

DATE OF MEETING | January 13, 2020 |

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**SUBJECT | DEVELOPMENT PERMIT APPLICATION NO. DP1133 –
930 TERMINAL AVENUE NORTH |**

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application for a proposed mixed-use building that will include multi-family residential units, live/work units, and commercial space.

Recommendation

That Council issue Development Permit No. DP1133 at 930 Terminal Avenue North with the following variances to:

- reduce the watercourse setback for St. George Creek from 15m to 7.5m;
- increase the building height from 18.0m to 18.6m;
- reduce the front yard setback from 5.5m to 3.6m;
- reduce the required number of parking spaces from 56 to 54; and
- increase the maximum allowable percentage of small car spaces from 40% to 45%.

BACKGROUND

A development permit application, DP1133, was received from Joyce Reid Troost Architecture, on behalf of Red Hare Realty Development Ltd., in order to permit a mixed-use development at 930 Terminal Avenue North.

Subject Property and Site Context

<i>Zoning</i>	COR2- Mixed Use Corridor
<i>Location</i>	The subject property is located on the east side of Terminal Avenue, immediately north of its intersection with Cypress Street.
<i>Lot Area</i>	2,746m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Corridor Map 3 – Development Permit Area No. 1 - Watercourses; and Development Permit Area No. 9 - Commercial, Industrial, Institutional, Multiple Family, and Mixed Commercial / Residential development

The subject property is currently vacant and the majority of the lot is cleared, with some vegetated areas along the north and east property lines. St. George Creek runs through a ravine to the north of the property. The site is somewhat constrained by the watercourse setback and the unique property shape. The site slopes downhill approximately 4m in elevation from west to east.

Surrounding land uses include the Colonial Motel to the northwest, St. George Ravine Park to the north, and multi-family apartment buildings and single residential dwellings to the south and east. A number of other commercial uses exist in the surrounding area.

DISCUSSION

Proposed Development

The applicant proposes to construct a five-storey mixed-use building with under-the-building parking with the following unit composition:

- 29 multi-family residential units including
 - 11 one-bedroom units (between 51m² and 93m² in floor area);
 - 18 two-bedroom units (between 95m² and 116m² in floor area);
- 3 three-bedroom live/work townhouse units (approximately 153m² in floor area)
- 1 commercial retail unit

The total proposed gross floor area will be 4,090m² including 3,904m² for residential use and 186m² for commercial use. The maximum base Floor Area Ratio (FAR) in the COR2 zone is 1.25 with the option to achieve additional density through the provision of amenities as outlined in 'Schedule D' of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"). Tier 1 under Schedule D allows for a maximum FAR of 1.50 and the proposed development will have an FAR equal to 1.49. The applicant proposes to meet Tier 1 by providing amenities including the following:

- street trees and on-site tree planting to provide 20% more trees than existing condition;
- permeable surfaces to cover over 50% of the property;
- a rain garden;
- educational signage; and
- plumbing features which use 35% less water than the BC Building Code standard.

Site Design

The proposed development utilizes the site's prominent location on Terminal Avenue by including a commercial unit with outdoor patio to accommodate a restaurant or café at the corner of Cypress Street. Under-the-building parking will be provided on two levels, with commercial and residential parking on the upper level and residential-only parking on the lower level. The lower parking level will be primarily underground while the upper parking level will be at-grade and hidden from view at street level by the townhouse units. Vehicle access to the site will be provided from Terminal Avenue at the west side of the building, with an exterior ramp to the lower level. An indoor garbage enclosure will be located on the upper parking level.

Individual entries are provided for the three townhouse units facing Terminal Avenue, while the primary building entrance is identified by a stairway and ramp which connects directly to the sidewalk. The prominence of the four separate pedestrian entryways will add street presence to the building and encourages pedestrian activity along Terminal Avenue.

Building Design

The proposed building's design meets the intent of the Newcastle + Brechin Neighbourhood Plan (NBNP)'s Urban Design Framework and Guidelines, including:

- a strong overall building form with a simple material palette emphasizing natural materials;
- texture, rhythm, and visual interest on large-scale building facades using balconies, awnings, overhangs, and glazing patterns;
- architectural elements and detailing which contribute to the overall building massing; and
- weather protection, landscaping, and architectural detail at the street level to maintain pedestrian-scale and interest for taller building forms.

Building materials include Hardie Panel with stonework to define the lower floors of the townhouse units and the commercial entrance. The townhouse units are further defined by projecting wood elements, which add visual interest to the building, provide separation between the units, and create a visual setback between the lower townhouse units and the upper residential units. All balconies are covered and the corner balconies are recessed and enhanced with a canopy element. The development includes a rooftop amenity space and indoor amenity room for residents.

Landscape Design

A prominent landscape feature on the site will be the hardscape patio to support a potential restaurant or café in the commercial unit at the corner of Terminal Avenue and Cypress Street. The patio area will be accessed from Terminal Avenue by way of a wooden bridge feature over a raingarden, and includes a semi-circular bar seating feature around a rose garden, raised planter beds, and an existing significant arbutus tree to be retained. Three shade trees are proposed along the street frontage in front of the townhouse units. In response to the NBNP, which encourages street furniture, the proposed landscape design includes a bench in front of the building near the principal building entrance.

