

Staff Report for Decision

File Number: DP001051

DATE OF MEETING April 23, 2018

AUTHORED BY GARY NOBLE, DEVELOPMENT APPROVAL PLANNER, CURRENT

PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1051 -

548 STEEVES ROAD

OVERVIEW

Purpose of Report

To present for Council's consideration, a development permit application for a 24-unit strata townhouse development at 548 Steeves Road.

Recommendation

That Council issue Development Permit No. DP1051 at 548 Steeves Road with the following variance:

• increase the maximum building height from 9m to 10.5m.

BACKGROUND

A development permit application, DP1059, was received from Ellins Architect Inc. on behalf of 0948423 BC Ltd., Alan Steeves, to permit a 24-unit triplex and fourplex strata townhouse development on a previously disturbed parcel of land.

The subject property is located in a newly-established neighbourhood. The parcel was previously rezoned from Steep Slope Residential (R10) to Townhouse Residential (R6) and a conceptual site plan was provided through the rezoning process. The Character Protection Zone is located on the southwest side of the property.

Subject Property:

Zoning	R6 – Townhouse Residential
Location	The subject property is located at the corner of Steeves Road and Marisa
Location	Street, and east of the Nanaimo Parkway.
Total Area	7,735 m ²
	Map 1 – Future Land Use Plan – Neighbourhood
Official	Map 3 – Development Permit Area No. 2 – Environmentally Sensitive Areas
Community	Map 3 - Development Permit Area No. 4 – Nanaimo Parkway Design;
Plan	Development Permit Area No. 9 -Commercial, Industrial, Institutional, Multiple
	Family and Mixed Commercial/Residential Development.
Relevant	Nanaimo Parkway Design Guidelines
Design	General Development Permit Area Design Guidelines
Guidelines	Harewood Neighbourhood Plan



DISCUSSION

Proposed Development

The proposed development consists of a 24-unit, multi-family development including four triplexes and three four plexes all in a townhouse built form. The proposed units have a total floor area of 4,068m² and a floor area ratio (FAR) of 0.55. The maximum allowable FAR is 0.45. The applicant proposes to achieve Tier 1 of Schedule D in Zoning Bylaw 4500 for additional density of 0.1 by incorporating elements of pedestrian connectivity, storm water management, and affordable housing to be secured through a Housing Agreement.

In accordance with Schedule D, Category 7, the Housing Agreement will ensure the following conditions are met:

- At least 10% of the units sold will be sold for at least 20% less than the medium sell price for condominiums, as provided by the Vancouver Island Real Estate Board for the current year, and the units cannot be sold for greater than the original sale price for a period of ten years; and
- 2. Where the units are strata titled or otherwise sold separately, the strata corporation will not restrict the rental of individual residential units.

A future application and bylaw will require Council consideration for approval of the Housing Agreement; and the agreement will be required to be registered on the property title prior to the issuance of a building permit.

Each of the units have three bedrooms, and the 24-unit townhouse composition is as follows:

- Eight "outside" end units 170.6m²
- Six "inside" end units 169.17m²
- Ten "internal" units 168.8m²

Site Design

The proposed site design works with the 15m Rural Parkway – Wooded Character Protection Zone (Nanaimo Parkway Design Guidelines) as well as the 20m Nanaimo Parkway setback for structures in the Zoning Bylaw. The existing urban forest inventory along the Nanaimo Parkway property line meets the landscape material requirements of Rural Parkway – Wooded Zone and actually extends a further 5m in width to correspond with the 20m Nanaimo Parkway setback.

The 20m Tree Protection Zone is not a requirement in the site design or building siting as this width of the site along the Nanaimo Parkway property line has no tree cover.

The "T" internal vehicle access road determines the building clusters' siting. The site design is consistent with the urban design guidelines in the Harewood Neighbourhood Plan. The units are side by side and the architecture achieves a higher density and uses less land with the cluster housing. The proposed units also feature individual ground level rear patios with wooden screens for privacy.

A proposed 3m paved trail connection to the Parkway Trail along the southeast property line provides pedestrian access from Steeves Road to the internal access road (in Phase 1).



An additional 1m-wide walkway for the residents extends from the internal road to the Parkway Trail between Triplex Type A and Fourplex Type C1 (in Phase 3) and to the onsite amenity space. The proposed development includes a children's play area, multiple pedestrian paths, raised planters for resident gardens, and a rain garden at the northeast side.

Building Design

The proposed clustered units include a mix of three-storey triplex and four plex townhouse forms with a residential architectural vocabulary. There are two building designs for each type of housing. The unit massing is broken up and articulated by the clustering of units with staggered building faces and a variety of roof slopes. The articulation continues to the upper floors with changes in colour and materials on the building exteriors. There are three different unit designs that share design elements, but have variations that create unique distinctions and a neighbourhood streetscape. The units are complementary to the character of the adjacent single-family residential homes. Each unit has a single car garage. With the exception of two triplexes, each unit has a driveway apron treated with permeable pavers to accommodate an additional vehicle.

