

Staff Report for Decision

File Number: DP001200

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

Zoning	Mixed Use Corridor (COR2)
Location	The subject property is located on the northeast corner of Fry Street and
	Milton Street.
Total Area	4,390m ²
Official Community Plan (OCP)	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
Relevant Design	General Development Permit Area Design Guidelines; and
Guidelines	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: Concurrence by:

Lainya Rowett Jeremy Holm

Manager, Current Planning Director, Development Approvals

Dale Lindsay

General Manager, Development Services

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

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

1. Section 9.7.1 Size of Buildings – to increase the maximum allowable building height from 18.00m to 18.87m.

The 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 maximum allowable percentage of small car parking spaces from 40% to 52% of the total required parking.

CONDITIONS OF PERMIT

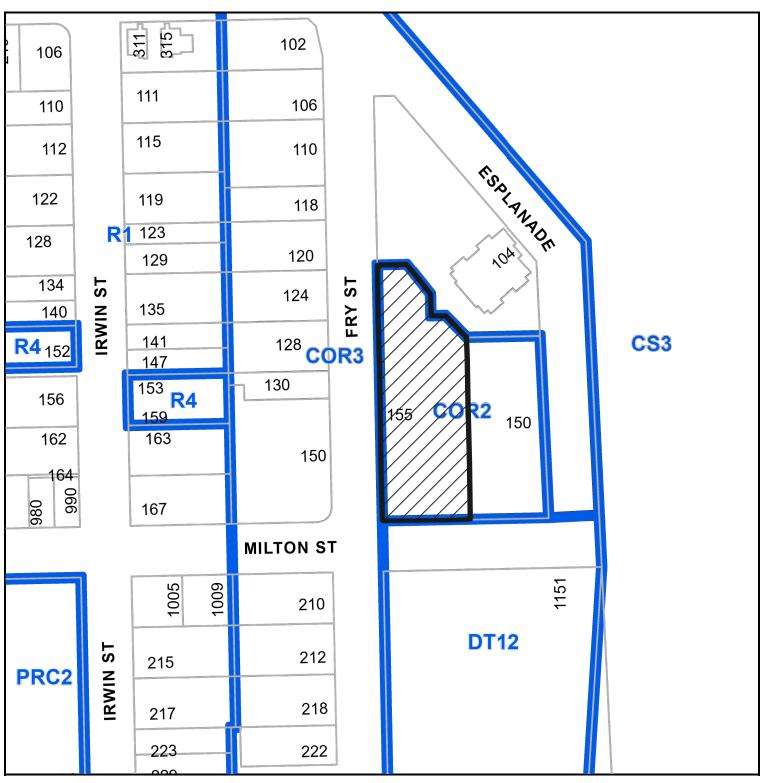
- 1. The subject property is developed in substantial compliance with the Site and Parking Plans prepared by D-Architecture., dated 2021-MAY-03 and 2021-APR-14, as shown on Attachment D.
- 2. The development is in substantial compliance with the Building Elevations and Details prepared by D-Architecture dated 2020-MAY-19 and 2021-MAY-03, as shown on Attachment E.
- 3. The subject property is developed in substantial compliance with the Landscape Plan and Details prepared by JPH Consultants Inc., received 2020-NOV-07, and prepared by RB Engineering Ltd., dated 2021-APR-12, as shown on Attachment G.

