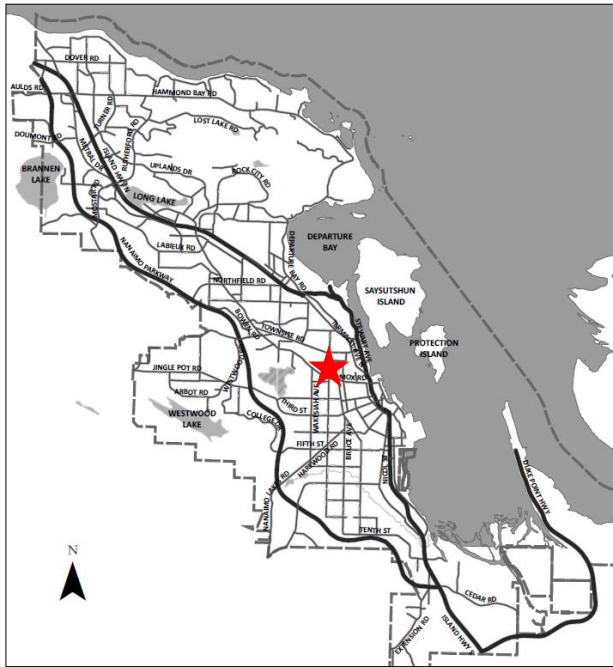


DATE OF MEETING | February 27, 2023

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1263 –  
591 BRADLEY STREET**



**Proposal:**

A 55-unit multi-family development.



**Zoning:**

R8 – Medium Density Residential

**City Plan Land Use Designation:**

Neighbourhood

**Development Permit Areas:**

DPA1 – Environmentally Sensitive Areas

DPA2 – Hazardous Slopes

DPA8 – Form & Character

**Lot Area:**

5,557m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration a development permit application for a multi-family development at 591 Bradley Street. |

### **Recommendation**

That Council:

1. approve Development Permit No. DP1263 for a multi-family residential development at 591 Bradley Street with variances as outlined in the "Proposed Variances" section of the Staff report dated 2023-FEB-27; and,
2. direct Staff to secure the conditions outlined in the "Additional Voluntary Contributions" section. |

## **BACKGROUND**

A development permit application, DP1263, was received from Raymond de Beeld Architect Inc., on behalf of 591 Bradley Homes Ltd., to permit a multi-family residential building with 55 dwelling units. A previous DP application, DP1070, was approved in 2019 and expired in 2021. A subsequent DP renewal application for the same proposal, DP1228, was denied in 2021. The present application includes revised project plans meant to address comments related to the previous applications.

The subject property has been zoned for multi-family apartment residential use since 1960. The lot was formerly a single consolidated lot with the neighbouring property to the east, 571 Bradley Street. The property at 591 Bradley Street was 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**

The subject property is located on the south side of Bradley Street, immediately east of where it turns into Millstone Avenue. A portion of the Millstone Avenue road right-of-way to the west is currently used as a public parking lot. The lot is vacant and slopes steeply downhill from Bradley Street to the Millstone River with a grade change of approximately 21m. The northern portion of the lot was previously disturbed and is approximately 3m below the elevation of Bradley Street. The southern portion of the lot is a steep slope with existing vegetation protected by a restrictive no-build covenant registered on the property title.

Land uses in the surrounding neighbourhood include low-density multi-family residential developments and single residential dwellings. The adjacent property at 571 Bradley Street is a 34-unit strata townhouse development, and to the west is a three-storey rental apartment complex. Bowen Park, on the opposite side of the Millstone River, is accessed by a trail from the end of Millstone Avenue to a pedestrian bridge across the river. |

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a five-storey multi-family residential rental apartment building with 55 dwelling units and under-the-building parking. Due to the grade change onsite, the building will present a three-storey elevation facing Bradley Street and a five-storey elevation facing the Millstone River. The proposed unit composition is as follows:

<b>Unit Type</b>	<b>Number of Units</b>	<b>Approximate Unit Sizes</b>
Studio	7	33m <sup>2</sup> - 41m <sup>2</sup>
One-Bedroom	30	48m <sup>2</sup> - 60m <sup>2</sup>
Two-Bedroom	18	65m <sup>2</sup> - 100m <sup>2</sup>

The proposed gross floor area is 4,151m<sup>2</sup> and the total Floor Area Ratio (FAR) will be 0.75, below the maximum permitted base FAR of 1.25 in the R8 zone.

