



**AGENDA**  
**SPECIAL COUNCIL MEETING (PUBLIC HEARING)**

Thursday, December 14, 2023, 7:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

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**Pages**

1. **CALL THE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

3. **ADOPTION OF AGENDA:**

4. **PUBLIC HEARING REQUIREMENTS:**

Chair to explain the Public Hearing process.

5. **CALL THE PUBLIC HEARING TO ORDER FOR OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP103 FOR 502 HOWARD AVENUE (Bylaw No. 6600.001) and REZONING APPLICATION NO. RA493 FOR 502 & 505 HOWARD AVENUE AND 564 FIFTH STREET (Bylaw No 4500.213)**

a. Official Community Plan Amendment Application No. OCP103 and Rezoning Application No. RA493

3 - 36

[Note: Please click to view the [Public Hearing Written Submissions.](#)]

To be introduced by Staff.

Representatives from Snuneymuxw First Nation, BC Housing, School District 68, and the City of Nanaimo - collectively known as the Knowledge Partners - to be provided an opportunity to outline their proposal.

Comments from the Public.

Following the close of the Public Hearing for Official Community Plan Amendment Application No. OCP103 - (502 Howard Avenue) and Rezoning Application No. RA493 (502 & 505 Howard Avenue and 564 Fifth Street), no further comments or submissions can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR OCP103 - 502 HOWARD AVENUE AND RA493 - 502 & 505 HOWARD AVENUE AND 564 FIFTH STREET.

Bylaws:

That "City Plan Amendment Bylaw 2023 No. 6600.001" (to redesignate 502 Howard Avenue from Parks & Open Spaces to Mixed-Use Corridor) pass third reading.

That "Zoning Amendment Bylaw 2023 No. 4500.213" (to rezone 564 Fifth Street, 502 Howard Avenue and 505 Howard Avenue from Low Density Residential [R6], Park Recreation and Culture Three [PRC3] and Community Service One [CS1] to Comprehensive Development District Zone 12 [CD12]) pass third reading.

**6. REPORTS:**

a. Nuisance Property Abatement - 580 Rosehill Street

37 - 39

To be introduced by Dave LaBerge, Director, Bylaw Services.

*Purpose: To inform Council of ongoing activities at 580 Rosehill Street which substantially and unreasonably interfere with other persons' use and enjoyment of property and result in repeated calls for police and municipal services to abate nuisances.*

Recommendation: That Council:

1. Declare 580 Rosehill Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250";
2. Direct and authorize Staff to impose the costs of abating nuisances on the persons causing the nuisance, the occupier of the property, or the owner of the property; and,
3. Recover the costs imposed as property taxes or as a debt due and recoverable in a court of competent jurisdiction.

**7. ADJOURNMENT:**

DATE OF MEETING | December 14, 2023

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING

**SUBJECT | OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP103 – 502 HOWARD AVENUE – OCP BYLAW NO. 6600.001**

## **OVERVIEW**

### **Purpose of Report:**

To present Council with the referral responses received in accordance with Section 475 of the *Local Government Act* for Official Community Plan Amendment Application No. OCP103 (502 Howard Avenue) and associated Bylaw No. 6600.001.

## **BACKGROUND**

Bylaw No. 6600.001 was introduced to Council on 2023-AUG-28 (the “Te’Tuxwtun Project”) where it received first and second reading.

In accordance with Section 475 of the *Local Government Act*, when considering an amendment to an Official Community Plan, local governments must provide one or more opportunities for consultation with organizations or authorities that it considers may be affected by the amendment. The following table summarizes the responses received:

<b>Referral Sent</b>	<b>Comments</b>
Snuneymuxw First Nation	<i>As a Knowledge Partner, it is understood that SFN is supportive of the application.</i>
Nanaimo-Ladysmith Public School District 68	<i>As a Knowledge Partner, the School District has confirmed its support of the application.</i>
Regional District of Nanaimo	<i>Supports the proposed amendment, which is consistent with the Regional Growth Strategy.</i>
Ministry of Transportation and Infrastructure	<i>No objections.</i>
Island Health	<i>The proposed amendment will support a number of positive community health outcomes.</i>
Ministry of Environment and Climate Change Strategy	<i>Staff determined a referral was not required (no watercourse or previous commercial/industrial use).</i>

## **ATTACHMENTS**

- ATTACHMENT A: Nanaimo-Ladysmith Public School District 68 OCP referral response
- ATTACHMENT B: Regional District of Nanaimo OCP referral response
- ATTACHMENT C: Ministry of Transportation and Infrastructure OCP referral response
- ATTACHMENT D: Island Health OCP referral response
- ATTACHMENT E: Staff Report dated 28-AUG-2023  
“City Plan Amendment Bylaw 2023 No. 6600.001”

**Submitted by:**

Lainya Rowett  
Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development



**NANAIMO LADYSMITH**  
PUBLIC SCHOOLS

**ATTACHMENT A**  
**NANAIMO LADYSMITH PUBLIC SCHOOL**  
**DISTRICT 68 OCP REFERRAL RESPONSE**

VISIT US ONLINE FOR MORE INFORMATION

[sd68.bc.ca](http://sd68.bc.ca) |      

October 3, 2023

via email: [Kristine.mayes@nanaimo.ca](mailto:Kristine.mayes@nanaimo.ca)

**Kristine Mayes, Planner**

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

Re: Response to Official Community Plan Amendment Application – **OCP00103**  
502 Howard Avenue

Dear Kristine:

Please accept my late response to the referral request OCP00103. As you are aware, the District is a Knowledge Partner in the project and has been fully involved in the process leading to this referral.