ATTACHMENT B CONTEXT MAP





ATTACHMENT C LOCATION PLAN





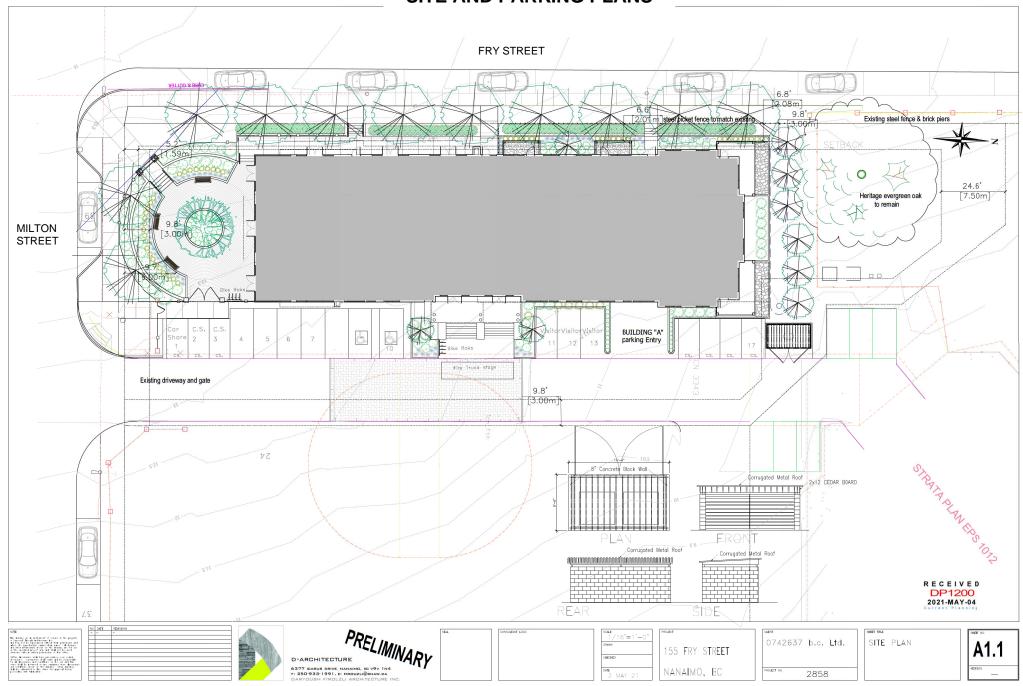
DEVELOPMENT PERMIT NO. DP 001200

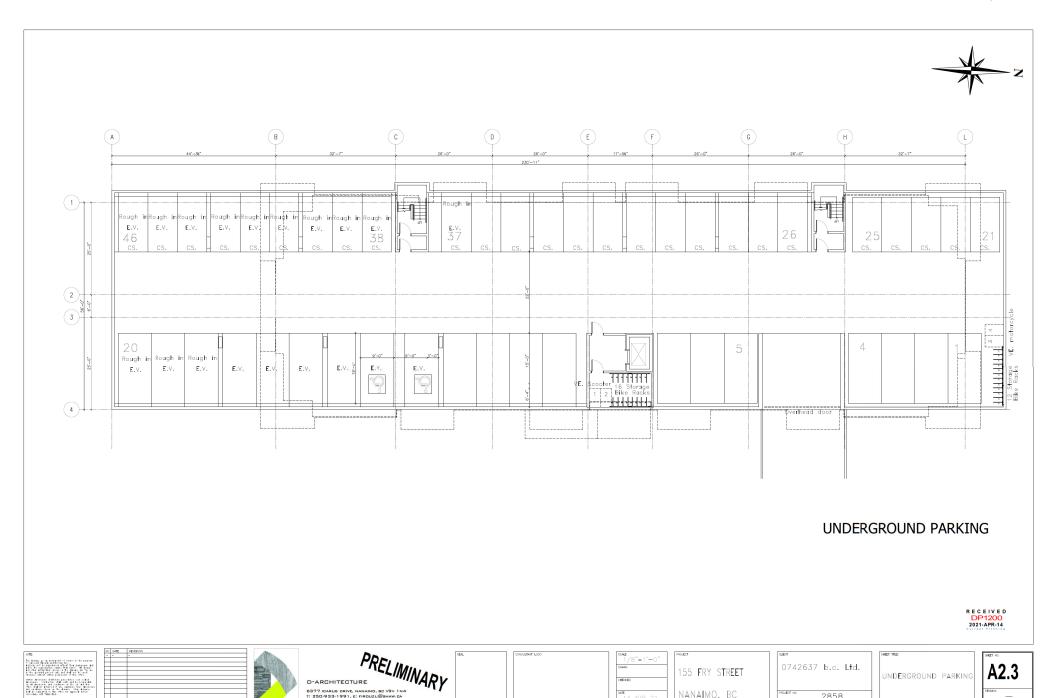
Subject Property

CIVIC: 155 FRY STREET

LEGAL: LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN EPP55139

ATTACHMENT D SITE AND PARKING PLANS



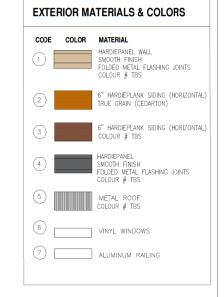


NANAIMO, BC

2858

D-ARCHITECTURE

ATTACHMENT E BUILDING ELEVATIONS AND DETAILS















155 FRY STREET
NANAIMO, BC

0742637 b.c. Ltd.

