

DATE OF MEETING | May 27, 2019 |

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SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1070 –
591 BRADLEY STREET** |

OVERVIEW

Purpose of Report

To present for Council's consideration, a development permit application for a 59-unit multi-family development within the watercourse setback located at 591 Bradley Street.

Recommendation

That Council issue Development Permit No. DP1070 at 591 Bradley Street with the following variances:

- reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;
- reduce the minimum front yard setback from 1.8m to 0m for the underground parking structure;
- increase the maximum allowable building height from 14m to 18m; and
- increase the maximum allowable percentage of small car spaces from 40% to 41%.

BACKGROUND

A development permit application, DP1070, was received from Raymond de Beeld Architect Inc., on behalf of Grastev Enterprises Ltd., to permit a 59-unit multi-family development with underground parking.

The subject property was previously one consolidated lot with the neighbouring property to the east, 571 Bradley Street. The property at 591 Bradley Street was created through subdivision in 1994 and a phased residential development was constructed at 571 Bradley Street beginning in 1995. An easement agreement (EL092987) was registered on the property title of 571 Bradley Street to maintain access for the future development 591 Bradley Street.

Subject Property

<i>Zoning</i>	R8 – Medium Density Residential
<i>Location</i>	The subject property is located on the south side of Bradley Street at the Millstone Avenue and Bradley Street intersection.
<i>Total Area</i>	0.56ha
<i>Official Community Plan (OCP)</i>	Map 1 - Future Land Use Designation - Neighbourhood Map 3 – Development Permit Area No. 1 – Watercourse; Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multi-Family and Mixed Commercial/Residential Development
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines

The subject property is vacant and slopes steeply down from Bradley Street to the Millstone River with a grade change of approximately 21m. The property has frontage along Bradley Street to the north and the end of the Millstone Avenue road right-of-way to the west, which is currently used as a trailhead parking area. To the south, the property abuts an undeveloped road right-of-way adjacent to the Millstone River.

Land uses in the surrounding neighbourhood include a mix of medium-density multi-family developments and single residential dwellings. The neighbouring property to the east is a 34-unit strata townhouse development. On the opposite side of the Millstone Avenue road right-of-way to the west is a 3-storey rental apartment complex.

DISCUSSION

Proposed Development

The proposed development is a 59-unit multi-family rental building with a 3-storey elevation facing Bradley Street and a 6-storey elevation facing the Millstone River. Parking is provided on the first two lower levels with residential units, including two-level loft units in front to mask the underground parking from the south.

The unit composition is as follows:

- 32 two-bedroom units;
- 21 one-bedroom units; and
- 6 studio units.

The proposed building will have a gross floor area of 5,808m² and Floor Area Ratio (FAR) of 1.04, below the maximum permitted FAR of 1.25 in the R8 zone. The proposed unit density is equal to 33 units/ha, which is within the density range of 10-50 units/ha envisioned by in the 'Neighbourhood' land-use designation in the Official Community Plan (OCP).

Site Design

The proposed development is situated on the northern portion of the property, at the highest part of the lot, and furthest from the Millstone River. An existing trail between Bowen Park and Millstone Avenue crosses through a portion of the subject property and will be secured with a statutory right-of-way for public access as a condition of this development permit.

A total of 85 parking spaces are proposed, as required by the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" (the "Parking Bylaw"). Included in the parking count are 35 small car spaces, 4 visitor parking spaces, 3 accessible parking spaces, and 8 electric vehicle charging stations.

The building has three proposed vehicular access points. A short-term drop-off and visitor parking area is located at the main entrance/lobby of the building, accessed from Bradley Street. The first parking level is accessed from Millstone Avenue road to the west. The second parking level is accessed via the adjacent strata property (571 Bradley Street) to the east where an existing easement agreement secures vehicle access between Bradley Street and the subject property.

As part of the proposed development, the applicant will be carrying out off-site improvements, including improvements to the public parking at the end of Millstone Avenue road right-of-way.

Building Design

The building layout takes advantage of the slope on the property. The lower three floors are exposed to the south with views toward the Millstone River and Bowen Park. The lower parking levels are masked from the exterior by residential units facing south. The lowermost two floors contain 2-storey loft units. A common amenity room is provided on the third floor with views towards the Millstone River.

The 3-storey above-ground levels are broken into two distinct masses with an outdoor breezeway in between to give the appearance of two separate buildings when viewed from Bradley Street. The two masses are connected by enclosed walkways on the second and third above-ground levels.

The building design creates a strong street presence facing Bradley Street with a well-defined circular driveway entrance, balconies, and ground-level patios to animate the street. The building façades are well articulated with unit bays and inset balconies on the upper floors of the south elevation, while the lower three floors on this elevation are framed to create a prominent grid-like pattern. The north, street-facing façade is articulated vertically with the building masses set back to the enclosed walkways and at the outer corners of the building.

The material palette complements existing adjacent developments and will consist primarily of fiber-cement horizontal siding and fiber-cement panels. The walkways between the building masses will be enclosed in glass.

Landscape Design

The proposed landscaping scheme for the northern part of the site includes a layered mix of woodland plantings (trees, shrubs, grasses, and groundcovers) to reflect the native forest along the Millstone River. Open space areas are provided adjacent to Bradley Street and above the underground parkade with gardens, pathways, seating, arbours, and trellises to provide privacy of individual unit patios and visual interest at the street level.

The southern portion of the site (approximately 0.279ha) consists of existing riparian vegetation, which will be retained and restored in a natural state. A vegetation retention and restoration plan will be required prior as a condition of this development permit.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2017-SEP-28, accepted DP1070 as presented with support for the proposed variances. The project did not return to the DAP following later revisions as the exterior form and character of the proposed building did not significantly change.

