

DATE OF MEETING | September 21, 2021 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT PERMIT APPLICATION NO. DP1200
– 155 FRY STREET |**

OVERVIEW

Purpose of Report

To present for Council's consideration, a development permit application for a mixed-use residential and commercial building at 155 Fry Street.

Recommendation

That Council issue Development Permit No. DP1200 for a mixed-use residential and commercial development at 155 Fry Street with the following variances to:

- increase the maximum allowable building height from 18.00m to 18.87m; and
- increase the maximum allowable percentage of small car parking spaces from 40% to 52%.

BACKGROUND

A development permit application, DP1200, was received from D-Architecture on behalf of 0742637 BC Ltd. to permit a mixed-use residential and commercial development at 155 Fry Street. This proposal will be Phase 2 of the Robin's Grove development. Phase 1 at neighbouring 104 Esplanade was completed in 2016 and Phase 3 is anticipated at 150 Esplanade in the future. The subject property was rezoned on 2021-AUG-30 to the COR2 zone (RA419).

Subject Property and Site Context

<i>Zoning</i>	Mixed Use Corridor (COR2)
<i>Location</i>	The subject property is located on the northeast corner of Fry Street and Milton Street.
<i>Total Area</i>	4,390m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Corridor Map 3 – Development Permit Area DPA No. 9 – Commercial, Industrial, Institutional, Multiple Family, and Mixed Commercial / Residential Development
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines; and South End Neighbourhood Plan Urban Design Framework & Guidelines

The subject property is located in the South End Neighbourhood and is approximately 600m away from the City's downtown core. The property slopes downhill from west to east and has views towards the ocean to the east. The property features a cluster of heritage trees at the

north end of the site that are protected by covenant, and a private easement that crosses the eastern side of the property that is reserved to provide drive aisle access to 104 Esplanade.

The surrounding neighbourhood is designated Corridor in the Official Community Plan (OCP). Existing uses are predominantly industrial with some older single residential dwellings nearby. The railway yard is located one block away to the east. Phase 1 of Robin's Grove to the north contains a four-storey building with 14 residential units.

DISCUSSION

Proposed Development

The applicant is proposing to construct a five-storey mixed-use building with 55 dwelling units and a 161m² commercial retail unit. The dwelling unit composition consists of 37 one-bedroom units and 18 two-bedroom units. The project will include a public plaza with public art at the corner of Fry and Milton Streets, which were conditions of the previous rezoning approval.

The applicant is proposing to achieve a Floor Area Ratio (FAR) of 1.49 through the provision of additional amenities as outlined in 'Schedule D' of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"). The maximum permitted FAR under Tier 1 of 'Schedule D' in the COR2 zone is 1.5. Some of the amenities proposed include:

- Construction to exceed the required BC Energy Step Code by one step;
- Provision of a carshare parking space;
- Street trees; and
- Educational signage regarding tree retention on-site and the carshare program.

Site Design

The proposed building is sited in the centre of the site, with a shared drive aisle accessed from Milton Street to the east of the building to serve the existing building, the proposed building, and the future Phase 3 at 150 Esplanade. A total of 16 surface parking stalls will be provided along the drive aisle on the subject property, and the remaining 46 parking spaces will be provided in an underground parking level, to be accessed from the drive aisle. The total number of required parking spaces will be provided on-site, including electric vehicle parking, accessible parking, visitor parking, and bicycle parking.

A large urban plaza, with public access from the corner of Fry and Milton Streets, will be provided on the south side of the building. This plaza will include a feature public art gateway feature and seating.

Building Design

The proposed building design complements the existing Phase 1 of Robin's Grove and replicates similar historical references. The design contains Victorian architecture elements and includes a prominent mansard roof that wraps around the entire upper level of the building.

A mix of materials will create a strong base and prominent upper level. The ground level and portions of the second level will feature Hardie plank siding as cladding that will mimic the

appearance of bricks. The middle levels will be clad with a smooth-finish Hardie panel wall. The mansard roof will utilize a metal roof system. A series of balconies are proposed to project on all elevations for the residential portions, in addition to inset decks on the upper floor. The commercial component will feature significant ground-level fenestration and will open directly to the accessible public plaza at the corner of the site.

The primary entry to the residential component of the building will be from the drive aisle to the east, and the primary entry to the commercial component will be from Fry Street to the west.

The proposed building design is generally in compliance with the South End Neighbourhood Plan Urban Design Framework and Guidelines. The Neighbourhood Plan envisions up to four-storey buildings; however, the OCP designation (Corridor) supports up to six storeys. The proposed development meets the intent of the OCP and addresses the Neighbourhood Plan design guidelines by including commercial on the ground level with residential use above and stepping the building back above the fourth level.

Landscape Design

The site was previously an arboretum and the proposed landscape design incorporates a number of trees. An existing heritage tree collection has been retained on the Phase 1 property to the north, and a significant copper beech tree to the east will be protected and retained through construction. A specimen stewartia tree in the centre of the public plaza and 11 magnolia street trees are proposed. A grass bioswale is proposed to the north of the building, to be flanked by columnar beech trees. Smaller shrubs will be incorporated around the public plaza, on the north and west sides of the building, and to border the entryway of the building from the drive aisle.

An existing perimeter fence with brick pillars will be continued around the site. A refuse receptacle enclosure is proposed adjacent to the drive aisle, near the property line for Phase 1.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2020-SEP-24, accepted DP1200 as presented and provided the following recommendations:

- Provide garbage enclosure details to Staff;
- Provide site lighting details to Staff; and
- Material choices and textures should reflect Staff comments.

The applicant subsequently provided the garbage enclosure and site lighting details, and revised the building plans with more material differentiation at ground level and along the commercial entry canopy.

Proposed Variances

Building Height

The maximum allowable building height in the COR2 zone where at least 75% of the required parking is provided underground is 18.00m. In the case of the proposed development, 75% of

the required parking will be underground and the proposed building height is 18.87m; a requested variance of 0.87m.

The building height variance applies to the uppermost portion of the roof (see Attachment E) and allows the proposed building to be situated on the sloping site with its commercial retail unit at grade with the public plaza on the high point of the site at Milton Street and Fry Street. The building design also allows for a striking mansard roof to reflect heritage design elements in the neighbourhood and the existing Phase 1 building.

Small Car Parking

The City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” allows for a maximum of 40% of the required off-street parking spaces to be reduced in size to accommodate small cars. A total of 52% of the required parking is proposed to be small car parking spaces.

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

- Given the constraints of the existing on-site drive aisle and required setbacks from property lines, full-size parking stalls can only be accommodated on one side of the underground parking level; and
- The requested variance will result in a development that is consistent with the City’s development guidelines by achieving the majority of parking underground and maximizing private and public amenity spaces on-site.

Staff support the proposed building height and small car parking variances.

SUMMARY POINTS

- Development Permit Application No. DP1200 is for a mixed-use residential and commercial building with 55 dwelling units and one commercial retail unit at 155 Fry Street.
- Variances are requested to increase the building height from 18.00m to 18.87m and to increase the percentage of small car parking from 40% to 52%.
- Staff support the proposed variances.

ATTACHMENTS

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

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services