Notwithstanding the above, the District is pleased to provide a supportive response and specifically, we would like to confirm support and commitment as part of the process to the application to amend the OCP future land use designation from Parks & Open Spaces to Mixed Use Corridor to facilitate a concurrent rezoning to a new Comprehensive Development Zone which would allow a multi-family residential development with commercial, institutional and parks and recreation land uses.

Further, the Board remains supportive of the partnership and in accordance with the letter of August 3<sup>rd</sup>, 2023 (attached) staff understand the rezoning condition of land dedication and continue to work with the appropriate authorities toward the resolution of this condition in preparation for the eventual future development of 505 Howard Avenue.

Further, I would like to thank the planning staff at the City for all their efforts in working with the District closely on this project so that the rezoning process could proceed.

Sincerely,

Scott Saywell  
Superintendent

Cc:

Pete Sabo, Executive Director of Planning & Operations, Nanaimo-Ladysmith Public Schools  
Mark Walsh, Secretary-Treasurer, Nanaimo-Ladysmith Public Schools  
Jeremy Holm, Director, Development Approvals, City of Nanaimo  
Lainya Rowett, Manager, Current Planning, Development Services Division City of Nanaimo

August 3, 2023

Dale Lindsay, Deputy CAO/General Manager, Development Services  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6s

Re: Te'tuxwtun Redevelopment Project – 505 Howard Ave

Dear Dale,

The purpose of this letter is to outline the School District's position with respect to the redevelopment of 505 Howard Avenue, as part of the Te'tuxwtun Comprehensive Plan that also includes 502 Howard Avenue and 564 Fifth Street. In particular, this letter relates to the land dedications for future public streets and infrastructure adjacent to 505 Howard Avenue that were noted in the Comprehensive Letter dated June 12, 2023.

At present, staff are preparing a report that outlines the proposed Comprehensive Development Zone for 505 Howard, 502 Howard, and 564 Fifth Street. This report will be presented to Council on August 28, 2023, for First and Second Reading. The School District understands that this report will include language that relates to future public streets and infrastructure that are adjacent to the School District property at 505 Howard Avenue.

School District staff can confirm that, at this time, the Board of Education continues to be committed to the project. However, staff is unable to make any firm commitments regarding dedicating land for future public streets and infrastructure because we require Board support in the event of any land disposition. Land disposition will also require consultation with our community. It is also important to note that Board support and community consultation can only occur if the Board has the statutory authority to proceed due to the nature of the crown reverter.

The earliest that staff anticipates being able to present this new land dedication / disposition information to the Board would be a meeting at the end of August, and then any further action would commence with the Board's direction. To that end, the School District's position is that any language related to land dedication for public streets and infrastructure related to 505 Howard Avenue remain non-committal and general until staff has had an opportunity to present to the Board and seek their direction on how to proceed.

Sincerely,

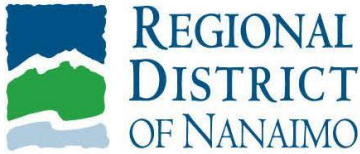


Mark Walsh, Secretary-Treasurer



cc:

Pete Sabo, Executive Director of Planning & Operations, Nanaimo-Ladysmith Public Schools  
Scott Saywell, Superintendent, Nanaimo-Ladysmith Public Schools  
Jeremy Holm, Director, Development Approvals, City of Nanaimo  
Lainya Rowett, Manager, Current Planning, Development Services Division City of Nanaimo  
Kristine Mayes, Planner, Current Planning



**ATTACHMENT B  
REGIONAL DISTRICT OF NANAIMO  
OCP REFERRAL RESPONSE**

September 19, 2023

Kristine Mayes, Planner  
City of Nanaimo – Current Planning Department  
455 Wallace Street  
Nanaimo, BC V9R 5J6

**Re: City Plan Amendment Application No. OCP00103  
502 Howard Avenue, Nanaimo, BC and Rezoning Application No. RA000493: 564 Fifth Street,  
502 and 505 Howard Avenue (Te'tuxtun)**

Dear Kristine Mayes:

Thank you for providing the Regional District of Nanaimo (RDN) an opportunity to review and provide comments on the above-referenced City Plan (OCP) amendment and Rezoning application.

It is the RDN's understanding that the application is to amend the land use designation of Nanaimo's City Plan (OCP) from Parks and Open Spaces to Mixed-Use Corridor to facilitate a concurrent rezoning to a new Comprehensive Development Zone which would allow a multi-family residential development with commercial, institutional and parks and recreation land uses at the intersection of Howard Avenue and Fifth Street.

Development within the City of Nanaimo must be consistent with the Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615 (RGS). The policies and land use designations in the RGS provide the general framework for directing growth and land use activities throughout the RDN. The above-referenced property is within the Regional Urban Centre of the RGS which accommodates the greatest mix of land uses and highest densities in the region. Land located within the Growth Containment Boundaries (GCBs) of a municipality that is primarily intended for urban development is designated as Urban Area on the Appendix 'A', Map 4, Land Use Designations of the RGS.

The following goals and policies within the RGS support the sustainable growth of the region in relation to development within Urban Centres for lands designated as Urban Areas in the RGS:

**Goal 1 – Prepare for Climate Change and Reduce Energy Consumption**

Policy 1.3 – Encourage, wherever possible, land use patterns and transportation systems that will improve lifestyle and behaviour choices based on sustainability principles. Key strategies include:

- Locating most housing, jobs, goods and services, and amenities in compact, complete rural villages and urban areas that are accessible without the need to drive; and
- Encouraging greater housing diversity within GCBs;

Policy 1.5 - Ensure land use planning encourages the development of healthy, compact and walkable communities that promote safety through environmental design and smart growth principles, natural hazards protection and FireSmart principles, and provisions for seniors and handicapped accessibility. This will be pursued in the review and updating of Official Community Plans.

**Goal 3 – Coordinate Land Use and Mobility**

Policy 3.3 – Organize development in a network of distinctive growth centres that provide ready access to places to live, work, play and learn according to the following:

- Regional urban centre – City of Nanaimo.

**Goal 4 – Concentrate Housing and Jobs in Growth Centres**

Policy 4.4 – A broad range of housing types and unit sizes should be encouraged within GCBs. Special consideration should be given to the housing needs of an aging population, those who are differently-abled, and those with moderate or low incomes.

Policy 4.5 – Mixed-use centres shall only be located within GCBs and locations for mixed-use centres should be designated in OCPs.

Policy 4.8 – Urban centres comprise the primary locations for accommodation of growth and development in the region and are only located within the GCBs of a municipality.

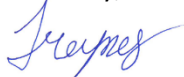
Policy 4.9 – Urban centres include one or more mixed-use centres and are intended to be complete, compact communities with places to live, work, learn, play, shop, and access services.

Policy 4.10 – Nanaimo, as the Regional Urban Centre, is identified as the major urban centre in the region given its larger scale, complexity, function and urban lifestyle, as distinct from the other Urban Centres, as well as the rural areas of the region.

The RGS establishes a consistent and coordinated approach across the region in order to foster socially, economically and environmentally sustainable communities. The above-referenced OCP amendment and concurrent rezoning for the property located at 502 Howard Avenue are consistent with the RGS land use designations, goals and policies and the interests of the RDN are unaffected.

If you have any questions, please do not hesitate to get in touch with me.

Sincerely,



Patricia Reynes  
Planner

T: 250-390-6771 | Email: [preynes@rdn.bc.ca](mailto:preynes@rdn.bc.ca)



**ATTACHMENT C**  
**MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE**  
**OCP REFERRAL RESPONSE**



Ministry of  
Transportation  
and Infrastructure

September 7, 2023  
Our file: 2023-02363  
Your file: OCP00103

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

Attn: Kristine Mayes  
Kirsten Dafoe

The Ministry of Transportation and Infrastructure has received and reviewed your referral of September 7, 2023 To amend CityPlan to redesignate 502 Howard Avenue from Park & Open Spaces to Mixed-Use Corridor. The property does not fall within Section 52 of the Transportation Act and will not require Ministry of Transportation and Infrastructure formal approval.

The Ministry has no objections to the subject OCP amendment.

Thank you for the opportunity to comment. If you or the proponent has any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "DA".

Derek Atchison  
Development Services Officer  
Vancouver Island District

ATTACHMENT D  
ISLAND HEALTH OCP REFERRAL RESPONSE



September 26, 2023

Kristine Mayes, Planner  
Development Approvals  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

Sent via email to: [Kristine.Mayes@nanaimo.ca](mailto:Kristine.Mayes@nanaimo.ca)

Dear Kristine Mayes:

**Re: Review – 502 Howard Avenue, City of Nanaimo OCP/Zoning Amendment**

Thank you for the opportunity to comment on the OCP/Zoning Amendment for 502 Howard Avenue. The past few years have seen significant advances in linking urban planning with a variety of health outcomes.

These include outcomes such as: the encouragement of physical activity, healthier eating, greater safety, cleaner air and healthier living environments, access to health services, food security, age friendly communities, and improved social interaction amongst other potential health criteria.

Island Health appreciates the opportunity to provide evidence based recommendations and comments for this referral. Highlights as well as recommendations are itemized below:

**Highlights**

- The proposed development will provide much needed 356 market and 34 below market rental units to the area. Access to more affordable housing decreases the frequency of moving between residences. Housing stability helps reduce stress and enables people to better care for themselves and their families. Quality housing is associated with an increased sense of safety, decreased crime, and improved social connections. These factors help people enjoy better health and improved quality of life.
- The multi-family complex will add densification to the area, which can increase proximity to work, schools and recreational opportunities therefore reducing vehicle dependency and increasing engagement in walking, cycling and physical activity, thereby providing a positive impact on health outcomes.
- The development location is positioned next to transit, active mobility routes, amenities and services to enable better access to services and encourage active transportation for increased physical and mental health outcomes. Health evidence shows that people who live in walkable neighbourhoods are two times more likely to meet the physical activity standards than those who don't and convenient access to public transit enhances mobility among a wide range of groups.

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Gateway Village Health Unit

201 - 771 Vernon Avenue | Victoria, BC V8X 5A7  
Email: [Gateway\\_office@viha.ca](mailto:Gateway_office@viha.ca)

Tel: 250.519.3401 | Fax: 250.519.3402  
[www.islandhealth.ca](http://www.islandhealth.ca)

- The inclusion of an outdoor area play spaces, garden areas, public gathering spaces and rooftop patio/garden space will support positive health outcomes. The addition of greenery and garden spaces will provide exposure to nature. Research supports a strong relationship between exposure to nature and the reduction of stress, chronic disease, depression, anxiety, improved concentration and cognitive functioning. Gathering and play spaces provide spaces that encourages neighbourly interactions. Studies have shown that the more socially connected a person felt, the better they perceived their mental and physical health to be.
- Retention or provision of trees on Howard Avenue and Fifth Street will contribute to the urban tree canopy to help mitigate the formation of heat islands and reduce heat impacts on health. Extreme heat events are strongly linked to cardiovascular, respiratory and cerebrovascular mortality. Studies indicate that the cooling effects of vegetation can be significant.
- The location of the parking underground will add to streetscape aesthetics. As well, the overall design and style will increase aesthetics and character of neighbourhood. Pleasing neighbourhood design increases a sense of belonging and pride in a community which can provide positive impacts on well-being.

