



# NOTICE OF PUBLIC HEARING

2011-FEB-03 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2011-FEB-03**, commencing at **1900 hours (7:00 pm)** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" and the City of Nanaimo "ZONING BYLAW 1993 NO. 4000."

## 1. BYLAW NO. 6500.014

**Purpose:** To permit the use of land for a multiple family residential development.

**Location(s):** 421 Milton Street

**File No.:** OCP58

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 and is shown on Map A.

## 2. BYLAW NO. 4000.495

**Purpose:** To permit the use of land for a multiple family residential development.

**Location(s):** 421 Milton Street

**File No.:** RA258

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 and is shown on Map A.



**PLEASE NOTE** full details of the above-noted bylaws are available online at [www.nanaimo.ca](http://www.nanaimo.ca) or at the City of Nanaimo Community Safety & Development Division, located at 238 Franklyn Street.

The above bylaws, relevant staff reports, and other background information may be inspected from 2011-JAN-21 to 2011-FEB-03, between 8:00 am and 4:30 pm, Monday through Friday, excluding statutory holidays, in the offices of the Community Safety & Development Division, 238 Franklyn Street, Nanaimo, BC.

All persons who believe their interest in property is affected by the proposed bylaws shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaws No. 6500.014 and 4000.495 at the Public Hearing.

***Please note the following:***

Written submissions may be sent to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC V9R 5J6.

Electronic submissions (email) should be sent to **public.hearing@nanaimo.ca**, or submitted online at **www.nanaimo.ca**. These submissions must be received no later than 4:00 pm, 2011-FEB-03, to ensure their availability to Council at the public hearing.

Following the close of a public hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair public hearing process and provide a reasonable opportunity for people to respond.

**For more information, please contact the City of Nanaimo  
Community Safety & Development Division  
Phone: (250) 755-4429 ♦ Fax: (250) 755-4439 ♦ Website [www.nanaimo.ca](http://www.nanaimo.ca)  
238 Franklyn Street, Nanaimo, BC**

CITY OF NANAIMO

BYLAW NO. 6500.014

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

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WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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 the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2011 NO. 6500.014".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING 2011-JAN-10  
PASSED SECOND READING 2011-JAN-10  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

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MAYOR

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MANAGER,  
LEGISLATIVE SERVICES

File: OCP00058  
Address: 421 Milton Street  
Applicant: D. Creba

## SCHEDULE A

1. Schedule B (Old City Neighbourhood Concept Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

- a) Adding Subsection 4.1.2.2 as the following:

Notwithstanding Section 4.1.2, Sub-Area 3, a multiple family residential development for a maximum of five residential units is permitted on the property known as 421 Milton Street (Section A of Lot 17, Block H, of Section 1, Nanaimo City, Plan 584; PID 000 051 829).

CITY OF NANAIMO

BYLAW NO. 4000.495

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 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 2010 NO. 4000.495".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
  - (1) By rezoning the lands legally described as SECTION A OF LOT 17, BLOCK H, OF SECTION 1, NANAIMO CITY, PLAN 584 (421 Milton Street) from Old City Low Density (Fourplex) Residential Zone (RM-9) to Old City Medium Density Multiple Family Residential Zone (RM-10) as shown on the attached Schedule "A".

PASSED FIRST READING \_\_\_\_\_  
PASSED SECOND READING \_\_\_\_\_  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
MINISTRY OF TRANSPORTATION APPROVAL \_\_\_\_\_  
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DIRECTOR,  
LEGISLATIVE SERVICES

File: RA000258  
Addresses: 421 Milton Street

ATTACHMENT A



File: RA000258  
Civic: 421 Milton Street

**LOCATION PLAN**



# STAFF REPORT

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

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

AND: JEREMY HOLM, MANAGER, PLANNING DIVISION  
COMMUNITY SAFETY & DEVELOPMENT

RE: OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION AND REZONING APPLICATION  
OCP58 AND RA258  
421 MILTON STREET

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## PNAC'S RECOMMENDATION:

That Council consider approving Official Community Plan (OCP) Amendment Application 058 and Rezoning Application 258 for a multiple family residential development at 421 Milton Street.