The off-street parking requirement is 39 parking spaces (1.66 parking spaces per unit). The proposed development provides 48 parking spaces, including six visitor parking spaces located at the sides of the triplexes. Given that the proposed units are larger (three-bedroom) units, the excess parking will provide a more appropriate supply of onsite parking.

Landscape Design

Street trees at regular intervals provide a rhythm and canopy for the internal streetscape. Plantings at the front of each unit provide individual entrance displays. The proposed plant palette is both native and ornamental.

The site slopes approximately 2m toward the eastern portion of the site. The building clusters in close proximity to the 20m parkway setback cut into the slope. The cut in the northwest corner of the site requires a stepped retaining wall system to allow for flat at-grade patio areas for individual units. A 1.8m-high solid fence will define the edge of the 20m parkway setback and provide screening from the Nanaimo Parkway.

The proposed landscape plan includes the following key features:

- Storm water retention and non-potable irrigation storage;
- Onsite pedestrian connectivity and to the Parkway Trail; and
- An entrance arbour to the children's play area.

The landscape plan includes features for Tier 1 requirements including public art, a children's play area, and a dedicated garden space. The rain garden addresses storm water management as well as acting as an onsite feature.



Design Advisory Panel Recommendations

The Design Advisory Panel, at its meeting held on 2017-AUG-24, accepted DP001051 as presented, with support for the proposed variance, and provided the following recommendations:

- Consider ways to enhance individual unit entrance ways;
- Consider providing additional site lighting, which will in turn create an improved ambience to the streetscape;
- Find a way to ensure the pedestrian pathway design has priority over site design for vehicle circulation;
- Consider the proposed plantings (trees versus shrubs) along the edge of the pedestrian pathway;
- Look at the proposed tree palette for scale and variety;
- Consider alternatives to enhance the aesthetic of the garage door(s); and
- If the play area is relocated, look at ways to rework the internal site circulation to the new location.

The applicant has provided design solutions to address all of the Design Advisory Panel recommendations.

Proposed Variances

Principal Building Height

The maximum allowable principal building height is 9m. The proposed building height is 10.5m, a proposed variance of 1.5m.

Due to the location of the property and the orientation of the units, it is not anticipated that the proposed height variance will negatively impact surrounding properties.

SUMMARY POINTS

- Development Permit Application No. DP001051 is for a 24-unit strata townhouse development at 548 Steeves Road.
- The proposed development meets the intent of the Nanaimo Parkway Design Guidelines, General Development Permit Area Design Guidelines, and the Harewood Neighbourhood Plan Urban Design Guidelines.
- Staff support the proposed building height variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Site Sections
ATTACHMENT E: Building Elevations



ATTACHMENT F: Exterior Materials

ATTACHMENT G: Landscape Plan and Details

ATTACHMENT H: Building Renderings

ATTACHMENT I: Schedule D – Amenity Requirements

ATTACHMENT J: Aerial Photo

Submitted by: Concurrence by:

L. Rowett D. Lindsay

Manager, Current Planning and Subdivision Director, Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

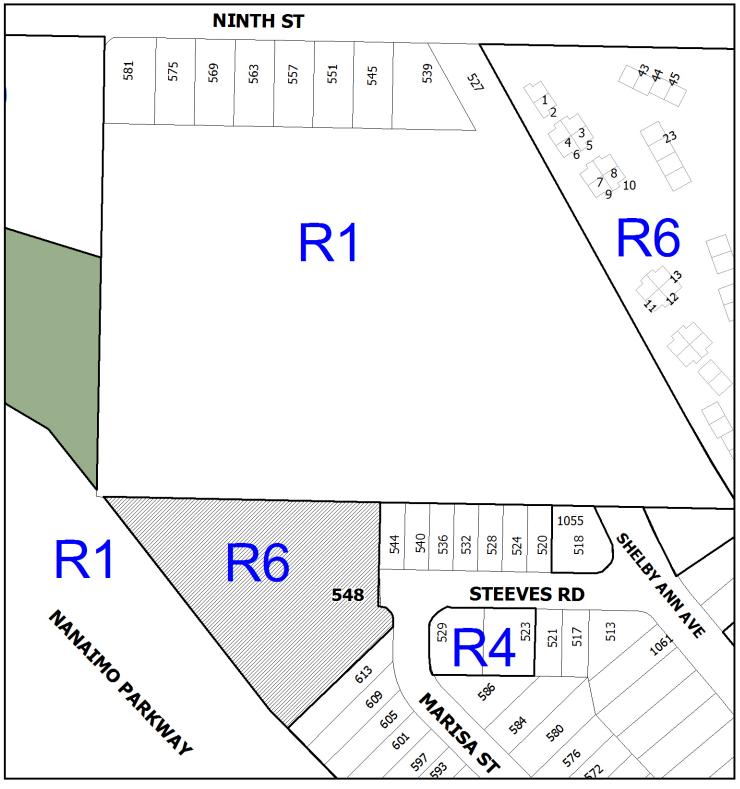
The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby varied as follows:

1. Section 7.6.1 Size of Buildings – to increase the maximum allowable principal building height from 9m to 10.5m.

CONDITIONS OF PERMIT

- 1. The subject property is developed in accordance with the Site Plan prepared by Ellins Architect Inc., dated 2018-MAR-16, as shown on Attachment C.
- 2. The development is in accordance with the Building Elevations prepared by Ellins Architect Inc., dated 2017-JUN-23, as shown on Attachment E.
- 3. The subject property is in general compliance with the Landscape Plan and Details prepared by Topographics Landscape Architecture, dated 2018-MAR-24, as shown on Attachment G.
- 4. The development meets Tier 1 of Schedule D Amenity Requirements for Additional Density as shown on Attachment I.
- 5. A Housing Agreement is entered into prior to the issuance of a Building Permit as per Schedule D as shown in Attachment I.

ATTACHMENT B LOCATION PLAN



DEVELOPMENT PERMIT NO. DP001051

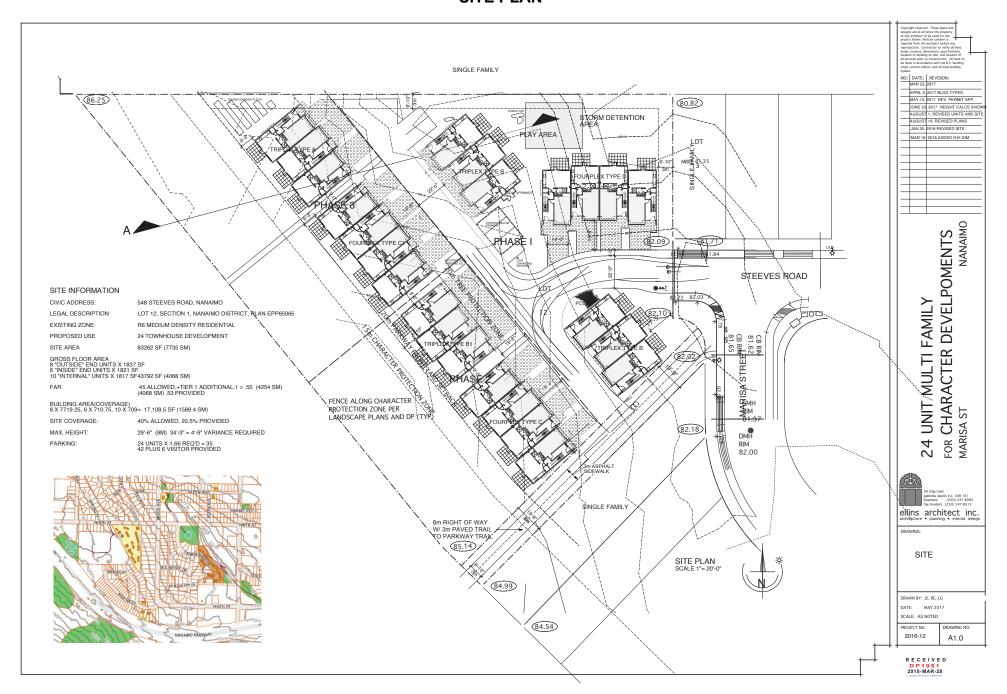


LOCATION PLAN

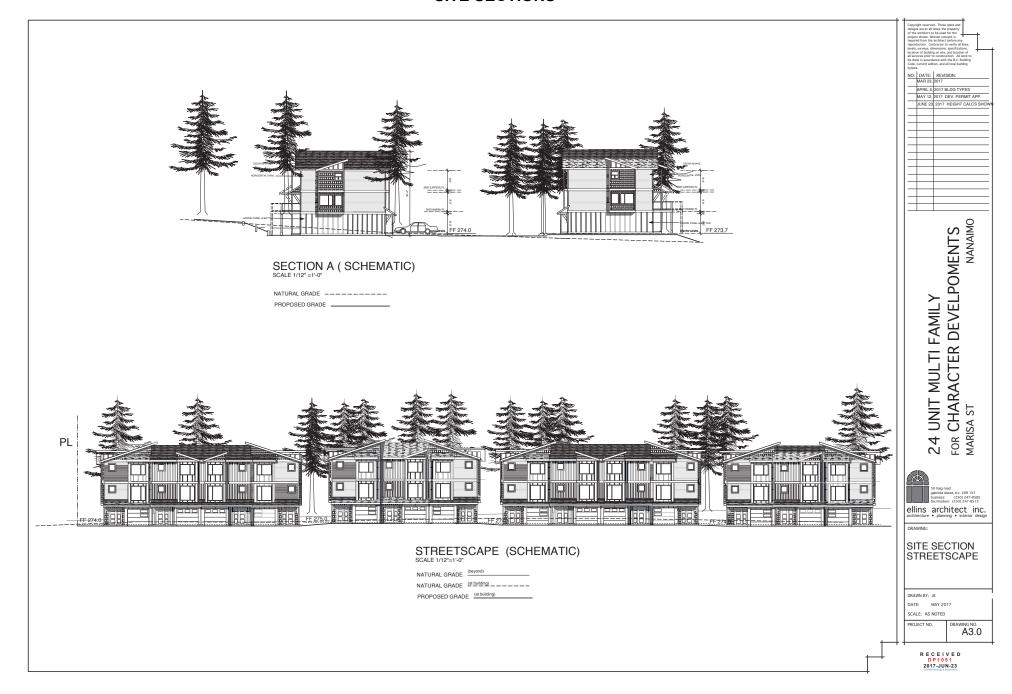
Civic: 548 Steeves Road Lot 12, Section 1, Nanaimo District, Plan EPP65065



