

DATE OF MEETING | January 13, 2020 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**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 <sup>2</sup>  |
| <i>Official Community Plan (OCP)</i> | Map 1 – Future Land Use Plan – Corridor<br>Map 3 – Development Permit Area No. 1 - Watercourses; and<br>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 51m<sup>2</sup> and 93m<sup>2</sup> in floor area);
  - 18 two-bedroom units (between 95m<sup>2</sup> and 116m<sup>2</sup> in floor area);
- 3 three-bedroom live/work townhouse units (approximately 153m<sup>2</sup> in floor area)
- 1 commercial retail unit

The total proposed gross floor area will be 4,090m<sup>2</sup> including 3,904m<sup>2</sup> for residential use and 186m<sup>2</sup> 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 186m<sup>2</sup> 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

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

# ATTACHMENT A PERMIT TERMS AND CONDITIONS

## TERMS OF PERMIT

“City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.3.1.5 Location and Siting of Buildings and Structures to Watercourses* – to reduce the minimum watercourse setback as measured from the top of bank of St. George Creek from 15m to 7.5m.
2. *Section 9.5.1 and Section 9.5.3 Siting of Buildings* – to reduce the combined minimum front yard setback from 5.5m to 3.6m.
3. *Section 9.7.1 Size of Buildings* – to increase the maximum allowable building height from 18m to 18.6m.

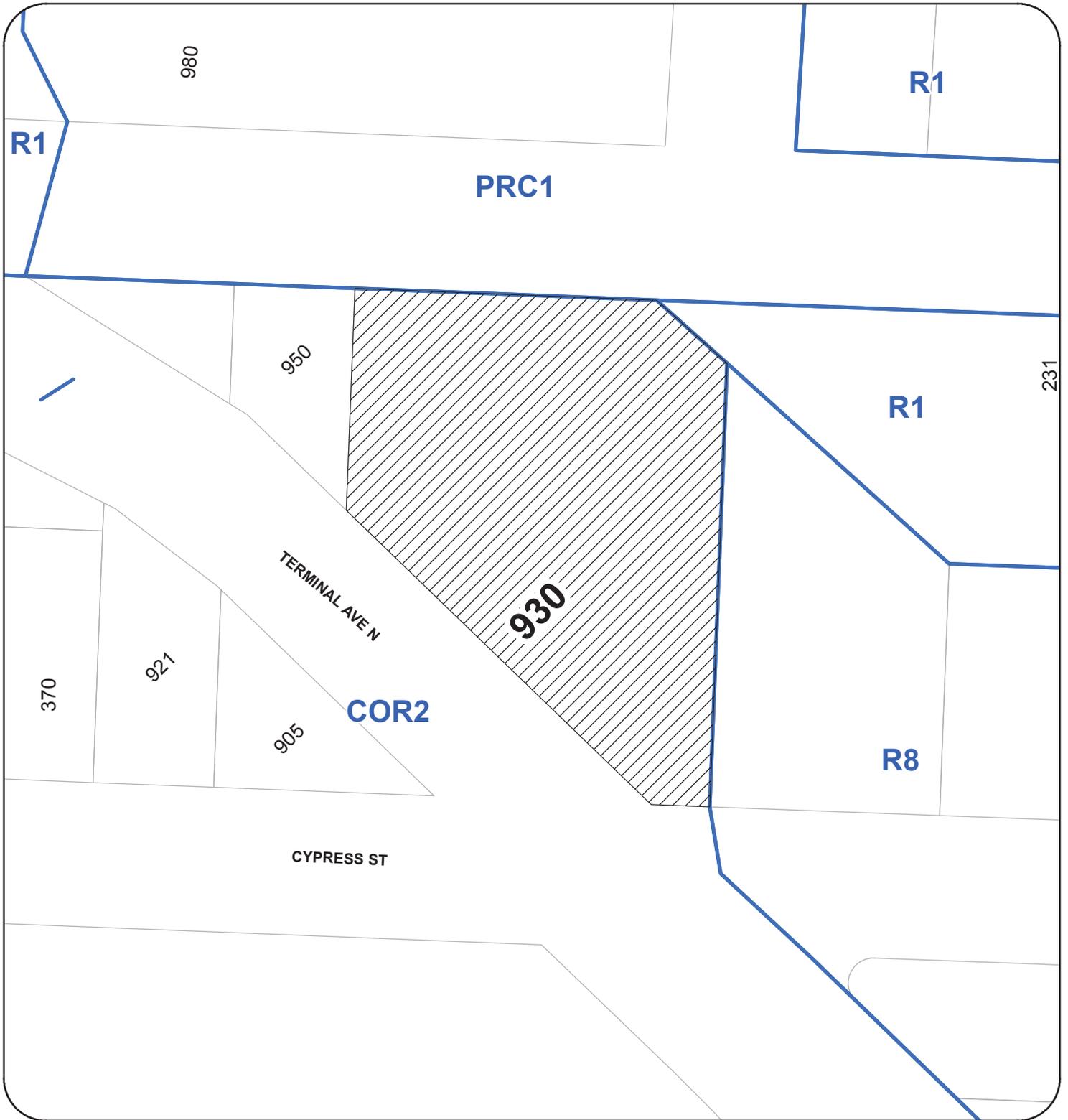
City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” is varied as follows:

