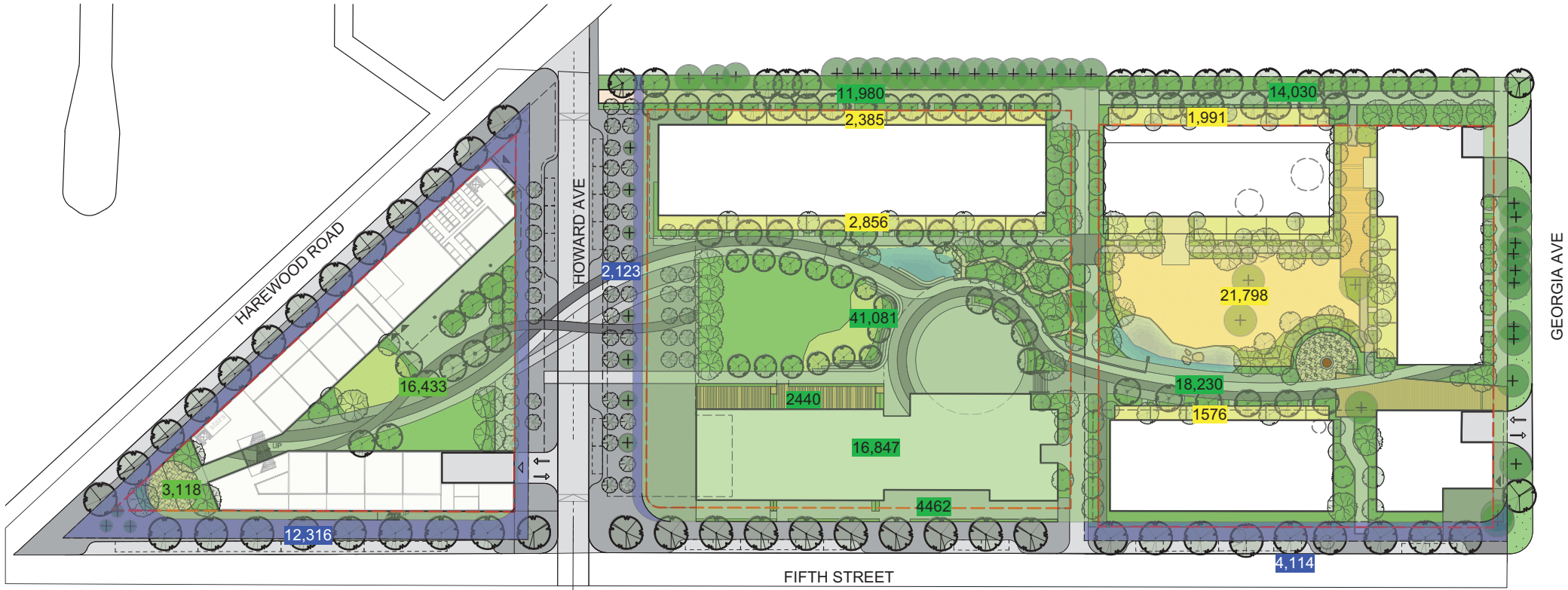
status
 checked

STREET LEVEL VIEW
RECEIVED
RA493
2023-MAR-16
Current Planning

drawing number
PD 13
 revision

ATTACHMENT D PROPOSED PUBLICLY ACCESSIBLE OPEN SPACE

- 128,621 sqf Public Area (including street plazas, school outdoor area, playground, daycare open space, internal pedestrian path connections, planting areas, garden restoration areas, water management retention zones and gathering building including concession patios)
- 30,606 sqf Private Area (BC Housing outdoor space and unit patios)
- 18,553 sqf Road Dedication



Te'tuxwtun | Landscape Concept Plan

RECEIVED
RA493
2023-JUL-21
Current Planning

LADR LANDSCAPE ARCHITECTS

#3-864 Queens Ave. Victoria B.C. V8T 1M5
Project No: 2035 Aug 18-22 Phone: (250) 598-0105

CITY OF NANAIMO

BYLAW NO. 6600.001

A BYLAW TO AMEND THE CITY OF NANAIMO "CITY PLAN BYLAW 2022 NO. 6600"

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "City Plan Bylaw 2022 No. 6600".

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

1. This Bylaw may be cited as "City Plan Amendment Bylaw 2023 No. 6600.001".
2. The City of Nanaimo "City Plan Bylaw 2022 No. 6600" is hereby amended as follows:
 - 1) Schedule 2 (Future Land Use Designations) to redesignate SECTION 25, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630 EXCEPT PART IN PLAN 5935 & EPP32575 from 'Park & Open Spaces' to 'Mixed-Use Corridor', as shown on Schedule A of this bylaw.

