

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-AUG-11

AUTHORED BY: S. HERRERA, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA335 – 10 AND 28 FRONT STREET

STAFF RECOMMENDATION:

That Council:

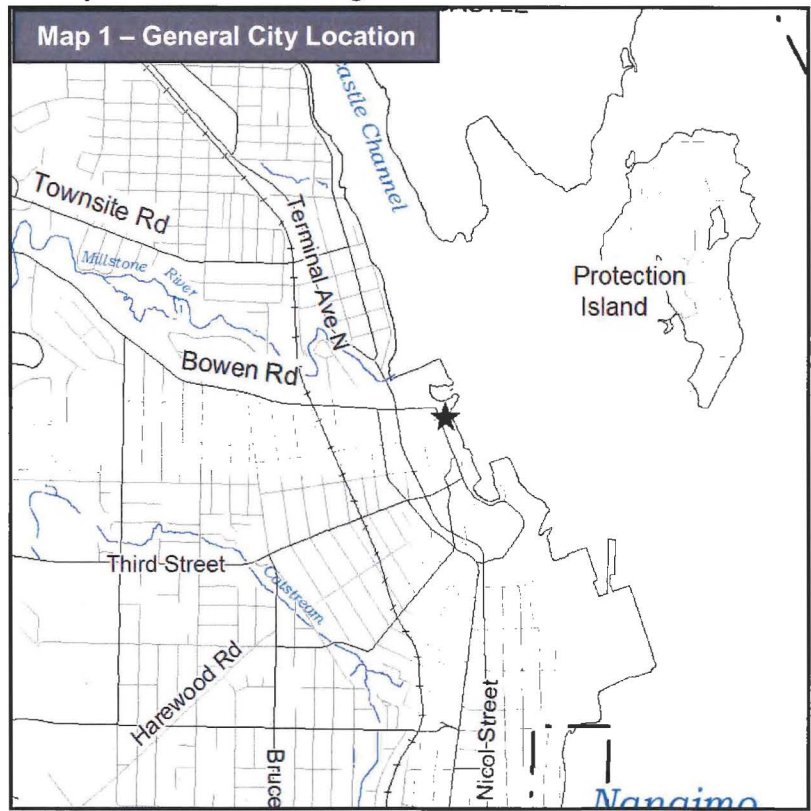
1. receive the report pertaining to “ZONING AMENDMENT BYLAW 2014 NO. 4500.069”; and,
2. direct staff to secure covenants for pedestrian connectivity; bicycle parking; road works; lot consolidation; road dedication and community contribution, prior to the adoption of the bylaw, should Council support the bylaw at Third Reading.

PURPOSE:

The purpose of this report is to present a rezoning application for the properties located at 10 and 28 Front Street for site specific text amendments to the existing Chapel Front (DT5) zone in order to allow for a high-rise hotel development.

BACKGROUND:

The City has received a rezoning application from Mr. John Steil of Stantec, on behalf of Insight Holdings Ltd., for site specific text amendments to the existing Chapel Front (DT5) zone in order to allow for a high-rise hotel development.



Subject Property

Current Zone:	Chapel Front (DT5)		
Official Community Plan (OCP) & Supporting Documents:	Official Community Plan: <i>Downtown Centre Urban Node</i> Nanaimo Downtown Plan: <i>Chapel Front</i> Downtown Urban Design Plan and Guidelines: <i>Chapel Front North</i>		
Proposed Amendments:	DT5 Site Specific Amendments: <ul style="list-style-type: none"> • Increase Building Height to 114.3 m • Increase Density to 12 F.A.R. (Floor Area Ratio) 		
Location:	East side of Front Street, abutting Georgia Park and the waterfront walkway - see Map 1 and Map 2		
Lot Areas:	10 Front Street 1,728 m ² (0.43 acres)	28 Front Street 743 m ² (0.18 acres)	Existing Lane 387 m ² (0.10 acres)
	Total Area = 2,858 (0.71 acres)		

Council
 Committee
 Open Meeting
 In-Camera Meeting
 Meeting Date: 2014-AUG-11



DISCUSSION:

Site and Surrounding Area

The subject properties are located on the east side of Front Street and abut Georgia Park to the north and the waterfront walkway to the east. Abutting the subject properties along the southern property line is a two storey office building and directly across the street to the west is the Chapel Street intersection, a one storey commercial building, a heritage building (Globe Hotel) and the courthouse property. 10 Front Street is a vacant lot that has been left partially excavated (the result of the previous development not moving forward). 28 Front Street currently contains a vacant building, previously occupied by Tom Brown's Auto Body, which is listed as a heritage building.

Official Community Plan (OCP)

The subject properties are located within the Downtown Centre Urban Node of the Official Community Plan (OCP). The Downtown Centre is described as the primary Urban Node in the city that shall remain the civic heart of Nanaimo, and be a welcoming place for residents to work, live, and visit. High-rise building forms, including residential densities above 150 units per hectare are supported in the downtown. The node recognizes that tourism plays a role in this area. In addition, this node speaks to public gathering places that should be provided (in a diversity of plazas and open spaces) for residents and visitors.

Nanaimo Downtown Plan

The site is located within the Chapel Front character area of the Nanaimo Downtown Plan. This character area supports high-rise development that should not impact the public view corridors identified in the plan. Land use in the Chapel Front character area is described as Residential/Office/Retail.



