

DATE OF MEETING | November 15, 2021 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

**SUBJECT** | **REZONING APPLICATION NO. RA467 – 440 KENNEDY STREET** |

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to permit a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the Old City Duplex Residential (R13) zone to facilitate a proposed boundary adjustment subdivision. |

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2021 No. 4500.194” (to permit a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the R13 zone from 750m<sup>2</sup> to 500m<sup>2</sup> to facilitate a proposed boundary adjustment subdivision) pass first reading;
2. “Zoning Amendment Bylaw 2021 No. 4500.194” pass second reading; and
3. Council direct Staff to secure the road dedication, community amenity contribution, and a building orientation covenant, should Council support the bylaw at third reading. |

## **BACKGROUND**

A rezoning application (RA467) was received from Barbara and Robert Humpherville for a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the R13 zone from 750m<sup>2</sup> to 500m<sup>2</sup> to facilitate a proposed boundary adjustment subdivision to create two buildable lots. There is a concurrent subdivision application (SUB01401) to facilitate the lot line adjustment.

### **Subject Property and Site Context**

<i>Location</i>	The subject properties are located on the north side of Kennedy Street, between Franklyn Street and Albert Street.
<i>Total lot areas</i>	Lot 1 - 217.8m <sup>2</sup> Lot 2 - 872.4m <sup>2</sup>
<i>Current zone</i>	R13 - Old City Duplex Residential
<i>Proposed zone</i>	R13 - Old City Duplex Residential with site specific lot sizes of 500m <sup>2</sup>
<i>Official Community Plan Designation</i>	Neighbourhood
<i>Old City Neighbourhood Concept Plan</i>	Multi-Family Low Density

The subject properties are located within the Old City Neighbourhood, south of the downtown area. There is an existing single family dwelling on the southern parcel (Lot 2) that encroaches onto Lot 1, which is undersized and otherwise vacant. Established single family homes and multi-family infill developments predominantly characterize the surrounding area. The property has a slope of approximately 3m from the high side on Kennedy Street to the low side on the rear lane.

## **DISCUSSION**

### **Proposed Development**

The subject properties at 440 Kennedy Street consist of two existing lots with parcel sizes of 217.8m<sup>2</sup> (Lot 1) and 872.4m<sup>2</sup> (Lot 2). The minimum lot size for subdivisions within the R13 zone is 750m<sup>2</sup>. The applicant is proposing a site-specific amendment to reduce the minimum lot size requirement from 750m<sup>2</sup> to 500m<sup>2</sup> to facilitate a lot line adjustment to create two similar sized residential lots. Proposed Lot 1 will become a larger parcel (approximately 542.4m<sup>2</sup> in size), and proposed Lot 2 will become a smaller parcel (approximately 505.8m<sup>2</sup> in size). The R13 zone permits a duplex or single family dwelling on each lot; however, the applicant is proposing to develop each lot with a single family dwelling and a suite.

<b>Parcel</b>	<b>Minimum Lot Size Required in the R13 Zone</b>	<b>Existing Lot Size</b>	<b>Proposed Lot Size</b>
Lot 1	750m <sup>2</sup>	217.8m <sup>2</sup>	542.4m <sup>2</sup>
Lot 2	750m <sup>2</sup>	872.4m <sup>2</sup>	505.8m <sup>2</sup>

The boundary adjustment will result in Lot 2 being reduced by more than 10% of its original parcel size, which exceeds the allowable lot area reduction in the General Regulations (Section 6.22.5) of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”); therefore, a site-specific rezoning to permit smaller lot sizes is required.

### **Policy Context**

#### *Official Community Plan*

The subject properties are located within the Neighbourhood future land use designation (Section 2.3) of the Official Community Plan (OCP). The Neighbourhood designation supports residential infill and a mix of housing types, including ground-oriented multiple-family units that are two to four storeys in height, with a density range of 10-50 units per hectare (uph). The proposed development meets the objectives of the OCP and facilitates the creation of a buildable residential infill lot in an existing neighbourhood near a major transportation route, commercial services, and parks.

#### *Old City Neighbourhood Concept Plan*

The subject properties are included in the Old City Neighbourhood Concept Plan. The Plan designates the properties as *Multi-Family Low Density*, with the following permitted uses: single family to fourplex. The proposed site-specific amendment would support low-density residential infill and complies with the Old City Neighbourhood Concept Plan policy.

### *Transportation Master Plan*

The Nanaimo Transportation Master Plan (NTMP) reinforces the land use and transportation policies in the OCP by designating urban nodes and mobility hubs. The NTMP states that mobility hubs will be the focus of increased walking, cycling, and public transit opportunities. The subject properties are inside the 200m buffer area of the Downtown Mobility Hub, which supports higher-density residential housing that meets a mix of demographic needs and income levels. The proposed amendment would allow the infill of Lot 1 in an area near existing services and employment.

### **Community Consultation**

A rezoning sign was posted on the property in September 2021, and the applicant consulted the neighbours by hand delivering information packages regarding the proposed development. In addition, Staff referred the application to the Nanaimo Old City Association (NOCA) and the applicant consulted the association directly. No comments were received from the neighbours or NOCA.

### **Community Amenity Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, applicants are encouraged to provide a Community Amenity Contribution (CAC) as part of their proposal. General practice for residential development is to secure a CAC with a minimum value of \$1,000 per dwelling unit. As the intent of the rezoning and subdivision application is to develop two single family dwellings, the applicant has proposed a CAC of \$2,000 towards local park and trail improvements. Staff support the proposed CAC.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2021 No. 4500.194”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication* – Road dedication of approximately 1.67m to allow widening of the lane.
2. *Community Amenity Contribution* – A monetary contribution of \$2,000 towards local park and trail improvements.
3. *Building Orientation Covenant* – The requirement for future buildings to face Kennedy Street with a pedestrian access to facilitate garbage collection on Kennedy Street.

### **SUMMARY POINTS**

- A rezoning application has been received to permit a site-specific rezoning at 440 Kennedy Street to reduce the minimum lot size requirement in the Old City Duplex Residential (R13) zone from 750m<sup>2</sup> to 500m<sup>2</sup>.
- The proposed site-specific rezoning and subsequent lot line adjustment will facilitate the creation of a buildable residential infill lot.
- A Community Amenity Contribution of \$2,000 is proposed to be directed towards local park and trail improvements.

### **ATTACHMENTS**

ATTACHMENT A: Context Map  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Proposed Subdivision Plan  
ATTACHMENT D: Conceptual Site Plan  
ATTACHMENT E: Conceptual Building Renderings  
ATTACHMENT F: Aerial Photo  
“Zoning Amendment Bylaw 2021 No. 4500.194”

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#### **Concurrence by:**

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