### **Regulatory Considerations**

#### **Drinking Water**

- Under the *Drinking Water Protection Act and Regulation*, any construction, installation, alteration, or extension of (a) a water supply system, or (b) works, facilities, or equipment that are intended to be a water supply system or part of a water supply system, must be issued a construction permit from our Public Health Engineer. Consultation with our Drinking Water Officer will also be needed (for more information: [Island Health - Drinking Water Legislation & Approval](#)).

#### **Sewerage Disposal**

- Sewerage disposal for the proposed development must be in compliance with the *Sewerage System Regulation* or the *BC Municipal Wastewater Regulation*.

#### **Food Premises**

- The Environmental Public Health department in Island Health have a regulatory role in food premises. Construction of any new food premises must be undertaken with the appropriate construction permit. Any new or existing and unapproved food premises must obtain an operating permit from our office.

### **Recommendations under Island Health's Healthy Built Environment Initiative**

- The 2021 heat dome resulted in several heat related deaths across the province. With increasing concerns for hotter summers and more frequent heat waves consider cooling options such as impervious paving materials, drought resistant vegetation, light/green rooftops, provision of overhangs or awnings for west and south-west building faces, passive building cooling design features and energy efficient mechanical systems to help lessen heat related health impacts.

- Pedestrian walkways should be designed and installed for people of all abilities, such as ensuring easy access for mobility devices. Differentiation in materials from driveway and parking lot to delineate it as pedestrian use will improve safety and comfort. Provision of lights along walkways and pathways, especially in treed areas and incorporating traffic calming within the development will enhance walkability. Walkable neighbourhoods positively influence mobility and physical activity levels, especially in older adults.
- Provision of charging stations for mobility scooters and as well as storage for bicycles will help make alternative mode transportation options safer and more convenient. Transportation options that have a lesser environmental footprint and promote physical activity, leads to overall improvements in emotional and physical wellness, lessens the obesity rates and decrease the risk of chronic diseases.

If you have any questions or comments please do not hesitate to contact the undersigned for further clarification or to discuss further.

Sincerely,



Angela Wheeler, CPHI(C)  
Healthy Built Environment Consultant

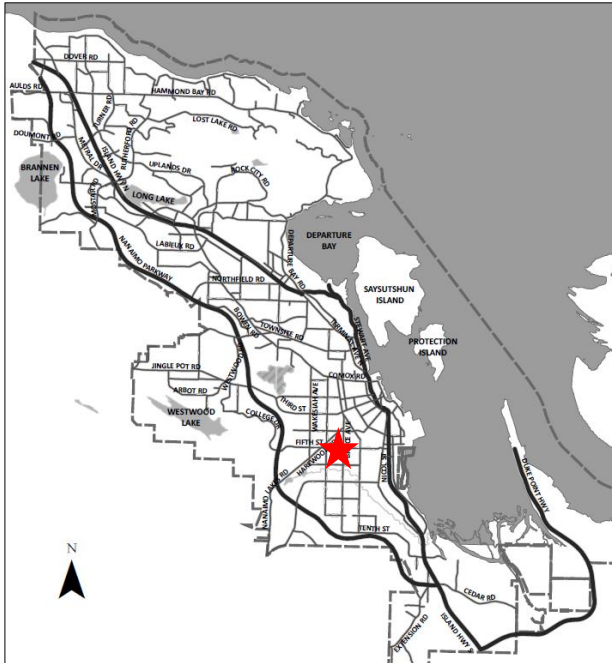
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cc: Anthony Griffin, Environmental Health Officer, Nanaimo