BUILDING "A"
BUILDING ELEVATION

A3.1



ATTACHMENT F BUILDING RENDERING





RECEIVED
DP1200
2020-MAY-27
Current Planning

155 FRY STREET 150 ESPLANADE, NANAIMO, BC

ATTACHMENT G LANDSCAPE PLAN AND DETAILS



Brick plers to match existing - opportunity for inset artwork. Metal archway - opportunity for art (proxy shown) and lighting.

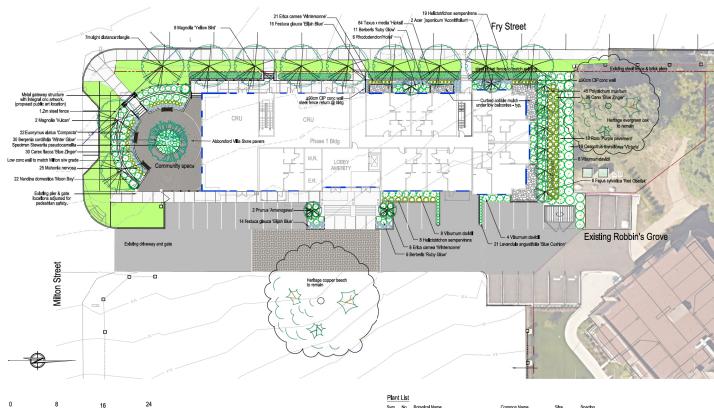
Landscape Design Rationale

The heritage context (Samuel Robins' arboretum) Informs the landscape design which features a range of less common specimen trees.

The landscape features a compact public plaza space that will serve as a forecourt to a

Necessary low (under 1m ht) retaining walls provide crisp grade changes and provide a sense of infimate scale for the square. Accessibility is accommodated from the existing internal driveway.

Storm water management is proposed at the north end of the building and is de-emphasized as a simple (effective) grass bioswab.



DRAFT - NOT FOR CONSTRUCTION

IL LIST				
No.	Botanical Name	Common Name	Size	Spacing
S				
2	Acer japonicum 'Aconitifolium'	Full moon maple	#20	
	Fagus sylvatica 'Red Obelisk'			3.6m 0.C.
	Magnolia 'Vulcan'			
				8m 0.0
	Stewartia pseudocamellia	Stewartia specimen	9-10cm	cal.
UBS				
17	Berberis thunbergii 'Ruby Carousel''	RC barberry	#3 pot	1m O.C.
19	Ceanothus thyrsiflorus 'Victoria'	California lilac	#2 pot	1.5m 0.C.
29	Erica carnea "Wintersonre"	Wintersonne heather		1m O.C.
	Eunymus alataus compacta	Dwarf burning bush	#3 pot	1.2m 0.C.
	Mahonia nervosa	Dull Oregon grape	#1 pot	70cm 0.C.
22	Nanadina domestica 'Moon Bay'	MB heavenly bamboo	#2 pot	1m O.C.
6		Hotei (yellow) rhodo	#3 pot	1m O.C.
88	Taxus x media 'Hicksii'	Hick's Yew	#3 pot	61cm 0.C.
18	Viburnum davidii	David's viburnum	#2 pot	1m O.C.
ENNIAL	S & GRASSES			
	0.0.0.0000			
30	Bergenia cordifolia 'Winter Glow'	WG bergenia	#1 not	61cm O.C.
69				1m 0.0.
20				61cm D.C.
				1m 0.0.
21	Lavandula 'Blue Cushior'	BC lavender	#1 pot	61cm 0.C.
45	Polystichum minitum	Sword fern	#1 pot	91cm O.C.
	No. 58 2 6 2 9 9 2 1 1 UBS 17 19 29 22 46 88 8 ENNIAL 1 30 69 20 27 21	No. Botanical Name Savar joporicum 'Acontirisium' 6 Fogus Positica 'Red Oblish' 6 Fogus Positica 'Red Oblish' 9 Magnolia 'Vulcom' 10 Magnolia 'Vulcom' 11 Stewartia 'Pellow Bird' 12 Prunus serrudata 'Annanogowa' 13 Seteratia pseudocomelia' 16 Erbrita brushorgi 'Rub' Corousel' 17 Berbrita brushorgi 'Rub' Corousel' 18 Erbrita strushorgi 'Rub' Corousel' 19 Erica cornea 'Wintersonne' 20 Euromus elataus comporta 10 Manorial nervosa 10 Naradina domestica' 10 Rasus x media 'Ricksi' 10 Bergenia cordifolia 'Winter Glow' 10 Carex flaca 'Blue Zinger' 10 Festuca glasuca 'Eliph fluc' 10 Festuca glasuca 'Eliph fluc' 10 Festuca glasuca 'Eliph fluc' 11 Larvandula' 'Blue Cushor'	No. Botanical Name Common Name Seri yapprinsum "Acontitribilium" Fill moon meple 6 Fagus political "fiel Obellok" Bodommon Insential 2 Magnolla "Vidican" Magnolla "Golommon Insential 2 Prunus serrulatra "Arnanagawa" Strewartia Pseudocamelle "Yamangolla Arnanagawa" Strewartial pseudocamelle "Yamangolla Arnanagawa" Strewartial pseudocamelle "Yamangolla Arnanagawa" Strewartia Speciment 19 Ceanothus thyratinnus Videraria Isla Carlo "Goloma Para Strewartia Speciment 19 Ceanothus thyratinnus Videraria Isla Carlo "Braca Carlo Bay" Micharia Isla Carlo "Braca Carlo "Braca" (Braca Carlo Bay Carlo "Braca" (Braca "Braca") Bratana Braca "Bratana" (Braca "Braca") Bratana "Bratana" (Braca "Bratana") Bratana "Bratana" (Braca "Bratana") Bratana "Bratana" (Bratana") Bratana "Bratana" (Bratana "Bratana") Bratana "Bratana "Bratana" (Bratana "Bratana") Bratana "Bratana "Br	No. Botarical Name

