

DATE OF MEETING | October 7, 2019 |

AUTHORED BY | CALEB HORN, PLANNER, COMMUNITY PLANNING |

**SUBJECT | REZONING APPLICATION NO. RA402 – 4961 SONGBIRD PLACE |**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the subject property at 4961 Songbird Place from Single Dwelling Residential (R1) to Residential Corridor (COR1) to allow a proposed multi-family development. |

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.156” (To rezone 4961 Songbird Place from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.156” pass second reading; and
3. Council direct Staff to secure the community contribution, including off-site road improvements and active transportation improvements prior to adoption of the bylaw, should Council support the bylaw at third reading. |

## **BACKGROUND**

A rezoning application (RA402) for 4061 Songbird Place was received from Universal Estates Ltd., on behalf of 486407 BC Ltd., to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to allow a proposed 76-unit multi-family development.

### **Subject Property**

<i>Location</i>	The subject property is located between Rutherford Road and Songbird Place, to the southeast of the North Nanaimo Town Centre mall.
<i>Total lot area</i>	1.25ha
<i>Current zone</i>	R1 - Single Dwelling Residential
<i>Proposed zone</i>	COR1- Residential Corridor
<i>Proposed density</i>	76 units (60 units per hectare)
<i>Official Community Plan(OCP) Designation</i>	Corridor

The subject property is currently vacant and includes a wetland on the eastern portion. The wetland requires a 15m aquatic setback. The lot is triangular in shape with a narrow access at Songbird Place and increased width to the south with frontage on Rutherford Road. There is an existing statutory right-of-way (EH147131) along the western portion of the property for a public footpath and bicycle trail. Due to the wetland location unique lot shape, the developable area of the lot is limited to the southwest portion.

There is a similar 63-unit multi-family residential building within the neighbouring property at 4960 Songbird Place on the opposite side of the wetland that was approved by Council in 2013 and was constructed in 2015.

Other surrounding land uses include:

- Retail (North Nanaimo Town Centre, Long Lake Plaza);
- Residential (Songbird Place, approved multi-family development at 4800 Cedar Ridge Place, Waterdown Quay, Lakeside Villas);
- Office (Workers Compensation Board, medical/dental offices); and
- Seniors' housing (Nanaimo Memory and Complex Care and approved seniors' development at 4979 Wills Road).

## **DISCUSSION**

### **Proposed Development**

The applicant has requested to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to construct a proposed four-storey, 76-unit, multiple-family residential development. The project will include two separate building masses connected by a shared lobby and shared underground parking. Some surface parking is also proposed. The development will be located in the south portion of the lot, adjacent to Rutherford Road. While the proposed Residential Corridor zone would permit a number of other commercial-oriented uses, the current proposal is for a residential development.

### **Official Community Plan**

The subject property is located within the Corridor designation (Section 2.2) of the Official Community Plan (OCP). The Corridor designation encourages higher-intensity land uses, such as medium- to high-density residential, and mixed-use developments in a two- to six-storey form. The proposed infill development would achieve a density of 60 units per hectare (uph), which is compatible with the density range of 50 to 150 uph anticipated in the Corridor designation.

### **Transportation Master Plan**

The Nanaimo Transportation Master Plan (NTMP) reinforces the land-use and transportation policies in the OCP by designating urban nodes and prominent commercial centres in the city as mobility hubs. The subject property is located within the focal area of the North Nanaimo Mobility Hub and is within walking distance of a number of transit stops.

A multi-use trail between Songbird Place and Rutherford Road is desired to improve connectivity, and a statutory right-of-way for this purpose was previously secured on the subject property. Staff have determined through this application review that the location of the existing statutory right-of-way is not desirable for a multi-use trail. The preferred multi-use trail alignment is through the North Nanaimo Town Centre property at 4750 Rutherford Road, shown on Attachment D, as this alignment avoids further encroachment into the riparian area on the subject property and is the most accessible route from Rutherford Road given the site's topography. A portion of the preferred route will cross through the subject property between 4750 Rutherford Road and the end of Songbird Place. There is an existing private sidewalk and informal trail through the North Nanaimo Town Centre property between Rutherford Road and Songbird Place that would be upgraded should the preferred route be constructed, as outlined in the Community Contribution section of this report.

### **Community Consultation**

Although the subject property is not located within the area of a community association, the rezoning application was referred to the nearby Wellington Community Association for information. No response has been received.

### **Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. Typically, the value of community contributions received for a multiple-family rezoning application is a minimum of \$1,000 per unit. This would equate to \$76,000 for the proposed rezoning. The applicant proposes to provide the following as community contributions:

1. Active transportation improvements

The applicant has been negotiating with the owner of the North Nanaimo Town Centre (Shape Properties), but has not yet reached an agreement to establish a statutory right-of-way for construction of a multi-use trail through the neighbouring property at 4750 Rutherford Road. The estimated cost of this multi-use trail is \$94,824. Should the applicant not reach an agreement with the neighbouring property owner to secure right-of-way for trail construction, the community contribution will be applied towards active transportation improvements of equivalent value in the neighbourhood. If unsuccessful in securing a statutory right-of-way at this time, it is anticipated a publicly accessible multi-use trail through the North Nanaimo Town Centre would be secured at the time of future redevelopment of the shopping centre.

2. Off-site works and services

The applicant is proposing to fund improvements to the Songbird Place and Uplands Drive intersection, as shown generally on the concept drawings included within Attachment E. The upgrades include road widening and securing dedication from adjacent properties, and will be provided to improve sightlines and vehicular movement at the intersection. The upgrades are in excess of the required works and services and are supported, in principle, by the property owner, the Neighbourhood Church at 4951 Rutherford Road. The estimated cost of the intersection improvements is \$45,454.

The total value of both proposed community contributions exceeds the minimum expected contribution. Staff support the proposed community contributions.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2019 No. 4500.156”, Staff recommend the following items be secured prior to final adoption of the bylaw:

#### Community Contribution

1. Active transportation improvements

Should an agreement be reached with the property owner of North Nanaimo Town Centre, a 3m-wide multi-use trail within a 4m right-of-way is to be secured between Songbird Place and Rutherford Road through 4750 Rutherford Road and the subject property, in accordance with Attachment D. If the applicant is unable to secure a trail right-of-way on the adjacent property, the community contribution would be applied to active transportation improvements in the neighbourhood. A Section 219 covenant will be required on the subject property to secure a statutory right-of-way prior to the issuance of a Development Permit and to require security for the construction of active transportation improvements prior to the issuance of any subsequent Building Permit.

2. Off-site works and services

A Section 219 covenant must be registered on the subject property in order to secure intersection improvements at Songbird Place and Uplands Drive, as shown generally on the concept drawing included within Attachment E. The upgrades include securing road dedication from adjacent properties.

#### **SUMMARY POINTS**

- The application is to rezone the subject property at 4961 Songbird Place from Single Dwelling Residential (R1) to Residential Corridor (COR1) to allow for a proposed 76-unit multi-family development.
- The subject property is designated as Corridor within the OCP. The proposed development meets the density targets of the OCP and provides housing within walking distance of services and transit.
- A community contribution is proposed to secure active transportation improvements and off-site intersection improvements to the intersection of Uplands Drive and Songbird Place.

## **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Building Renderings  
ATTACHMENT D: Conceptual Multi-use Trail  
ATTACHMENT E: Off-site Intersection Improvements  
ATTACHMENT F: Aerial Photo  
“Zoning Amendment Bylaw 2019 No. 4500.156”

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### **Concurrence by:**

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