

DATE OF MEETING | October 21, 2019 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA419 – 150 ESPLANADE AND 155 FRY STREET** |

OVERVIEW

Purpose of Report

To present Council with an application to rezone the subject properties at 150 Esplanade and 155 Fry Street from Community Corridor (COR3) to Mixed Use Corridor (COR2) in order to allow a mixed-use and residential development. |

Recommendation

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.159” (To rezone 150 Esplanade and 155 Fry Street from Community Corridor [COR3] to Mixed Use Corridor [COR2]) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.159” pass second reading; and
3. Council direct Staff to secure the community amenity contribution should Council support the bylaw at third reading. |

BACKGROUND

A rezoning application, RA419, was received from D-Architecture, on behalf of 0742637 BC Ltd. The applicant proposes to rezone the subject properties from Community Corridor (COR3) to Mixed Use Corridor (COR2) in order to allow a mixed-use and residential development. The properties are part of the “Robin’s Grove” development. Phase 1 of this development, at 104 Esplanade, was completed in 2016. The subject properties were created through a subdivision in 2016 in anticipation of future development.

Subject Property and Site Context

<i>Location</i>	The subject properties occupy the southern portion of the block bounded by Fry Street to the west, Milton Street to the south, and Esplanade to the east.
<i>Total Lot Area</i>	2,210m ² – 150 Esplanade 3,200m ² – 155 Fry Street
<i>Current Zone</i>	Community Corridor (COR3)
<i>Proposed Zone</i>	Mixed Use Corridor (COR2)
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Corridor
<i>Neighbourhood Plan Land Use Designation</i>	South End Neighborhood Plan: Corridor – Mixed Use

The subject properties are located in the South End Neighbourhood. The surrounding area is designated Corridor in the Official Community Plan (OCP), but existing uses are predominantly industrial with some older single residential dwellings nearby. The railway yard is located on the opposite side of Esplanade, to the east. Phase 1 of Robin's Grove, a 14-unit multiple-family residential building, is directly adjacent to the subject properties to the north.

DISCUSSION

Proposed Development

The applicant proposes to rezone the subject properties from COR3 to COR2 in order to facilitate the development of Phases 2 and 3 of the Robin's Grove project. The conceptual plans for the subject properties show approximately 91 units in two buildings consisting of 55 dwelling units with a small amount of commercial use at 155 Fry Street (Phase 2), and 36 dwelling units with no commercial use at 150 Esplanade (Phase 3). An existing third-party easement agreement across 155 Fry Street will maintain vehicular access to 104 Esplanade. Further review of the design through subsequent Development Permit applications will consider form and character, and ensure access to public spaces.

The proposed rezoning does not increase the potential density (maximum permitted Floor Area Ratio) on each lot, but it will allow the development to proceed without providing a significant amount of commercial floor area. The maximum potential base Floor Area Ratio (FAR) in both zones is 1.25, but in the COR3 zone, a minimum of 25% of the Gross Floor Area (GFA) must be dedicated to commercial use in order to increase the base FAR from 0.75 to 1.25. After an economic assessment, the applicant does not believe there is sufficient demand at this time in the area for this amount of commercial space and intends to develop the subject properties similar to the residential scheme in Phase 1 with a smaller commercial component. By rezoning the properties to COR2, the applicant can achieve a 1.25 base FAR without at least 25% of the GFA being devoted to commercial use and instead provide more residential units.

The COR2 zone provides a lesser range of commercial uses than the COR3 zone, but also allows for standalone residential development.

Policy Context

Official Community Plan

The OCP's future land-use designation for the subject properties is "Corridor". This designation supports a mix of residential and commercial uses and target residential densities of 50 to 150 units per hectare, generally in two- to six-storey building forms. Higher-density stand-alone residential uses in the Corridor designation are also supported. The conceptual plans for the subject properties, when considered together with the Phase 1 development at 104 Esplanade, results in a combined density of 116 units per hectare, as the development has been clustered in Phases 2 and 3 to allow tree retention in Phase 1. The OCP also encourages open spaces in the form of urban plazas in Corridor designations. The proposed rezoning meets the intent of the OCP.