Staff is of the opinion that the proposed rezoning complies with the intent of the OCP and the Nanaimo Downtown Plan.

For information relating to the *Downtown Urban Design Plan and Guidelines* see the 'Proposed Development' section.

Chapel Front (DT5) Zone and Proposed Amendments

The DT5 zone provides for higher density residential developments and compatible office, retail, cultural, recreational, service and institutional uses. As outlined in the Nanaimo Downtown Plan, Council may consider rezoning to achieve higher density, including high-rises. One of the subject properties, 10 Front Street, was rezoned in 2004-NOV-15 to allow for a 25 storey high-rise residential building.

In order for the hotel development to move forward, site specific amendments to the existing DT5 zone are being requested by the applicant. The table below summarizes the existing zoning and the proposed amendments for each of the subject areas:

Property	Existing			Proposed
	10 Front Street	28 Front Street	Lane	Consolidated Property
Area	1,728 m ² (0.43 acres)	743 m ² (0.18 acres)	387 m ² (0.10 acres)	2,858 (0.71 acres)
Zone	DT5	DT5	DT5	DT5
Hotel, Restaurant, Retail, Lounge, and Financial Institution	Permitted Uses	Permitted Uses	n/a	Hotel Development
Maximum Building Height	74.5 m	19.8 m	n/a	114.3 m
Density (F.A.R.) Floor Area Ratio	6.4	2.3	n/a	12

Proposed Development

The applicant is proposing to consolidate the properties (including the abutting lane) and is requesting site specific amendments to the Chapel Front (DT5) zone to construct a hotel development. The hotel is 32 storeys from Front Street including a 6 storey mid-rise component, on a 2 storey podium. The subject properties slope down from Front Street towards the waterfront and public seawall. The design of the building takes advantage of the sloped site with 3 additional floors below the Front Street level. As such, the view from the waterfront is that of a 35 storey building. The development includes a variety of uses:

- Hotel with 303 rooms
- Health club and wine club
- 2 restaurants and 1 bar/cafe
- 8 Commercial rental units: 6 along waterfront and 2 along Front Street

Pedestrian Connectivity from Front Street to Waterfront

The design of the site grounds and corresponding indoor facilities will allow for pedestrians and the general public to flow between Front Street and the waterfront walkway. A public entrance off of Front Street will be located on the southern portion of the lot frontage where the ground floor abuts the sidewalk (rather than having to enter the porte cochere where the hotel guests will be arriving). The public entrance along Front Street will serve to invite the public through the building where they can use the elevator or the glass atrium staircase to go down to the waterfront level.

Parking and Loading

The subject properties fall within the 'Downtown Specified Area' of the Parking Bylaw, which is an area that exempts commercial developments from providing parking. As such, the proposed hotel does not require on-site parking. However, one level of underground parking is proposed and will provide 59 on-site parking stalls. The applicant has indicated that the Hilton's standard requires the

hotel to have additional parking, therefore the applicant is attempting to secure additional parking within the vicinity which would form part of their valet service.

Commercial loading is proposed to be provided via a park lease area which will allow vehicles to access the north side of the building. A variance will be required for the loading bays as the current bylaw requirement based on floor area is 7 loading bays. Staff is supportive of a variance for the loading bays, which would be considered through the Development Permit application.

Passenger buses are expected to load and unload at the front of the building within the port cochere. To date, the applicant has demonstrated that one bus can be accommodated within the port cochere. As the hotel development is based on an international tour market, staff anticipates that additional loading for passenger buses would be necessary. Therefore, the applicant will need to identify, at the Development Permit stage, one additional bus loading space. Options may include the commercial loading area, on-street, or off-site staging.

The proposed development concept plans are illustrated below in Figures 1-14.

Downtown Urban Design Plan and Guidelines

The 'Chapel Front North' study area, within the Downtown Urban Design Plan and Guidelines, provides for urban design strategies to be considered when redeveloping in this area including:

- A distinguishing character in this particular area is the waterfront.
- Landmark buildings at 10 Chapel Street should be a minimum of 6 storeys.
- Properties fronting Georgia Park to be developed to provide public amenity from park side.
- The public realm should be defined here by continuous building street wall that should be approximately 5 storeys in height.
- Residential towers can achieve the same continuous street-edge with a base or podium of this height.
- Tall Buildings are supported in this area, however, there is no maximum building height specified in the guidelines, and it is recognized that rezoning for tall buildings will be required on a site specific basis. A summary of the tall building guidelines are below.

Guideline Item	Guideline Specification	Proposed Hotel	
Minimum Lot Area	2787 m ²	2,858 m ² (including lane closure)	
Tower Setbacks	4.6 m for all yards	Front Yard	0 m
		Side Yard (South)	39 m
		Side Yard (North)	4.5 m
		Rear Yard	0.3 m
Separation Between Towers	30.5 m	40 m from 1 Chapel Street (Seacrest) 78 m from 38 Front Street (Pacifica)	
Tower Floor Plate: Maximum Area Maximum Depth and Width	595 m ² 24.4 m	776 m ² Depth: 28.11 m Width: 31.68 m	

The design guidelines are further reviewed at the Development Permit stage and variations to the guidelines will be considered at that stage in the process.

Figure 1 – Concept Site Plan

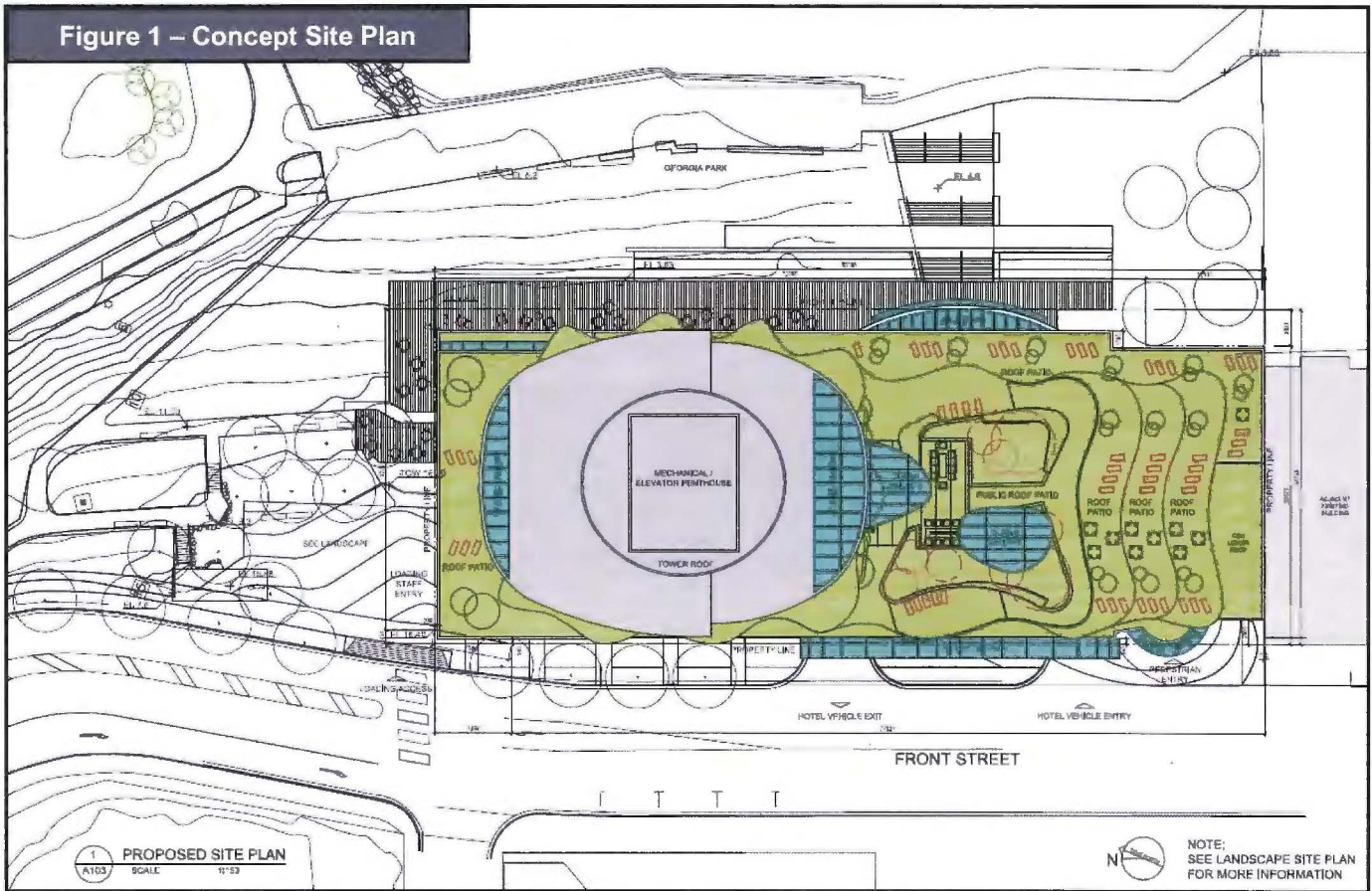


Figure 2 – Ground Floor off of Front Street

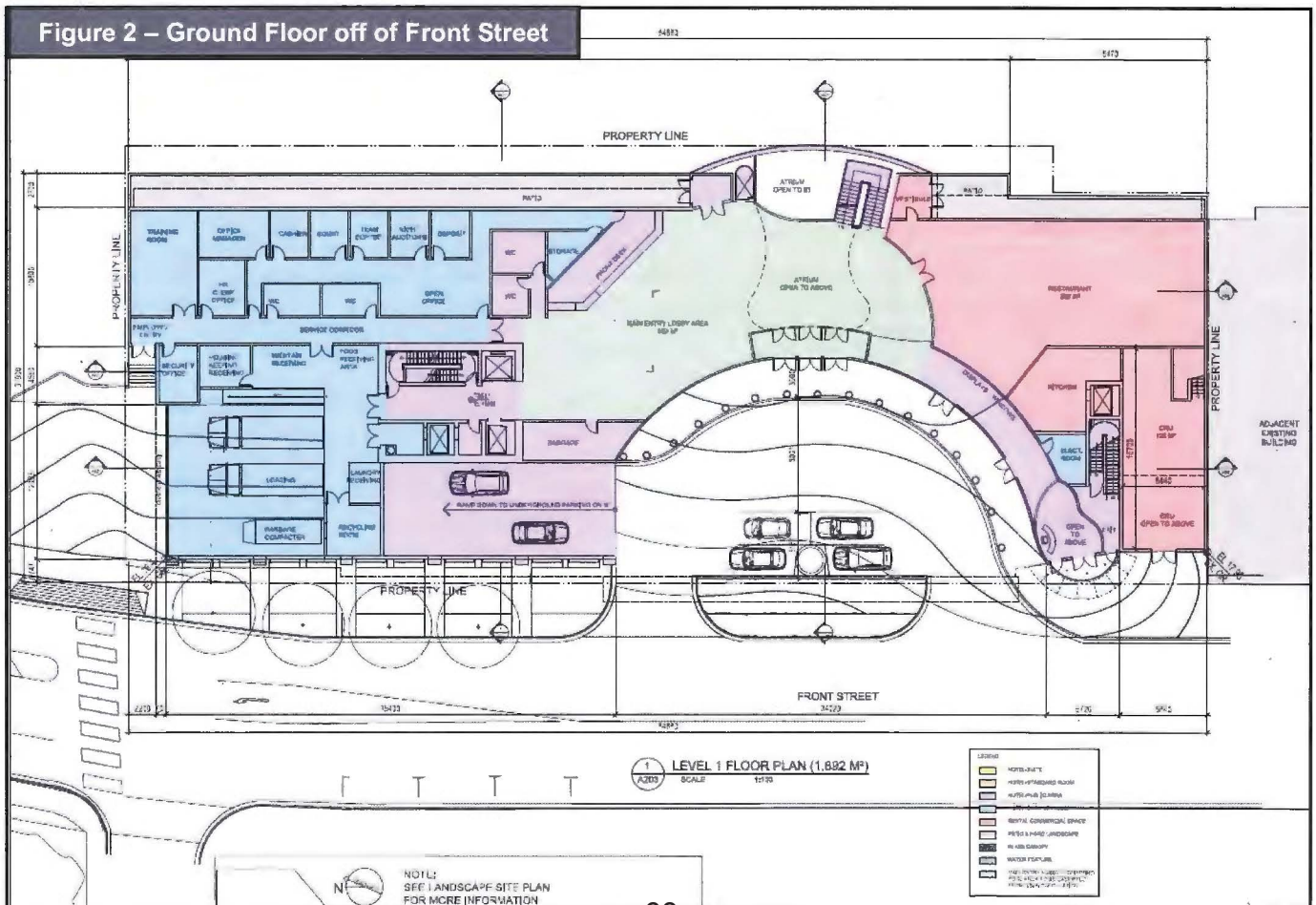


Figure 3 – West Elevation Colour Rendering (facing west towards Front Street)



Figure 4 – East Elevation (facing west towards Front Street)

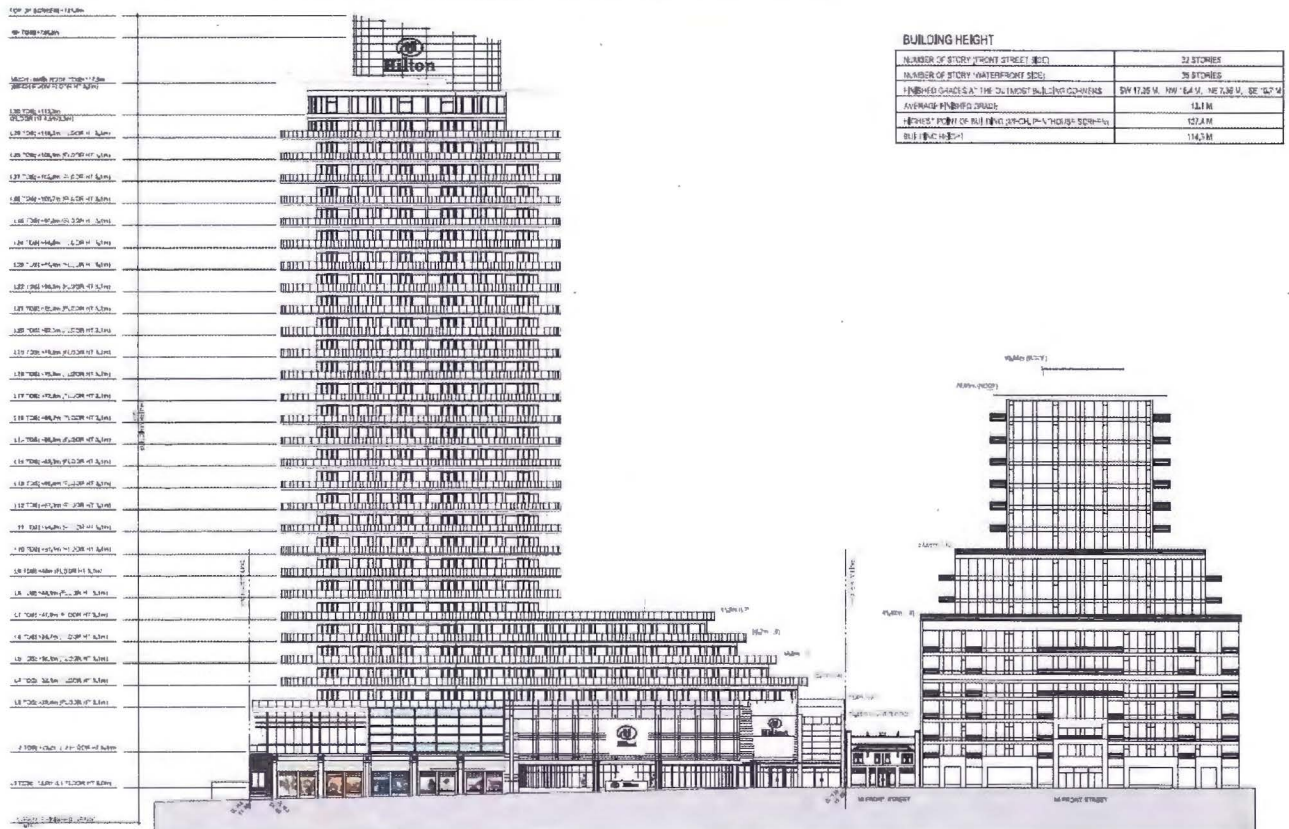


Figure 5 – East Elevation Colour Rendering (facing east towards waterfront)