A private rooftop outdoor amenity space for residents will be provided above a portion of the under-the-building parking on the east side of the building. This rooftop space will include lawn, raised planters, seating, and a covered pavilion. A staircase will provide access from the outdoor amenity space to a private path that will encircle the exterior of the building. The softscape path will connect the drive aisle to the commercial patio. A second raingarden will be located to the rear of the building. The northeast portion of the property will remain in its natural state and will be fenced by a 1.2m-high split-rail fence to protect the riparian area adjacent to St. George Creek.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2019-MAY-23, accepted DP001133 as presented and provided the following recommendations:

- Look at ways to bookend the building at its entry points;
- Consider window placement and uniformity on the building;
- Consider replacing any lost trees with more evergreens;

- Look at continuing the cladding material along the southwest corner;
- Give consideration to providing a green screen on the exposed parkade elevation on the east side;
- Consider the addition of a bike rack near the café space; and
- Consider providing a small refuse/recycling room within or near the café space.

The applicant subsequently revised the application to address the DAP recommendations, including the addition of a green wall on the east elevation and bicycle parking adjacent to the commercial patio.

Proposed Variances

Watercourse Setback

The minimum required watercourse setback from the top of bank for St. George Creek is 15m, as identified in 'Schedule C' of the Zoning Bylaw. The proposed watercourse leave strip setback is 7.5m; a proposed variance of 7.5m.

Development within watercourse setbacks are subject to the Watercourse Development Permit Area (DPA1) guidelines outlined in the OCP. As St. George Creek is not fish-bearing, the provincial Riparian Areas Regulations do not apply and no provincial review is required. An environmental assessment conducted by a Qualified Environmental Professional was provided as part of this application to demonstrate how the proposed development will meet the DPA1 guidelines. As a condition of the Development Permit, permanent fencing and a three-year vegetation management plan will be required.

Staff support the proposed watercourse setback variance as it addresses the DPA1 guidelines and will not result in a negative impact on the riparian area.

Maximum Building Height

The maximum building height in the COR2 zone is 18m where under-the-building parking is provided. The proposed building height is 18.6m; a proposed variance of 0.6m.

The variance will allow the development to include two levels of under-the-building parking while maintaining visual interest for the roofline. The building will maintain a five-storey elevation of approximately 13m to 16m along most of the Terminal Avenue frontage, and the building is articulated to step down with the three-storey townhouses facing Terminal Avenue.

Staff support the proposed building height variance.

Front Yard Setback

The minimum front yard setback for the subject property is 5.5m. This consists of a standard 3m front yard setback, with an additional setback of 2.5m required as the property abuts a major road and road dedication has not yet occurred.

The majority of the proposed front yard setback is greater than 5.5m; however, portions of the building will be as close as 3.6m to the front property line. In order to maintain the 7.5m watercourse setback recommended by the QEP and provide the minimum required parking

aisle width and parking stall depth, the applicant is requesting a front yard setback variance of 1.9m.

The proposed building has steps or landings that project into the front yard setback as permitted by the Zoning Bylaw, but the proposed steps or landings will not project into the 2.5m setback for future major road dedication.

Staff support the proposed front yard setback variance.

Off-street Parking

The minimum required off-street parking for the proposed development is 56 parking spaces. The proposed number of parking spaces is 54, a proposed variance of 2 parking spaces.

The maximum allowable amount of small car parking spaces is 40% of the required parking (22 spaces). The applicant is proposing 45% of the required parking (25 spaces) to be small car parking spaces; a proposed variance of 5% (3 spaces).

The City of Nanaimo “Off-Street Parking Regulations Bylaw No. 7266” (the “Parking Bylaw”) would require 49 parking spaces for the proposed development’s residential component and 7 parking spaces for the commercial component. The commercial parking spaces will be designated in the upper parking level, and 47 residential parking spaces are proposed to be split between the two parking levels. The 47 parking spaces for 32 units will equal approximately 1.48 spaces per unit.

In accordance with the City’s Policy for Consideration of a Parking Variance, the applicant has provided the following rationale:

- The constrained nature of the site limits the amount of parking spaces that can be provided and additionally limits the amount of provided parking spaces that can be full-size stalls.
- The subject property is accessible by public transit and is located on a Rapid Bus Transit Corridor (short-term) as identified by the Nanaimo Transportation Master Plan. The site is also within walking distance of a number of retail and community services, is adjacent to the Cypress Street multi-use trail, is 100m from the E&N Trail, and is 350m from the Waterfront Walkway, providing a range of alternative transportation options for residents.

Staff have reviewed the proposed parking variances and determined they are supportable.

SUMMARY POINTS

- Development Permit Application No. DP1133 is for a five-storey mixed-use building, within the watercourse setback, consisting of 29 residential units, 3 live/work units, and a 186m² commercial retail unit.
- Variances are requested to reduce the watercourse setback, increase building height, reduce the front yard setback, reduce the number of parking spaces, and increase the percentage of small car parking spaces. Staff support the proposed variances.
- The development includes a number of proposed amenities in order to achieve Tier 1 additional density available through 'Schedule D' of the Zoning Bylaw.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site and Parking Plans
ATTACHMENT D: Building Elevations
ATTACHMENT E: Building Renderings
ATTACHMENT F: Landscape Plan
ATTACHMENT G: Schedule D – Amenity Requirements for Additional Density
ATTACHMENT H: Aerial Photo

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