South End Neighbourhood Plan

The South End Neighbourhood Plan (SENP)'s land-use designation for the subject properties is "Corridor – Mixed Use". This designation supports a mix of uses in two- to four-storey building forms. The SENP's Public Open Space policies (Section 6.1.2) encourage small-scale public open spaces at key intersections in the neighbourhood and specifically identifies the corner of Milton and Fry Streets for a public open space. The Plan also highlights the need to celebrate the area's history, geography, and environmental features. The proposed rezoning will meet these policies through the provision of a public plaza and art at 155 Fry Street.

Transportation Master Plan

The subject properties are within the 200m buffer of the Downtown Mobility Hub, as identified by the Nanaimo Transportation Master Plan (NTMP). The NTMP supports higher-density uses in the Downtown Mobility Hub and buffers, and notes the grid-like network and proximity to services encourages walkability and alternative modes of transportation. Development within and in close proximity to mobility hubs helps reduce travel demands.

The subject properties are located approximately 600m away from Port Place Mall, which contains a number of amenities and commercial services. The nearest bus route is the #7, which stops approximately 120m away from the site on Irwin Street. Nicol Street, which is 200m away, is designated a future Rapid Bus Transit Corridor (Medium Term) in the NTMP. The transit exchange at 1 Port Drive is also located 600m away, providing a variety of transit options.

Community Consultation

The rezoning application was referred to the South End Community Association (SECA) for comment. SECA responded that they had no objections to the proposed rezoning.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, the applicant should provide a community contribution. Typically, the value of community contributions received for residential projects is at least \$1,000 per dwelling and for commercial projects is at least \$34/m² of GFA. In this case, since the applicant is not proposing to increase the potential density through a rezoning; the maximum permitted FAR is the same in the COR2 and COR3 zones. Therefore, a community contribution is only expected for the difference in the potential number of dwelling units that may be achieved by rezoning from COR3 to COR2. As the COR3 zone would require at least 25% of the GFA to be devoted to commercial use, the yield of residential units is somewhat constrained. By rezoning to COR2, Staff estimate approximately 20 additional dwelling units can be accommodated within the maximum permitted density. The applicant proposes the following community contributions:

1. *Public Plaza*

Through the development of 155 Fry Street, the applicant will provide a public plaza with seating at the northeast corner of Fry and Milton Streets, generally as shown in Attachment D – Conceptual Public Open Space Plan. A public open space at this location is envisioned by the SENP. The conceptual public plaza is significantly larger

than what would be typically be provided through a development. The estimated value of the proposed plaza is \$76,184.

2. *Public Art*

The applicant has proposed to include a feature public art piece in the public plaza at 155 Fry Street. The details of the public art will be determined through a subsequent Development Permit application. Should the rezoning be approved, the applicant has suggested the public art piece could be themed, based on the history of the neighbourhood. The proposed value of the public art is \$20,000.

Staff support the proposed community contributions.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2019 No. 4500.159”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Contribution* – The development of a public plaza with seating at the corner of Fry and Milton Streets with public access secured through a future statutory right-of-way at 155 Fry Street, and a contribution of public art with a minimum value of \$20,000.

SUMMARY POINTS

- The application is to rezone the subject properties at 150 Esplanade and 155 Fry Street from Community Corridor (COR3) to Mixed Use Corridor (COR2) in order to allow a mixed-use and residential development.
- The proposed rezoning does not increase the potential density (FAR) on each lot, but it will allow the development to proceed with less commercial space and more residential units.
- The proposed rezoning meets the intent of the Official Community Plan, South End Neighbourhood Plan, and Nanaimo Transportation Master Plan.
- Community contributions of a public plaza at 155 Fry Street and public art are proposed.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Building Renderings
ATTACHMENT D: Conceptual Public Plaza Plan
ATTACHMENT E: Aerial Photo
“Zoning Amendment Bylaw 2019 No. 4500.159” |

Submitted by:

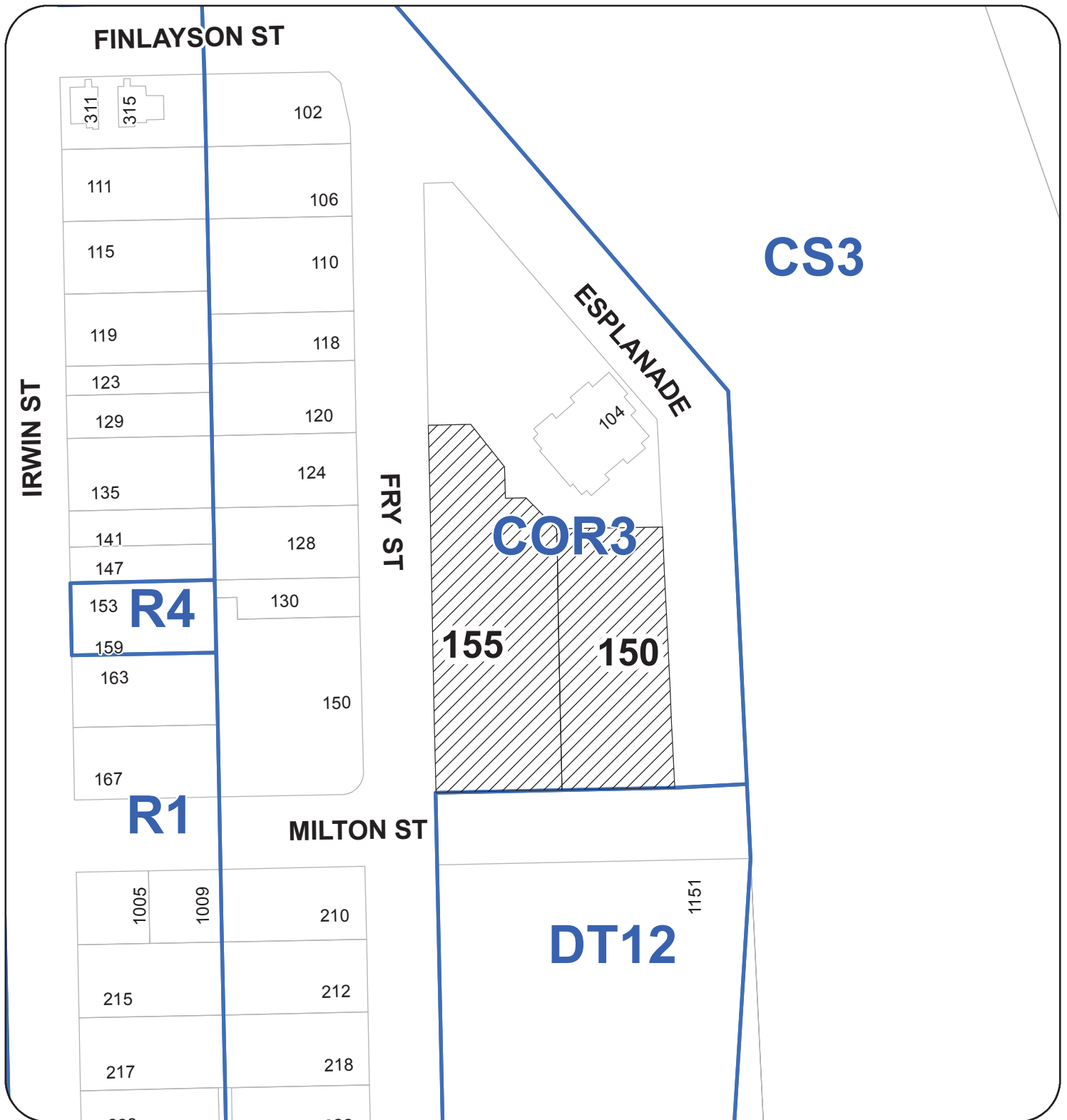
Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

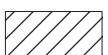
ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000419