ATTACHMENT C SITE PLAN

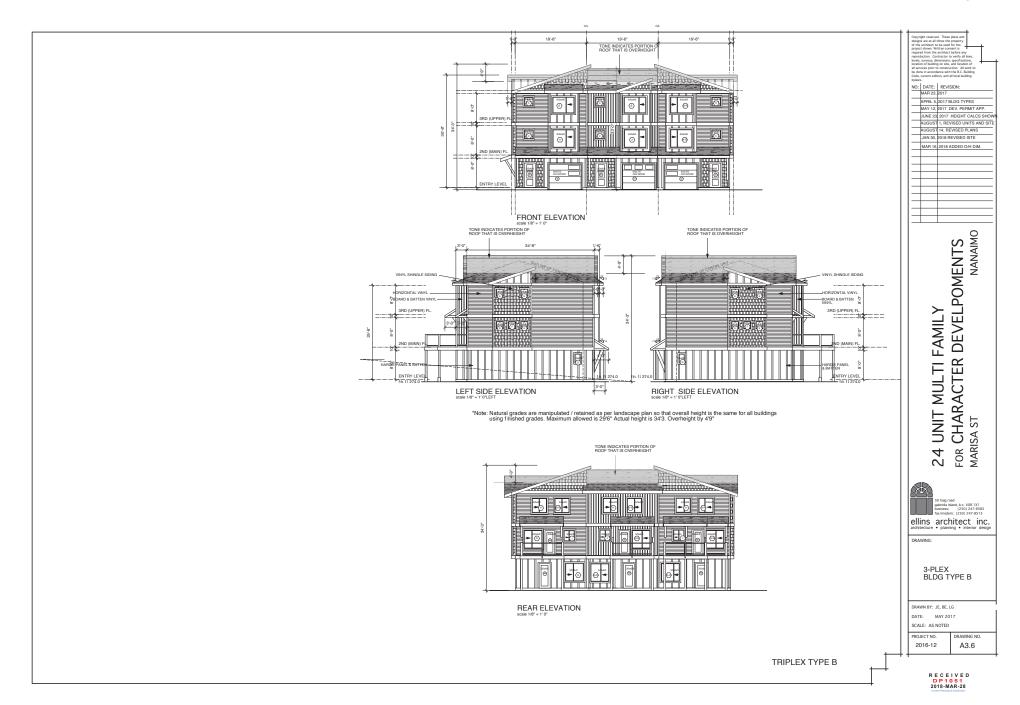


ATTACHMENT D SITE SECTIONS



ATTACHMENT E BUILDING ELEVATIONS









ATTACHMENT F EXTERIOR MATERIALS



ASSPHALT SHINGLE

HORIZONTAL VINYL

BOARD & BATTEN VINYL

VINYL SHAKE SIDING

CEDAR POSTS
& BRACKETS

A BRACKETS

A BRACKETS

ENTRY LEVEL



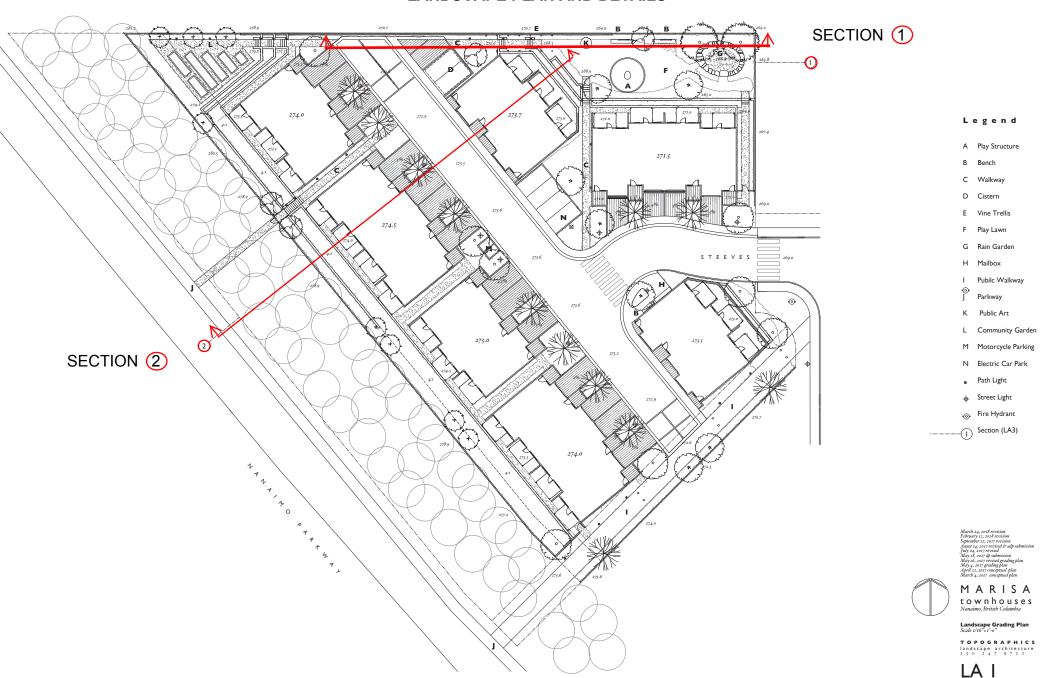


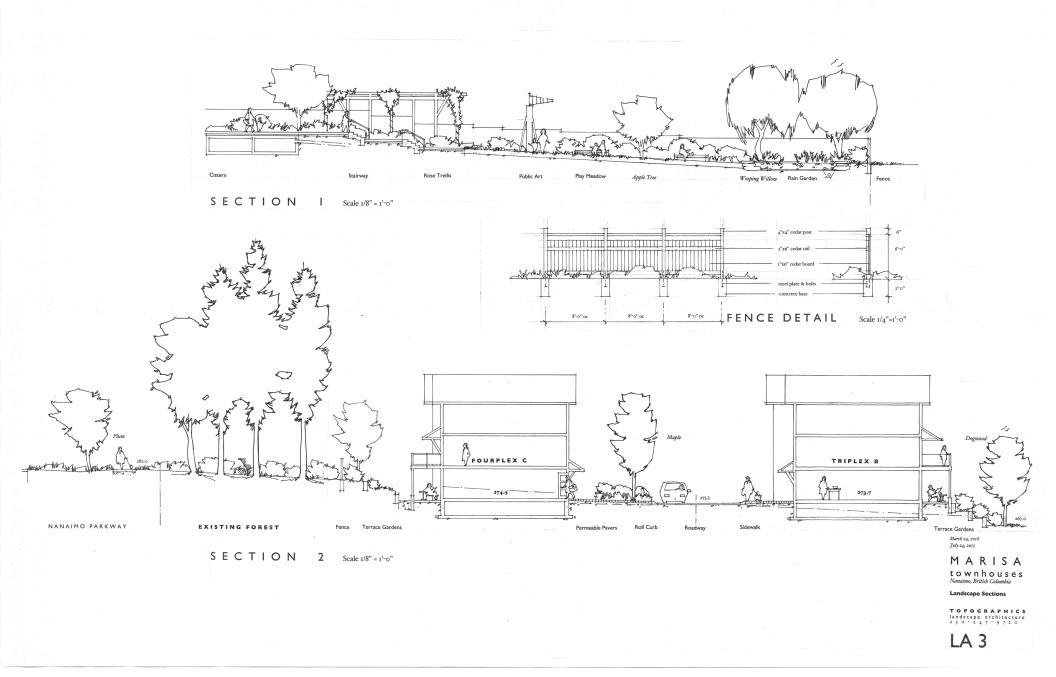
REAR ELEVATION scale 1/8" = 1'0"