## STAFF'S RECOMMENDATION:

That Council:

1. Receive the report pertaining to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2010 NO. 6500.014", which is presented under the Bylaws section of the agenda;
2. Receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.495", which is presented under the Bylaws section of the agenda; and
3. direct staff to secure the following, prior to adoption of Bylaw No. 4000.495, should Council support the bylaw at Third Reading:
  - a. Road dedication; and
  - b. Community contribution.

## EXECUTIVE SUMMARY

The City of Nanaimo has received applications from D. Creba to amend Schedule B (Old City Neighbourhood Concept Plan) of the Official Community Plan and rezone the subject property to allow for construction of a five unit multiple family residential development. The subject property is located in the Old City area, on the north side of Milton Street, near the corner of Franklyn Street and Milton Street. The proposed use and density is supported under the Official Community Plan's Neighbourhood designation.

## BACKGROUND

Located in the Old City neighbourhood area, near the corner of Franklyn Street and Albert Street, the approximately 872 m<sup>2</sup> (0.2 acre) subject property is situated in an area of residential development composed of single family dwellings and smaller scale multiple family residential developments. The site is bordered to the east by Milton Street, and slopes up to the west where it abuts a laneway. A single family dwelling currently occupies the site.

The OCP application to amend the Old City Neighbourhood Concept Plan (Schedule B of the OCP), and received as part of the 2010-MAY-01 round of OCP amendment applications, is running concurrently with the rezoning application for the same property (see *Attachment A*) to permit a five unit multiple family residential development. The application was presented to PNAC on 2010-NOV-16, following consideration of the proposal at the 2010-OCT-18 meeting of the Nanaimo Old City Association.

In support of OCP policy, the applicant has stated this proposal is for a sustainable development through infill and rejuvenation of an existing area, and is within walking distance to public transit, cycling paths and commercial services, thereby reducing vehicle traffic and increasing the use of public transportation. The proposal will also encourage social enrichment through a diversity of housing choices, and maintain the integrity of the heritage form and character in the old city neighbourhood.

### ***Official Community Plan***

The subject property is designated Neighbourhood under the OCP. Objectives of this designation include maintaining the character and livability of existing neighbourhoods, increasing housing choice, and providing access to basic community services and neighbourhood level services. Policies support residential densities in the range of 10 to 50 units per hectare (uph), encourage the infill of residential lots, and support the development of a mix of residential options for all demographic categories and levels of affordability across the city.

The OCP density range of 10 to 50 uph is based on typical development scenarios for the various housing forms contemplated in the Neighbourhood designation. The proposed residential development represents a density of 57 uph, which is slightly above the Neighbourhood density range. However, the townhouse development would be located on an existing parcel that, while slightly larger than a conventional single family lot, is a smaller parcel size than typical for a townhouse development. Given the close proximity to the downtown core, with a host of services, public amenities and public transit available, the subject property is an appropriate candidate for the additional density as proposed.

The amount of density proposed is not exceptional for this residential area. Other existing developments within the immediate area, such as along Prideaux Street or Franklyn Street, are of a higher density than that proposed by this development (eg, VIVO development and other Prideaux Street apartments / condominiums). A similar proposal for seven units (56 uph) at 446 Milton Street was also adopted by Council 2010-APR-26, and is currently under construction.

### ***Old City Neighbourhood Concept Plan***

The site is also designated Sub-Area 3, 'Multi-Family Low Density' under the Old City Neighbourhood Concept Plan, which is Schedule B of the OCP. Section 4.1.2 of the Neighbourhood Plan states that permitted uses under this designation include single family to fourplex forms of development, but also encourages residential rehabilitation and new small scale multiple family residential development. Section 5 of the Neighbourhood Plan also allows for a maximum build out density of four units per parcel. Neither of these sections make reference to parcel size as a consideration for these density policies. As such, the proposal meets the intent of the OCP Neighbourhood designation, but the Neighbourhood Plan only provides for a maximum density of four units per parcel. With a proposed increase to five units on the subject property, an amendment to the Neighbourhood Plan is required.

At 872 m<sup>2</sup> (0.2 acres), the subject property is larger than the typical lot [average 750 m<sup>2</sup> parcel (0.18 acres)] facing this same block of Milton Street. The applicant proposes five units in three buildings, with open space and a walkway provided on site, and with the lane functioning as primary vehicular access. The proposed design will meet the characteristics called for in the Neighbourhood



Plan: the ground oriented infill development increases housing choice; complements the existing neighbourhood form, scale and character; works within the surrounding context; and provides upgrades to the abutting laneway.