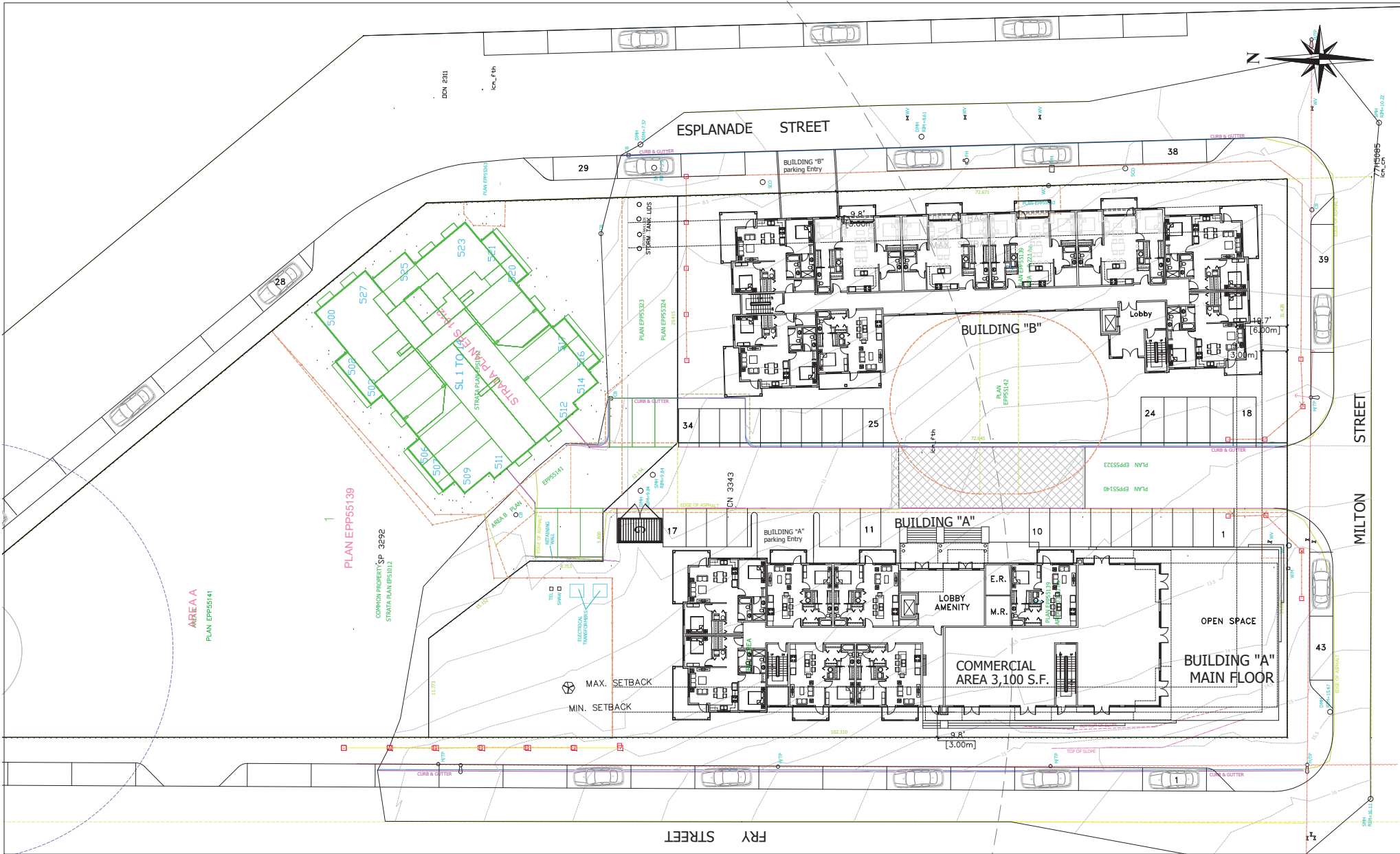
LOCATION PLAN

CIVIC: 155 FRY STREET / 150 ESPLANADE
LEGAL: LOTS 2 & 3 SECTION 1 NANAIMO DISTRICT
PLAN EPP55139



SUBJECT PROPERTY

ATTACHMENT B CONCEPTUAL SITE PLAN



NOTE:
 This drawing is an indication of work to be done on the property. It is not a guarantee of any kind. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The owner is also responsible for ensuring that the work is completed in accordance with the applicable laws and regulations. The architect is not responsible for any delays or costs incurred by the owner due to the owner's failure to obtain the necessary permits and approvals. The architect is also not responsible for any damage to the property or any other loss incurred by the owner due to the work. The architect is only responsible for the design and construction of the work shown on this drawing.

