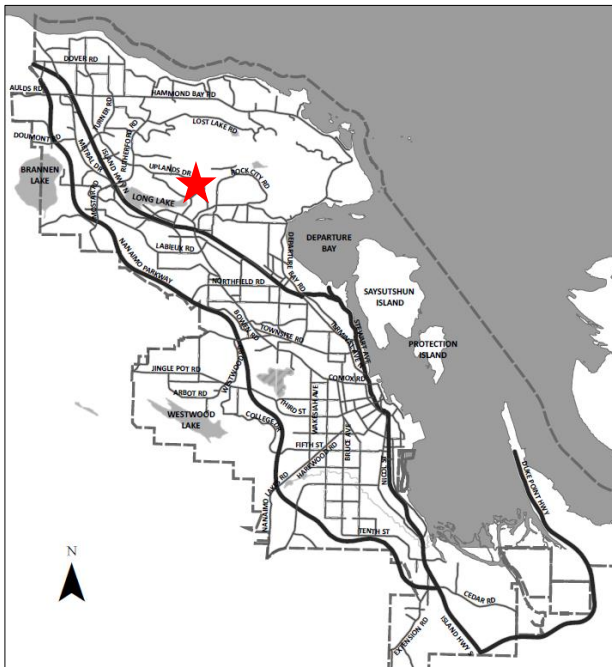


DATE OF MEETING July 22, 2024

AUTHORED BY KRISTINE MAYES, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA501 - 3425 UPLANDS DRIVE



Proposal:

To allow a personal care facility

Current Zoning:

R10 – Steep Slope Residential

R6 – Low Density Residential

Proposed Zoning (portion of lot):

R8 – Medium Density Residential

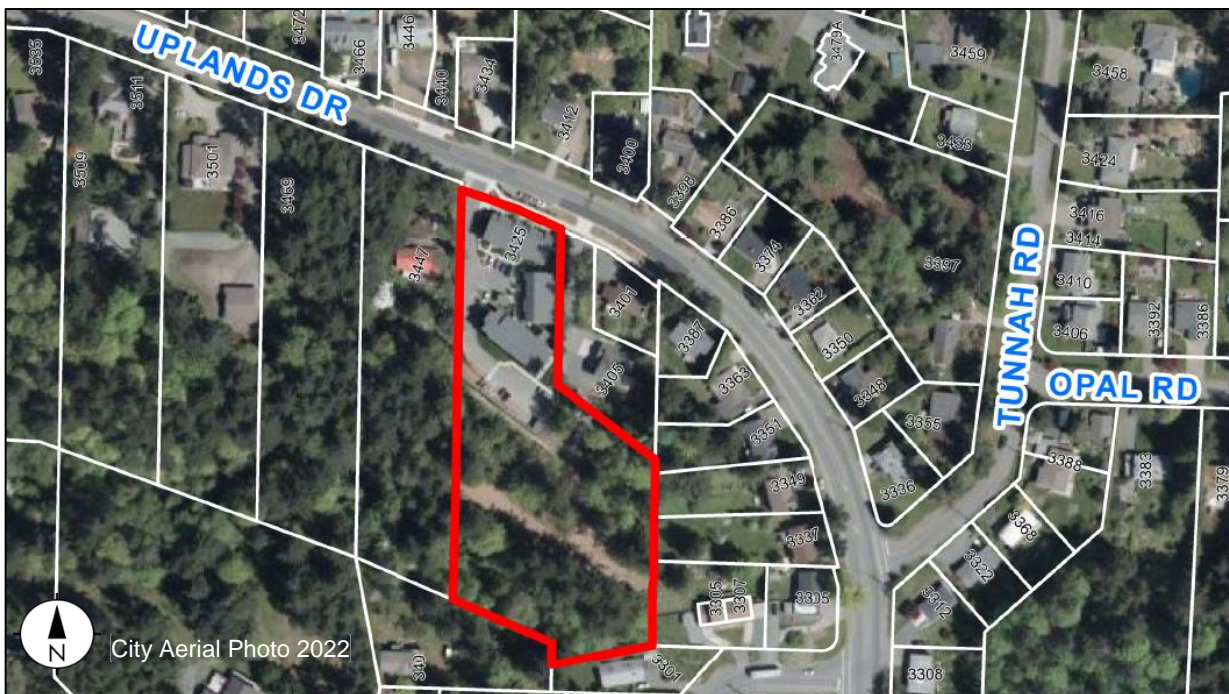
City Plan Land Use Designation:

Neighbourhood

Lot Area:

1.02 ha

RA



OVERVIEW

Purpose of Report

To present Council with an application to rezone a portion of 3425 Uplands Drive from Steep Slope Residential (R10) and Low Density Residential (R6) to Medium Density Residential (R8) with a site-specific personal care facility use.