### *Comparison with Previous Proposal*

In support of the application, the applicant has provided a comparison sheet outlining technical differences between the current proposal and the previous proposal (Attachment C). Staff have summarized key project revisions in the table below.

	<b>Previous Proposal (DP1070 / DP1228)</b>	<b>Current Proposal (DP1263)</b>
<i>Number of Units</i>	59 dwelling units	55 dwelling units
<i>Density (FAR)</i>	1.05	0.75
<i>Lot Coverage</i>	25%	20%
<i>Building Height</i>	6 storeys	5 storeys
<i>Variances</i>	Variances for watercourse setback, building height, small car parking, and underground parking setback.	Variances for watercourse setback, front yard setback, and underground parking setback (no building height variance request).
<i>Approximate area of encroachment below top-of-bank</i>	918m <sup>2</sup> (17% of site)	375m <sup>2</sup> (7% of site)
<i>Proposed Covenant Area (Area of Protection)</i>	2,790m <sup>2</sup> (50% of site)	3,332m <sup>2</sup> (60% of site)
<i>Riparian Restoration</i>	Details of riparian restoration were to be determined at the time of the building permit as a condition of the DP.	A detailed riparian restoration vegetation management plan was provided and will be secured as a condition of the DP (Attachment H).

	<b>Previous Proposal (DP1070 / DP1228)</b>	<b>Current Proposal (DP1263)</b>
<i>Voluntary Contributions (discussed in more detail later in this report)</i>	Improved public parking area, statutory right-of-way for existing public trail on a portion of the site, and sidewalk along Bradley Street.	In addition to the previously proposed conditions, the following voluntary contributions are proposed: <ul style="list-style-type: none"> <li>• secured purpose-built rental housing;</li> <li>• use of a low-carbon energy system;</li> <li>• off-site frontage works (including improved public parking area); and,</li> <li>• a contribution towards traffic calming measures.</li> </ul>

As outlined in the above table, the overall scale and footprint of the proposed development has been reduced when compared to the previous proposal. Additional changes include increased tree retention; greater permeable surfacing; improved rainfall retention; higher building energy efficiency; and others as described in Attachment C.

#### *Site Design*

The proposed development is situated on the northernmost portion of the property, at the highest part of the lot and furthest from the Millstone River. Vehicle access to the site will be via separate driveways to two levels of under-the-building parking. The upper parking level will be accessed from Millstone Avenue to the west, and the lower parking level will be accessed from the adjacent strata property to the east (571 Bradley Street), where an existing easement agreement secures vehicle access between Bradley Street and the subject property. A third vehicle access point is proposed for short-term pick-up/drop-off in front of the building which will be accessed directly from Bradley Street. All required vehicle and bicycle parking will be provided onsite and a refuse/recycling storage room is proposed on the upper parking level accessed from Millstone Avenue only.

The principal building entry will face the pick-up/drop-off area. Direct pedestrian connections will be provided from ground-level units to the sidewalk. A new sidewalk will be constructed across the front of the property, and will be protected by a statutory right-of-way (SRW). The portion of the existing trail between Millstone Avenue and Bowen Park that crosses the subject property will be retained and protected by a SRW for public access as a condition of the development permit.

The applicant is proposing to expand the vegetation protection no-build covenant in the southern portion of the property from 2,040m<sup>2</sup> to approximately 3,330m<sup>2</sup> as part of the site's development.

#### *Building Design*

The proposed building design and massing takes advantage of the slope on the property. South-facing units will be offered views towards the Millstone River and Bowen Park. The two levels of under-the-building parking will be masked from view by the lowermost two storeys of residential



units. An indoor common lounge and outdoor deck is proposed at street-level with access from the main lobby.