NO.	DATE	REVISIONS



PRELIMINARY

D-ARCHITECTURE
 6377 ICARUS DRIVE, NANAIMO, BC V9Y 1N4
 T: 250-933-1991, E: FIRDZULI@SHAW.CA
 DARYOUSH FIRDZULI ARCHITECTURE INC.

SEAL	CONSULTANT LOGO	SCALE 1/16" = 1'-0"
		DRAWN
		CHECKED
		DATE 21 OCT 18

PROJECT
 155 FRY STREET
 150 ESPLANADE,
 NANAIMO, BC

CLIENT 0742637 b.c. Ltd.
PROJECT NO. 2858

SHEET TITLE
 SITE PLAN

RECEIVED
 RA419
 2019-OCT-01
 COLLECT PLANNING

SHEET NO.
A1.1

REVISION

ATTACHMENT C BUILDING RENDERINGS



D-ARCHITECTURE
6377 ICARUS DRIVE, NANAIMO, BC V9V 1N4
T: 250-933-1991, E: FIRUZLI@D-A.COM
DARYLUSH FIRUZLI ARCHITECTURE INC.

155 FRY STREET
150 ESPLANADE,
NANAIMO, BC



D-ARCHITECTURE
6377 ICARUS DRIVE, NANAIMO, BC V9V 1N4
T: 250-933-1991, E: FIRDOZLI@SHAW.CA
DARYDUSH FIRDOZLI ARCHITECTURE INC.

155 FRY STREET
150 ESPLANADE,
NANAIMO, BC







D-ARCHITECTURE
6377 ICARUS DRIVE, NANAIMO, BC V9V 1N4
T: 250-933-1991, E: FIRDOZLI@SHAW.CA
DARYDUSH FIRDOZLI ARCHITECTURE INC.

155 FRY STREET
150 ESPLANADE,
NANAIMO, BC

ATTACHMENT D CONCEPTUAL PUBLIC PLAZA PLAN

Proposed Location of Public Plaza and Public Art

Key:

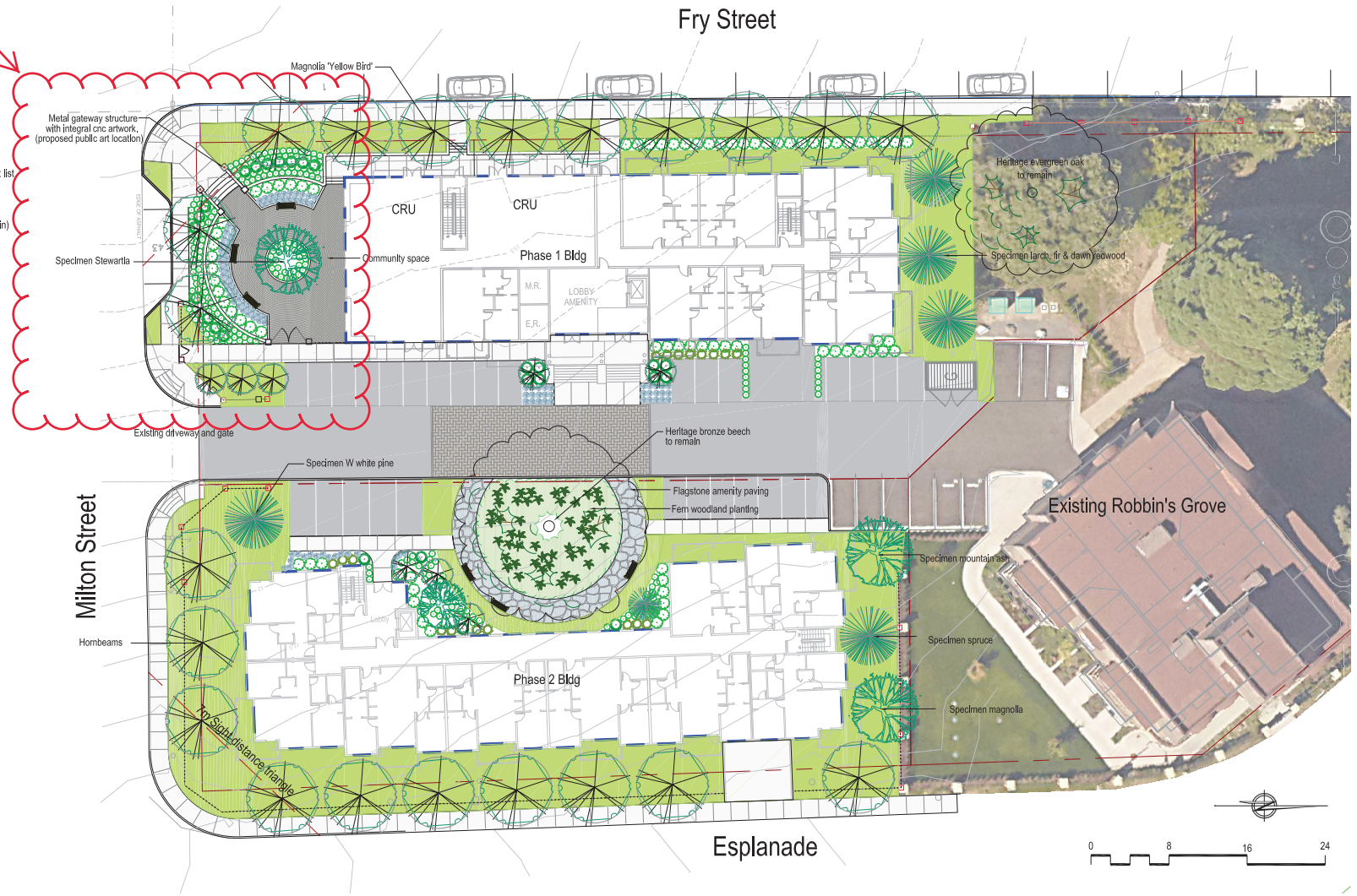
-  Ornamental shrub planting - per plant list
-  Street Tree - as identified (6cm cal min)
-  Specimen conifer - as identified
-  Specimen shade tree - as identified