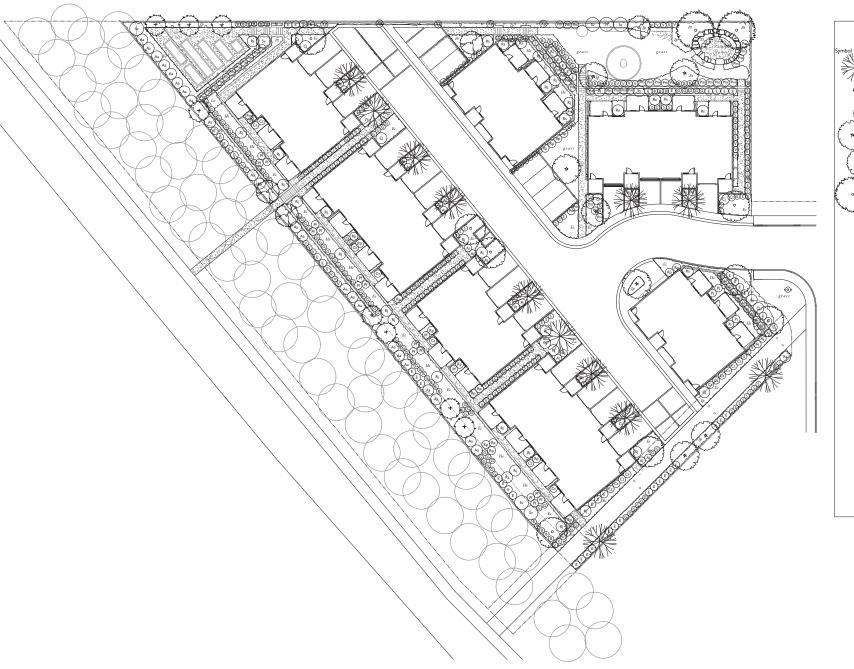




ATTACHMENT G LANDSCAPE PLAN AND DETAILS







PLANT LI	ST	
Botanical Name	Common Name	Size
TREES Acer rubrum October Glory	Red Maple	3" cal
Cornus kousa	Korean Dogwood	2" cal
Malus dolgo	Crabapple	2" cal
Prunus serrulata Shirotae	Flowering Cherry	3" cal
Quercus coccinea	Scarlet Oak	3" cal
Salix sepulcrasis Chyrsocoma	Weeping Willow	3" cal
S H R U B S Amelanchier alnifolia	Saskatoon Berry	#2
Azalea japonica Hino White	Azalea	#2
Blechnum spicant	Deer Fern	#1
Camellia japonica Elegans Champagne	Camellia	#5
Choisya ternata	Mexican Mockorange	#2
Euonymus alatus Compacta	Burningbush	#2
Gaultheria shallon	Salal	#2
Potentilla fruticosa Abbotswood	Cinquefoil	#2
Pieris japonica Forest Flame	Pieris	#5
Polystichum munitum	Sword Fern	#2
Rhododendron Jean Marie de Montague	Rhododendron	#5
Rhododendron Purple Gem	Rhododendron	#2
Rhododendron Snow Lady	Rhododendron	#2
Skimmia japonica	Skimmia	#2
Syringa vulgaris Edith Cavell	Lilac	#5
Vaccinium ovatum	Huckleberry	#2
	-	
Erica carnea Springwood White	Heather Lanunder	4" 4"
Pachysandra terminalis	Japanese Spurge	4"
PERRENIALS Under	to be colouted	
Iris pumilla	Iris	4" 4"
Typha latifolia	Cattail	4"
GRASSES Festuca ovina Glauca	Blue Fescue	4"
VINES Parthenocissus tricuspidata	Boston Ivy	#2
All Plants to meet BCSLA / BCNTA St. Drip irrigation to be provided for all plan	andards nting areas	
	Botanical Name TREES Acer rubrum October Glory Cormus konsa Malus dulgo Prumus serrulata Shirotae @gercus coccinea Salix sepulerasis Chyrocoma SHRUBS Acadea japonica Himo White Blechmun spicant Camellia japonica Himo White Blechmun spicant Comellia japonica Himo White Blechmun spicant Comellia japonica Himo White Blechmun spicant Comellia japonica Himo Posterila Frost Isteme Podystichnun munitum Rhododondrum Parple Gem Rhododondrum Parple Gem Rhododondrum Snow Ludy Shimmia japonica Syringe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Snow Ludy Shimmia japonica Syringe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Snow Ludy Shimmia japonica Springe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Snow Ludy Shimmia japonica Springe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Snow Ludy Shimmia japonica Springe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Snow Ludy Shimmia japonica Springe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Snow Ludy Shimmia japonica Springe vulgari Edib Cavell Vaccinium ocotum Rhododondrum Geman Springe vulgari Edib Cavell Vaccinium ocotum GROUND COVERS Frist carent Springeond White Lacondala agangitish Munited Pachysmata terminalii Petra Pach Social Cavell Vaccinium ocotum GROUND COVERS Frist carent Springeond White Lacondala agangitish Munited Pachysmid Grant Springeond Frist Carent Springeond Rhododondrum Springeond Rhododo	Botanical Name TREES Acter rubrum October Glory Red Maple Germa knuss Korean Dogwood Mahu dolge Geshopple Prumu serralata Shirotase Flowering Cherry Regereus coccines Scarlet Oak Salix sepukrasis Chyrocoma Wesping Willow SHRUBS Analandwier aluffolis Azalea Jopanica Himo White Azalea Genellis aphonica Hegan Champague Cheirya ternata Deer Fern Canellis informational Elegana Champague American Mackium Mochorange Emorymus alatna Compacta Gualtheria shallon Salal Patentilla fractiona Abbotrocood Guaqufuil Priri sipanica Forest Flame Priris Polystichum munitum Sword Fern Rhodulendurun Jean Marie de Mantaque Rhodulendurun Sawar Lady Rhodulendurun Rhodulendurun Sawar Lady Rhodulendurun Rhodulendurun Sawar Lady Rhodulendurun Rhodulendurun Sawar Lady Rhodulendurun Rhodulendurun Skimmia Syringe vulgaris Edith Cavell Lilae Vaccinium ovatum Huckberry GROUNDCOVERS Fers acrava Sprangeood White Levendura sprangeod White Levendura sprangeod White Levendura Sprangeog Harber Levendurun Trip panilis Trip panilis Trip panilis GRASSES Fottus oriniu Glaucs VINES