Figure 6 – East Elevation (facing east towards waterfront)

BUILDING HEIGHT	
NUMBER OF STORY (GROUND FLOOR)	37 STOREYS
NUMBER OF STORY (WATER HEAT)	31 STOREYS
HEIGHT CHASES AT THE OUTMOST BALCONY DECKS	84.17.05 M, 84.18.6 M, 84.24.5 M, 84.32 M
AVERAGE FINISHED FLOOR	17.1 M
HEIGHT OF BUILDING WITH PLANTHOUSE ROOFS	177.4 M
MAXIMUM HEIGHT	174.5 M

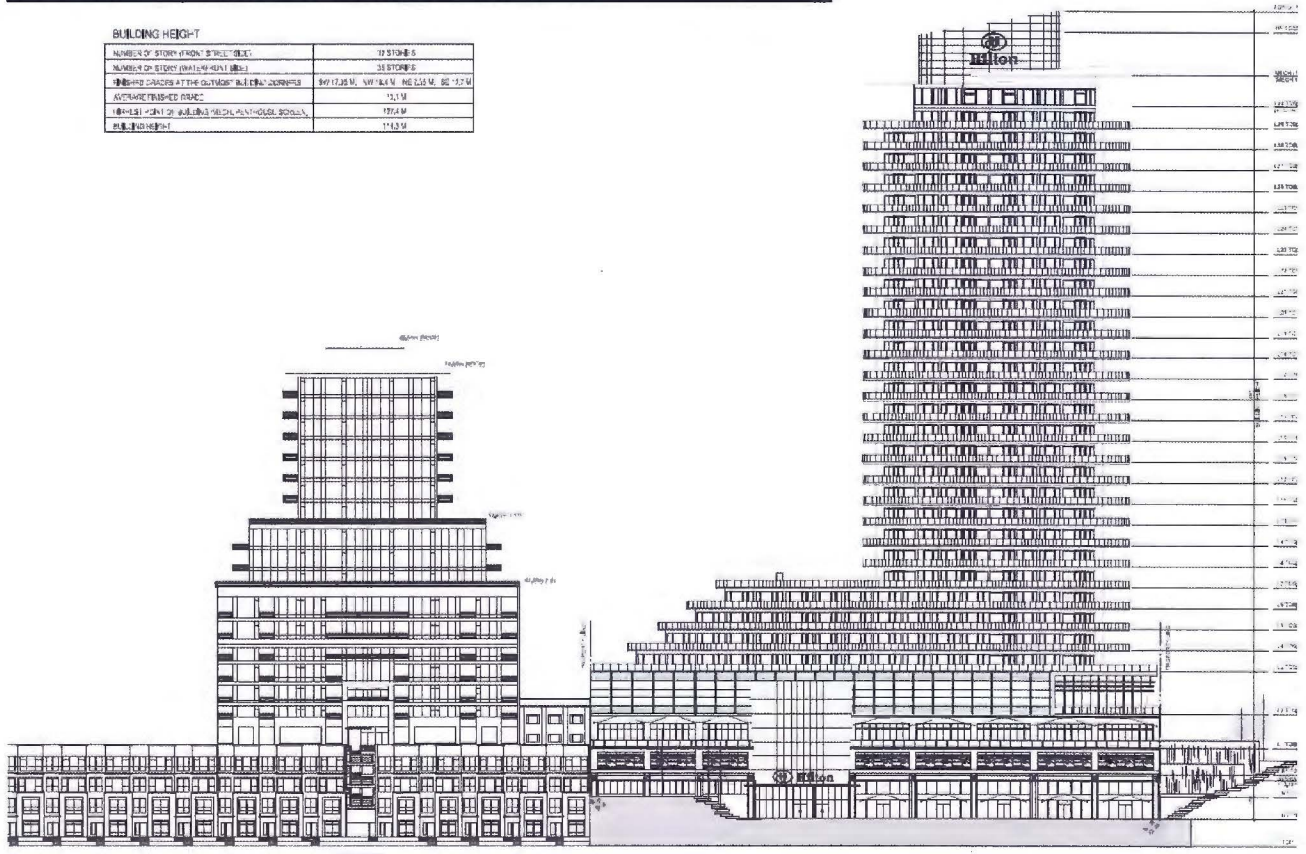


Figure 7 – North Elevation Colour Rendering (facing north towards Maffeo-Sutton Park)



Figure 8 – North Elevation (facing north towards Maffeo-Sutton Park)

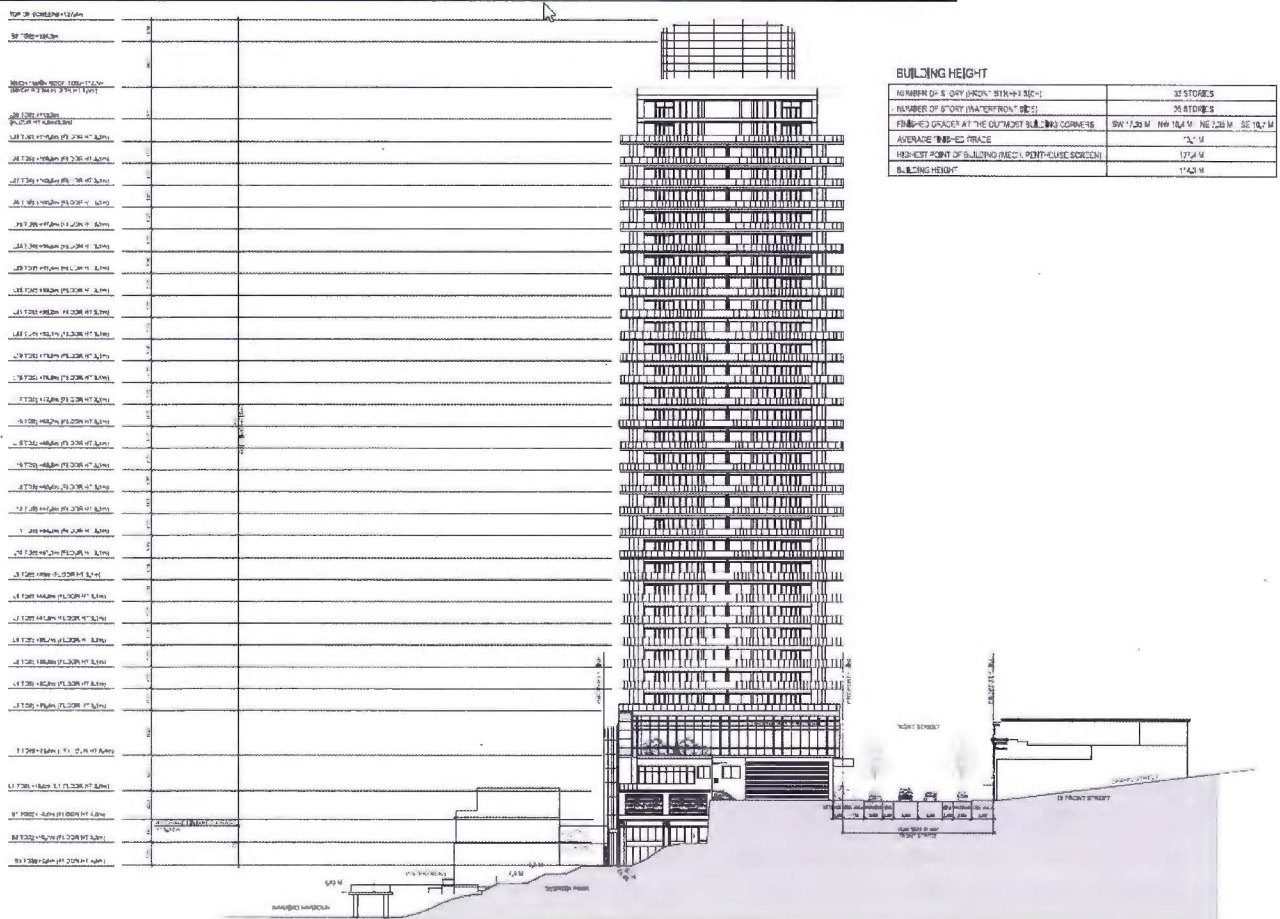


Figure 9 – South Elevation Colour Rendering (facing south towards the Pacifica high-rise)



Figure 10 – South Elevation (facing south towards the Pacifica high-rise)



Figure 11 – Shadow Analysis – Vernal Equinox (March 20)



10:00 AM



12:00 PM



2:00 PM



4:00 PM

Figure 12 – Shadow Analysis – Autumnal Equinox (September 23)



10:00 AM



12:00 PM



2:00 PM



4:00 PM



Figure 13 – 3D Colour Rendering (southwest)



Figure 14 – 3D Colour Rendering (east)

Conditions of Rezoning

Should Council support this application and pass Third Reading of Bylaw No.4500.069, staff recommends the following items be secured prior to final adoption of the bylaw.

1. Pedestrian Connectivity

As the general public will have access through the hotel in order to connect from Front Street to the waterfront walkway, Staff recommends that a covenant securing pedestrian access be registered on title to the subject properties.

2. On-site Bicycle Parking

Secure and covered bicycle parking at a rate of 1 per 15 rooms should be required for the proposed development for use by staff and guests. In addition, shower facilities for hotel staff should be accommodated on-site, which is becoming a standard practice for many workplaces. Another 6 bicycle parking spaces should be required at both the Front Street and waterfront entrances, a total of 12 spaces, for public use.

3. Road Works

Road works identified in the Transportation Impact Assessment that cannot be secured under the Building Control Bylaw will be covenanted to ensure their completion.

4. Lot Consolidation

The development is proposed over two lots as well as the existing lane, therefore, Staff recommends securing lot consolidation of the subject properties.

5. Road Dedication

Staff recommends obtaining road dedication to assist with proper road alignment and development of sufficient width within the sidewalk for landscaping and street trees. Road dedication can be secured via covenant and required prior to issuance of a Development Permit.

6. Release of Previous Covenant (EW151761)

Through the previous rezoning application, a Section 219 covenant was registered on title to 10 Front Street. Staff recommends that charge number EW151761 be removed as it will be replaced with a new covenant to reflect the proposed hotel development and the requirements noted in this report.

Culture & Heritage

A Heritage Alteration Permit (HAP) will be required for the demolition of 28 Front Street (previously Tom Brown's Auto Body).

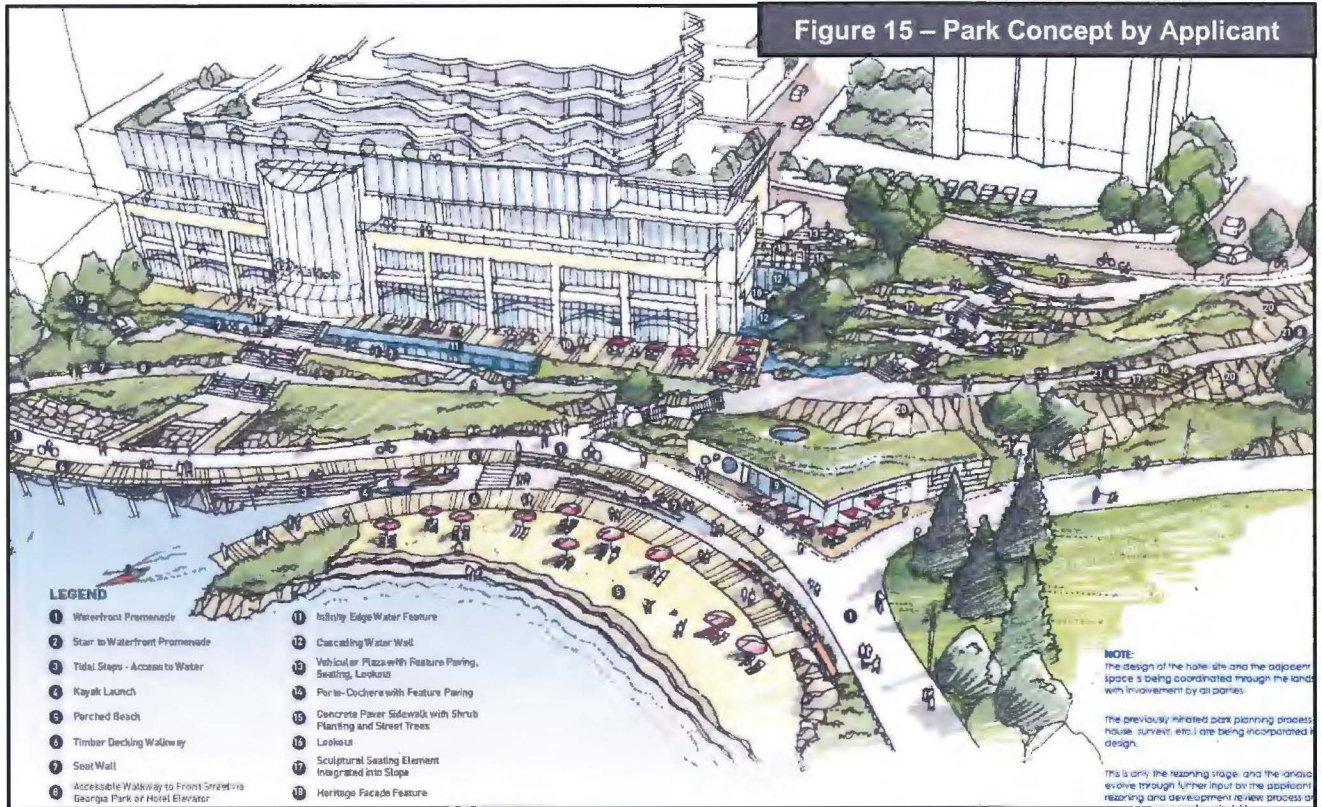
Road Closure

The applicant has submitted an application to the City to close the existing lane which abuts the property. The road closure will add approximately 387 m² (0.10 acres) of area to the development site. The report and bylaw associated with the road closure are also on tonight's agenda.

Park Planning

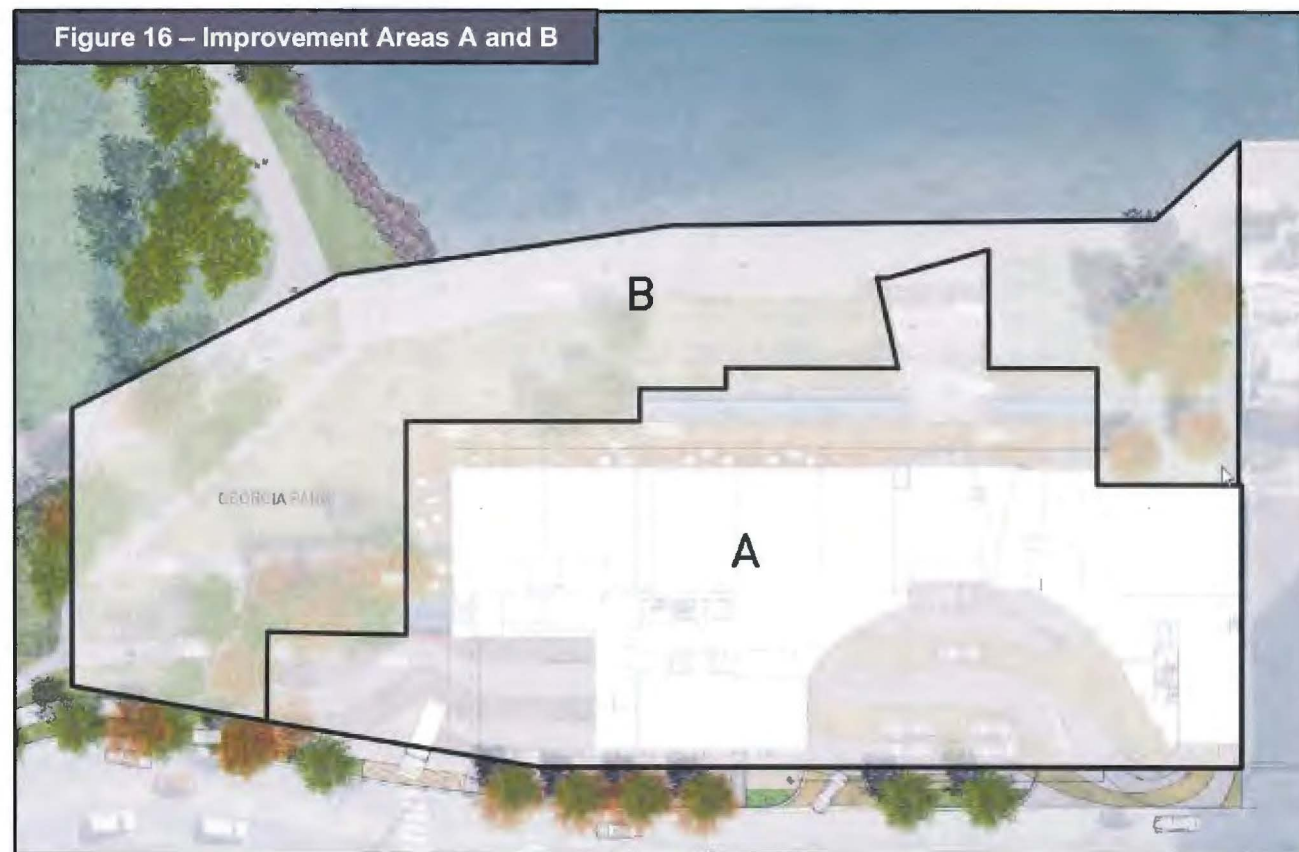
The Parks, Recreation and Environment (PRE) department is continuing to work on the concept for the Maffeo Sutton Park Improvement Plan, which also includes Georgia Park. The next phase of park planning, including draft concepts, is anticipated to be brought forward for Council and public input this fall.

For Council’s information, the applicant has presented a conceptual park plan to staff and the Advisory Planning Committee (shown below), however, this concept has not undergone any detailed review or public process, although it is generally consistent with overarching goals for the park. Please note this is a concept only and is not currently being recommended for approval.



Use of Park Land (Lease Agreements)

The applicant is proposing to utilize park area around the edges of the building for patios, stairs, water features, and loading bay access. All of these improvements, shown in Figure 16 as area A, are to be constructed at the applicant's cost. Staff is recommending that these improvements be recognized through a lease agreement; a separate report outlining the lease process is on tonight's agenda.



Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a monetary contribution of \$1,187,000, towards waterfront walkway and park improvements, which is slightly above the commercial amenity rate of \$34/m². Staff recommends securing the monetary contribution via covenant prior to final adoption of the rezoning bylaw. Through the park planning process Council may decide how to utilize the community contribution, which is generally considered to apply to the area shown as area B in Figure 16, above.

As noted above, the applicant is also providing public pedestrian access through the hotel between Front Street and the waterfront walkway, which is recommended to be secured via covenant.

The applicant also considers the construction of improvements within the park lease area (including patios, water features and staircases); superior architectural hotel design; and amenities such as restaurants, bars, commercial spaces, conference and ballroom areas, to be valuable to the community.

Staff is supportive of the community contribution proposal and recommends that the monetary contribution and pedestrian connectivity be secured prior to final adoption of the bylaw.

NANAIMO ADVISORY PLANNING COMMITTEE (APC)


At its meeting of 2014 -MAY-20, the APC recommended that Council approve the application.

Respectfully submitted,




B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:

for 

D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



T. Seward
ACTING GENERAL MANAGER
PROTECTIVE SERVICES &
COMMUNITY DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2014-AUG-06
Prospero: RA000335*

CITY OF NANAIMO

BYLAW NO. 4500.069

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2014 NO. 4500.069".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By amending Subsection 11.3.2 by deleting the site specific maximum allowable density for 10 and 20 Front Street and replacing with the following:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
10 and 28 Front Street	LOT A SECTION 1 NANAIMO DISTRICT PLAN VIP84012; and LOTS 9 and 10, SECTION 1, NANAIMO DISTRICT, PLAN 4462	12.0

3. By amending Subsection 11.7.2 by deleting the site specific maximum allowable height for 10 and 20 Front Street and replacing with the following:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
10 and 28 Front Street	LOT A SECTION 1 NANAIMO DISTRICT PLAN VIP84012; and LOTS 9 and 10, SECTION 1, NANAIMO DISTRICT, PLAN 4462	114.3m

PASSED FIRST READING _____
 PASSED SECOND READING _____
 PUBLIC HEARING HELD _____
 PASSED THIRD READING _____
 MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____
 COVENANT REGISTERED _____
 ADOPTED _____

MAYOR

CORPORATE OFFICER