Candidate Plant List

Trees 6cm cal.
As shown - Street trees @ 8m O.C.
Specimen shade trees - 7cm cal min
Specimen conifers - 3m ht min.
Compact trees - Japanese, paperbark and Amur maples

Shrubs, Perennials, Grasses, Ferns
Medium shrubs (#2-3)
Hardy shrub rose - Rosa meiland 'Bonica' - 1m OC
Goldmound spiraea - Spiraea x bumalda 'Goldmound' - 1m OC
David's viburnum - Viburnum davidii - 1m OC
Compact shrubs (#2-3)
Blue carpet juniper - Juniperus squamata 'Blue Carpet' - 1m OC
Goldfinger cinquefoil - Potentilla fruticosa 'Goldfinger' - as shown
White-blooming heather - Erica diadema 'Flurry' - 0.61m OC
Owl Oregon grape - Mahonia renoosa - 0.61m OC

Perennials, Grasses, Ferns (#1)
Cockle burr - Helianthus annuus 'Lemon Queen' - 0.61m OC
Blue fescue - Festuca ovina 'Elijah Blue' - 0.61m OC
Lavender - Lavandula 'Hiri Blue' - 0.91m OC



Revisions

Date	Details	Init.
30/09/19	Public Art location	JPH
9/11/18	Application for Rezoning	JPH



Robins Grove - Fry Street, Nanaimo Rezoning Application

RECEIVED
RA419
2019-OCT-04



JPH Consultants Inc.
434 Milon Street Nanaimo BC V9R 2L1
Phone: 250-754-6587 Cell: 250-714-6586

Project: 18-Fry-Esplanade
Date: 09/11/18
Drawn: JPH Checked: xx
Scale: 1:200
Sheet: L1 of 1

**ATTACHMENT E
AERIAL PHOTO**



REZONING APPLICATION NO. RA000419



LEGEND

 **SUBJECT PROPERTY**

CITY OF NANAIMO

BYLAW NO. 4500.159

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2019 No. 4500.159".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN EPP55139 (150 Esplanade Street) and LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN EPP55139 (155 Fry Street) from Community Corridor (COR3) to Mixed Use Corridor (COR2) as shown on Schedule A.

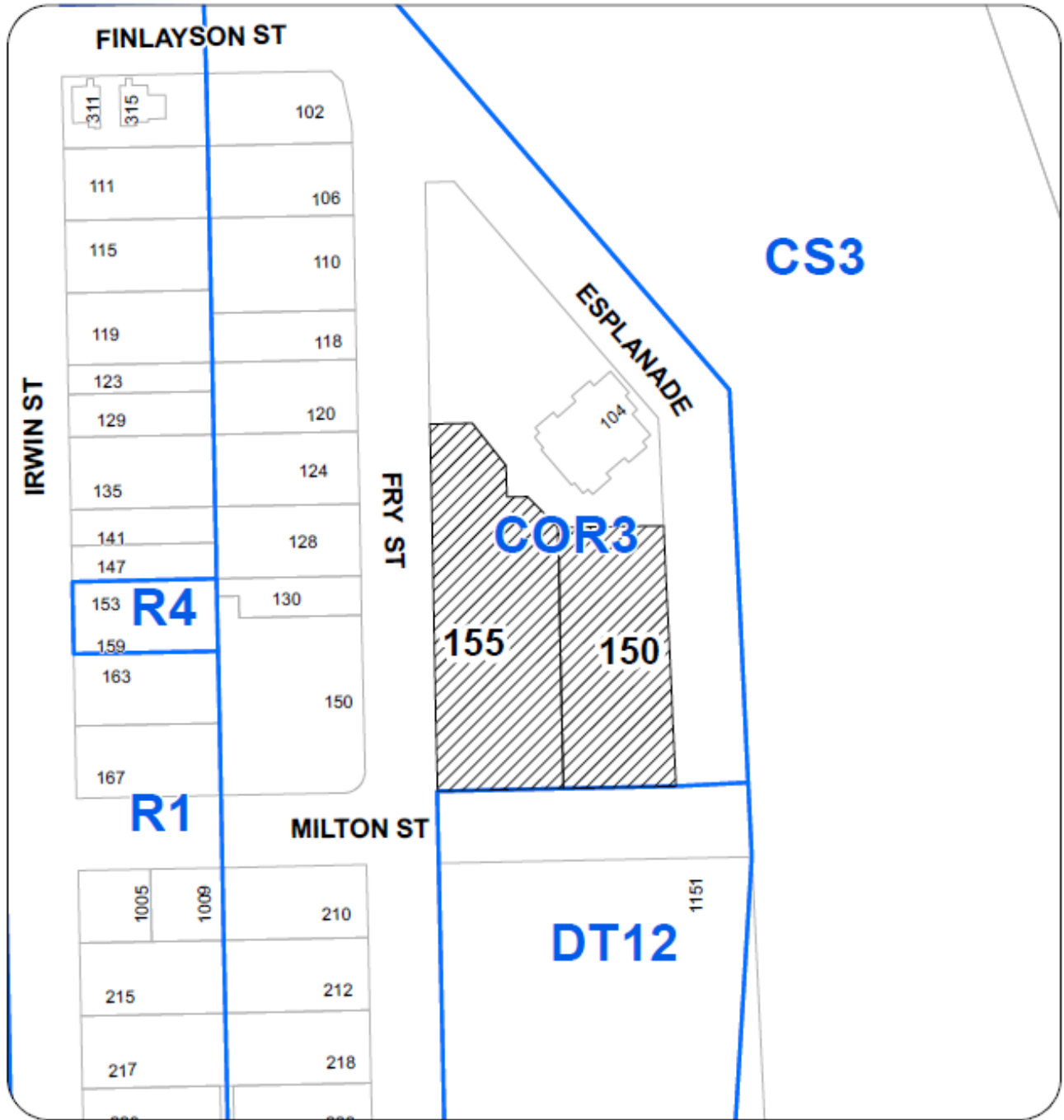
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000419
Address: 150 Esplanade and 155 Fry Street

SCHEDULE A



REZONING APPLICATION NO. RA000419



CIVIC: 155 FRY STREET / 150 ESPLANADE
LEGAL: LOTS 2 & 3 SECTION 1 NANAIMO
DISTRICT PLAN EPP55139



SUBJECT PROPERTY