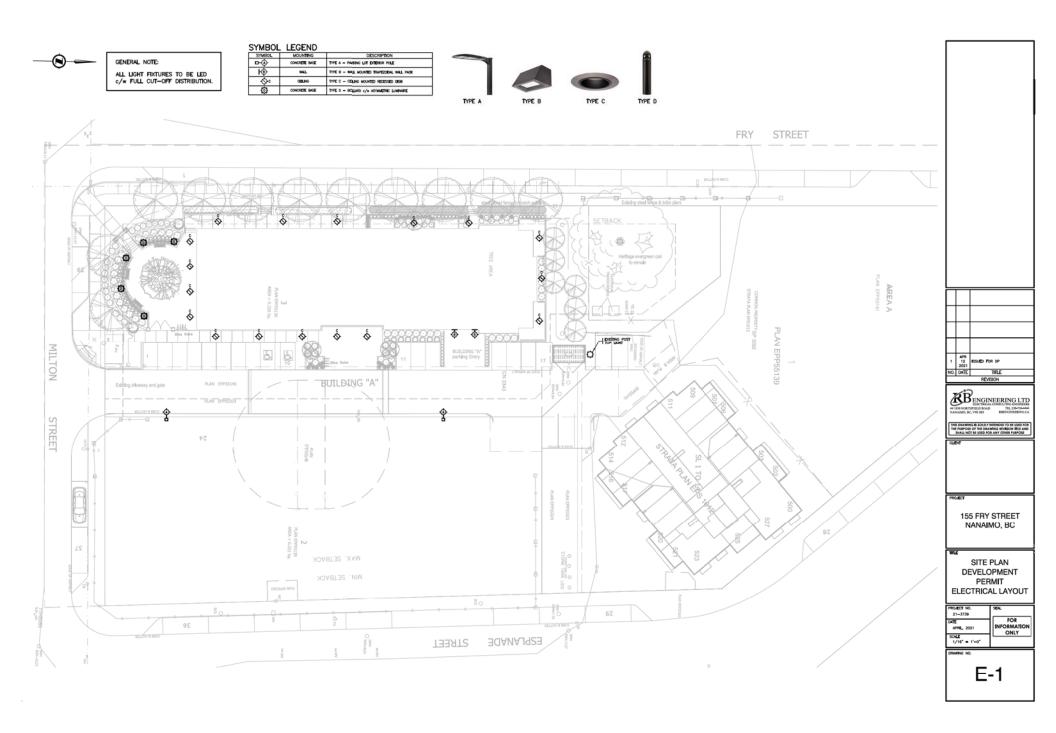
RECEIVED DP1200 2020-NOV-07

Revisions			
Date	Details	Init.	
00 /10 /00		1011	
	Adjust to DP comp. letter	JPH	
11/05/20	DPA	JPH	
30/09/19	Public Art location	JPH	
9/11/18	Application for Rezoning	JPH	