Both the Neighbourhood Plan and associated Nanaimo Old City Multiple Family Residential Design Guidelines also speak to preserving the character of the area. This includes streetscape character, building massing, yards and gardens, and architectural details. The Neighbourhood Plan specifically emphasizes the importance of providing a full range of housing forms and ensuring new design is sensitive to the scale and character of the neighbourhood. Staff are of the opinion that the proposed townhouse development is in keeping with the character of the area, thereby preserving those aspects outlined in the Plan.

### ***Proposed Development and Zoning***

The applicant proposes to 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 allow for the construction of a multiple family residential development. The applicant proposes to construct a total of three buildings containing five dwelling units. The total gross floor area is approximately 440 m<sup>2</sup> (4736 ft<sup>2</sup>), resulting in an overall Floor Area Ratio (FAR) of 0.50. Five parking spaces (one space per unit) are required, and will be accommodated on the subject property, accessible from the rear laneway. The proposed Site Plan (*see Attachment B*), and the conceptual elevations (*see Attachment C*) are included in this report.

### ***Rear Laneway***

As a condition of rezoning, Staff recommends that 1.67 metres of road dedication from the rear laneway be required to be secured prior to adoption of the bylaw.

### ***Community Contribution***

As outlined in Section 7.3 of the Official Community Plan (OCP), in exchange for value conferred on land through a rezoning, the application should provide a community contribution. The applicant proposes a monetary contribution of \$5,000 towards the VIP parks program for Pawson Park, which is located within the Old City Neighbourhood.

### ***Public Input***

The OCP amendment application, received as part of the 2010-MAY-01 amendment round, is posted on the City website; to date, no submissions have been received as a result of this application. Subsequent to submitting the application to the City, the applicant has been working with the designer on conceptual drawings for the proposal, as well as communicating the proposed development to the neighbourhood through, for example, distribution of flyers and discussions with the Nanaimo Old City Association (NOCA). Three members of NOCA were then invited by City staff to sit on PNAC while the applications were being considered. NOCA representatives indicated the proposed development was discussed at the NOCA meeting of 2010-OCT-18, where the attendees were in favour of the proposal.

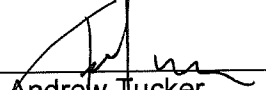
Respectfully submitted,



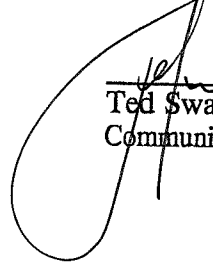
Jeremy Holm  
Manager, Planning Division  
Community Safety and Development



Bruce Anderson  
Manager of Community Planning  
Community Safety and Development



