

DATE OF MEETING [July 20, 2020]

AUTHORED BY [CALEB HORN, PLANNER, CURRENT PLANNING]

SUBJECT [REZONING APPLICATION NO. RA434 – 3500 ROCK CITY ROAD]

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone portions of the subject property at 3500 Rock City Road from Low Density Residential (R6) to Medium Density Residential (R8) with site-specific Floor Area Ratio to allow for a multi-family residential development.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2020 No. 4500.169” (To rezone portions of 3500 Rock City Road from Low Density Residential [R6] to Medium Density Residential [R8] with site-specific Floor Area Ratio) pass first reading;
2. “Zoning Amendment Bylaw 2020 No. 4500.169” pass second reading; and
3. Council direct Staff to secure the community amenity contribution, intersection improvements contribution, sanitary sewer covenant, wildfire assessment covenant, and subdivision of the subject property should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA434, was received from Seward Developments Inc., on behalf of Hazelwood Holdings Ltd. The applicant proposes to amend “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone portions of the subject property from Low Density Residential (R6) to Medium Density Residential (R8) with site-specific Floor Area Ratio (FAR) to allow for a multi-family residential development.

The subject property was created five years ago as a remainder from a larger subdivision that also created Ocean Pearl Terrace and an extension of Barrington Road. A steep slope development permit (DP000576) was completed in 2011 to facilitate subdivision of the lots. The overall plan for the site has not changed substantially from the concept plan approved in 2011, but a rezoning is required to allow the future phases of development as proposed.

There is a concurrent subdivision application (SUB01251) and road closure application (LD003641) for the subject property. The proposed subdivision will create seven lots, of which four are proposed for rezoning. The road closure bylaw, “Highway Closure and Dedication Removal Bylaw 2019 No. 7289”, was adopted by Council on 2019-NOV-04, which closed a portion of unused road right-of-way that protruded into the subject property from Rock City Road. This area was consolidated with the subject property in early 2020.

## Subject Property and Site Context

<i>Location</i>	The subject property is a hooked parcel located on both sides of Rock City Road. The majority of the property lies on the south side of Rock City Road between Ocean Pearl Terrace and Barrington Road.
<i>Total Lot Area</i>	10.23ha
<i>Area of Portions to be Rezoned</i>	7.29ha
<i>Current Zoning</i>	R6 – Low Density Residential
<i>Proposed Zoning</i>	R8 – Medium Density Residential with site-specific FAR
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan Land Use Designation</i>	n/a

The subject property is a large undeveloped parcel with significant natural features. A number of rocky knolls cover the site and the interior of the lot contains a wetland that is approximately 2.89ha in area. The wetland is protected by an existing covenant (FB281426) as well as regulations in the Zoning Bylaw stipulating no site disturbance can occur within 15m of the wetland. An unnamed tributary of Cottle Creek, identified by ‘Schedule C’ of the Zoning Bylaw, drains the wetland and flows east from the property. Elevations vary on the site from approximately 105m to 130m above sea level.

Surrounding land uses include large Agricultural Rural Residential-zoned properties to the north, Rock City Park and single residential dwellings to the east, and low-density multi-family residential properties to the south and west. A multi-family residential apartment building (DP001060) has previously been approved at 1205 Ocean Pearl Terrace, west of the subject property.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone portions of the subject property to R8 with site-specific density (FAR) in order to facilitate future phases of development on the site. Earlier phases of development under the parent parcel included the comprehensive development and rezoning at Amphion Terrace completed in 2012, and the townhouse complex at 3403 Barrington Road, completed in 2016. Further phases of low-density multi-family development have been approved at 1217 and 1228 Manzanita Place, and a development permit application is under review for 1221, 1222, and 1225 Manzanita Place.

For the remaining phases, the concept plan is to develop proposed Lots 1 to 3 under the existing Low Density Residential (R6) zoning and to rezone proposed Lots 4 to 7 to Medium Density Residential (R8) with site-specific FAR. Proposed Lots 4 to 7 contain significant natural features, including a large wetland and steep topography. The applicant is proposing to rezone these portions in order to cluster residential units in four-storey multi-family building forms instead of the more ground-oriented building forms permitted under R6.

The existing R6 zone allows for a maximum base FAR of 0.45 and a maximum building height of 9m. The R8 zone permits a base FAR of 1.25 and a building height of 14m. Since the maximum allowable FAR of 1.25 in the R8 zone is greater than what is contemplated for the site and would exceed what could be supported, the applicant has proposed a site-specific amendment to restrict the base density (FAR) to 0.45. Up to an additional 0.25 FAR can be awarded where parking is provided underground, which would allow a maximum FAR of 0.7. The base FAR of 0.45 is the same as permitted under the existing R6 zone, and the total possible FAR of 0.7 is the maximum available under the R6 zone (through the provision of additional amenities as outlined in Schedule D of the Zoning Bylaw). The practice of awarding additional density for underground parking is consistent with typical R8 zoning.