Community Consultation

The proposed development was referred to the Bradley Street Neighbourhood Association for comment. The association and residents in the adjacent strata development at 571 Bradley Street expressed a number of concerns with the initial proposal. In the time since this application was received by DAP, the applicant has voluntarily engaged residents in multiple meetings and revised the proposed development in response to the following key concerns raised by residents:

1. *Parking* - Initially the proposal included 67 residential units and the applicant requested a parking variance of 37 spaces under the previous off-street parking bylaw ("Development Parking Regulations Bylaw 2005 No. 7013"). The applicant reduced the number of units and the number of bedrooms to decrease the parking demand. The required number of parking spaces are provided, including designated visitor spaces directly in front of the building.
2. *Density* - The total number of units was reduced from 67 to 59. It is noted that the proposed FAR is less than the maximum permitted in the R8 zone.
3. *Access* - The existing easement agreement allows access to the proposed development through 571 Bradley Street. Staff conducted site visits and reviewed the geometry of the eastern vehicular entrance to ensure that access is feasible. The two-level parkade is not interconnected, so this will reduce the volume of vehicles accessing through the adjacent strata development. Approximately 54% of the required parking spaces will be accessed via easement through 571 Bradley Street. Furthermore, the waste collection area was relocated to the west side of the property to eliminate these vehicle movements through 571 Bradley Street.
4. *Environmental Protection* - A previous iteration of the proposal included a trail connecting to the south side of the proposed building, but this was eliminated to better preserve the adjacent riparian area. Only the existing trail from the end of Millstone Avenue will be retained, and the new environmental protection area will exceed what is currently protected by covenant.
5. *Pedestrian Safety* - A new sidewalk on the south side of Bradley Street and improvements to the pedestrian access at Millstone Avenue will be provided.

Proposed Variances

Watercourse Setback

The "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") requires a minimum setback of 30m from the top of bank above the Millstone River. This setback extends into the middle of Bradley Street and includes the subject property entirely within the 30m setback. The applicant proposes to reduce the watercourse setback to 0m from top of bank; a variance of 30m.

To address the Watercourse Development Permit Area (DPA1) Guidelines and provincial Riparian Areas Regulation (RAR) requirements, a Detailed Assessment was completed to determine the extent of the Streamside Protection and Enhancement Area (SPEA) that is required by Provincial legislation to protect fish and fish habitat. The SPEA was determined to be 15m as measured from high-water mark of the Millstone River, which is significantly less than the City's required watercourse setback of 30m as measured from the top of bank. Notwithstanding the 15m SPEA, the Qualified Environmental Professional (QEP) that completed the RAR assessment recommended that a significant area beyond the SPEA be protected for both wildlife habitat and slope stability protection. As a result, the proposed environmental setback area, as measured from the *high-water mark* of the Millstone River for this development, varies from approximately 52m on the west side to approximately 22m on the east side.

There is an existing covenant on the property title (EH148284) registered in 1994 that protects approximately 2,040m² of riparian area from disturbance/construction. The proposed watercourse setback area to be covenanted will increase the protected riparian area to 2,790m². The proposed watercourse setback is therefore greater than the required SPEA setback and will result in 'no net loss' in fish and wildlife habitat. The new watercourse setback will be protected by a new covenant to be registered on the property, and permanent fencing and habitat signage will be required as a condition of this development permit.

Given the applicant has addressed the DPA1 guidelines, and the proposed environmental protection measures exceed Provincial requirements, Staff support the proposed watercourse setback variance.

Underground Parking Front Yard Setback

The Zoning Bylaw requires a minimum front yard setback of 1.8m for underground parking areas. The proposed setback is 0m; a variance of 1.8m. The proposed parking is sited as near to Bradley Street as possible to maximize separation from the riparian area to the south. Additionally, the new underground parking structure will provide lateral support to Bradley Street, which is currently supported by a retaining wall.

Staff support the proposed front yard setback reduction for the underground parkade. The above-ground floors of the building meet the required front yard setback.

Building Height

The Zoning Bylaw restricts the maximum building height to 14m in the R8 zone. The proposed building height is 17.92m; a proposed variance of 3.92m. The additional height allows some architectural interest in the rooflines and flexibility in achieving a more compact building footprint above an underground parkade to minimize site disturbance. Building height is measured from average grades at the outermost corners of the building, so height restrictions can be more difficult to meet on steeply sloping sites such as this site. A building height of 14m generally allows for a 4-storey building, but in this case, only 3 storeys of the building are proposed above street level.

Given the proposed building has been designed to preserve much of the site in its natural state and the building height above the street provides a compatible street wall, Staff support the proposed building height variance.

Small Car Parking

The Parking Bylaw allows for a maximum of 40% of the required off-street parking spaces to be reduced in size to accommodate small cars. The proposed small car parking spaces make up 41% of the required parking, equivalent to 1.2 parking stalls. Additional full-size parking stalls cannot be accommodated at grade and the proposed underground parkade is constrained in size due to the proposed watercourse setback.

Staff support the proposed small car parking percentage variance and note that most standard-sized vehicles can be accommodated within the dimensions of a small car parking space.

SUMMARY POINTS

- Development Permit Application No. DP1070 is for a 59-unit multi-family development within the watercourse setback located at 591 Bradley Street.
- Variances are requested for the watercourse setback, underground parking, front yard setback, building height, and the percentage of small car parking spaces.
- The proposal meets the development permit guidelines and Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plans
ATTACHMENT D: Building Elevations
ATTACHMENT E: Building Renderings
ATTACHMENT F: Landscape Plan and Details
ATTACHMENT G: Aerial Photo

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