



**ADDENDUM  
SPECIAL COUNCIL MEETING**

Monday, March 26, 2018

4:30 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 6:30 P.M.

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Pages

**9. PUBLIC SERVICES**

**c. Park Avenue and Eighth Street - Road, Sidewalk and Utility Cost Share**

**2 - 4**

To be introduced by Poul Rosen, Senior Manager of Engineering.

*Purpose: To obtain Council's approval to proceed with the development cost share opportunity on Park Avenue for the upgrade of watermain, road and sidewalk infill, and to include in the Financial Plan projects to complete the work.*

Recommendation: That Council direct Staff to enter into a cost share agreement with the developer of 425 Eighth Street to upgrade the road, sidewalk and watermain, and to allocate:

- \$80,000 from general reserve for the road and sidewalk; and,
- \$80,000 from Water Infrastructure funding within the current 2018-2022 Financial Plan.

**d. Covenant Amendment Application - No. CA7 - 4745 Ledgerwood Road**

**5 - 9**

To be introduced by Dale Lindsay, Director of Community Development.

*Purpose: To present Council with an application to amend the Section 219 covenant registered on the title of 4745 Ledgerwood Road in order to increase the permitted number of dwelling units from 114 to 120.*

Recommendation: That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA7 at 4745 Ledgerwood Road.

DATE OF MEETING MARCH 26, 2018

AUTHORED BY DEAN MOUSSEAU, MANAGER, ENGINEERING AND ENVIRONMENT

SUBJECT PARK AVENUE AND EIGHTH STREET - ROAD, SIDEWALK AND UTILITY COST SHARE

## **OVERVIEW**

### **Purpose of Report**

To obtain Council's approval to proceed with the development cost share opportunity on Park Avenue for the upgrade of watermain, road and sidewalk infill, and to include in the Financial Plan projects to complete the work.

### **Recommendation**

That Council direct staff to enter into a cost share agreement with the developer of 425 Eighth Street to upgrade the road, sidewalk and watermain, and to allocate:

- \$80,000 from general reserve for the road and sidewalk, and
- \$80,000 from Water Infrastructure funding within the current 2018-2022 Financial Plan.

## **BACKGROUND**

As part of the development of 425 Eighth Street, the developer is required to complete frontage works and services along sections of both Eighth Street and Park Ave. This includes road-widening, installation of curb, gutter, sidewalk and streetlights.

With the section along Park Avenue, there is an existing asbestos cement watermain from the 1970's that would ideally be replaced before a new road is constructed over top.

Between the development frontage on Park Avenue and Eighth Street there is an existing lot that is not part of the development. That existing lot does not have sidewalk adjacent to it and is not expected to redevelop in the foreseeable future. Under Subdivision Control Bylaw 1989 No. 3260 and provincial legislation, the developer of 425 Eighth Street is not obligated to and cannot be required to extend their work to cover the remaining gap in the sidewalk network.

Sidewalk and road upgrades in this location are important due to the increase in housing in the neighborhood creating more pedestrian demand, and that it is across the street from Park Avenue Elementary. In addition, the sidewalk in this location will provide connectivity to the RDN transit system Route 8, which runs on Eighth Street and Park Avenue north of Eighth Street.

The City has an opportunity to complete both the watermain replacement, road upgrade and sidewalk infill as part of the development.

## **OPTIONS**

1. That Council direct staff to enter into a cost share agreement with the developer of 425 Eighth Street to upgrade the road, sidewalk and watermain, and to allocate:  
\$80,000 from general reserve for the road and sidewalk, and  
\$80,000 from Water Infrastructure funding within the current 2018-2022 Financial Plan
  - **Budget Implication:** The budget change will be included in a future 2018 – 2022 Financial Plan Budget Bylaw Amendment.
2. That Council direct staff to enter into a cost share agreement with the developer of 425 Eighth Street to upgrade the watermain along Park Avenue, and to allocate \$80,000 from Water Infrastructure funding within the current 2018-2022 Financial Plan.
  - **Budget Implication:** Funding for the watermain is already included within the Financial Plan. The budget change will be included in a future 2018 – 2022 Financial Plan Budget Bylaw Amendment.
3. To provide alternative direction to Staff
  - If the road widening and sidewalk are not completed now, there will remain a gap in the sidewalk network and the future cost of completing the work could be higher.

## **SUMMARY POINTS**

- The development at 425 Eighth Street is proceeding and is required to install frontage works and services.
- There is an opportunity for the City to cost share with the developer and complete watermain renewal, road upgrades and sidewalk infill at the same time.