Recommendation

That

1. "Zoning Amendment Bylaw 2024 No. 4500.228" (to rezone a portion of 3425 Uplands Drive from Steep Slope Residential [R10] and Low Density Residential [R6] to Medium Density Residential [R8] with a site-specific personal care facility use) pass first reading;
2. "Zoning Amendment Bylaw 2024 No. 4500.228" pass second reading;
3. "Zoning Amendment Bylaw 2024 No. 4500.228" pass third reading; and,
4. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2024 No. 4500.228" as outlined in the "Conditions of Rezoning" section of the Staff Report dated 2024-JUL-22 prior to final adoption.

BACKGROUND

A rezoning application, RA501, was received from Low Hammond Rowe Architects, on behalf of Nanaimo Association for Community Living (NACL) Inc., to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone a portion of the subject property at 3425 Uplands Drive from Steep Slope Residential (R10) and Low Density Residential (R6) to Medium Density Residential (R8) with a site-specific personal care facility use.

This application follows a rezoning application (RA349) which rezoned the west portion of the subject property from Single Dwelling Residential (R1) to R6 in 2017 and subsequent DP (DP1088) approved in 2018 to construct 28 affordable rental townhouse units. A subdivision (SUB1396) completed in 2023 added the R10 zoned portion to the lot.

Subject Property and Site Context

The subject property is located in North Nanaimo (Long Lake Neighbourhood) on the south side of Uplands Drive, between Tunnah Road and Sunrise Place. The grade change of the property is approximately 17m and slopes downward to the south towards Emerald Drive. Site characteristics of note include mature trees and a watercourse on the south portion of the lot. Established single residential and multi-family dwellings predominantly characterize the surrounding area. The subject property contains an existing 28-unit affordable rental townhouse development (Phase 1) on the north portion of the site which will remain to form part of the NACL campus.

Public Notification

Pursuant to Sections 464(3) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed "Zoning Amendment Bylaw 2024 No. 4500.228" as the bylaw is consistent with the Official Community Plan (City Plan) and the purpose of the bylaw is to facilitate a residential development as outlined in this report.

Statutory notification of first reading occurred on 2024-JUL-11.

DISCUSSION

Proposed Zoning

The applicant is proposing to rezone the subject properties from R10 and R6 to R8 with a site-specific use (personal care facility) to facilitate a supportive housing development for individuals with developmental disabilities.

The conceptual plans submitted with the rezoning application illustrate how NACL intends to develop the site with a four-storey building consisting of 49 non-market rental units to complement the upslope townhouse units. The development concept demonstrates that the R8 zoning and split-zone requirements can be met, and the required parking for the supportive housing use can be provided onsite. The proposed building will complement the existing Phase 1 townhouse development as well as the conceptual plans for 3469 Uplands Drive (RA496). Any additional variances, if proposed, would be confirmed through the design review at the Development Permit application stage.

Policy Context

City Plan – Future Land Use

City Plan identifies the subject property within the Neighbourhood land use designation, which supports modest growth encouraged through residential infill. The Neighbourhood designation supports a mix of building forms including ground-oriented multi-family and low-rise residential apartments (four-storeys). Rezoning to the R8 zone is supported by City Plan and meets the policy objectives of the Neighbourhood designation to allow residential densification close to the Uplands Drive corridor near existing commercial services and employment centres, schools, and parks.

The applicant submitted several technical studies in support of the proposed rezoning including geotechnical, access, and preliminary servicing assessments as well as a shadow study. As part of the application review, a water model analysis was also completed to confirm available fire flows for the proposed development. Staff have reviewed and accepted the studies with the understanding that further review is required at the detailed design stage (Development Permit and Building Permit) to confirm the requirements for development.

