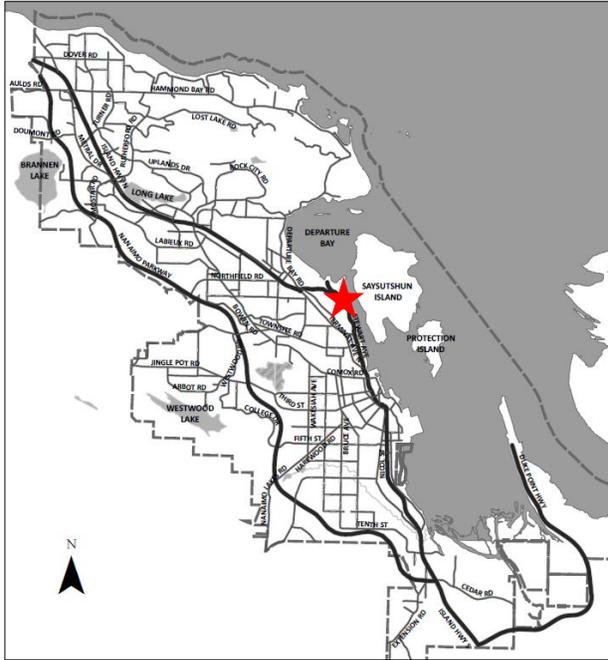


DATE OF MEETING | March 6, 2023 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1269 – 1840
STEWART AVENUE** |



Proposal:

An exterior alteration to existing buildings.



Zoning:

W2 – Harbour Waterfront

City Plan Land Use Designation:

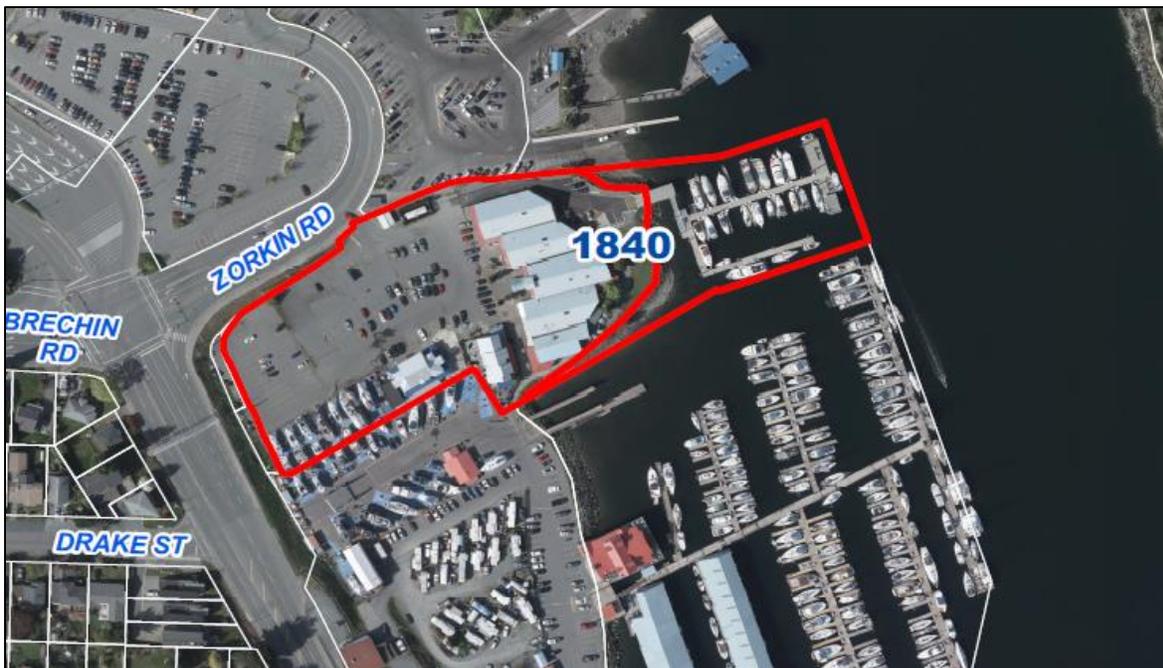
Waterfront

Development Permit Areas:

- DPA1 – Environmentally Sensitive Areas
- DPA3 – Sea Level Rise
- DPA8 – Form & Character

Lot Area:

1.9ha



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application for an exterior alteration to three existing commercial buildings at 1840 Stewart Avenue. |

Recommendation

That Council issue Development Permit No. DP1269 for an exterior alteration at 1840 Stewart Avenue with the variance as outlined in the "Proposed Variance" section of the Staff report dated 2023-MAR-06. |

BACKGROUND

A development permit application, DP1269, was received from Jason Guild, on behalf of 1259713 BC Ltd., for an exterior alteration to three existing commercial buildings at 1840 Stewart Avenue.

Subject Property and Site Context

The subject site is located in the Brechin Hill neighbourhood at the southeast corner of Stewart Avenue and Zorkin Road. The property is a water lease lot from the Nanaimo Port Authority on the Newcastle Channel. The lot is primarily fill below the original boundary of the sea, and there are presently three 2-storey buildings and a marina on the subject site. The existing buildings contain the former Sealand Market with commercial retail units; a pub; and, a boatyard and marine store. The Nanaimo Waterfront Walkway crosses the subject site. The site is relatively flat, and is separated from Stewart Avenue by a grade change of approximately 4m.

The surrounding neighbourhood includes the Departure Bay Ferry Terminal across Zorkin Road to the northwest, industrial uses and the Brechin Boat Ramp to the north, marine commercial and service uses along Stewart Avenue to the south, and residential properties on the opposite side of Stewart Avenue to the west.