Andrew Tucker  
Director of Planning  
Community Safety and Development

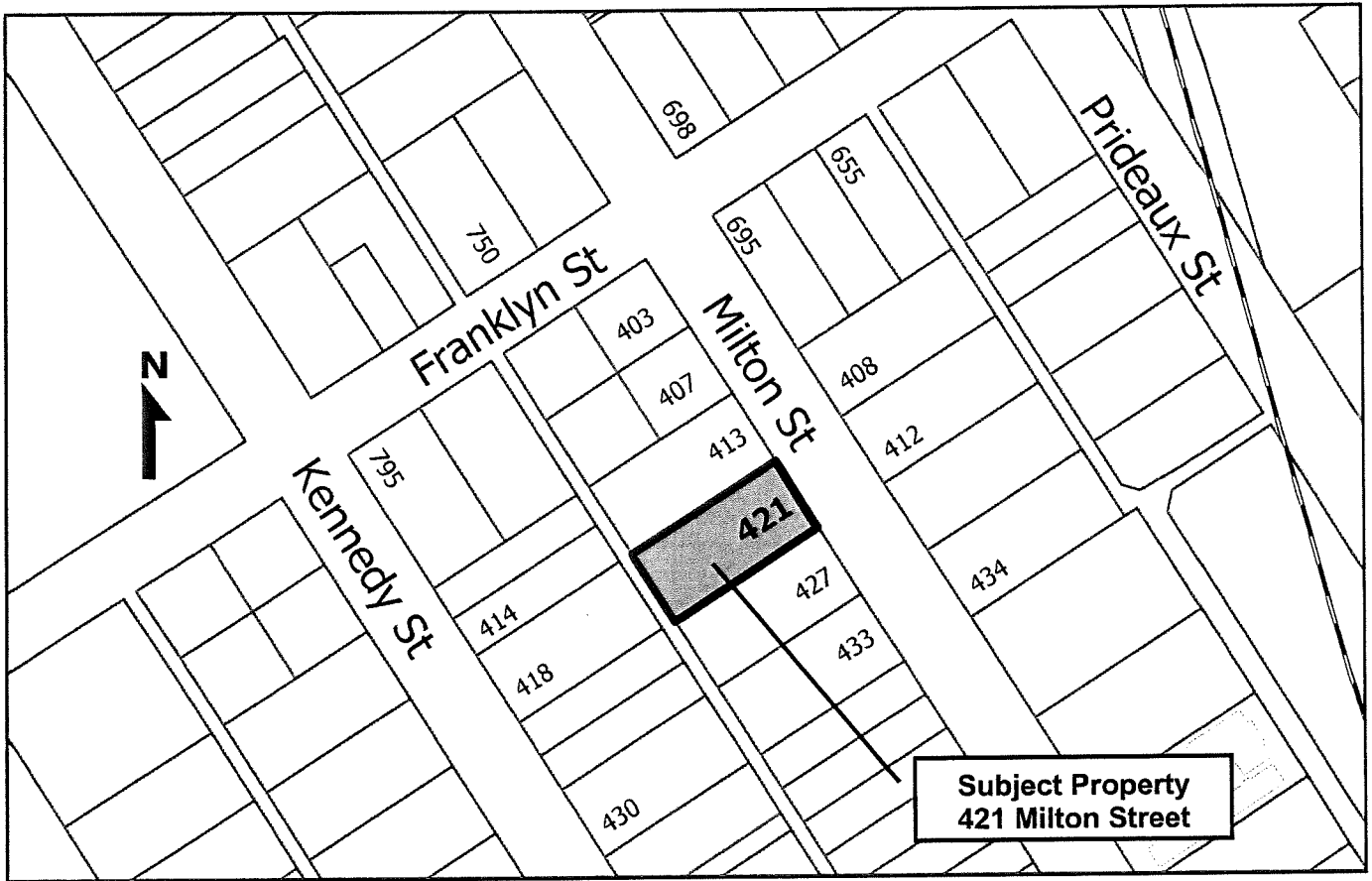


Ted Swabey, General Manager  
Community Safety & Development

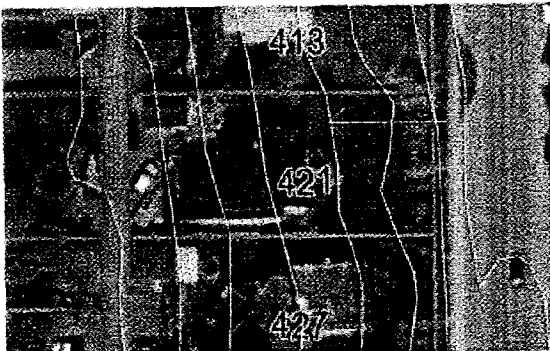
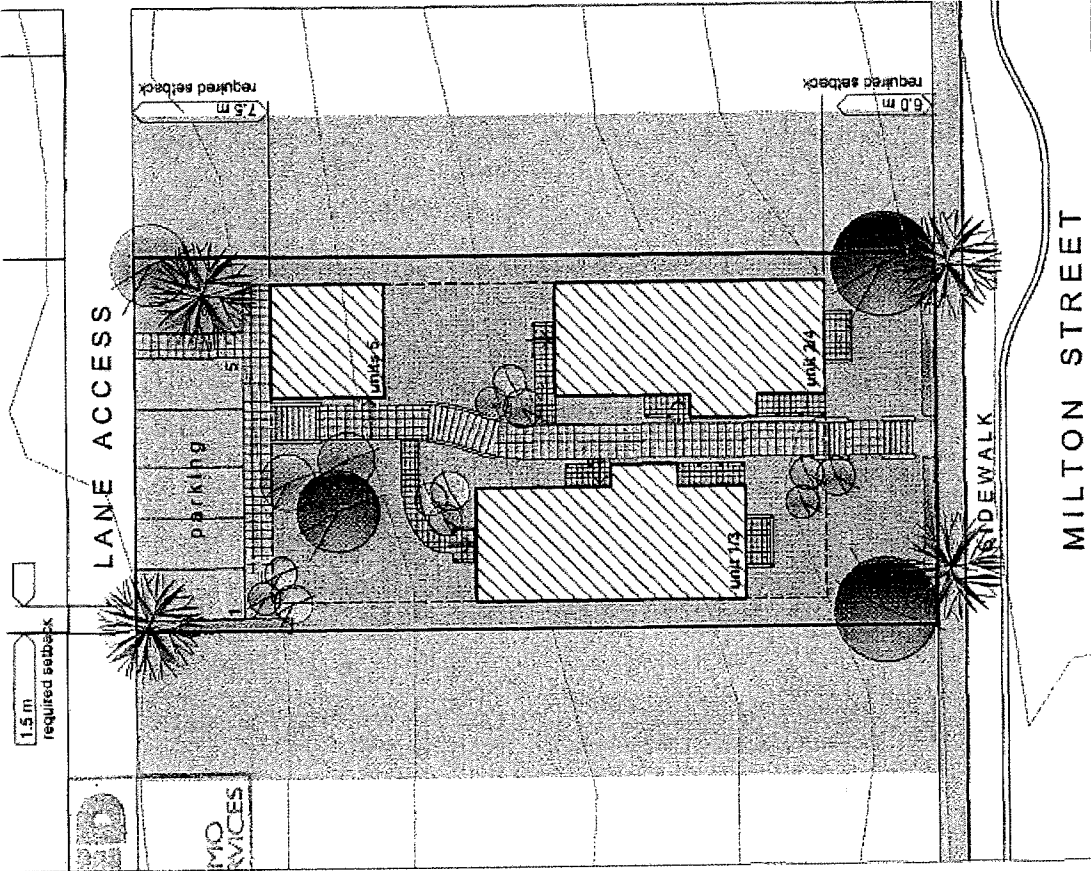
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Council Date: 2011-JAN-10

**Attachment A**  
**Subject Property Map**



PR1



**aerial**  
scale: n.t.s.

SUBJECT SITE

site data

<b>civic address:</b>	421 Million Street, Nanaimo BC										
<b>legal description:</b>	Lot A-17, Block H, Section 1, Nanaimo District, Plan 584										
<b>current zoning:</b>	Old City Low Density (fourplex) RM-9										
<b>lot size:</b>	+/- 874 sq.m. / 9405 sq.ft.										
<b>proposed density:</b>	57 units / ha.										
<b>floor area ratio:</b>	.50 / 50%										
<b>lot coverage:</b>	allowable lot coverage: 40% max. proposed lot coverage: 25.6%										