The proposed site-specific density will provide flexibility in the building massing and design. The rezoning will not increase the density on the subject property but will allow for more sensitive development with increased height and more compact building form, given the site's natural constraints

### *Conceptual Plans*

The conceptual site plan submitted with this rezoning application (Attachment B) includes a four-storey multi-family building on each of proposed Lots 4 to 7, all with underground parking. By clustering the allowable density into multi-family building forms, less site disturbance is anticipated. The maximum permitted lot coverage for building footprints in both the R6 and R8 zones is 40%, but the conceptual site plan shows an approximate lot coverage of 15% on proposed Lots 4 to 7.

Conceptual building sections have been provided (Attachment C) to demonstrate how building massing could occur under the proposed zoning. The conceptual building footprints have been sited to minimize impacts on the natural areas and to allow for feasible vehicle accesses to the underground parking areas. Proposed Lot 4 will be accessed from Barrington Road, proposed Lots 5 and 6 will be accessed from the south side of Rock City Road, and proposed Lot 7 will be accessed from the north side of Rock City Road.

In addition to the lots described above, a 0.68ha park will be dedicated as a requirement of the concurrent subdivision. This park will include one of the prominent rocky knolls on the south side of Rock City Road, to be kept in its natural state, and a public boardwalk trail through the wetland to connect Ocean Pearl Terrace with Rock City Road.

### *Traffic Impact Assessment*

A Traffic Impact Assessment (TIA) was submitted in support of the rezoning application. The TIA modelled how a development on the scale of the conceptual plans could impact the surrounding road network and intersections, including Rock City Road, Smugglers Hill Drive, Departure Bay Road, Uplands Drive, Norwell Drive, and the Island Highway. The TIA found an acceptable level of service for intersections in the short term, with the exception of the Uplands Drive and Departure Bay Road intersection at PM peak hours when there is already a deficient level of service. In the medium and long term, this intersection could reach an inadequate level of service, even outside of the PM peak hours, by 2023. The City will be carrying out upgrades to the Uplands Drive / Departure Bay intersection as part of a future Development Cost Charge (DCC) infrastructure project. Additionally, the intersection of Rock

City Road and Departure Bay Road was projected by the TIA to reach an inadequate level of service by 2033. Both intersections are identified in the Context Map (Attachment E).

As a condition of this rezoning application, a monetary contribution of \$27,125 towards the intersection of Rock City Road / Departure Bay Road will be secured for future intersection improvements. The value of the contribution is proportional to the anticipated percentage of trips generated through the intersection as a result of the conceptual development. This proposal takes into account the existing zoning of the subject property as well as the background traffic at the intersection.

### *Sanitary Sewer Impact Analysis*

A Sanitary Sewer Capacity Impact Analysis (the “Sewer Analysis”) was submitted in support of the rezoning application. The Sewer Analysis identifies a number of downstream sewer deficiencies that are existing and have been previously recognized by the City. The deficiencies are found in the Rock City and Departure Bay sanitary sewer mains, both of which are currently identified for future DCC infrastructure projects. Additionally, the Sewer Analysis found a potential future downstream deficiency in the Rock City sewer main that proposed Lots 5 to 7 will contribute to.

To ensure no additional downstream deficiencies are triggered as a result of this rezoning, a covenant will be secured as a condition of rezoning to restrict the number of units on proposed Lots 5 to 7, the three lots serviced by the Rock City sewer main. As recommended by the Sewer Analysis, the combined maximum number of dwelling units on these lots will not exceed 157 residential units until the Rock City sewer main is upgraded, either by the City through the future DCC project, or by the property owner at their own expense. The covenant will secure the following maximum number of dwelling units on each lot until such time as the Rock City sewer main has been upgraded:

<b>Proposed Lot</b>	<b>Number of Units</b>
Lot 5	38
Lot 6	38
Lot 7	81

No covenant will be required on proposed Lot 4 as it will not be connected to the Rock City sewer main where the additional future deficiency was identified.

### *Wildfire Hazard Assessment*

A Wildland Urban Interface Wildfire Hazard Assessment (the “Assessment”) was submitted in support of the rezoning application. The Assessment identifies the current wildfire threat rating for the subject property as moderate to high. Under the provincial rating system, a wildfire threat rating must be moderate or less to be considered acceptable. The Assessment contains a number of recommendations to ensure the wildfire threat is mitigated to maintain an acceptable level during future development on the site. The Assessment will be registered through a Section 219 covenant on the subject property title as a condition of this rezoning and will inform future site and building design at the Development Permit stage.

## Policy Context

### *Official Community Plan*

The OCP identifies the subject property as within the Neighbourhood future land use designation. Development in Neighbourhoods is characterized by a mix of low-density residential uses in various building forms. Residential densities from 10 to 50 units per hectare (uph) in two- to four-storey building forms are generally supported by the OCP. The applicant has demonstrated the potential to develop 298 units under the proposed zoning. This would equal approximately 41uph within the anticipated density range for Neighbourhoods.