In accordance with the General Development Permit Area Design Guidelines, the building design will create a strong street presence facing Bradley Street with a well-defined circular driveway entrance, balconies, ground-level patios, and a covered principal entryway to animate the street. A green roof is proposed for the roof of the covered entryway, and solar panels are proposed for the remaining available roofs. Exterior building materials will consist of fiber cement panels and lap siding in contrasting shades. Additional visual interest will be provided by wood deck columns and soffits. The use of natural shades and materials will allow the development to blend in with the surrounding environment.

As the subject properties falls within Development Permit Area DPA2: Hazardous Slopes, a geotechnical assessment has been prepared by a professional engineer to address the DPA2 guidelines. As a condition of the development permit, a Section 219 covenant will be registered on title to ensure that any development of the site will follow the recommendations of the geotechnical assessment.

### *Landscape Design*

The proposed landscape scheme for the northern portion of the site includes a layered mix of woodland plantings (trees, shrubs, grasses, and groundcovers) to reflect the native forest along the Millstone River. An arbour will frame the pedestrian walkways onsite. Stepped planters will transition from the street level to natural grade on both sides of the proposed building. A fence and gabion mesh retaining wall to the rear of the building will separate the development portion of the site from the proposed covenant area, and green walls are proposed on the south side of the river-facing walls.

The protected covenant area will be subject to a riparian restoration vegetation management plan (the “riparian restoration plan”) as a condition of the development permit. The riparian restoration plan will include invasive species removal, retention of existing native species, interspersed planting, and bonding for a three-year maintenance period.

### **Design Advisory Panel**

The Design Advisory Panel (DAP), at its meeting held on 2022-MAR-10 accepted DP1263 as presented with support for the proposed variances. The following recommendation was provided:

- Consider ways to reduce the massing of the east elevation.

The applicant subsequently revised the building design on the east elevation to include greater material variation, an expanded green screen, and recessing of the exterior decks to create a stepped profile.

### **Proposed Variances**

#### *Minimum Watercourse Setback*

The City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) requires a minimum 30m watercourse setback from the top-of-bank above the Millstone River. The proposed

watercourse setback from top-of-bank is 0m, a requested variance of 30m. The entirety of the subject property is located within the 30m setback from top-of-bank and a variance would be required for any structure or development on the lot.

As the Millstone River is a fish-bearing watercourse, it is also subject to the Provincial Riparian Areas Protection Regulation (RAPR). At this location, the required Streamside Protection and Enhancement Area (SPEA) has been determined by a Qualified Environmental Professional to be 15m as measured from the high water mark. As the City's watercourse setback is measured from the top-of-bank above the Millstone River and the top-of-bank is approximately 50m from the high water mark, the City setback extends across Bradley Street to the north of the subject property. Neither the previous proposal nor the current proposal includes any encroachment into the SPEA; however, the proposed nearest distance of excavation from the SPEA has been increased to 15m compared to 6m in the previous proposal (DP1070 / DP1228).

Any variance to a watercourse setback in the City of Nanaimo is subject to the Development Permit Area DPA1: Environmentally Sensitive Areas (ESAs) guidelines as outlined in Section 18.1 of the Zoning Bylaw. To address the DPA1 guidelines, the applicant has provided a detailed biophysical assessment prepared by a Qualified Environmental Professional (QEP) with a RAPR assessment report. An executive summary prepared by the QEP has also been provided (Attachment J). The assessment recommends that a significant area beyond the SPEA be protected for both wildlife habitat and slope stability. In accordance with the QEP's recommendations, the proposed development will have a setback from the high water mark of the Millstone River ranging from approximately 77.5m on the west side to 31.5m on the east side.

The QEP assessment has been reviewed and accepted by Staff. The proposed development will not encroach any closer to the Millstone River than adjacent developments and the functional habitat will be significantly increased through the riparian restoration plan and secured by covenant. The area of the required SPEA is approximately 821m<sup>2</sup> and there is an existing covenant on the property title that protects approximately 2,040m<sup>2</sup> as a no-build area. The proposed covenant area will be 3,332m<sup>2</sup> providing a significant increase in protected habitat area. Additionally, the riparian restoration plan will increase the density of native plant species within the protected area.

Given the demonstrated ability to meet the DPA1 guidelines and exceed the Provincial SPEA requirements, Staff support the proposed watercourse setback variance.

#### *Minimum Front Yard Setback*

The minimum front yard setback in the R8 zone is 6.0m. The proposed front yard setback is 4.5m, a requested variance of 1.5m. The applicant has moved the proposed building closer to Bradley Street compared to the previous proposal in order to expand the proposed environmental protection area, and has demonstrated that adequate landscape buffering can be provided in the proposed 4.5m setback. The front yard setback will also accommodate the public sidewalk onsite. Given the greater setback from the Millstone River on the south side of the development, Staff support the proposed front yard setback variance.

#### *Minimum Underground Parking Structure Setback*

The minimum front yard setback for an underground parking structure is 1.8m. The proposed parking structure setback from Bradley Street is 0.0m, a requested 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 necessary lateral support to Bradley Street where it is currently supported by a retaining wall. Staff support the proposed underground parking structure setback variance.

### **Community Consultation**

Though not required for a development permit application, the applicant originally engaged with the surrounding community in 2018 prior to approval of DP1070. In order to provide an update on the revised project proposal, the applicant further engaged both the Bradley Street Neighbourhood Association and the strata council for neighbouring 571 Bradley Street in December 2022. No formal request for comment is required as part of a DP application and the City has not received comments on this application from either group at the time of writing of this report.

### **Additional Voluntary Contributions**

In response to community comments on the previous proposal – specifically regarding traffic and housing tenure – and in order to address City Plan objectives related to climate change, the applicant proposes the following voluntary contributions to be secured as conditions of the development permit:

1. The provision of purpose-built rental units (no independent sale of units) through a Housing Agreement for a period of 10 years, to be secured prior to building permit issuance;
2. Commitment to a low-carbon energy system with a greenhouse gas intensity limit of 3kg/m<sup>2</sup>/year (consistent with the BC Energy Step Code rezoning policy for applications that require rezoning);
3. A monetary contribution of \$50,000 towards City traffic calming measures for the Bradley Street – Millstone Avenue corridor prior to building permit issuance; and,
4. Completion of the following off-site works through Design Stage Acceptance at the time of building permit:
  - reconstruction of the public parking area within the full extent of the Millstone Avenue right-of-way to the west of the subject property, generally as shown on Attachment D; and
  - construction of a sidewalk with a linear length of approximately 37m on the south side of Bradley Street within the existing road right-of-way, between the subject property and the nearest vehicle drive aisle entry of the adjacent strata development at 571 Bradley Street.

Staff support the proposed voluntary contributions and recommend that issuance of the development permit be withheld until the conditions are secured (e.g. through a Section 219 covenant registered on property title). Through the provision of voluntary contributions and the reduction in scale of development, the proposal both exceeds the requirements of the DPA1 guidelines for protection of environmentally sensitive areas and secures off-site amenities to the benefit of the immediate neighbourhood.

### **SUMMARY POINTS**

- Development Permit Application No. DP1263 is for a five-storey multi-family residential rental building with 55 dwelling units and under-the-building parking.
- Variances are requested for the watercourse setback, front yard setback, and underground parking structure setback.
- The overall scale and footprint of the proposed development has been reduced when compared to the previous proposal.
- The applicant has proposed voluntary contributions related to housing tenure, low-carbon energy systems, traffic calming, and off-site works, to be secured prior to issuance of the development permit.
- Through the provision of voluntary contributions and the reduction in scale of development, the proposal both exceeds the requirements of the DPA1 guidelines for protection of environmentally sensitive areas and secures off-site amenities to the benefit of the immediate neighbourhood. |

### **ATTACHMENTS**

ATTACHMENT A:	Permit Terms and Conditions
ATTACHMENT B:	Subject Property Map
ATTACHMENT C:	DP Comparison Sheet
ATTACHMENT D:	Site and Parking Plans
ATTACHMENT E:	Building Elevations and Details
ATTACHMENT F:	Site Sections
ATTACHMENT G:	Building Renderings
ATTACHMENT H:	Landscape Plan and Details
ATTACHMENT I:	Riparian Restoration Vegetation Management Plan
ATTACHMENT J:	Environmental Assessment – Executive Summary

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