1. *Section 4.3 Small Car Spaces* – to increase the permitted percentage of small car parking spaces from 40% to 45%.
2. *Section 7.1 Multiple Family Dwelling Parking Table and Section 7.2 All Other Uses Parking Table* – to reduce the minimum required number of off-street parking spaces from 56 to 54.

## CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Site and Parking Plans prepared by Joyce Reid Troost, dated 2019-DEC-20, as shown on Attachment C.
2. The development is developed in substantial compliance with the Building Elevations prepared by Joyce Reid Troost, dated 2019-DEC-20, as shown on Attachment D.
3. The subject property is developed in substantial compliance with the Landscape Plan prepared by 4 Site Landscape Architecture and Site Planning, received 2019-DEC-24, as shown on Attachment F.
4. Permanent fencing and signage built to City of Nanaimo aquatic setback fence standards to be installed prior to Building Permit issuance, to be located as shown on Attachment F.
5. The subject property is development in accordance with the Schedule D – Amenity Requirements for Additional Density summary, received 2019-DEC-13, as shown in Attachment G and to include the following items:
  - A letter from the coordinating professional submitted prior to Building Permit issuance, outlining how the required items for additional density will be achieved; and
  - A letter from the coordinating professional with accompanying evidence submitted prior to building occupancy demonstrating that the required items have been provided.
6. A Vegetation Restoration Plan with bonding for a three-year maintenance period for the riparian area to be submitted prior to Building Permit issuance.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT PERMIT NO. DP001133

**LOCATION PLAN**

Civic: 930 TERMINAL AVENUE N  
Legal: LOT 1 OF LOTS 96B AND 96G  
NEWCASTLE RESERVE, SECTION 1  
NANAIMO DISTRICT, PLAN EPP80711

N



Subject Property





# ATTACHMENT D BUILDING ELEVATIONS



WEST ELEVATION ALONG TERMINAL AVE



NORTH ELEVATION



JOYCE REID TROOST ARCHITECT ABC  
2015 GLENHUR DRIVE, BC V9B 3M7  
250.714.8141 | jrtarch@jrtarchitects.com

PROJECT NAME:  
**930 TERMINAL AVENUE**

ADDRESS:  
930 TERMINAL AVE  
NANAIMO, BC

CLIENT:  
RED HARE REALTY  
DEVELOPMENT LTD

ISSUE:  
19-02-21 | DEVELOPMENT PERMIT

DATE:  
DECEMBER 13, 2019

DRAWN BY:  
JOYCE TROOST

SCALE:  
SEE DRAWING

DRAWING TITLE:  
ELEVATIONS

SHEET:

**A3-1**

RECEIVED  
DP1133  
2019-DEC-20  
CITY OF NANAIMO



EAST ELEVATION



SOUTH ELEVATION ALONG CYPRESS



JOYCE REID TROOST ARCHITECT ABC  
2015 GLENHIRE DRIVE, BC V9V 3A9  
250.714.8747 jrch@jrchitects.com

PROJECT NAME:  
**930 TERMINAL AVENUE**

ADDRESS:  
930 TERMINAL AVE  
NANAIMO, BC

CLIENT:  
RED HARE REALTY  
DEVELOPMENT LTD

ISSUE:  
19-02-21 | DEVELOPMENT PERMIT

DATE:  
DECEMBER 13, 2019

DRAWN BY:  
JOYCE TROOST

SCALE:  
SEE DRAWING

DRAWING TITLE:  
ELEVATIONS

SHEET:

**A3-2**

RECEIVED  
DP1133  
2019-DEC-20  
CITY OF NANAIMO

# ATTACHMENT E BUILDING RENDERINGS



CORNER OF TERMINAL & CYPRESS

CAFE LOCATED AT CORNER OF TERMINAL & CYPRESS  
OUTDOOR SEATING AREA FOR CAFE



ELEVATION ALONG TERMINAL (FACING SOUTH EAST)



PERSPECTIVE ALONG TERMINAL

TOWNHOMES (3 STOREY)  
POTENTIAL FOR LIVE/WORK SPACE

TOWNHOME STOPS & FRONT DOORS  
LANDSCAPE BUFFER FROM THE STREET

MAIN ENTRANCE LOCATED ALONG TERMINAL AVE.

CAFE LOCATED AT CORNER OF TERMINAL & CYPRESS  
OUTDOOR SEATING AREA FOR CAFE



JOYCE RED TROOST ARCHITECT ABC  
2515 GLENVALE DRIVE, BC V9S 3R9  
250.714.8749 - joyce@jrtarchitects.com

PROJECT NAME:  
**930 TERMINAL AVENUE**

ADDRESS:  
930 TERMINAL AVE  
NANAIMO, BC

CLIENT:  
RED HARE REALTY DEVELOPMENT LTD.

---

ISSUE:  
19-02-23 | DEVELOPMENT PERMIT

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RECEIVED  
**DP 1133**  
2019-DEC-13  
Current Planning

DATE:  
OCTOBER 15, 2019

DRAWN BY:  
JOYCE TROOST

SCALE:  
SEE DRAWING

DRAWING TITLE:  
SITE MODEL

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SHEET:  
**A4-1**



BUILDING ENTRANCE ALONG TERMINAL



TOWNHOME ENTRIES ALONG TERMINAL



EAST ELEVATION



VEHICULAR ACCESS TO 2 PARKING LEVELS

TOWNHOME STOOPS & FRONT DOORS

LANDSCAPE BUFFER FROM THE STREET

MAIN ENTRANCE LOCATED ALONG TERMINAL AVE.

CAFE LOCATED AT THE CORNER OF TERMINAL & CYPRESS

3 & 4 STOREY RESIDENTIAL BUILDING

RECEIVED  
**DP 1133**  
 2019-DEC-13  
 Current Planning



JOYCE RED TROOST ARCHITECT ABC  
 2515 GLENHIRE DRIVE, BC V9S 3R9  
 250.714.8749 - joyce@jrtarchitect.com

PROJECT NAME:  
**930 TERMINAL AVENUE**

ADDRESS:  
 930 TERMINAL AVE  
 NANAIMO, BC

CLIENT:  
 RED HARE REALTY  
 DEVELOPMENT LTD.