## **ATTACHMENTS**

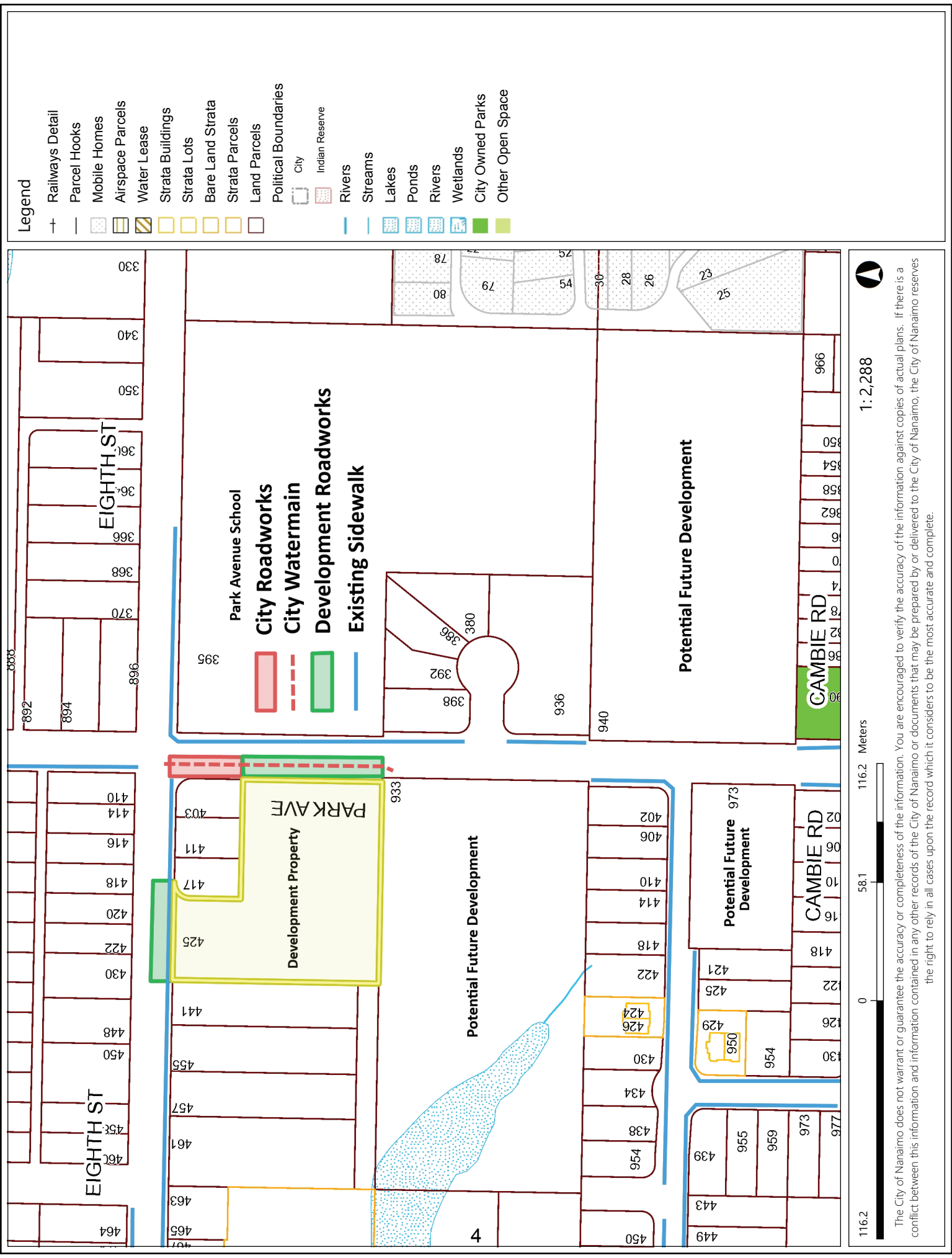
ATTACHMENT A – MAP OF 425 EIGHTH STREET

### **Submitted by:**

Dean Mousseau  
Manager  
Engineering & Environment

### **Concurrence by:**

Poul Rosen  
Senior Manager  
Engineering



**Legend**

- Railways Detail
- Parcel Hooks
- Mobile Homes
- Airspace Parcels
- Water Lease
- Strata Buildings
- Strata Lots
- Bare Land Strata
- Strata Parcels
- Land Parcels
- Political Boundaries
- City
- Indian Reserve
- Rivers
- Streams
- Lakes
- Ponds
- Wetlands
- City Owned Parks
- Other Open Space



1:2,288

116.2 Meters

58.1

0

The City of Nanaimo does not warrant or guarantee the accuracy or completeness of the information. You are encouraged to verify the accuracy of the information against copies of actual plans. If there is a conflict between this information and information contained in any other records of the City of Nanaimo or documents that may be prepared by or delivered to the City of Nanaimo, the City of Nanaimo reserves the right to rely in all cases upon the record which it considers to be the most accurate and complete.