Robins Grove - Fry Street, Nanaimo Proposed Phase 1 Landscape



Project 20-Fry St Date: 05/05/20 Drawn: JPH Checked: DF Scale: 1:200 Sheet: L1 of 1



ATTACHMENT H SCHEDULE D - AMENITY REQUIREMENTS FOR ADDITIONAL DENSITY



Reference: 2858 May 3rd, 2021

Dear Mr. Caleb Horn
Development Planner
Community Development

155 Fry Street, Nanaimo BC Tier 1 proposal (Updated)

The proposed project proposing to use Tier 1 additional density and here are the 3 Categories requirements:

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

	Amenity	Points
Е	The Proposed development includes Street Trees, Yes	1
F	After re-panting, the proposed development does not result in a net	1
	loss of trees with a caliper greater than 6cm.	
	Yes,, No trees on site with a caliper greater than 6 cm.	
G	Post development, the total amount of trees on property, or adjacent	2
	road right of way or public space is at least 20% more than the	
	number of trees on the property before development.	
	Yes, 8 trees in property and proposal is 27 trees,	
Н	Restore a minimum of 50% of the site area (Excluding the building	3
	footprint) by maintaining pervious surfaces.	
	Please see the attached Sketch.	
ı	The Development includes permanent educational signage or	1
	display regarding the protected or planted pants, trees, animal	
	habitat or other natural features on the site.	
	Total	8

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

	Amenity	Points
A	Long term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees for commercial spaces.	3
В	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to car share or car co-op.	1
D	The parking stalls are within the proposed development includes at least one electric vehicle charging station.	1
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, a) multiple family residential development: 1 motorized Scooter or motorcycle space per 15 dwelling units	2
Н	Parking does not exceed minimum parking requirements within the City's Development parking Regulations Bylaw.	2
1	The development includes signage regarding the sustainable transportation alternatives available on site or within the immediate area.	1
	Total	10

Category 5: Energy Management (11 points required)

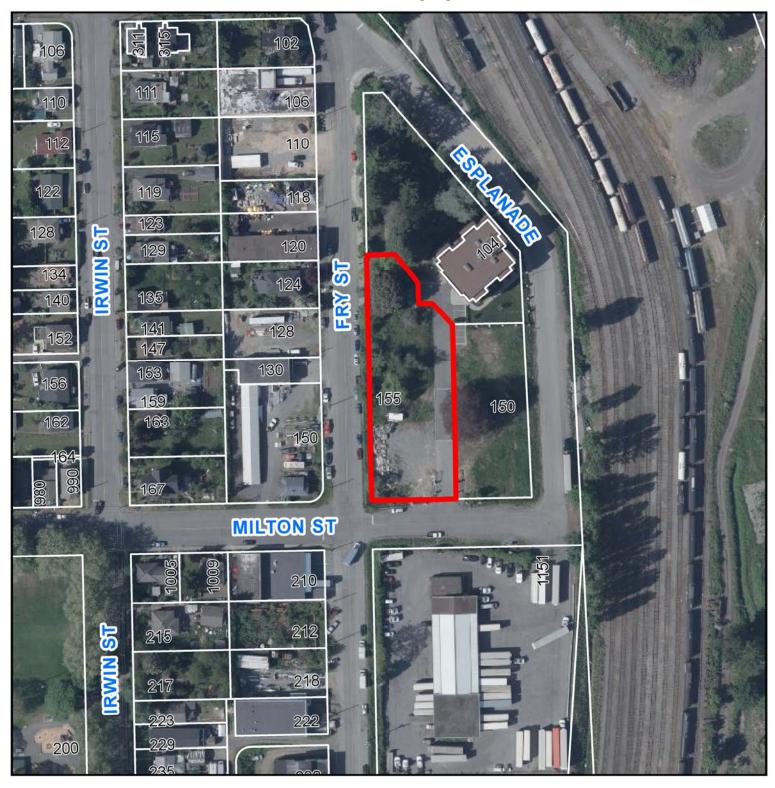
	Amenity	Points
Α	The proposed development meets at least the requirements of the	10
	Step 2 of BC Energy Step Code and exceeds the requirement	
	specified in the Building Bylaw.	
	Total	10

Please feel free to contact if there is any question.

Sincerely,

Daryoush Firouzli Architect AIBC, RAIC, AIA, MArch

ATTACHMENT I AERIAL PHOTO





DEVELOPMENT PERMIT NO. DP001200



155 FRY STREET