

2011-FEB-07

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: J. HOLM, MANAGER, PLANNING SECTION,
COMMUNITY SAFETY & DEVELOPMENT

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2011-FEB-03
FOR BYLAWS NO. 6500.014 AND 4000.495

STAFF'S RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2011-FEB-03.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2011-FEB-03, the subject of which was two items. Approximately 26 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 6500.014:

OCP58 – 421 Milton Street

This bylaw, if adopted, will amend Schedule B (Old City Neighbourhood Concept Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by adding site specific policy to allow for a five unit multiple family residential development. The subject property is legally described as SECTION A OF LOT 17, BLOCK H, OF SECTION 1, NANAIMO CITY, PLAN 584.

2. BYLAW NO. 4000.495:

RA258 – 421 Milton Street

This bylaw, if adopted, will rezone the subject property from Old City Low Density (Fourplex) Residential Zone (RM-9) to Old City Medium Density Multiple Family Residential Zone (RM-10) in order to facilitate a five unit multiple family residential development. The subject property is legally described as SECTION A OF LOT 17, BLOCK H, OF SECTION 1, NANAIMO CITY, PLAN 584.

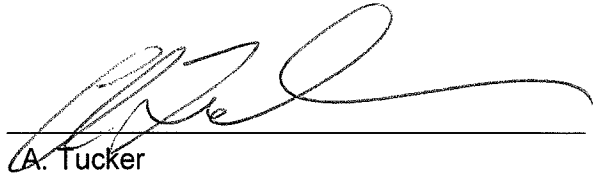
These applications appear before Council this evening for consideration of Third Reading.

There were six verbal and seven written submissions received for these applications.

Respectfully submitted,



J. Holm
Manager, Planning Section
Community Safety & Development



A. Tucker
Director of Planning
Community Safety & Development

/pm
Council: 2011-FEB-14
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Ted Swabey, General Manager
Community Safety & Development

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, IN THE VANCOUVER ISLAND CONFERENCE CENTRE,
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,
ON THURSDAY, 2011-FEB-03, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "OFFICIAL COMMUNITY PLAN 2008 NO. 6500"
AND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor W.J. Holdom
Councillor D.K. Johnstone
Councillor J.A. Kipp
Councillor J.F. Pattje
Councillor L.J. Sherry

REGRETS: Councillor W.L. Bestwick
Councillor M.W. Unger

STAFF: J. Holm, Manager, Planning Section
D. Jensen, Community Development Planner, Community Planning Section
P. Masse, Planning Clerk, Planning Section

PUBLIC: There were approximately 26 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:01pm and advised that members of City Council, as established by provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Holm explained the required procedures in conducting a Public Hearing and the regulations contained within Section 892 of the *Local Government Act*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 6500.014 and 4000.495 at the regular Council meeting of 2011-FEB-14.

1. BYLAW NO. 6500.014:

OCP58 – 421Milton Street

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Mr. Doug Creba and Ms. Sue Creba, 421 Milton Street – Applicants

- Mr. and Mrs. Creba's presentation is attached as a part of "Attachment A – Submissions for Bylaws No. 6500.014 and 4000.495".

Mayor Ruttan asked if the proposed parking of five stalls would be sufficient to service the site.

Mrs. Creba stated that they believe the demographics of people moving to the downtown do not rely on their vehicles as much as other areas of the city, adding that many homes only have one vehicle and people prefer to walk or take public transit. They believe one parking spot per unit is ample.

Councillor Pattje asked for clarification regarding the height of the proposed coach house.

Mr. Creba noted that building heights for the proposal were determined by taking an average of the four corners and applying the height allowance, which resulted in a measurement to the middle of the distance from the eave to the peak. The coach house is higher because it would be situated on land that is on higher ground.

Councillor Pattje asked Staff for clarification regarding the road dedication proposed and whether or not the entire lane would be widened as well.

Mr. Holm noted that road widening for the entire lane would occur bit by bit as opportunity arises to acquire additional lane dedication through future development proposals. The widening is requested to achieve engineering standard requirements for the lane, and in this case, it allows for off-street parking as well.

Councillor Pattje asked why road dedication and widening is approached on a project-by-project basis.

Mr. Holm stated that most roads in the city are improved in this manner. Unless it is a significant City capital project where road is purchased or expropriated, road widening is achieved through development such as in this case.

Councillor Holdom asked the applicants why they are applying to rezone for five units when the property is currently zoned for four units.

Mr. Creba stated that five units makes the proposal more economically viable. They are not professional developers, they are homeowners; it would be difficult to attain financing for the proposal without the fifth unit.

Councillor Holdom asked for clarification on the proposed parking.

Mrs. Creba noted that the current space adjacent to the lane provides for angle parking. With the required setback and road dedication, it would allow for more than 10m of parking space, which would result in full size parking stalls.

Councillor Johnstone asked for clarification regarding the number of bedrooms per unit.

Mrs. Creba stated that there would be a mix of one and two bedrooms in the proposal.

Councillor Johnstone asked if the units would be rented or sold.

Mrs. Creba noted that she and her husband would live in one unit and the hope is to rent the remaining units; however, based on the financing, one unit may need to be sold.