The intent of the rezoning is to facilitate a more sensitive development approach that is supported by OCP Neighbourhood land use policies, including the minimizing of impacts on ecological features (OCP Policy 2.3 – 9) and a clustered housing design approach (OCP Policy 2.3 – 10).

The proposed rezoning meets the intent of the OCP future land use designation.

### *Transportation Master Plan*

The subject property is not within a Mobility Hub as identified by the Nanaimo Transportation Master Plan (NTMP) and there are no transit routes in the immediate area. The nearest bus stops are approximately 600m away on Uplands Drive. There is currently a single sidewalk that connects the subject property at Ocean Pearl Terrace to Departure Bay Road via Rock City Road. The NTMP identifies a future bicycle route through Linley Valley between Rock City Road and Burma Road as part of its medium-long-term bicycle network plan. Transportation in the area is largely auto-dependent and the applicant has demonstrated the provision of all required parking within the conceptual development plans.

## Community Consultation

The subject property is not within the area of any community association. The applicant hosted a Neighbourhood Information Meeting on 2019-JUL-16 at the Departure Bay Activity Centre. Comments received from neighbours at the meeting and through correspondence include concerns regarding increased traffic, increased density, and loss of wildlife habitat. The following has been provided by the applicant in support of the rezoning application:

1. A Traffic Impact Assessment to review traffic impacts in the neighbourhood, and a proposed contribution towards the Departure Bay Road and Rock City Road intersection;
2. Proposed site-specific R8 zoning to limit density to the maximum permitted Floor Area Ratio under the existing R6 zoning; and
3. A conceptual development plan to cluster buildings and reduce the amount of disruption to the natural habitat as could otherwise occur under the existing R6 zoning. A restrictive covenant protecting the wetland areas will be retained.

## Community Amenity Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, the applicant should provide a community contribution. Typically, the value of community contributions received for residential projects is at least \$1,000 per dwelling unit. In

this case, the applicant is not proposing to increase the density beyond what would be permitted in the R6 zone. Therefore, a community contribution equal to the proposed number of units is not expected. Instead, the applicant has proposed a community contribution consisting of the following items:

1. *Off-site works and services*

The applicant is proposing to carry out works along Rock City Road beyond what is required through frontage works and services. The off-site works will include a sidewalk connection between the subject property and the entrance of Linley Valley Park, approximately 100m east of the property (see Attachment E). The sidewalk connection will include a pedestrian crossing on Rock City Road, with the exact location to be determined through detailed design review at the development stage. Linley Valley Park is a significant destination in the neighbourhood, and a sidewalk with crosswalk connection will provide better pedestrian access to this amenity from the proposed development and for other residents in the neighbourhood.

2. *Parks improvements*

The applicant is proposing a monetary contribution of \$2,000 to be used towards the future park being dedicated as part of the concurrent subdivision. Staff in the Parks, Recreation, and Culture Division have reviewed this contribution and will accept it to be used towards seating or wayfinding.

Staff support the proposed community contributions.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2020 No. 4500.169”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Contribution* – The installation of a sidewalk and crosswalk connection to meet City of Nanaimo engineering standards between the subject property and Linley Valley Park, and a monetary contribution of \$2,000 towards improvements within the future park at 3500 Rock City Road.
2. *Intersection Improvements Contribution* – A monetary contribution of \$27,125 towards future traffic improvements at the intersection of Rock City Road and Departure Bay Road.
3. *Sanitary Sewer Covenant* – A Section 219 covenant to restrict the maximum number of dwelling units on proposed Lot 5 (maximum 38 dwelling units), Lot 6 (maximum 38 dwelling units), and Lot 7 (maximum 81 dwelling units), until the section of the potential future downstream deficiency on the Rock City Road sanitary sewer main is upgraded.

4. *Wildfire Hazard Assessment* – A Section 219 covenant to contain the Wildland Urban Interface Wildfire Hazard Assessment prepared by Strathcona Forestry Consulting, dated 2019-FEB-18, and its associated recommendations for future development.
5. *Subdivision* – The subdivision of the subject property, generally as shown in the proposed Subdivision Plan (Attachment D).

### **SUMMARY POINTS**

- The application is to rezone a portion of the subject property at 3500 Rock City Road from Low Density Residential (R6) to Medium Density Residential (R8) with site-specific Floor Area Ratio to allow for a multi-family residential development.
- The subject property contains significant natural features, including a large wetland and steep topography.
- The proposed rezoning will not increase the base density beyond what is currently permitted, but will provide more flexibility in building siting and allow for higher, more sensitive, and more compact building forms.
- Community contributions of a sidewalk connection with Linley Valley Park and parks improvements for a future park are proposed.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Building Sections  
ATTACHMENT D: Subdivision Plan  
ATTACHMENT E: Context Map  
ATTACHMENT F: Aerial Photo  
“Zoning Amendment Bylaw 2020 No. 4500.169” |

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services