

DATE OF MEETING March 25, 2024

AUTHORED BY KASIA BIEGUN, PLANNER, COMMUNITY PLANNING

SUBJECT TRANSIT-ORIENTED AREAS

OVERVIEW

Purpose of Report

To provide an overview of Bill 47 – Housing Statutes (Transit-Oriented Areas), and seek direction to prepare a Transit-Oriented Area designation bylaw and amendments to the Off-Street Parking Regulations Bylaw.

Recommendation

That the Governance and Priority Committee recommend that Council direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the “Off-Street Parking Regulations Bylaw 2018 No. 7266” as outlined in the Staff report dated 2024-MAR-25.

BACKGROUND

On 2024-JAN-22, staff presented a high-level overview of the Provincial housing legislation (Bills 35, 44, 46, & 47) to the Governance and Priorities Committee (GPC). Staff have since reviewed the legislation, regulations and policy manual in greater detail, and have taken part in provincial webinars and legal seminars to understand the requirements, implications, and next steps. In addition, staff consulted with internal departments and externally with government agencies including the Regional District of Nanaimo (RDN), the District of Lantzville, BC Transit, Ministry of Transportation and Infrastructure (MOTI), Vancouver Island University (VIU), and School District #68 (SD68).

DISCUSSION

This section provides a more in-depth overview of Bill 47 (and associated Regulation 674), implications for consideration, and proposed bylaw amendments.

Overview of Transit-Oriented Area Legislation & Regulations

Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendment Act is intended to establish transit-supported densities adjacent to transit stations. These areas are referred to as Transit-Oriented Areas (TOAs) and are designated around prescribed transit stations (bus exchanges, passenger rail station, or other transit facility) to help achieve the goals of transit-oriented development. The goals include a diversity of housing types, a wide range of employment opportunities, amenities, and services within a 15- to 20-minute walk. TOA Regulation 674 identifies three bus exchanges in Nanaimo: Woodgrove, Country Club, and Vancouver Island University (VIU). Lands within a 400-meter radius of the centre point of the bus exchange, are subject to the following minimum densities, heights, and off-street parking requirements as shown in Table 1.

Table 1 – TOA Density, Height, & Parking Overview

Bus Exchange	Prescribed Distance (metres)	Minimum Allowable Density (Floor Area Ratio) (FAR)	Minimum Allowable Height (storeys)	Minimum Off-Street Parking Requirements
Woodgrove Country Club VIU	Less than 200 m	3.5	Up to 10 storeys	No residential off-street parking minimums
	200m – 400m	2.5	Up to 6 storeys	

The regulations apply to lands zoned to permit residential use, including mixed-use zones where the residential use is permitted alongside commercial, employment, institutional, or other uses. Refer to Attachment A for maps of the three TOAs and the parcels that are captured. Any parcel which is partially included in the catchment area of a designated TOA is deemed to be wholly within the catchment area of that TOA. Where parcels are bisected by two different density tiers, the parcel is deemed to be wholly within the class of land to which the highest density applies. Note that land zoned for industrial or agricultural use is not subject to the TOA requirements. In addition, Federal Crown land is not subject to the TOA requirements.

Minimum Allowable Density and Height

Local governments must adhere to the new minimum allowable densities and heights (as shown in Table 1) when exercising zoning authority in relation to rezoning applications or amendments to zoning bylaws. The legislation does not preclude the need for a rezoning application where a development proposes a density or height greater than what is permitted by current zoning. The prescribed provincial minimums provide for an allowable range of densities and building heights within the TOAs. The minimum densities and heights may include other uses such as commercial, in the case of mixed-use developments. While an envelope of allowable densities and heights are available for rezoning applicants to work within, a local government may not reject a rezoning proposal based on the density or height allowed by Bill 47 and shown in Table 1. Local governments retain the authority to 1) establish densities and heights greater than those prescribed by the provincial regulations; 2) secure conditions such as road dedication, non-market housing, and parkland; and, 3) consider factors such as the infrastructure deficiencies, hazardous conditions, and preservation of heritage buildings and features. Refer to Attachment B for an illustration of how the provincial density and height envelope works in relation to local government authority. On 2024-MAR-08, an update was issued to the TOA policy manual informing local governments that they will now be permitted to utilize density bonusing within the minimum allowable density framework. Staff will consider the use of density bonus tools in the TOAs when updating City Plan and the Zoning Bylaw in 2025, and when considering rezoning applications in TOAs.

