

DATE OF MEETING OCTOBER 1, 2018

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP363 –  
1 PORT DRIVE**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to waive the frontage works and services requirements for a proposed subdivision at 1 Port Drive.

### **Recommendation**

That Council issue Development Variance Permit No. DVP363 at 1 Port Drive to vary the Subdivision Control Bylaw to exempt the proposed subdivision from the required works and services.

## **BACKGROUND**

A development variance permit application, DVP363, was received from the City of Nanaimo requesting a variance to the provisions of the City of Nanaimo "Subdivision Control Bylaw 1989 No. 3260" to exempt the City of Nanaimo from constructing frontage works and services triggered by the proposed subdivision of land owned by the City of Nanaimo at 1 Port Drive.

The City of Nanaimo has been pursuing the redevelopment of City-owned lands at 1 Port Drive. A key consideration in the redevelopment of the lands is the removal of the Seaspan Ferries Corporation (Seaspan) Right-of-Way. Staff have arrived at an arrangement with Seaspan to discharge the right-of-way in exchange for the transfer of three new lots at 1 Port Drive and a cash payment of \$991,465. The land transfer includes a 3.6 acre water lot, 4.7 acres of industrial land, and a separate 1-acre parcel within the existing Southern Railway maintenance facility. The proposed subdivision will have a total of four lots, three being transferred to Seaspan, with the remaining lot remaining City-owned property. The proposed subdivision is illustrated in Attachment A.

Approval of the land transfer appears as a separate item on this evening's agenda.

A Letter of Intent (LOI) has been entered into that clearly establishes each party's responsibilities under the land transfer. The City is responsible for the costs of the subdivision, including a subdivision plan and a development variance permit application.

The proposed subdivision of 1 Port Drive triggers frontage works and services under Section 19 of the City's Subdivision Control Bylaw, which would require significant road and sidewalk construction, totaling 450 linear meters along Esplanade and Front Street, as well as 650 linear meters along the proposed Front Street Extension.

Any future development of the proposed lots will require frontage works and services and will be captured through the rezoning process. The proposed variance to waive the works and services requirement is requested for the proposed subdivision only to facilitate a transfer of ownership of the lands to Seaspan.

Statutory notification has taken place prior to the consideration of the variance.

## **OPTIONS**

1. That Council issue Development Variance Permit No. DVP363 at 1 Port Drive to vary the Subdivision Control Bylaw to exempt the proposed subdivision from the required works and services.
  - **Budget Implication:** Under the LOI, the City is responsible for the costs of the subdivision. The survey work is estimated to cost around \$10,000.
  - **Legal Implication:** A British Columbia Land Surveyor is preparing the subdivision plan that is registered at the time of the land transfer.
  - **Policy Implication:** The subdivision plan is consistent with the 1 Port Drive Master Plan.
  - **Engagement Implication:** Statutory Notification has been undertaken.
  - **Strategic Priorities Implication:** The phased redevelopment of 1 Port Drive is one of Council's key projects in the 2016-2019 Strategic Plan. The development variance permit (DVP) is a critical step in opening up the lands for redevelopment and the construction of the Front Street Extension.
  - **Political Implication:** The approval of the DVP will enable Council to move forward with the redevelopment of 1 Port Drive and demonstrate significant progress on this file.
2. That Council not issue Development Variance Permit No. DVP363 at 1 Port Drive.
  - **Political Implication:** Not approving the DVP will require Staff to renegotiate the Seaspan Right-of-Way Agreement, which will slow the redevelopment of the lands.

## **SUMMARY POINTS**

- The City is in the process of transferring three parcels of land to Seaspan. This includes a 3.6 acre water lot, 4.7 acres of industrial land, and a separate 1-acre parcel within the existing Southern Railway maintenance facility.
- A Letter of Intent between Seaspan Ferries Corporation, Southern Railway of Vancouver Island Limited, and the City of Nanaimo establishes that the City is responsible for undertaking the required subdivision and development variance permit application.
- A variance is proposed to the "Subdivision Control Bylaw 1989 No. 3260" to exempt the proposed subdivision from the requirement to construct frontage works and services adjacent 1 Port Drive.

## **ATTACHMENTS**

ATTACHMENT A: Proposed Subdivision Plan

ATTACHMENT B: Terms of Permit

ATTACHMENT C: Location Plan |

### **Submitted by:**

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### **Concurrence by:**

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