DATE OF MEETING | March 26, 2018 |

AUTHORED BY | TAMERA ROGERS, PLANNER, CURRENT PLANNING AND  
SUBDIVISION |

**SUBJECT** | **COVENANT AMENDMENT APPLICATION NO. CA7 –  
4745 LEDGERWOOD ROAD** |

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend the Section 219 covenant registered on the title of 4745 Ledgerwood Road in order to increase the permitted number of dwelling units from 114 to 120. |

### **Recommendation**

That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA7 at 4745 Ledgerwood Road. |

## **BACKGROUND**

The City has received a covenant amendment application, CA7, for 4745 Ledgerwood Road from White Lion Developments Ltd. to amend the Section 219 covenant (EL70929) to increase the permitted number of dwelling units from 114 to 120.

Council first considered this covenant amendment application at the 2018-MAR-19 Council Meeting where concerns were raised regarding the amount of the community amenity contribution secured during the original rezoning. The owner has agreed to increase the community amenity contribution from \$400 per dwelling unit to \$1,000 per dwelling unit. The community amenity contribution will be directed towards the Housing Legacy Reserve Fund.

In 1995, 4745 Ledgerwood Road and 4801 Ledgerwood Road (now consolidated into 4745 Ledgerwood Road) were rezoned from Single Family Residential Zone (RS-1) and Light Industrial Zone (I-2) to Medium Density Multiple Family (Suburban) Zone (RM-5) through rezoning application RA95-15 to allow a multiple family development on each lot. Through the rezoning application, a covenant was placed on the property titles to secure the following:

- \$400/unit community contribution;
- maximum of 40 dwelling units on Lot A and 80 units on Lot B;
- maximum lot coverage of 26% on Lot A and 28% on Lot B;
- subdivision (boundary adjustment) per Schedule A;
- 10% of dwelling units to be three-bedroom or larger; and,
- one underground parking space per dwelling unit.

In 2010, new owners consolidated the lots and applied to amend the covenant (RA265) to allow for a new development proposal. The covenant was amended to:

- permit a maximum of 114 dwelling units (a reduction of 6 dwelling units);
- remove the lot coverage restriction;
- remove the requirement to subdivide; and,
- reduce the percentage of units required to be three-bedroom or larger from 10% to 5%.

The subject property is now under new ownership with a new development proposal to maximize the unit yield on the property. A future development permit will be required for the proposed multiple family development.

### ***Subject Property***

<i>Zoning</i>	R8 – Medium Density Residential
<i>Location</i>	The subject property is located on the south side of the road, adjacent the Jordan Avenue/Ledgerwood Road intersection.
<i>Total Area</i>	12,817m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use Plans – Light Industrial Map 3 – Development Permit Area No. 4 – Nanaimo Parkway Design; Development Permit Area No. 5 – Steep Slope Development; Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development

The subject property is adjacent to the Boban Industrial Park to the north, south and west, a single dwelling residential neighbourhood to the east, and the Wellington Cemetery directly across the street. The lot is designated a steep slope property. |

### **DISCUSSION**

The applicant proposes to amend the covenant to increase the number of permitted dwelling units from 114 to 120. When the property was rezoned in 1995, the City's Official Community Plan did not include a steep slope development permit area or steep slope design guidelines to regulate the development of properties with steep slopes. Registration of the Section 219 covenant as a condition of the rezoning application was intended to minimize the impact of future development on the steep slope through restrictions to lot coverage and the permitted number of dwelling units. As the City now has a designated Steep Slope Development Permit Area (DPA5) and design guidelines for steep slopes, developments on steep slopes are now more comprehensively addressed through the development permit review process to ensure sensitive steep slope development. As such, Staff support the increase in the maximum number of dwelling units from 114 to 120, with the detailed design to be reviewed through a future development permit application. This number also reflects the total number of units originally permitted through the rezoning on the subject property in 1995.

The community amenity contribution will also be increased from \$400 per dwelling unit to \$1,000 per dwelling unit. The community contribution will be directed towards the Housing Legacy Reserve Fund. All other covenant conditions will be maintained, including the requirement for 5% of dwelling units to have three or more bedrooms, and the requirement of one underground parking space per dwelling unit.