City Plan – Mobility Network

The subject properties are located outside of an urban centre as identified in Figure 36 of the City Plan, with the nearest centre being the Country Club Secondary Urban Centre (located approximately 460m to the southeast). An existing bus route runs adjacent to the site on Uplands Drive which is identified as a secondary active mobility route. Vehicle access to the site would continue from the existing access off Uplands Drive. Uplands Drive is designated an Urban Collector in Schedule 4 ("Road Network") of City Plan.

The 3400 to 3500 block of Uplands Drive has been identified as an area needing active transportation and road network connections. The lands bounded by Uplands Drive, Emerald Drive, Jade Avenue and Sunrise Place all have future development potential and represent a larger block of land that currently does not meet City Plan goals for neighbourhood connectivity. The conceptual site plan includes a public trail in a 3m statutory right-of-way (SRW) south of the

proposed development and a 2m wide temporary connection (to be discharged once the trail extends offsite to the west and connect to Uplands Drive) to Uplands Drive with public access secured via SRWs, to be included as conditions of rezoning. As the lands to the west redevelop, it is intended that the trail will connect to a future active transportation and road network.

Community Consultation

The subject property is not within the area of an active neighbourhood association. The applicant hosted a Public Information Meeting on 2024-APR-24 adjacent to the subject property, where approximately eight members of the public attended the meeting. Questions were received regarding unit types and building materials. Some attendees expressed concerns regarding the driveway (vehicle and emergency access) and visibility from other properties. Staff note an access study was provided in support of the application.

Community Amenity Contribution

In exchange for the value conferred on the lands through rezoning, the application was reviewed in accordance with Council's *Community Amenity Contribution Policy*. As per the policy, CACs can be waived for 100% of non-market rental dwelling units that meet the following criteria:

- i) the dwelling unit is occupied by one or more individuals whose collective annual before-tax income does not exceed the Housing Income Limit for the City;
- ii) where 12 months' rent for the dwelling unit does not exceed 30% of the occupants' collective before-tax annual income;
- iii) the dwelling unit is owned or operated by a non-profit housing partner or public institution; and,
- iv) a Section 483 Housing Agreement is registered on the property title to secure the commitments listed above in (c) (i), (ii), and (iii) for the applicable dwelling units.

The intention is that the proposed development will meet the CAC waiver criteria. Should the development not meet the waiver criteria, the 2024 multiple family dwelling rate (based on the timing of the application submission) would apply at a rate of \$41 per m² of gross floor area. The CAC contribution will be secured as a condition of rezoning. Staff support the proposed CAC.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2024 No. 4500.228", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – registration of a Section 219 covenant to secure a Housing Agreement for 100% non-market rental dwellings units (or if the development does not meet the waiver criteria, the 2023 rate of \$41 per m² of gross floor area), as per the City's CAC Policy prior to building permit issuance.
2. *Active Transportation Network* – registration of a Section 219 covenant to secure the following, prior to building permit issuance:
 - construction of a public pathway in a 3m wide SRW at the southern portion of the subject property between the west and east lot lines, built to City Standard CS-21 (or a standard acceptable to the City);

- a 3m wide SRW through the leave strip to the southeast corner of the subject property to secure a future connection from the public pathway to Emerald Drive; and,
- a temporary 2m wide SRW between the publicly accessible pathway and Uplands Drive until such time the trail will extend offsite to the west and connect to Uplands Drive as shown on Attachment B.

SUMMARY POINTS

- This application is to rezone the subject property from Steep Slope Residential (R10) and Low Density Residential (R6) to Medium Density Residential (R8) to add a site-specific personal care facility use.
- The proposed development is consistent with City Plan policies for the Neighbourhood future land use designation.
- The conceptual plans illustrate a four-storey building consisting of 49 units.
- The applicant intends to provide 100% non-market rental dwellings that meet the criteria to waive the Community Amenity Contribution (CAC) in accordance with Section 3(c) of the City's CAC Policy (or if the development does not meet the waiver criteria, the 2023 rate of \$41 per m² of gross floor area).
- Staff support the proposed Zoning Bylaw amendment.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Landscape Plan
ATTACHMENT D: Conceptual Building Perspectives
"Zoning Amendment Bylaw 2024 No. 4500.228"

Submitted by:

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Concurrence by:

Jeremy Holm
Director, Planning & Development