ISSUE:  
 19-02-23 | DEVELOPMENT PERMIT

DATE:  
 OCTOBER 15, 2019

DRAWN BY:  
 JOYCE TROOST

SCALE:  
 SEE DRAWING

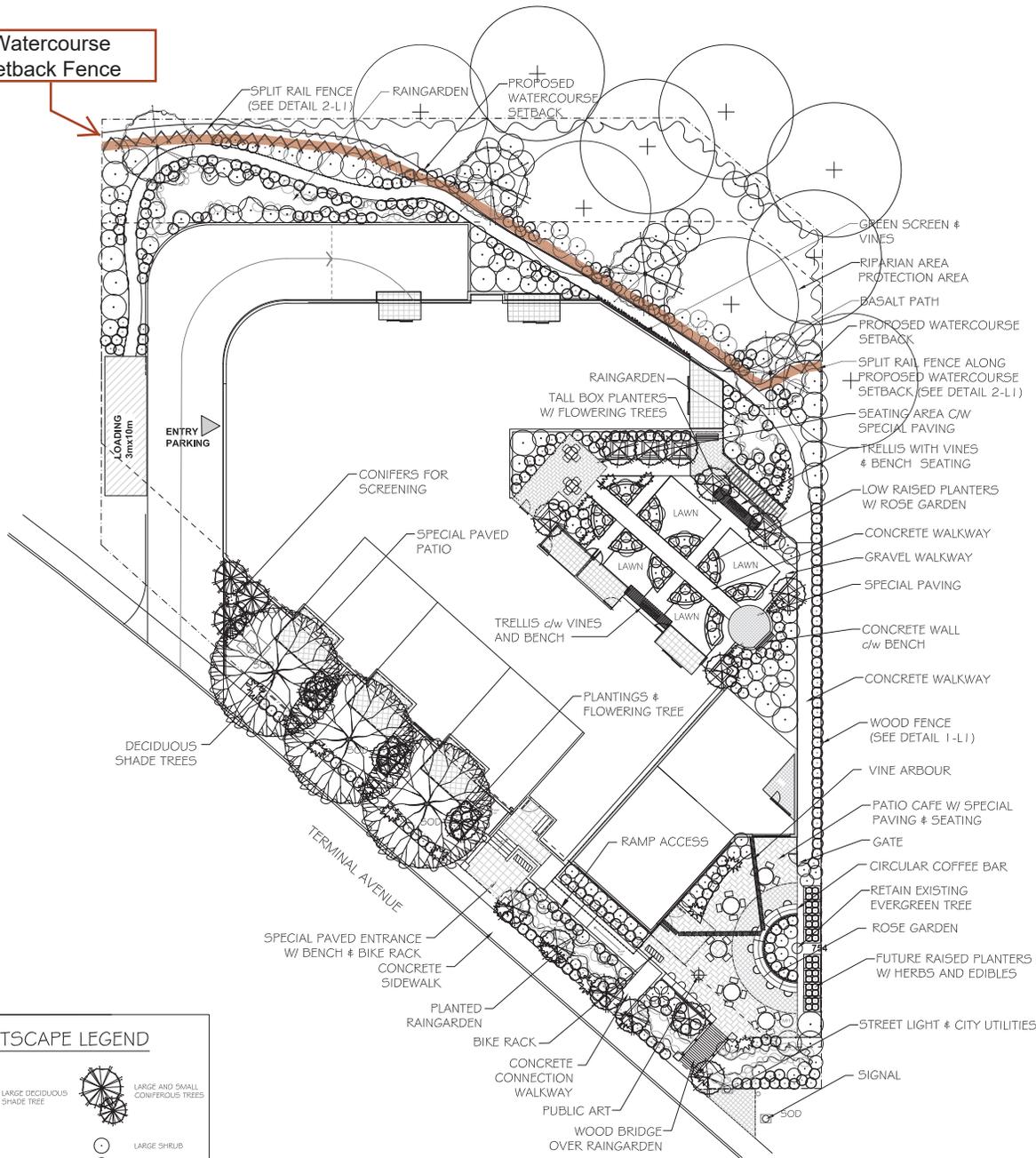
DRAWING TITLE:  
 SITE MODEL

SHEET:

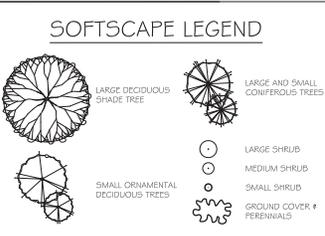
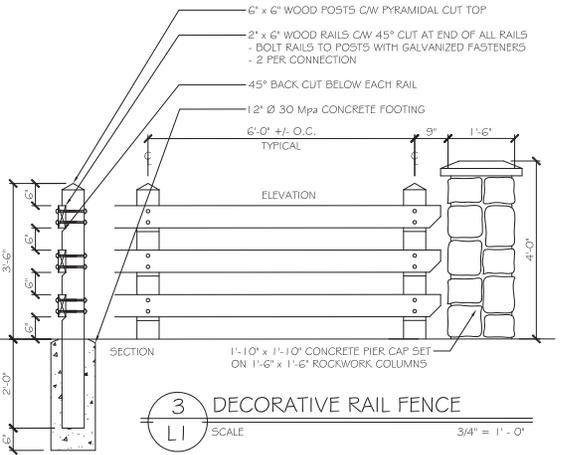
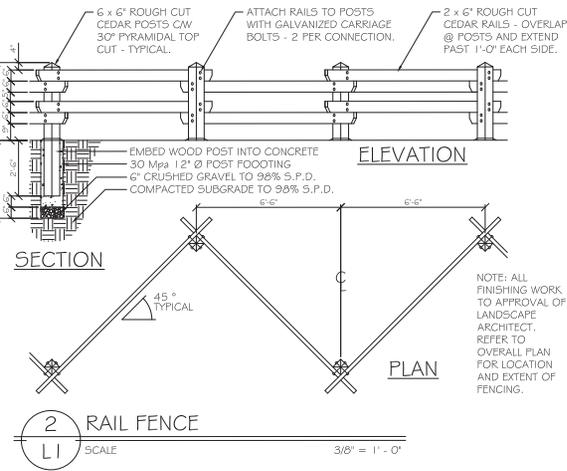
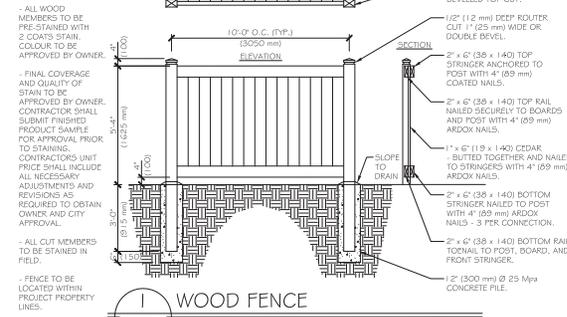
**A4-2**