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:**

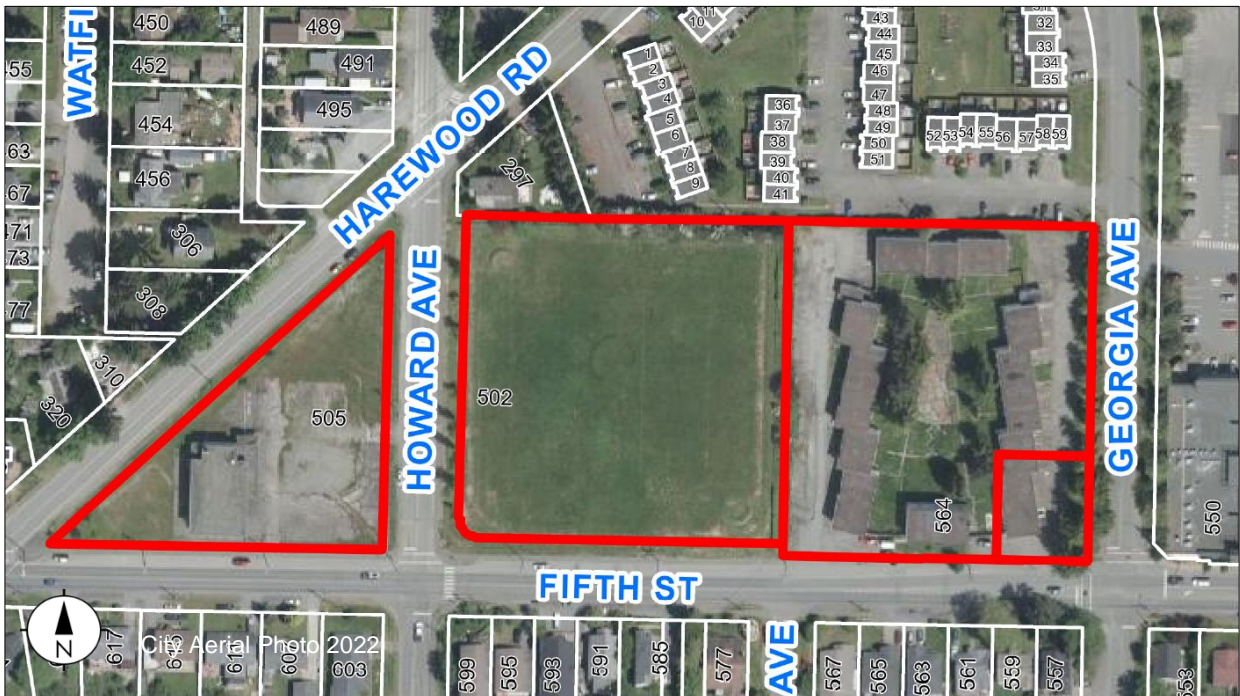
- CD12 - Comprehensive Development District Zone 12

**City Plan Land Use Designation:**

- Mixed-Use Corridor
- Parks & Open Spaces

**Lot Area:**

- 9,234m<sup>2</sup> – 564 Fifth Street
- 9,475m<sup>2</sup> – 502 Howard Avenue
- 4,758m<sup>2</sup> – 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 m<sup>2</sup> of gross floor area) and multi-family (\$41 per m<sup>2</sup> 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 ]

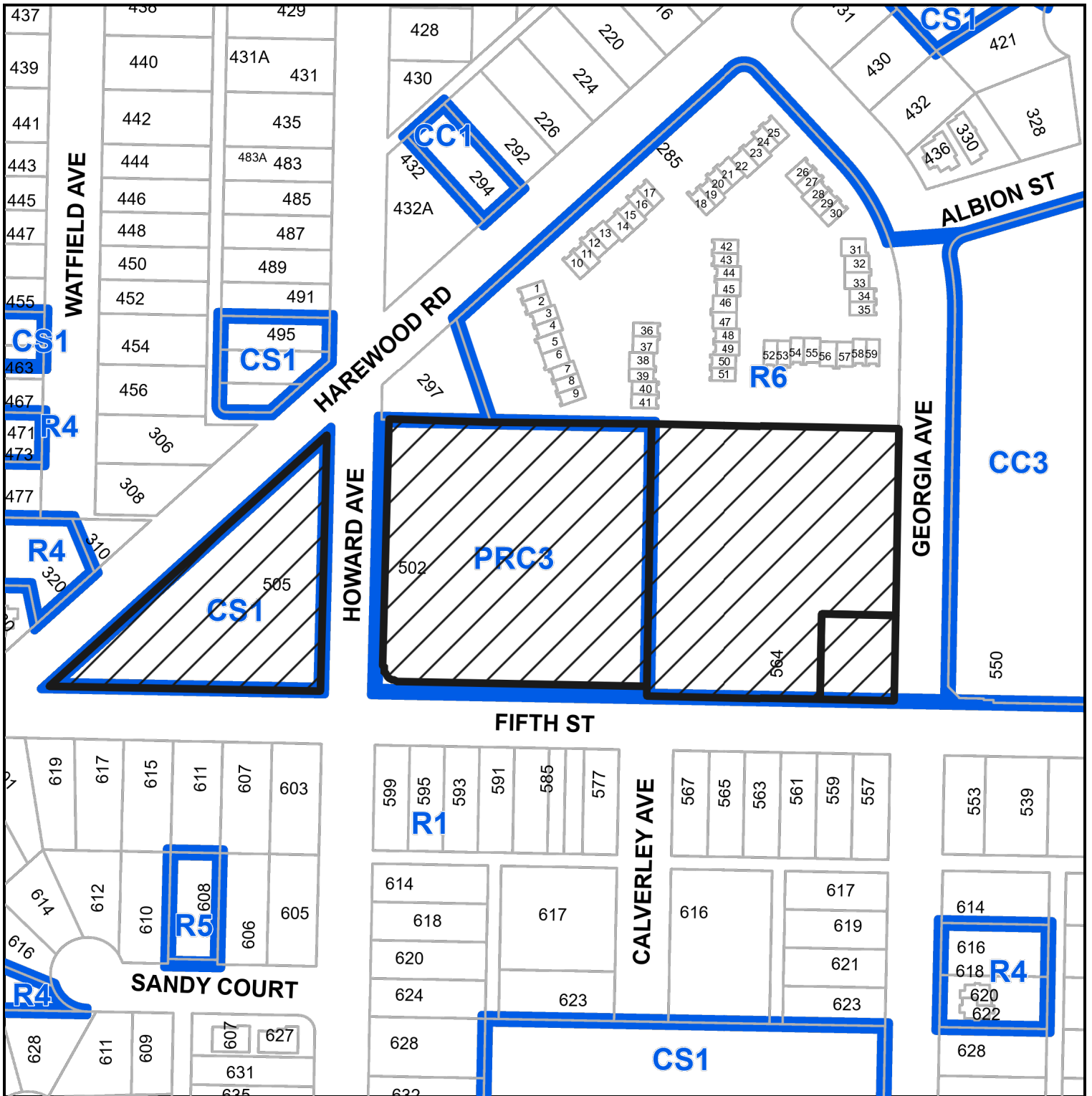
### **Concurrence by:**

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:

