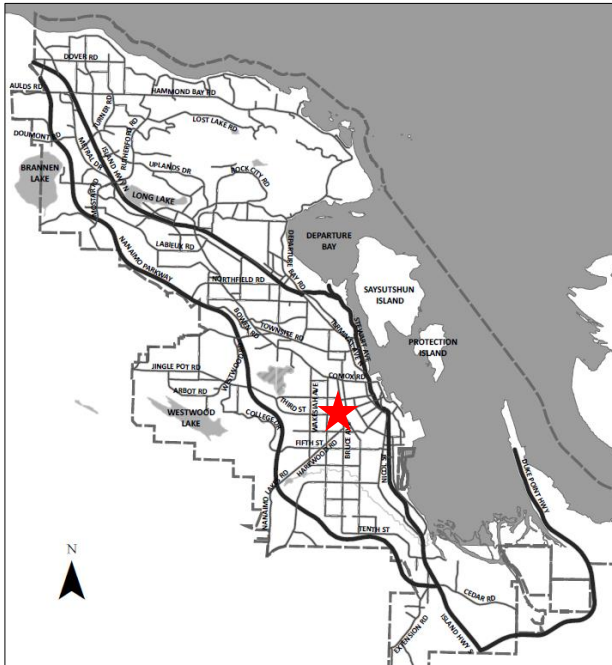


DATE OF MEETING | November 4, 2024

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT | REZONING APPLICATION NO. RA504 – 335 THIRD STREET



**Proposal:**

To allow a multi-family development

**Zoning:**

R1 – Single Dwelling Residential

**City Plan Land Use Designation:**

Residential Corridor

**Lot Area:**

4,874m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone 335 Third Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2024 No. 4500.236” (to rezone 335 Third Street from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
2. “Zoning Amendment Bylaw 2024 No. 4500.236” pass second reading; and,
3. “Zoning Amendment Bylaw 2024 No. 4500.236” pass third reading; and,
4. Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2024 No. 4500.236” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2024-NOV-04 prior to final adoption.

## **BACKGROUND**

A rezoning application was received from Seward Developments Inc., on behalf of T. Hughes Holding Ltd., Michael Gogo, and Dwayne MacIntyre to amend the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone the subject property at 335 Third Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.

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

The subject property is located within the Harewood neighbourhood, east of Downtown, along the Third Street corridor. The southern portion of the lot slopes up from north to south approximately 6m towards the intersection of Wharton Street and Georgia Avenue. The site currently contains a single-family dwelling and accessory buildings while established single residential dwellings, multi-family dwellings, places of worship, and City parkland characterize the surrounding area. The Cat Stream and a wetland are located east of the proposed development, within City parkland, which require a 15.0m leave strip that extends into the northeast corner of the property.

The property is centrally located within walking distance to Downtown, Third Street Park, and Vancouver Island University, as well as other schools and recreational facilities and outdoor amenities. The area is well-serviced by various transit routes and Third Street is expected to undergo utility and complete street upgrades in 2025.

### **Public Notification**

Pursuant to Section 464(3) and 467 of the Local Government Act, a public hearing is prohibited for the proposed “Zoning Amendment Bylaw 2024 No. 4500.236” 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-OCT-24.

## **DISCUSSION**

### **Proposed Zoning**

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family residential development. The COR1 zone allows residential uses and limited number of other uses, including smaller office uses in mixed-use developments. The maximum allowable Floor Area Ratio is 1.00 and the maximum allowable building height is 14.0m, with the opportunity for an additional 4.0m (up to 18.0m) of height where the majority of parking is located under the building.

The conceptual plans submitted with the rezoning application illustrate how the site could be developed with two buildings in four to six-storey building forms, consisting of 56 dwelling units with underbuilding parking. The development concept demonstrates that the COR1 zoning requirements can be met, and the required parking can be provided onsite. The conceptual drawings also demonstrate that there will be no encroachment into 15.0m leave strip, which projects into the northeast corner of the subject property. While variances are not anticipated, this would be confirmed through the design review at the Development Permit stage.

### **Policy Context**

#### *City Plan – Future Land Use*

City Plan identifies the subject property within the Residential Corridor future land use designation, which supports medium-density residential development along urban arterial and collector roads. The Residential Corridor designation supports a mix of building forms, including low to mid-rise residential apartments (three to six storeys). To address the transition of the development to neighbouring properties, the six-storey building is proposed to be built into the existing slope of the site. This results in the development appearing as four-storeys from the properties located south of the development, which are designated Neighbourhood and support four-storey building forms.