Councillor Johnstone noted that, according to the applicant's presentation regarding the proposed impact on neighbour's views, only a small amount of view would be lost to neighbours if the presentation were accurate.

Mr. Creba noted that his daughter is a surveyor and they surveyed the height of all three proposed buildings, which is how they determined their calculations and images in their presentation. Added that several homes in the area are currently over height, suggesting they may have been built prior to any height restrictions in the area.

Ms. Kathy Schmidt, 414 Kennedy Street – Opposed

- Ms. Schmidt's presentation (including a map of the rear laneway, a Daily News article and a petition of opposition signed by 72 neighbourhood residents) is attached as a part of "Attachment A – Submissions for Bylaws No. 6500.014 and 4000.495".

Councillor Pattje asked if the speaker is aware that under current zoning the applicant could construct two duplexes.

Ms. Schmidt confirmed that she is aware the applicant could build two duplexes; however, she is opposed to the height increase of the proposal and the increase of traffic in the rear laneway.

Councillor Holdom asked the speaker if the applicant were able to reduce the height of the proposal with an alternate roof structure, but still propose five units with RM-10 zoning, if she would still be opposed to the proposal.

Ms. Schmidt stated that when she canvassed the neighbourhood with the petition of opposition, the neighbours of the sevenplex located at Milton and Albert Streets reported that once the developer of that project was approved for rezoning he built to maximum height even though he said he would not. Asked if there is any way to ensure that a proposal is built as promised, once rezoning is approved.

Councillor Holdom confirmed that height could be ensured through a covenant.

Ms. Lynn Wilke, 430 Kennedy Street - Opposed

- Purchased her home 18 months ago, enjoys the views of the harbour and the mountains every day. Before purchasing her home, she met with Planning staff to ascertain what potential developments could occur in the neighbourhood.

- She was assured there were height restrictions in place in the area and any development would maintain her current view. Believes the proposal would negatively affect her view considerably.
- Does not have any concerns with a fifth unit if it were kept at the same height as the rest of the proposal.
- Does not believe several area residents should sacrifice their views for one extra unit on a property.
- Believes the property values would be devalued, which would in turn decrease taxes paid to the City.
- Concerned that the designs are concept only and that the final design could be radically different.

Mayor Ruttan asked the speaker if she had any concerns regarding parking for the proposal.

Ms. Schmidt noted that she has no concerns regarding parking in the alley if the widening were to be applied to the entire lane.

Mr. Jonas Grey, 426 Kennedy Street – Opposed

- Concerned with the height of the proposal and the width of the alley.
- Currently leasing the home with the intention to own, which involved a non-refundable down payment; believes if the view is negatively affected it would decrease the value of the home, which would be potentially disastrous for him and his family.
- His daughter plays in the alley often, as do other neighbourhood children, and he would not like to see it widened, as his daughter would lose a safe play area.

Mr. Martin Wiebe, 463 Milton Street – Opposed

- Mr. Wiebe's presentation is attached as a part of "Attachment A – Submissions for Bylaws No. 6500.014 and 4000.495".

Mr. Ryan Riddle, 469 Milton Street – Neither Opposed nor in Favour

- Conditionally in favour of the proposal as long as the goals of sustainability in heritage buildings are met, including preservation. This seems like a good opportunity to offer incentives, like density and height, to developers in exchange for less energy intensive practices and designs.
- The idea of provoking neighbourhood angst by replacing viewsapes with empty attics is not reasonable. Believes this issue will reoccur in the coming years so a precedent is important.

Ms. Brenda Uchieva, 2820 Boat Harbour Road – Neither Opposed nor in Favour

- Her family has owned the property beside the subject property for over 100 years. Several members of her family are in favour of the proposal; however, she is concerned about the height and the fact that it would shade their property considerably.
- Asked if this proposal were approved whether or not Council would be less likely to approve an application on her property for the same type of proposal in the future.

Mr. Holm stated that everyone has the right to apply for a rezoning; however, what the Council of the day would take into consideration is difficult to comment on at this time. Currently, the OCP policy would support it but that may not hold true for any future applications.

Councillor Sherry noted that the neighbourhood is currently zoned to allow for fourplexes in the area; there is no telling what a future Council would determine on a rezoning application for the area.

Ms. Carol Evans, 331 Kennedy Street – In Favour

- Owned 408 Milton Street until last year. When selling the home, two potential buyers calculated that it was economically unfeasible to develop the property as a fourplex.
- Believes the Creba's, having lived in the neighbourhood for 30 years, would be responsible developers. She would prefer them as opposed to a developer who has no feel for the neighbourhood. Believes the area is committed to higher density, fewer cars and long-term occupancy.

Councillor Holdom asked Staff if a covenant is possible regarding height restrictions for this proposal.

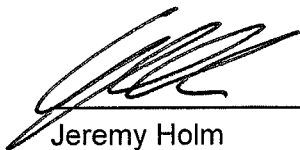
Mr. Holm stated it would be possible to apply a restrictive covenant following the Public Hearing; it is something Council could provide direction on at consideration of Third Reading.

There were six verbal and seven written submissions received for these applications.

MOVED by Councillor Sherry, SECONDED by Councillor Holdom that the meeting adjourn at 7:55 pm.

CARRIED

Certified Correct:



Jeremy Holm
Manager, Planning Section
Community Safety & Development