Staff request Council direction to proceed with public notification and a Public Hearing for this application. |

### **SUMMARY POINTS**

- A covenant amendment application (CA7) was received to increase the permitted number of dwelling units from 114 to 120.
- Prior to its amendment in 2010, the original covenant allowed a total of 120 dwelling units on the subject property (40 on Lot A and 80 on Lot B).
- Staff support the amendment of the Section 219 covenant to increase the maximum number of dwelling units to 120.
- The community amenity contribution will be increased from \$400 per dwelling unit to \$1,000 per dwelling unit and will be directed towards the Housing Legacy Reserve Fund.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Aerial Photo

#### **Submitted by:**

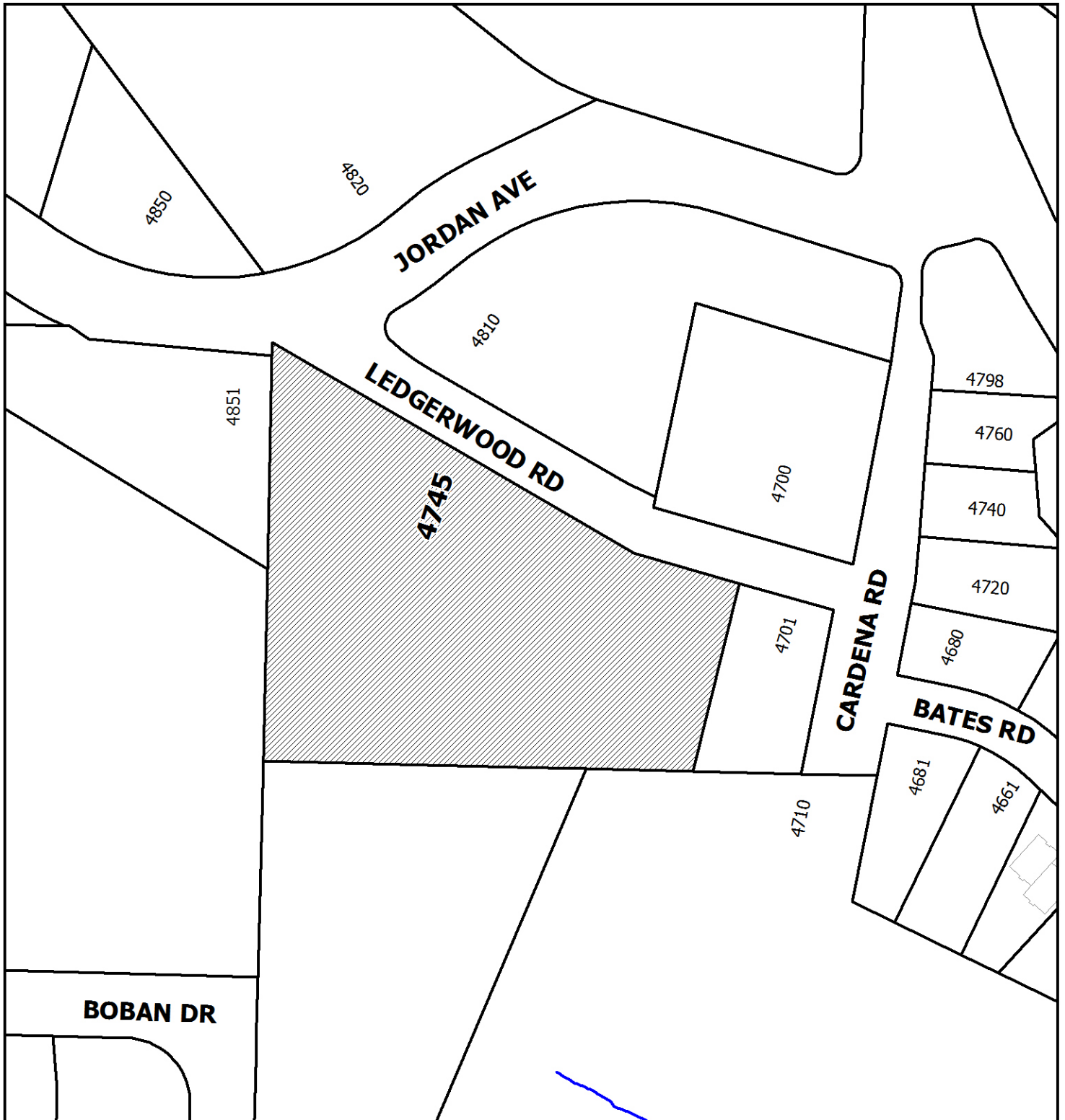
L. Rowett  
Manager, Current Planning and Subdivision

#### **Concurrence by:**

D. Lindsay  
Director, Community Development



ATTACHMENT A  
LOCATION PLAN



COVENANT AMENDMENT NO. CA00007

**LOCATION PLAN**

Civic: 4745 Ledgerwood Road  
Lot 1, Section 5, Wellington District,  
Plan EPP9079



 **Subject  
Property**



ATTACHMENT B  
AERIAL PHOTO



COVENANT AMENDMENT NO. CA00007