DISCUSSION

Proposed Development

The proposed development is for an exterior alteration to the existing buildings, and no increase in floor area is proposed. An existing addition to the main building (Building 1) will be removed, and the renovated building is proposed to include 11 retail or assembly use units. The use for the other two buildings, is not proposed to change. The total gross floor area is 2,135m² and the Floor Area Ratio (FAR) equals approximately 0.11, less than the maximum permitted base FAR of 1.00 in the W2 zone.

The development is exempt from a sea level rise assessment under Development Permit Area DPA3: Sea Level Rise, given that the proposed alterations do not alter the building footprint.

Site Design

The three buildings are sited on the eastern portion of the lot, closest to the sea. A large surface parking lot occupies most of the site, with vehicle access provided from Zorkin Road. The parking lot will be redeveloped and formalized with more functional parking stalls to meeting current City standards. Two new refuse receptacle enclosures are proposed, both to be located near the vehicle entry adjacent to Zorkin Road.

The Nanaimo Waterfront Walkway, which enters the site along the edge of the sea from the property to the south, will continue along the front of Building 1 to connect with the sidewalk at Zorkin Road with lighting to be installed. A concrete walkway will continue around the rear of the building and connect to new outdoor patios and the existing marina. As a condition of the development permit, public access across the Waterfront Walkway will be secured.

Building Design

The existing buildings onsite will be completely re-clad and the exterior building design will be consistent for all three buildings. The building design will highlight the prominent site visible from both the Stewart Avenue / Brechin Road corridors and the Newcastle Channel. Proposed exterior materials include cementitious panels, corrugated metal, aluminum panels, and both cedar and faux-wood plank siding. New front canopies are proposed for all buildings, and Building 1 will include a significant two-storey entryway. Second floor patios are proposed on the rear side of Building 1, and on the front of the boatyard building. Weather protection will be provided for all entries. The selection of exterior materials complements the marine-focused character of the site, and substantially meets the Newcastle + Brechin Neighbourhood Plan Urban Design Framework and Guidelines.

Landscape Design

Landscaping is proposed throughout the new parking area with trees and shrubs within landscape islands. A large entry plaza is proposed in front of Building 1, to include landscaping, benches, and gateway totems. An existing planting area with three trees is proposed to be removed at the rear of Building 1 where outdoor patios will be added, and seven replacement trees will be required. A grass area between the building and the sea will be retained. No landscaping is proposed within the sloping buffer along the street frontages, but improvements are proposed between the parking lot and the slope.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2022-MAY-12, accepted DP1269 as presented with support for the proposed variance. The following recommendations were provided:

- Consider ways to break up the parking area with more plantings and trees;
- Consider enlarging the size of the front plaza at the entry of the building;
- Look at ways to formalize the pedestrian walkways across the site;
- Consider incorporating green roofs to the design where feasible; and,
- Consider working with governing bodies to enhance bank between the parking lot and road.

The applicant subsequently revised the development proposal in response to the DAP recommendations by revising the landscape islands in the parking area (taking into account the location of underground services) and providing formalized walkways through the parking lot. The applicant explored options for a green roof and expanded plaza, but neither were feasible given the design and footprints of the existing buildings. Regarding the slope adjacent to Stewart Avenue, this area is subject to multiple jurisdictions and permissions to complete landscaping within this area has not been obtained.

Proposed Variances

Minimum Marine Foreshore Setback

The City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) requires a minimum 15m marine foreshore setback from the natural boundary of the sea. Two of the buildings already encroach into the 15m setback with Building 1 as close as 4m from the sea; however, these structures are considered existing non-conforming. A variance is required only for the new canopies and columns to the rear of Building 1 which are proposed to encroach as close as 5.7m to the natural boundary of the sea, a requested variance of 9.3m. The new canopies have been proposed in order to revitalize the second floor commercial units and provide decks with the opportunity for views towards the Newcastle Channel.

In addition to the encroachment into the marine foreshore setback, some disturbance to the existing vegetation is proposed within the setback which together trigger the Development Permit Area DPA1: Environmentally Sensitive Areas (ESA) guidelines as outlined in Section 18.1 of the Zoning Bylaw. To address the DPA1 guidelines, the applicant has provided a biophysical assessment prepared by a Qualified Environmental Professional (QEP). An executive summary prepared by the QEP has also been provided (Attachment H). The assessment notes that while some vegetation will be removed (an area 47m²) as part of the site works, there will be a net gain in restored natural areas (an area of 115m²) within the as per the DPA1 guidelines. The QEP assessment has been reviewed and accepted by Staff.

Given the nature of the existing non-conforming buildings and the demonstrated ability to meet the DPA1 guidelines with minimal impact on the existing habitat, Staff support the proposed marine foreshore setback variance.

SUMMARY POINTS

- Development Permit Application No. DP12269 is for an exterior alteration to three existing commercial buildings at 1840 Stewart Avenue.
- The selection of exterior materials complements the marine-focused character of the site, and generally meets the Newcastle + Brechin Neighbourhood Plan Urban Design Framework and Guidelines.
- A variance is requested to reduce the minimum marine foreshore setback.
- Given the nature of the existing non-conforming buildings and the demonstrated ability to meet the DPA1 guidelines with minimal impact on the existing habitat, Staff support the proposed marine foreshore setback variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Building Elevations and Details
ATTACHMENT E: Site Sections
ATTACHMENT F: Building Renderings
ATTACHMENT G: Landscape Plan and Details
ATTACHMENT H: Environmental Assessment – Executive Summary |

Submitted by:

Lainya Rowett
Manager, Current Planning|

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO|