

DATE OF MEETING | August 30, 2021 |

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**SUBJECT | DEVELOPMENT PERMIT APPLICATION NO. DP1228  
– 591 BRADLEY STREET |**

## **OVERVIEW**

### **Purpose of Report**

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

### **Recommendation**

That Council issue Development Permit No. DP1228 at 591 Bradley Street with the following variances to:

- reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;
- increase the maximum allowable building height from 14.00m to 17.92m;
- reduce the minimum front yard setback from 1.8m to 0m for the underground parking structure; and
- increase the maximum allowable percentage of small car spaces from 40% to 41%. |

## **BACKGROUND**

A development permit renewal application, DP1228, was received from Raymond de Beeld Architect Inc., on behalf of 591 Bradley Homes Limited, to permit a 59-unit multi-family development with underground parking. A previous development permit, DP1070, was approved by Council in 2019 and expired in May 2021. A new development permit is required to allow the project to proceed to a building permit. The current proposal has not changed from the previously approved DP1070.

The subject property was previously one consolidated lot with the neighbouring property to the east, 571 Bradley Street. The property at 591 Bradley Street subdivided 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 and Site Context**

<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>	Watercourse Design Guidelines; and 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 a dead-end portion of the Millstone Avenue road right-of-way currently used as a parking lot to the west. To the south, the property abuts an undeveloped road right-of-way adjacent to the Millstone River, a fish-bearing river that feeds into the Nanaimo Harbour.

Land uses in the surrounding neighbourhood include low-density multi-family developments and single residential dwellings. The adjacent 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 three-storey rental apartment complex.

## **DISCUSSION**

### **Proposed Development**

The proposed development is a 59-unit multi-family rental building with a three-storey elevation facing Bradley Street and a six-storey elevation facing the Millstone River. Parking is provided on the first two lower levels. Residential units, including two-level loft units, mask 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 5,808m<sup>2</sup> and a Floor Area Ratio (FAR) of 1.04, below the maximum permitted FAR of 1.25 in the R8 zone.

### *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. The southern portion of the site will be protected by a covenant to protect the riparian area. An existing trail between Bowen Park and Millstone Avenue crosses through the subject property and will be retained with a statutory right-of-way for public access to be required 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”. 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 front of the building, accessed from Bradley Street. The first parking level is accessed from Millstone Avenue 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.

The main pedestrian entrance and lobby of the building is located at street level adjacent to the drop-off area from Bradley Street. The portion of the site between the front façade of the building and Bradley Street is directly above the underground parking and will be re-graded so that the main entrance on the fourth floor will be at street level. A new sidewalk will be constructed across the front of the property, parallel to the south side of Bradley Street.

As part of the proposed development, the applicant will be carrying out off-site improvements by formalizing the public parking area at the end of the 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 two-storey loft units. A common amenity room is provided on the third floor.

The three-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 between uppermost floors. 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.

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

### *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 above the underground parking with gardens, pathways, seating, arbours, and trellises to provide privacy to individual unit patios and visual interest at the street level.

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

## **Proposed Variances**

### *Watercourse Setback*

The City of Nanaimo 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. A variance to this watercourse setback also triggers the application of the Provincial Riparian Areas Regulation (RAR).

To address the Watercourse Development Permit Area (DPA1) guidelines and 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 habitat. The SPEA was determined to be 15m as measured from the high water mark of the Millstone River, less than the City's required watercourse setback which is 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 watermark 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 (VIP60191) which protects approximately 2,040m<sup>2</sup> as a no-build area. The proposed watercourse setback will be protected by a new covenant as a condition of this development permit and will increase the protected area to 2,790m<sup>2</sup>. The proposed watercourse setback is greater than the required SPEA setback and will result in no net loss of fish or wildlife habitat. Permanent fencing and habitat signage will be required as a condition of this development permit.

Given that 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 City of Nanaimo 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 adequate lateral support to Bradley Street where it is currently supported by a retaining wall. The above-ground floors of the building meet the required front yard setback.

#### *Building Height*

The "City of Nanaimo Zoning Bylaw 2011 No. 4500" (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 parking area to minimize site disturbance. Building height is measured from average grade at the outermost corners of the building, so height restrictions can be more difficult to meet on steeply sloping sites. A building height of 14m generally allows for a four-storey building, but in this case, only three storeys of the building are proposed above street level. 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.

#### *Small Car Parking*

The Zoning 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. Additional full-size parking stalls cannot be accommodated, as the proposed underground parking area is constrained in size due to the proposed watercourse setback.

Staff support the proposed underground parking front yard setback, building height, and small car parking percentage variances.

### **SUMMARY POINTS**

- Development Permit Application No. DP1228, a renewal of 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 small car parking percentage.
- Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Site Plan  
ATTACHMENT E: Building Elevations  
ATTACHMENT F: Building Renderings  
ATTACHMENT G: Landscape Plan and Details  
ATTACHMENT H: Covenant Area  
ATTACHMENT I: Aerial Photo

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#### **Concurrence by:**

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