Off-Street Parking Regulations

The new parking legislation in Bill 47 restricts local governments’ ability to require residential off-street parking in TOAs, except for parking for people with disabilities. It does not preclude a property developer from including parking in the development and local governments may apply parking design standards. All requirements for off-street parking or space provisions for accessing vehicle parking, bicycle/micro-mobility parking, loading/unloading, service vehicle access,

deliveries, and shared vehicles set by local governments for residential and residential mixed-use developments may still apply. Commercial parking requirements will not be affected within TOAs.

Timeline

Local governments must designate each TOA and 400m catchment area within its jurisdiction by bylaw by 2024-JUN-30, including amending off-street parking requirements to align with the regulations. There is no requirement to amend the zoning bylaw or official community plan bylaw to designate TOAs. The limitation on the use of zoning powers will apply in the TOAs once the designation bylaw is adopted. Local governments are also required to notify MOTI by email of the final adoption of the bylaw. If a local government does not comply with the legislation, regulations that designates the TOAs may be imposed by the Province.

In-Stream Applications

The TOA legislation does not apply to in-stream rezonings that have received first reading before 2023-DEC-07. Staff have confirmed there are no in-stream rezonings applications that fall within a TOA area prior to 2023-DEC-07.

Implications

This section outlines implications for each of the three TOAs in Nanaimo.

Woodgrove TOA

- The area of the Woodgrove TOA is partially within city limits, partially in the District of Lantzville, and is bisected by the Nanaimo Parkway. The parcels subject to the TOA regulations within Lantzville are undeveloped and not serviced.
- The 30 parcels that fall within city limits do not entirely align with *City Plan's* Urban Centre Land Use Designations and policies. About a third of the lands fall within the Woodgrove Secondary Urban Centre, and the remainder to the west of the Nanaimo Parkway, which are designated Suburban Neighbourhood (Attachment C).
- The RDN *Transit Redevelopment Strategy* (2022) calls for a new location for the bus exchange at Woodgrove Centre as the existing location is temporary.
- In 2023, the City of Nanaimo was awarded a Complete Communities (CC) grant by the Ministry of Housing to undertake an assessment of the Woodgrove Secondary Urban Centre. A portion of the TOA boundaries falls within the scope of the CC assessment area. The scope of the assessment will include a mobility study that will explore options for a new location for a permanent bus exchange. The grant timeline to complete the assessment is 2024-OCT-16.
- In the circumstance where the bus exchange moves, it is Staff's understanding that the TOA bylaw would need to be updated to reflect the new 400m catchment area.

Country Club TOA

- The scope of the Country Club TOA is 170 parcels compared to the Country Club Secondary Urban Centre boundary, which includes 59 parcels. The TOA boundary captures parcels designated Mixed Use Corridor, Residential Corridor, Neighbourhood, Suburban Neighbourhood, and Light Industrial (Attachment D).
- Highway 19A bisects the TOA, capturing parcels zoned for corridor and industrial use. Eight out of the nine parcels south of Highway 19A are exempt from the TOA regulations, as they are zoned for industrial use.

- The RDN *Transit Redevelopment Strategy (2022)* proposes to move the bus exchange adjacent to the Island Highway in the long-term. The City is undertaking a Country Club Mobility Upgrade Study, the scope of which will include exploring a permanent location for the bus exchange.
- In the circumstance where the bus exchange moves, it is staff's understanding that the TOA bylaw would need to be updated to reflect the new 400m catchment area.

VIU TOA

- The area of the VIU TOA captures eight parcels, one more than the VIU Secondary Urban Centre area. The additional parcel is to the west of the Nanaimo Parkway (Attachment E).
- All the lands in the VIU TOA are either held by Vancouver Island University, School District 68, Snuneymuxw First Nation, the Federal Government, the Provincial Government, or the City of Nanaimo. Snuneymuxw First Nation and Federal lands are exempt from the TOA regulations.
- The RDN *Transit Redevelopment Strategy (2022)* does not call for any changes to the location of the existing bus exchange (which is located on the university campus, at the top of Fourth Street).

Staff submitted a request in January 2024 to the Ministry of Housing for an extension to the 2024-JUN-30 deadline, on the basis of the temporary nature of the bus exchanges in Woodgrove and Country Club and Complete Communities assessment. The request was forwarded to MOTI, but Staff have yet to receive a response.

City Plan Policy Review

The new TOA regulations align, for the most part, with the City Plan Urban Centre land use designations and policies. Woodgrove, Country Club, and VIU are identified as secondary urban centres, intended to evolve into complete communities, and support densities and heights greater than what is mandated by Bill 47.