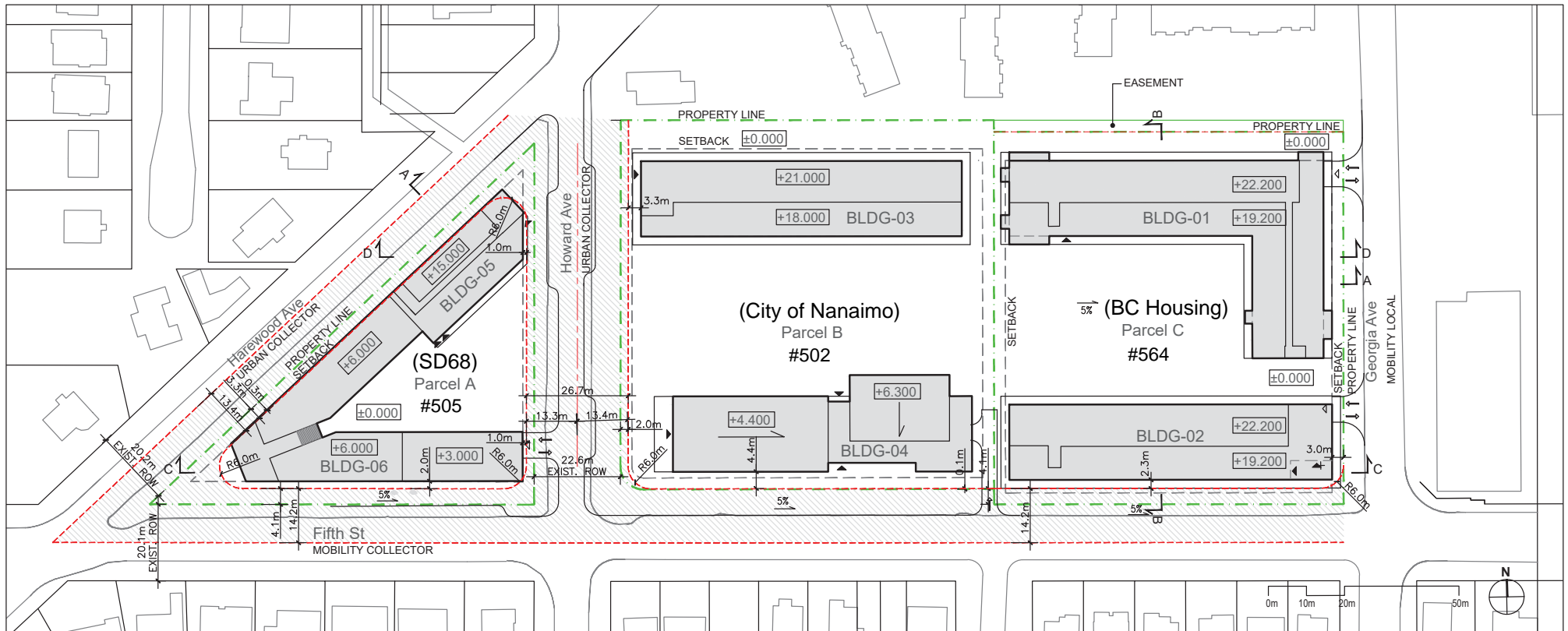
- ±21.000 BUILDING HEIGHT
  - ▼ ACCESS TO BUILDING
  - ▽ ACCESS TO PARKING
  - ▭ BUILDING OUTLINE
  - ▭ ROOFTOP OUTLINE
  - ROAD DEDICATION - CENTRE LINE OF ROW \*
- NOTE  
\*MEASUREMENTS WERE DONE ACCORDING TO THE SURVEY

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

**FORMLINE ARCHITECTURE**  
100 Park Royal S, Suite 907 West Vancouver, BC V7V 1A2  
604.912.0203 E info@formline.ca W www.formline.ca

**Te'Tuxwtun Master Plan**  
Nanaimo, BC

**RECEIVED**  
**RA493**  
**2023-JUN-16**  
Current Planning

All drawings and related documents are the property of Formline Architecture and may not be reproduced in whole or in part without the architect's permission. This drawing should be used for calculation only. Do not scale the drawing. All dimensions to be checked on site by the contractor and each dimension to be their responsibility. All work must comply with the relevant Building Code By Law and related documents. Drawing errors and omissions must be immediately reported to the Architect.

project code: 20004  
status: checked  
drawn: checked

**SITEPLAN**  
**ROAD DEDICATIONS STUDY**  
scale: 1:1000  
date: 2023.06.14

drawing number: **PD 01**  
revision:

# ATTACHMENT C CONCEPTUAL DEVELOPMENT RENDERINGS

Aerial View



**RECEIVED**  
**RA493**  
**2023-MAR-16**  
Current Planning



**Te'Tuxwtun Master Plan**

Nanaimo, BC

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project code  
**20004**  
drawn

status  
checked

**VISUALISATIONS**  
**AERIAL VIEW**  
scale  
NTS  
date  
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

All drawings and related documents are the property of Formline Architecture and may not be reproduced in whole or in part without the architect's permission. This drawing should not be used to calculate areas. Do not replicate the drawing. All dimensions to be checked on site by the contractor and each dimensioner to be their responsibility. All work must comply with the relevant Building Code By Law and related documents. Drawing errors and omissions must be immediately reported to the Architect.

project code  
**20004**  
 drawn

status  
 checked

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

drawing number  
**PD 13**  
 revision

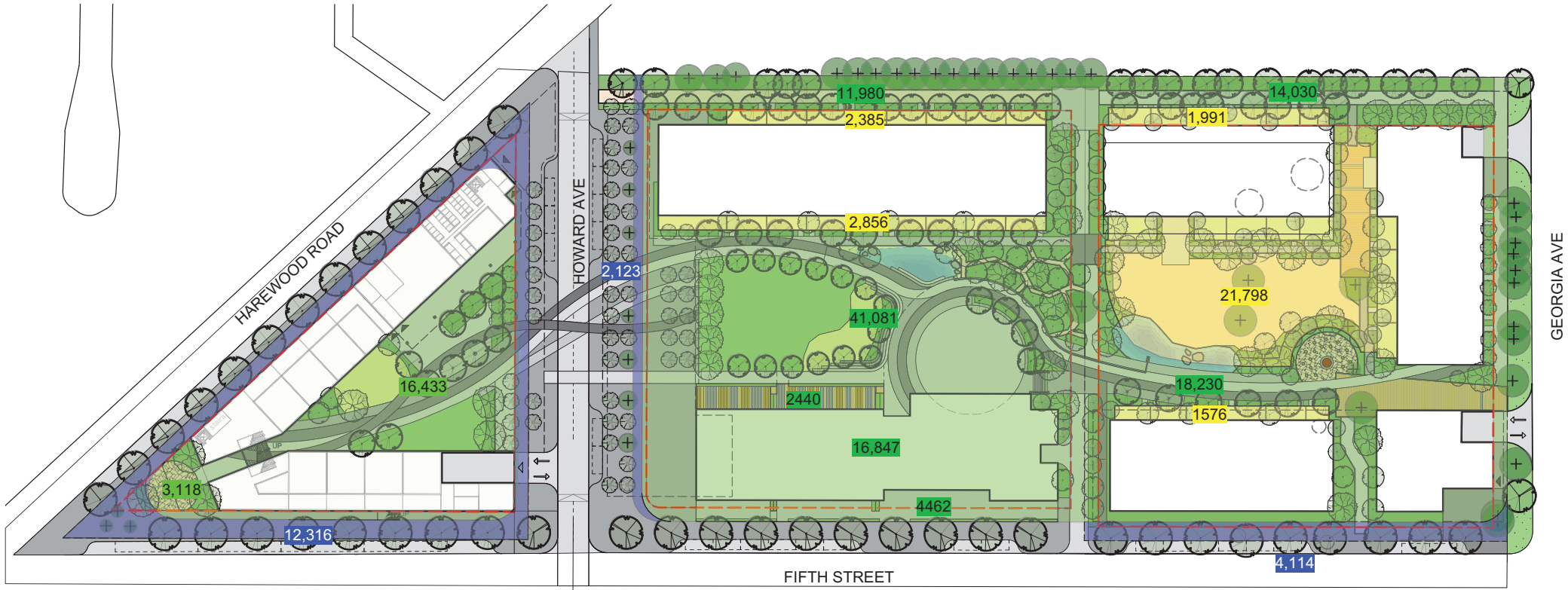
scale  
 NTS

date  
 2022.11.30



# 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

# Current Bylaws

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: 2023-AUG-28  
PASSED SECOND READING: 2023-AUG-28  
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':

<b>Subject Property Zoned</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Storage / Landfill / Refuse Receptacles</b>
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: 2023-AUG-28  
PASSED SECOND READING: 2023-AUG-28  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