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

MAYOR

CORPORATE OFFICER

SCHEDULE A



OFFICIAL COMMUNITY PLAN AMENDMENT NUMBER OCP00103



CITY OF NANAIMO

BYLAW NO. 4500.213

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 2023 No. 4500.213".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By amending Part 5 – DEFINITIONS by adding the following definitions in alphabetical order:
 - i. "**BC HOUSING** – means the British Columbia Housing Management Commission"
 - ii. "**CMHC** – means the Canada Mortgage and Housing Corporation"
 - 2) By amending the table in subsection 6.10.2 to delete the text "CD9 and CD11" in the first column of the first row and replacing it with "and CD9 to CD12".
 - 3) By amending the table in subsection 6.16.2 to delete the text "CD11" in the first column of the last row and replacing it with "CD12".
 - 4) By adding '16.12 Comprehensive Development District Zone 12 (CD12)' after section 16.11, as shown in Schedule A of this Bylaw.
 - 5) By amending the table in section 17.11 – Minimum Landscape Treatment Levels by adding the following row after the row labeled 'CD11':

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage / Landfill / Refuse Receptacles
CD12	1	2	2	2

- 6) By rezoning the lands legally described as
 - a. THAT PART OF SECTION 25, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630, SHOWN COLOURED RED ON PLAN DD 18483-I (P.I.D. 008-744-700);
 - b. SECTION 25, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630 EXCEPT PART IN PLAN 5935 & EPP32575 (P.I.D. 008-734-437);
 - c. LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 5935, EXCEPT PARTS IN PLANS 17471 AND 18147 (P.I.D. 001-568-795); and,
 - d. LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17471 (P.I.D. 001-568-761) from Community Service One (CS1); Parks, Recreation and Culture Three (PR3); and Low Density Residential (R6) to Comprehensive Development District Zone 12 (CD12), as shown on Schedule B of this Bylaw.

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

MAYOR

CORPORATE OFFICER

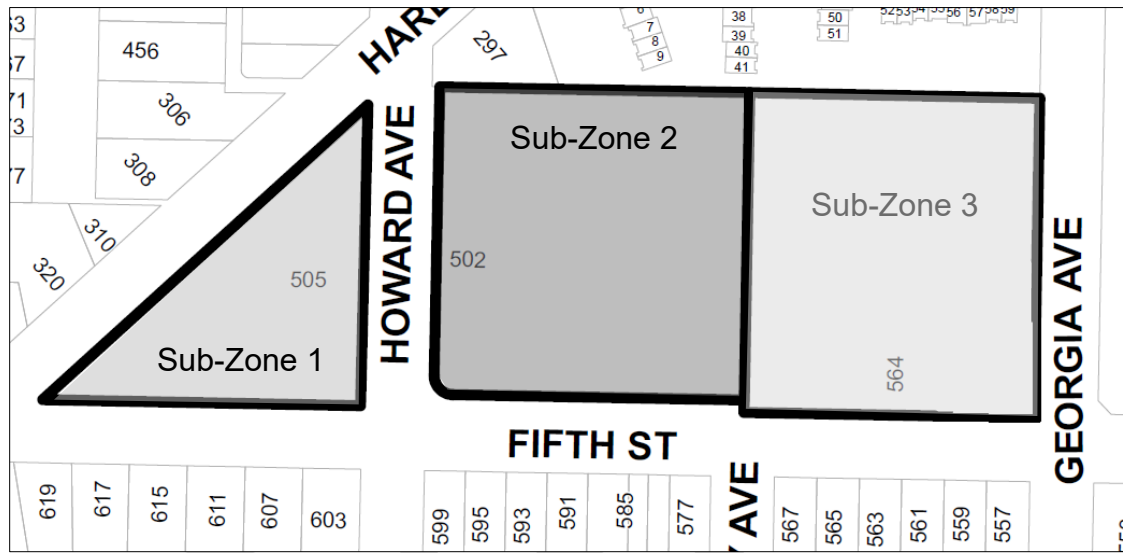
SCHEDULE A

16.12 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE 12 (CD12)

The intent of this zone is to facilitate a comprehensive mixed-use development.