Where there are inconsistencies, is with the TOA catchment areas, which are larger than the three City Plan Secondary Urban Centre designations. The TOA catchment areas are based on 400m concentric rings, whereas the City Plan designations take into account local context, parcel fabric, and geographic features. There is no requirement to amend City Plan to align with the TOA designations by 2024-JUN-30. However, after 2024-JUN-30 Staff will review and consider amendments to the three Secondary Urban Centre designations and related policy to ensure that City Plan aligns with the TOA designation bylaw. Additionally, local governments are strongly encouraged to prepare a Transit-Oriented Area Plan (TOA Plan) for each designated TOAs.

Proposed Regulatory Amendments

Staff are seeking direction on the following two required regulatory amendments.

TOA Designation Bylaw

Per the TOA legislative requirements, Staff are seeking direction to prepare a TOA Designation Bylaw that lists the three TOAs: Woodgrove, Country Club, and VIU, the base densities and heights, and corresponding mapping. The mapping will clearly lay out what parcels fall within the 200m and 400m catchment areas and what parcels are exempt from the regulations.

Amending Off-Street Parking Regulations Bylaw

Per the TOA legislative requirements, Staff are seeking direction to review and amend the Off-Street Parking Regulations Bylaw to remove minimum parking standards for residential development and to consider other parking implications in the three TOAs (i.e. accessible parking, bicycle parking, and underground parking).

Next Steps

Staff are proposing to bring forward the required regulatory amendments for consideration in May 2024. This will allow consideration of adoption ahead of the 2024-JUN-30 Provincial required deadline.

Communication Strategy (TOAs, SSMUH, and Increasing Housing Options)

To support the public's understanding of the provincial regulatory roll out, staff are proposing a communication strategy that utilizes both digital and print tools to reach a wide audience. The strategy combines the Transit-Oriented Areas, Small-Scale Multi-Unit Housing (SSMUH), and Increasing Housing Options changes for efficiency.

Digital Outreach

- Websites: Updates have been made to the City's website and Get Involved site – Increasing Housing Options page.
- E-Notifications: My Nanaimo This Week will be used to issue e-notifications.
- Press Releases: These will be utilized to communicate key changes.
- Social Media: Various platforms will be utilized as well as cross-promotion opportunities.
- Online Information Sessions: High-level overviews of the Bills and opportunities to ask Staff questions will be offered via information sessions. Sessions will target a various groups including the general public and development community. The sessions are scheduled to occur following the 2024-JUN-30 legislative deadline.

Print Outreach:

- Tax Notice Newsletter: An advertisement will be included in the property tax notice newsletter informing where to find more information. The newsletter is scheduled to be mailed in May 2024.
- Handout: To support reoccurring inquiries, a handout will be prepared to aid the general public and development community, in understanding the changes. |

OPTIONS

1. That the Governance and Priority Committee recommend that Council direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the "Off-Street Parking Regulations Bylaw 2018 No. 7266" as outlined in the Staff report dated 2024-MAR-25.
 - The advantages of this option: Ensure that the City will be in compliance with Bill 47 TOA legislative requirements.

- The disadvantages of this option: The TOA catchment areas are larger than the City Plan Urban Centre designation areas for Woodgrove, Country Club, and VIU, which have implications for City Plan policies.
- Financial Implications: Staff resources are required to comply with the Provincial Housing Legislation in 2024 and 2025.

2. That the Governance and Priorities Committee provide alternate direction. |

SUMMARY POINTS

- Bill 47 – Transit-Oriented Areas Amendment Act identifies three bus exchanges in Nanaimo that are subject the Transit-Oriented Areas (TOA) legislation: Woodgrove, Country Club, and Vancouver Island University. Lands within the TOA are subject to minimum densities, heights and off-street residential parking requirements.
- Staff are seeking direction to prepare a Transit-Oriented Area Designation Bylaw and amendments to the Off-Street Parking Bylaw to comply with the TOA legislative requirements by 2024-JUN-30.

ATTACHMENTS:

ATTACHMENT A – TOA Maps: Woodgrove, Country Club, and VIU

ATTACHMENT B – Provincial Density and Height Envelopes

ATTACHMENT C – Woodgrove Transit-Oriented Area and City Plan Land Use Designations

ATTACHMENT D – Country Club Transit-Oriented Area and City Plan Land Use Designations

ATTACHMENT E – VIU Transit-Oriented Area and City Plan Land Use Designations |

Submitted by:

Lisa Brinkman
Manager, Community Planning

Concurrence by:

Lainya Rowett
Manager, Current Planning

Jeremy Holm
Director, Planning & Development