<b>proposed building area:</b>	<table> <tr> <td>main floor (units 1 &amp; 2):</td> <td>83.6 sq.m. each</td> </tr> <tr> <td>upper floor (units 3 &amp; 4):</td> <td>93.6 sq.m. each</td> </tr> <tr> <td>main floor (unit 5):</td> <td>37.9 sq.m.</td> </tr> <tr> <td>upper floor (unit 5):</td> <td>28.6 sq.m.</td> </tr> <tr> <td><b>Total:</b></td> <td><b>440.8 sq.m.</b></td> </tr> </table>	main floor (units 1 & 2):	83.6 sq.m. each	upper floor (units 3 & 4):	93.6 sq.m. each	main floor (unit 5):	37.9 sq.m.	upper floor (unit 5):	28.6 sq.m.	<b>Total:</b>	<b>440.8 sq.m.</b>
main floor (units 1 & 2):	83.6 sq.m. each										
upper floor (units 3 & 4):	93.6 sq.m. each										
main floor (unit 5):	37.9 sq.m.										
upper floor (unit 5):	28.6 sq.m.										
<b>Total:</b>	<b>440.8 sq.m.</b>										
<b>parking required:</b>	1 per dwelling unit										
<b>parking provided:</b>	5 stalls										

Attachment C  
Elevations



street scape (Milton street facing)