March 2.4, 2018 revision
February 12, 2018, revision
September 12, 2017 revision
August 14, 2017 revision of adp submission
July 24, 2017 revision
May 16, 2019 aubmission
May 16, 2019 aubmission
May 16, 2017 revision
May 18, 2019 grading plan
April 21, 2017 conceptual plan
March 2, 2017 conceptual plan
March 2, 2017 conceptual plan



MARISA townhouses

Landscape Planting Plan

TOPOGRAPHICS landscape architecture 250 247 9720

LA 2

ATTACHMENT H BUILDING RENDERINGS





ATTACHMENT I SCHEDULE D - AMENITY REQUIREMENTS

Schedule D

Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 60 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

Category 1: Site Selection (10 points required)

	Category 1. Site Selection (10 points required)		
Amenity		Points	
Α	The proposed development is located on a brownfield site.	5	
В	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3	
С	The proposed development is located within 200m of a park or trail network.	1	
D	The proposed development is located within 400m of any of the following: retail store; daycare facility; Nanaimo Regional District transit bus stop; any PRC (Parks, Recreation and Culture) Zoned property; and / or a CS-1 (Community Service One) zoned property. 	1 point each	
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art.	1 point each	
То	tal	20	

Category 2: Retention and Restoration of Natural Features (8 points required)

	Amenity	Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as indentified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
В	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
С	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
Е	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
Н	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
То	tal	16

Category 3: Parking and Sustainable Transportation (10 points required)

A Long term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable. B At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op. C The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property. D The parking area within the proposed development includes at least one electric vehicle charging station. E A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building. F The proposed development includes covered and designated parking spaces for a motorized scooter or plug-in for an electronic bicycle or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces: a) multiple family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and b) non-residential uses: 1 motorized scooter or motorcycle space per 600m² of Gross Floor Area for the first 5000m² plus one space per 1500m² of additional Gross Floor Area.; and a) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle.	Category 3. Parking and Sustainable Transportation (10 points required)		
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		 space per 15 dwelling units; and b) non-residential uses: 1 motorized scooter or motorcycle space per 600m² of Gross Floor Area for the first 5000m² plus one space per 1500m² of additional Gross Floor Area.; and a) a minimum of one electronic plug-in is provided to accommodate at least 	
G A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.		from the adjacent site to which there is access by perpetual easement or right-of-	2
H Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.			2
I The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.			1
Total		20	

Category 4: Building Materials (8 points required)

	Amenity	Points
Α	Wood is the primary building material.	1
В	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
С	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC) Canada.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
Е	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
Н	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
To	tal	16

Category 5: Energy Management (6 points required)

Amenity		Points
A	The project developer has provided all of the following: a) letter from an mechanical engineer or equivalent consultant stating that the project exceeds the ASHRAE 90.1 2010 Energy Standard by 5% or more; and b) letter of credit for 1% of construction costs, prior to the issuance of a building permit, to be returned upon successful provision of all of the above to the satisfaction of the Manager of Building Inspections or designate.	5
В	The proposed developed is certified as a PassiveHouse by the Passive House Institute and meets the following standards: • yearly heating demand ≤ 15 kWh or peak heat demand ≤ 10 W/m² • yearly cooling demand ≤ 15 kWh • building air tightness ≤ 0.6 ACH @50 • excess temp frequency ≤ 10% • primary energy demand ≤ 120 kWh	10
В	The development includes permanent education signage or display(s) regarding sustainable energy management practices used on site.	1
То	otal	16

Category 6: Water Management (8 points required)

Category 6. Water Management (6 points required)		
Amenity		Points
Α	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
В	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
С	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
Е	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
Н	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
То	tal	16

Category 7: Social and Cultural Sustainability (10 points required)

Amonity		
Amenity	<u> </u>	
A least 10% of the residential dwelling units within a building are no greater than 29m² in area.	1	
B At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	3	
C The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	3	
D The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 29m² in area.	4	
E The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2	
F A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2	
G A children's play area is provided.	1	
H A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1	
I The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1	
J The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3	
Total	21	

125 points total

Definitions

ASHRAE 90.1 2010 Energy Standard: means the energy standard for buildings except low rise residential buildings, created and standardized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), to provide minimum requirements for energy-efficient design of buildings.

