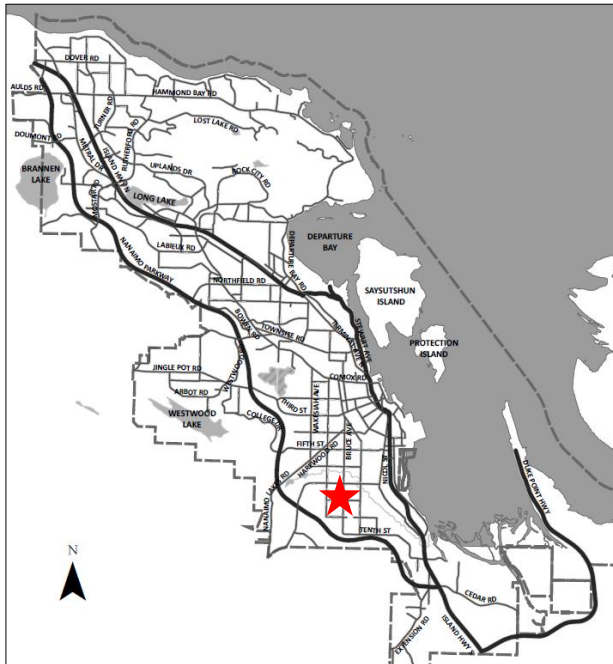


DATE OF MEETING July 24, 2023

AUTHORED BY MATTHEW REMPEL, SUBDIVISION PLANNER, SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP454 –  
505 EIGHTH STREET



## Proposal:

Variance to the Works and Services requirements as required for a two-lot subdivision.

**DVP**

## Zoning:

CS1: Community Service 1  
R1: Single Dwelling Residential

## City Plan Future Land Use

### Designation:

Neighbourhood; Residential Corridor

## Lot Area:

20,157m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to vary the Works and Services and construction standards required in conjunction with a proposed subdivision.

### **Recommendation**

That Council issue Development Variance Permit No. DVP454 at 505 Eighth Street to vary the Works and Services and construction standards for a subdivision as outlined in the "Proposed Variance" section of the Staff Report dated 2023-July-24

## **BACKGROUND**

A development variance permit application, DVP454, was received from the Ballenas Housing Society ("Ballenas") (formerly the Nanaimo Affordable Housing Society) on behalf of the owner, the Governing Council of Salvation Army in Canada (the "Salvation Army"), to vary the provisions of the "City of Nanaimo Subdivision Control Bylaw 1989 No. 3260" (the "Subdivision Control Bylaw"). The request is to vary the requirements associated with the construction of frontage Works and Services triggered by a two-lot subdivision application (SUB01427) located at 505 Eighth Street.

### **Subject Property & Site Context**

The subject property is split-zoned (R1 Single Dwelling Residential and CS1 Community Service 1), and is located on the corner of Eighth Street and Bruce Avenue in the Harewood Neighbourhood. There is an existing Community Church and associated parking lot on the eastern half of the property adjacent to Bruce Avenue. The remainder of the lot consists of vacant, treed land. Established commercial, single family, and multi-family developments characterize the surrounding area with a neighbourhood centre located to the north of the property.

Statutory Notification has taken place prior to Council's consideration of the variance.

## **DISCUSSION**

### **Proposed Development**

The Salvation Army has made an application to subdivide the property into two lots, in line with zoning boundaries that split the parcel. The owner has received a Preliminary Layout Acceptance (PLA) letter as part of the subdivision application which outlines requirements to complete the subdivision, including the Works which are subject to this variance.

This development variance permit application has been facilitated by prospective purchasers of proposed Lot 1, Ballenas, who have expressed their intent to develop affordable housing units on the site. However, this variance, if approved, would apply to the land regardless of who ultimately purchases it. As well, as the property is currently zoned R1 (Single Dwelling Residential), the proposed multi-family development would require a rezoning, including the associated Council consideration and public input processes.

The applicant has identified the frontage works requirements as cost-prohibitive to complete the subdivision as the “net proceeds to the Salvation Army following the completion of the requested Works and Services were not sufficient to make the subdivision worthwhile”. As such, the proposed variance to the frontage works requirement is requested for the subdivision, to facilitate a transfer of ownership of proposed Lot 1 to Ballenas (or other future owner). As this variance pertains only to this subdivision application, future development on proposed Lot 2 (the existing Salvation Army site) may trigger the City of Nanaimo Building Bylaw requirements to complete the frontage works for the modified section of Eighth Street and the entire frontage along Bruce Avenue. Additionally, any subsequent subdivision application may also trigger the completion of these works.

At the Council meeting on 2023-MAY-15, representatives from Ballenas attended as delegates requesting that the City provide a financial contribution to ensure the expenses for the required Works and Services are limited to \$500,000. This request for financial support was included in the applicant’s submission as part of this application; however, this request is a separate matter from the variance. In Staff’s opinion, the request is premature given that:

1. additional design and review is required to determine the details of the required works;
2. the property is not zoned for the proposed multi-family use; and,
3. there is no commitment to providing affordable housing through the subdivision of the property.

## **Proposed Variance**

### *Bruce Avenue Frontage Works*

City Plan classifies Bruce Avenue as a Mobility Collector road and is to be designed and constructed per the Manual of Engineering Standards and Specifications (MoESS) Drawing MC-XS2 (Attachment G) up to the centerline of the road along the full frontage abutting Bruce Avenue. The applicant is requesting a full exemption from the required frontage works improvements along this 100.80 metre frontage. The applicant’s rationale is that the City has future capital projects scheduled to rehabilitate the road surface and to construct a cycling facility from Eighth Avenue to South Side Drive, so the works will be completed at that time. However, the City’s capital projects, which are currently scheduled for 2031 (previously scheduled for 2024), are outside of the approved Financial Plan and would not result in frontage road works designed and constructed to the full MoESS standard.

### *Eighth Street Frontage Works*

City Plan classifies Eighth Street as an Urban Collector road and is to be designed and constructed per MoESS Drawing UC-XS2 (Attachment F) up to the centerline of the road dedication along the full frontage abutting Eighth Street. The applicant is proposing to construct the full frontage works without variances along the frontage of proposed Lot 1, which is 111.06 metres (56%) of the length of the frontage on Eighth Street. For the remaining 89.76 metres (44%) of Eighth Street, a variance is being requested for modified design and materials. The proposed modification would ensure a pedestrian and cycling connection to Bruce Avenue while reducing costs associated with the construction in the interim. The detailed cross section for the modified design is shown on Attachment D. Table 1 below outlines the general design and material variances being requested.

Table 1. Comparison of existing requirements for Eighth Street vs the proposed road design along Lot 2

Feature	Urban Collector XS2 Existing Standard Requirements	Proposed Modified Standard/Specifications
Pedestrian/ Cycling facilities	Separated bike lane and sidewalk, constructed with a 100mm thick concrete surface.	Combined bike path and sidewalk as a single pathway constructed with a 50mm thick asphalt surface.
Flex Zone	A 2.4m flexible area to be used for completing design requirements including parking, transit stops, utilities, storm water, landscaping, etc.	Grass landscaping
Boulevard	Landscaping and street trees separating pedestrian and vehicular traffic.	Grass landscaping
Barrier Curb	150mm concrete curb	100mm asphalt curb
Road Construction/ Thickness	Resurfacing to center line of the existing road dedication approximately 3.60 metres with an asphalt paved surface 100mm thick.	New surfacing up to the existing asphalt, approximately 2 metres of the required 3.60 metres, with a paved surface that matches the existing thickness of 75mm

The proposed terms and conditions of the development variance permit (Attachment A) include registration of a *Land Title Act* Section 219 covenant on title to proposed Lot 1 concurrent with approval of the subdivision in order to secure the proposed frontage works on Eighth Street with any development on that parcel.

### Future Works and Services

The proposed variance effectively defers the frontage road works required of the subdivision to future development of either parcel, while securing the construction of modified road works on the Eighth Street frontage of proposed Lot 2 with development on proposed Lot 1. There is a potential that subsequent building permits on proposed Lot 2 could be exempt from works and services based on current exemptions in the Building Bylaw, in which case completion of Bruce Avenue and Eighth Street fronting proposed Lot 2 to the full MoESS standard would not occur. Not completing the full standard frontage works through development could result in an increased burden on general taxation.

Notwithstanding the above, considering the future development potential on both proposed parcels and that frontage road works will be secured on Eighth Street through development of Lot 1 by covenant, staff support the proposed variance.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP454 proposes to vary the works and services for a two lot subdivision.
- The proposed terms and conditions of the development variance permit include registration of a Land Title Act Section 219 covenant on title to proposed Lot 1 concurrent with approval of the subdivision in order to secure the proposed frontage works on Eighth Street with any development on that parcel.
- Staff support the proposed variance.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Site Survey  
ATTACHMENT D: Modified Cross Section  
ATTACHMENT E: PLA Plan  
ATTACHMENT F: Urban Collector Cross Section (UC-XS2)  
ATTACHMENT G: Mobility Collector Cross Section (MC-XS1)

#### **Submitted by:**

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Manager, Subdivision / Approving Officer

#### **Concurrence by:**

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