16.12.1 ESTABLISHMENT OF SUB-ZONES

Regulations in the CD12 Zone will be established within sub-zones as identified in the following plan:



16.12.2 PERMITTED USES

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	
Academic School	P	--	--	
Artists Studio	P	P	P	
City Park	--	P	--	
Community Park	--	P	--	
Commercial School	P	--	--	
Daycare	P	P	P	
Live/Work	--	P	P	
Multiple Family Dwelling	P	P	P	
Office	P	P	P	No more than 500m ² of office space shall be permitted per sub-zone.
Personal Care Facility	P	P	P	

SCHEDULE A

Use	Sub-Zone			Conditions of Use
	1	2	3	
Restaurant	--	P	P	No more than 500m ² of restaurant space shall be permitted per sub-zone.
Retail	--	P	P	No more than 500m ² of retail space shall be permitted per sub-zone.
Social Service Resource Centre	P	P	P	
University, College, Technical School	P	--	--	

P = Permitted Use
-- = Use Not Permitted

16.12.3 DENSITY

16.12.3.1 The following table specifies the maximum allowable density, expressed as a Floor Area Ratio, per lot for each sub-zone. The second column from the left provides the base density that is permitted in each sub-zone. The additional density columns permit additional density where the following specified location and amenity criteria have been satisfied. Additional density where achievable is applied during the development permit process. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements, as specified within “Schedule D – Amenity Requirements for Additional Density” of this bylaw; Tier 2 awards additional density to a development which meets or exceeds the Tier 2 requirements within Schedule D. Where a development qualifies for additional density, the additional floor area may be added to the base density within the zone. A development may achieve all of the additional density available within the zone:

Sub-Zone	Maximum Allowable Base Floor Area Ratio	Additional Density	
		Tier 1	Tier 2
1	1.25	+0.25	+0.25
2	1.25	+0.25	+0.25
3	1.75	+0.25	+0.25

16.12.3.2 Notwithstanding Subsection 16.12.3.1, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the maximum allowable Floor Area Ratio for the sub-zone where the underground parking is located equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

16.12.3.3 Notwithstanding Subsection 16.12.3.1, where the property owner enters into a Housing Agreement with the City of Nanaimo, pursuant to the *Local Government Act*, to ensure that a portion of the residential dwelling units (greater than 29m² in area) within a sub-zone will be rented at or below average rent levels as determined by the CMHC, an amount may be added to the maximum allowable Floor Area Ratio for that sub-zone equal to 0.01 for each unit.

SCHEDULE A

- 16.12.3.4 Notwithstanding Subsection 16.12.3.1, where the property owner enters into a Housing Agreement with the City of Nanaimo, pursuant to the *Local Government Act*, to ensure rent for a portion of the residential dwelling units within a sub-zone does not exceed 30% of the Housing Income Limit for Nanaimo, as determined by BC Housing, an amount may be added to the maximum allowable Floor Area Ratio equal to 0.02 for each unit.
- 16.12.3.5 Notwithstanding Subsections 16.12.3.1, 16.12.3.2, 16.12.3.3 and 16.12.3.4, the maximum allowable Floor Area Ratio on a lot within the CD12 Zone shall not exceed 2.8.

16.12.4 LOT SIZE AND DIMENSIONS

- 16.12.4.1 The minimum lot area for a serviced lot shall be 1,200m².
- 16.12.4.2 The minimum lot frontage shall be 25m.
- 16.12.4.3 The minimum lot depth shall be 30m.

16.12.5 SITING OF BUILDINGS

16.12.5.1 The following table identifies the minimum distance a principal building must be set back from the lot line specified within each yard area within the sub-zone indicated:

Sub-Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard	Flanking Side Yard	Rear Yard
1	2.0m	6m	1.5m	2.0m	7.5m
2	2.0m	6m	1.5m	2.0m	7.5m
3	2.0m	6m	1.5m	2.0m	7.5m

- 16.12.5.1 Notwithstanding Subsection 16.12.5.1, where a sub-zone abuts a residential zone, all buildings must be setback at least 7.5m from that lot line.
- 16.12.5.2 Notwithstanding Subsection 16.12.5.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.
- 16.12.5.3 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.
- 16.12.5.4 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.
- 16.12.5.5 No parking shall be permitted between the front lot line and the front face of a building or within the maximum front yard setback area.

SCHEDULE A

16.12.6 SIZE OF BUILDINGS

The following table specifies the maximum permitted lot coverage and building height, as well as the minimum required height of a principal building:

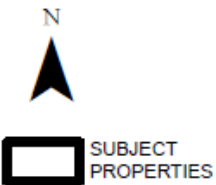
Sub-Zone	Lot Coverage	Maximum Allowable Height	Minimum Required Height
1	60%	20m	N/A
2	60%	20m	N/A
3	60%	20m	2 Storeys Above Grade

DRAFT

SCHEDULE B



REZONING APPLICATION NO. RA000493



SCHEDULE B

LEGAL DESCRIPTIONS:

THAT PART OF SECTION 25, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630, SHOWN COLOURED RED ON PLAN DD 18483-I (P.I.D. 008-744-700)

SECTION 25, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630 EXCEPT PART IN PLAN 5935 & EPP32575 (P.I.D. 008-734-437)

LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 5935, EXCEPT PARTS IN PLANS 17471 AND 18147 (P.I.D. 001-568-795) LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17471 (P.I.D. 001-568-761)