# ATTACHMENT F LANDSCAPE PLAN

Watercourse  
Setback Fence



NOTES:



**4★SIT**  
LANDSCAPE ARCHITECT AND SITE PLANNING

PROJECT NAME:  
**930 TERMINAL AVENUE**

ADDRESS:  
930 TERMINAL AVENUE  
NANAIMO, BC

CLIENT:  
RED HARE REALTY DEVELOPMENT

RECEIVED  
DP1133  
2019-DEC-24  
Current Planning

DATE:  
DEC 23 2019 (REVISED)

DRAWN BY:  
RFB/F

SCALE:  
1:150

DRAWING TITLE:  
LANDSCAPE CONCEPT PLAN

SHEET:

L1

# ATTACHMENT G

## SCHEDULE D - AMENITY REQUIREMENTS FOR ADDITIONAL DENSITY

980 TERMINAL AVE- DEVELOPMENT PERMIT

03-Dec-19

SCHEDULE D

Category 1: Site Selection (10 points required)

| Amenity      |   | Points       | Used      |
|--------------|---|--------------|-----------|
| A            | The proposed development is located on a brownfield site.   | 5            |           |
| B            | 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            | 3         |
| C            | The proposed development is located within 200m of a park or trail network.   | 1            | 1         |
| D            | The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> <li>retail store; @ MB Mart on Steward Street (400m)</li> <li>daycare facility; @ 679 Terminal Avenue (160m)</li> <li>Nanaimo Regional District transit bus stop; @Cypress (350m)</li> <li>any PRC (Parks, Recreation and Culture) Zoned property; and / or located @ St Andrew Street</li> <li>a CS-1 (Community Service One) zoned property.</li> </ul>           | 1 point each |           |
|              |   |              | 1         |
|              |   |              | 1         |
|              |   |              | 1         |
|              |   |              | 1         |
| 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: <ul style="list-style-type: none"> <li>retail store or public market;</li> <li>daycare facility;</li> <li>Nanaimo Regional District transit bus stop;</li> <li>any PRC (Parks, Recreation and Culture) Zoned property;</li> <li>a CS-1 (Community Service One) zoned property; and / or</li> <li>public art.</li> </ul> | 1 point each |           |
|              |   |              | 1         |
|              |   |              |           |
|              |   |              |           |
|              |   |              | 1         |
| <b>Total</b> |   | <b>20</b>    | <b>10</b> |

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

| Amenity      |  | Points    | Used     |
|--------------|--|-----------|----------|
| A            | The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.  | 2         |          |
| B            | 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         |          |
| C            | 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         |          |
| E            | The proposed development includes street trees.  | 1         | 1        |
| F            | After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.  | 1         | 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         | 2        |
| H            | Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.   | 3         | 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         | 1        |
| <b>Total</b> |  | <b>16</b> | <b>8</b> |

Category 6: Water Management (8 points required)

| Amenity      |  | Points    | Used     |
|--------------|--|-----------|----------|
| A            | At least 50% of the property is covered with a permeable surface area which may include a green roof. (15,163 sf-70%)                      | 2         | 2        |
| B            | The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.         | 2         | 2        |
| C            | A green roof is installed to a minimum 30% of the roof area.   | 3         | 0        |
| D            | A living wall is installed to cover at least 10% of the total available wall area for the proposed project.                                | 2         |          |
| E            | 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         | 1        |
| G            | The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.                          | 2         | 2        |
| H            | The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site. | 1         | 1        |
| <b>Total</b> |  | <b>16</b> | <b>8</b> |

ATTACHMENT H  
AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP001133

Legend

 Subject Property