Rezoning to COR1 is supported by City Plan and meets the policy objectives of the Residential Corridor designation to allow residential densification near existing commercial areas and employment centres, schools, and recreation opportunities.

The applicant submitted a number of technical assessments in support of the proposed rezoning including an environmental assessment, shadow study, and preliminary servicing reports. Staff have reviewed and accepted the studies. The environmental assessment confirmed that the proposed use and density can be achieved without negatively impacting the leave strip.

#### *City Plan – Mobility Network*

The subject property is along the Third Street corridor, which connects the Downtown Primary Urban Centre to the University Secondary Urban Centre. Third Street is a mobility collector road and a future bus frequent transit line. Primary and secondary active mobility routes are located nearby. Densification in this area would support City Plan goals to increase housing diversity within existing neighbourhoods in close proximity to local services and mobility options.

Through the technical review of the application, it was determined that adequate capacity exists on local roads to accommodate vehicle traffic from the proposed development. Vehicle access to the site is anticipated to be from the intersection of Wharton Street and Georgia Avenue, which are designated as Urban Local roads in Schedule 4 (“Road Network”) of City Plan. This would provide connection to Howard Avenue, Fourth Street, and Bruce Avenue through a diffuse local road network. Providing access from local roads would avoid increasing conflicts on Third Street which is classified as a Mobility Collector. Placing the access on Third Street may negatively impact the proposed future pedestrian crossing and transit stops which are intended to link the Georgia Greenway to the greater mobility network. As a condition of rezoning, additional road dedication will be secured along Third Street and a 3m multi-use trail, complete with lighting and street trees will be secured and constructed within the existing road dedication of Georgia Avenue.

### **Community Consultation**

The subject property is within the area of the Harewood Neighbourhood Association. The application was forwarded to the association. The applicant hosted a Public Information Meeting on 2024-JUN-27 at the Nanaimo Ice Centre, where approximately 11 members of the public attended the meeting. Attendees expressed concerns regarding site access, traffic, building heights, and protection of the Cat Stream, located on the neighbouring property.

### **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 (CAC) as per Council’s *Community Amenity Contribution Policy*. Based on the 2023 rates at the time of application, the anticipated CAC value would be \$41 per m<sup>2</sup> of Gross Floor Area. The applicant is proposing a monetary contribution at this rate, payable at the time of building permit issuance, with 100% directed towards the City’s Housing Legacy Reserve Fund. Based on the proposed concept, this would result in a CAC of approximately \$410,696. Staff note that CAC contributions may be reduced by 50% for market rental dwelling units where the rental tenure of units is secured by a Section 219 covenant, or other legal means to the satisfaction of the City, to be confirmed at the time of detailed design.

Staff support the proposed CAC.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2024 No. 4500.236”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication* – Road dedication to achieve a road width of 14.2m, as measured from the existing constructed centre line of Third Street and 100m<sup>2</sup> square-shaped road dedication at the intersection of Wharton Street and Georgia Avenue, located at the southwest corner of the property.
2. *Off-Site Improvements* – Completion of a multi-use trail within the existing road dedication of Georgia Avenue to the City’s Manual of Engineering Standards and Specification (MoESS standard CS-21) complete with street trees and lighting to be completed through the development of the site.

3. *Community Amenity Contribution* – A monetary contribution equal to \$41 per m<sup>2</sup> of Gross Floor Area with 100% directed to the City’s Housing Legacy Reserve Fund. |

### **SUMMARY POINTS**

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.
- The proposed development is consistent with City Plan policies for the Residential Corridor future land use designation.
- The conceptual plans illustrate two buildings consisting of 56 dwelling units.
- A monetary Community Amenity Contribution is proposed to be directed to the City’s Housing Legacy Reserve Fund.
- Staff support the proposed Zoning Bylaw amendment. |

### **ATTACHMENTS**

ATTACHMENT A: Subject Property Map  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Building Perspectives  
ATTACHMENT D: Shadow Study  
“Zoning Amendment Bylaw 2024 No. 4500.236” |

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning |

#### **Concurrence by:**

Jeremy Holm  
Director, Planning & Development |