Brownfield Site: means a previously commercial or industrial property which is an abandoned, idled, or underused where expansion or redevelopment is complicated by environmental contamination.

Carpool Parking Space: means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

Electric Vehicle Charging Station: means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Non-potable Irrigation System: means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

Pedestrian Network: means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

Permeable Surface Area: means any surface consisting of a material that can provide for storm water infiltration.

ATTACHMENT J AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP001051



CITY OF NANAIMO

BYLAW NO. 7258

A BYLAW TO PROVIDE FOR HIGHWAY CLOSURE AND DEDICATION REMOVAL

WHEREAS Council has deemed it expedient to stop up and close to traffic and remove highway dedication of a portion Beadall Road adjacent to 11 Roberta Road East for the purpose of disposing of the land to the adjacent landowner for consolidation with the adjacent landowner's lands; and

WHEREAS all lands and premises immediately adjoining, and in the vicinity of the portion of highway that is stopped up and closed are adequately serviced by well-established highways giving convenient access to all such premises; and

WHEREAS pursuant to Sections 40(3) and (4) and Section 94 of the *Community Charter* the City of Nanaimo has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited for all purposes as "Highway Closure and Dedication Removal Bylaw 2018 No. 7258" (To Provide for Highway Closure and Dedication Removal of a Portion of Beadall Road Adjacent to 11 Roberta Road East).
- 2. That portion of Beadall Road adjacent to 11 Roberta Road East comprising 821.5 m², more or less shown as "Closed Road" on plan EPP80397 prepared by D. G. Wallace, B.C.L.S., a reduced copy of which is attached as Schedule A hereto, is hereby closed to all traffic.
- 3. The highway dedication of that portion Beadall Road adjacent to 11 Roberta Road East referred to in Section 2 is hereby removed.

Bylaw 7258 Page 2

4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

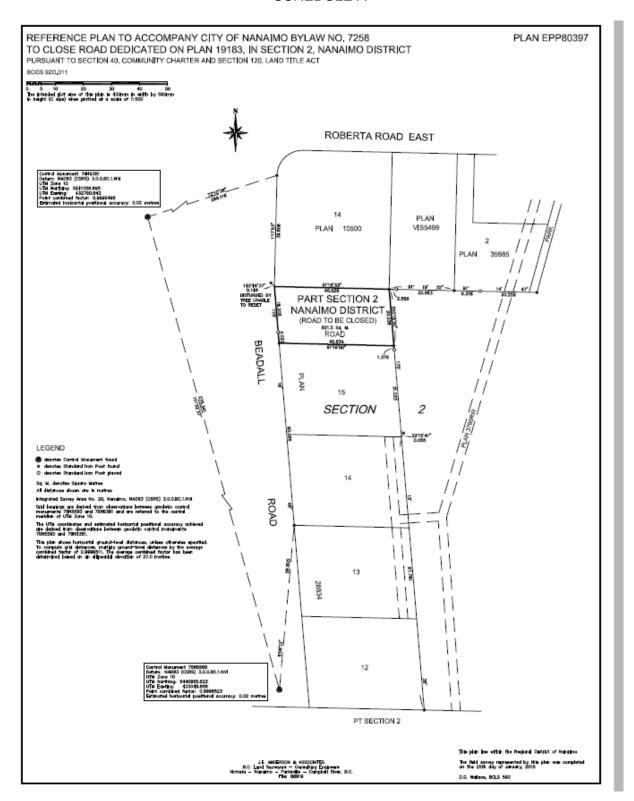
PASSED FIRST READING: 2018-MAR-05 PASSED SECOND READING: 2018-MAR-05

Notice of intention to proceed with this bylaw was published on the 8th day of March 2018 and the 15th day March 2018 in the Nanaimo News Bulletin newspaper, circulating in the city of Nanaimo, pursuant to Section 94 of the *Community Charter*.

PASSED THIRD READING: 2018-MAR-19 APPROVED BY MINISTRY OF TRANSPORTATION: 2018-N ADOPTED	IAR-20
	MAYOR
	CORPORATE OFFICER

File: LD003475

SCHEDULE A



Bylaw 7258 Page 2

 His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

PASSED FIRST READING 2018-MAR-05 PASSED SECOND READING 2018-MAR-05

Notice of intention to proceed with this bylaw was published on the 8th day of March, 2018 and the 15th day March, 2018 in the Nanaimo News Bulletin newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

PASSED THIRD 2018-MAR-19 APPROVED BY MINISTRY OF TRANSPORTATION ADOPTED

Approved pursuant to section 52(3)(a) of	
the Transportation Act	
20,100 day of March_20,10	MAYOR
this day or	
Ministry of Transportation and minus	
1 W/W/	
	CORPORATE OFFICER
File: LD003475	