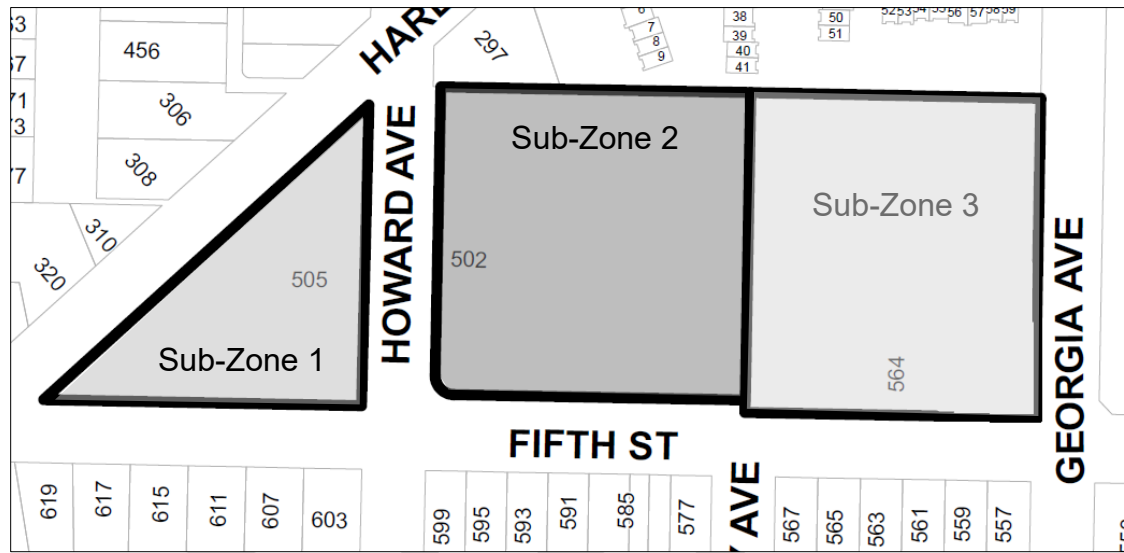
**SCHEDULE A**

**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 <sup>2</sup> 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	
<b>Restaurant</b>	--	P	P	No more than 500m <sup>2</sup> of restaurant space shall be permitted per sub-zone.
<b>Retail</b>	--	P	P	No more than 500m <sup>2</sup> of retail space shall be permitted per sub-zone.
<b>Social Service Resource Centre</b>	P	P	P	
<b>University, College, Technical School</b>	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
<b>1</b>	1.25	+0.25	+0.25
<b>2</b>	1.25	+0.25	+0.25
<b>3</b>	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 29m<sup>2</sup> 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 1,200m<sup>2</sup>.
- 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:

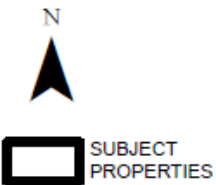
<b>Sub-Zone</b>	<b>Lot Coverage</b>	<b>Maximum Allowable Height</b>	<b>Minimum Required Height</b>
<b>1</b>	60%	20m	N/A
<b>2</b>	60%	20m	N/A
<b>3</b>	60%	20m	2 Storeys Above Grade

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)

DATE OF MEETING DECEMBER 14, 2023  
AUTHORED BY DAVID LABERGE, DIRECTOR, BYLAW SERVICES  
**SUBJECT NUISANCE PROPERTY ABATEMENT- 580 ROSEHILL STREET**

## **OVERVIEW**

### **Purpose of Report**

To inform Council of ongoing activities at 580 Rosehill Street which substantially and unreasonably interfere with other persons' use and enjoyment of property and result in repeated calls for police and municipal services to abate nuisances.

### **Recommendation**

That Council:

1. Declare 580 Rosehill Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250";
2. Direct and authorize Staff to impose the costs of abating nuisances on the persons causing the nuisance, the occupier of the property, or the owner of the property; and,
3. Recover the costs imposed as property taxes or as a debt due and recoverable in a court of competent jurisdiction.

## **BACKGROUND**

580 Rosehill Street is an R8 medium density residential zoned property with a single dwelling house situated in a residential neighbourhood. The current owners acquired the property in January, 2022 with the intention of removing the existing house and constructing condominiums. Tree removal and demolition permits were issued that year in furtherance of plans to develop 13 strata lots on the property.

The project was not completed and the demolition permit expired in the summer of 2023. The house continues to have power and water service connections, but has been boarded up and is vacant continuously. The house and property are not maintained.

The Bylaw Services department has received more than fifteen complaints from the neighbourhood regarding conditions and activities on the property since March 2022 including unsightly conditions, overgrowths of blackberries, accumulations of garbage attracting vermin, trespasses, derelict vehicles, disturbances, and reoccurring homeless occupation both in the residence, in a shed structure in the yard, and in recreational vehicles.

The owners do not have a local representative to manage or inspect the property, leaving the City to respond to trespasses and nuisances reported by neighbours. Bylaw officers typically

inspect the property twice a week through the summer months. Twelve tickets have been issued for property maintenance and zoning contraventions.

The RCMP have provided a summary of police calls to the property since January, 2023 reporting twenty-four (24) incidents of which thirteen (13) are nuisance-related. The nature of these calls are similar to the issues reported to the Bylaw Department; trespass, disturbances, drug use, and homeless sheltering in the buildings and on the property.

The same unsheltered individuals have been living on the property for many months. Neighbours have been threatened and intimidated on occasion, and report ongoing disturbances often during late night hours. The owners have declined to assert or request that these individuals be removed by police as trespassers.

## **DISCUSSION**

The culmination of activities occurring at 580 Rosehill Street have caused ongoing disorderly and aesthetically unpleasing conditions in this residential neighbourhood, requiring continuous bylaw and police resources to deal with nuisances.

Staff recommend that Council designate the property as a nuisance pursuant to the provisions of City of Nanaimo “Nuisance Abatement and Cost Recovery Bylaw 2019, No. 7250”, thereby authorizing the recovery of costs of municipal and police services to abate nuisances.

The owners have been notified in writing that Council will consider this matter at Public Hearing. ]

## **OPTIONS**

1. That Council:
  - i. Declare 580 Rosehill Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”;
  - ii. Direct and authorize Staff to impose the costs of abating nuisances on the persons causing the nuisance, the occupier of the property, or the owner of the property; and,
  - iii. Recover the costs imposed as property taxes or as a debt due and recoverable in a court of competent jurisdiction.
2. That Council provide staff with alternative direction.]

**SUMMARY POINTS**

- The property at 580 Rosehill Street has been vacant for several years. A demolition permit was issued in 2022 to remove the vacant house, but the work was not completed and the permit is expired.
- The Bylaw Services department and police attend to the property frequently in response to nuisance complaints, trespasses, disturbances and unsightly conditions.
- There is no local representative to maintain, manage and inspect the property.
- Nuisance property designation is recommended authorizing the recovery of costs of municipal and police services required to abate nuisances.

**Submitted by:**

David LaBerge  
Director, Bylaw Services

**Concurrence by:**

Dale Lindsay  
Chief Administrative Officer