

DATE OF MEETING | May 27, 2019 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**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 Grasteve 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

Submitted by:

L. Rowett,
Current Planning

Concurrence by:

D. Lindsay, Director
Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

“City of Nanaimo ZONING BYLAW 2011 NO. 4500” is varied as follows:

1. *Section 7.6.1 Size of Buildings* – to increase the maximum allowable building height from 14m to 17.92m.
2. *Section 6.5.1 Projections into Yards* – to reduce the minimum required front yard setback for an underground parking structure from 1.8m to 0m.
3. *Section 6.3.1.4 Location and Siting of Buildings and Structures to Watercourses* – to reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;

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 permitted percentage of small car parking spaces from 40% to 41%.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the site plans prepared by Raymond de Beeld sArchitect Inc., dated 2019-APR-16, as shown on Attachment C.
2. The development is developed in substantial compliance with the building elevations prepared by Raymond de Beeld Architect Inc., dated 2019-MAY-08, as shown on Attachment D.
3. The subject property is developed in substantial compliance with the landscape plan and details prepared by Victoria Drakeford Landscape Architect, as received 2018-OCT-10, as shown on Attachment F.
4. Permanent fencing and signage built to City of Nanaimo aquatic setback fence standards is installed at the new watercourse setback line, as shown on Attachment F, prior to the commencement of any construction.
5. A statutory right-of-way is registered on the subject property prior to building occupancy to secure public access within an existing trail from Millstone Avenue to Bowen Park (generally as shown on Attachment C).
6. The subject property is developed in accordance with the recommendations contained in the QEP’s environmental report prepared by Toth & Associates and dated 2018-FEB-21 including the following recommendations:
 - a. A detailed Sediment and Erosion Control Plan will be required prior to issuance of a building permit to ensure that overland flows are not directed to ravine side slopes, both during and post construction.
 - b. A Vegetation Restoration Plan will be required prior to issuance of a building permit. A landscape bond is required for 100% of the landscape estimate to be provided with the Vegetation Restoration Plan.
 - c. A post-development report will be required to be submitted to the Province within 6 months of project completion to ensure that no encroachment has occurred within the SPEA setback.

**ATTACHMENT B
LOCATION PLAN**



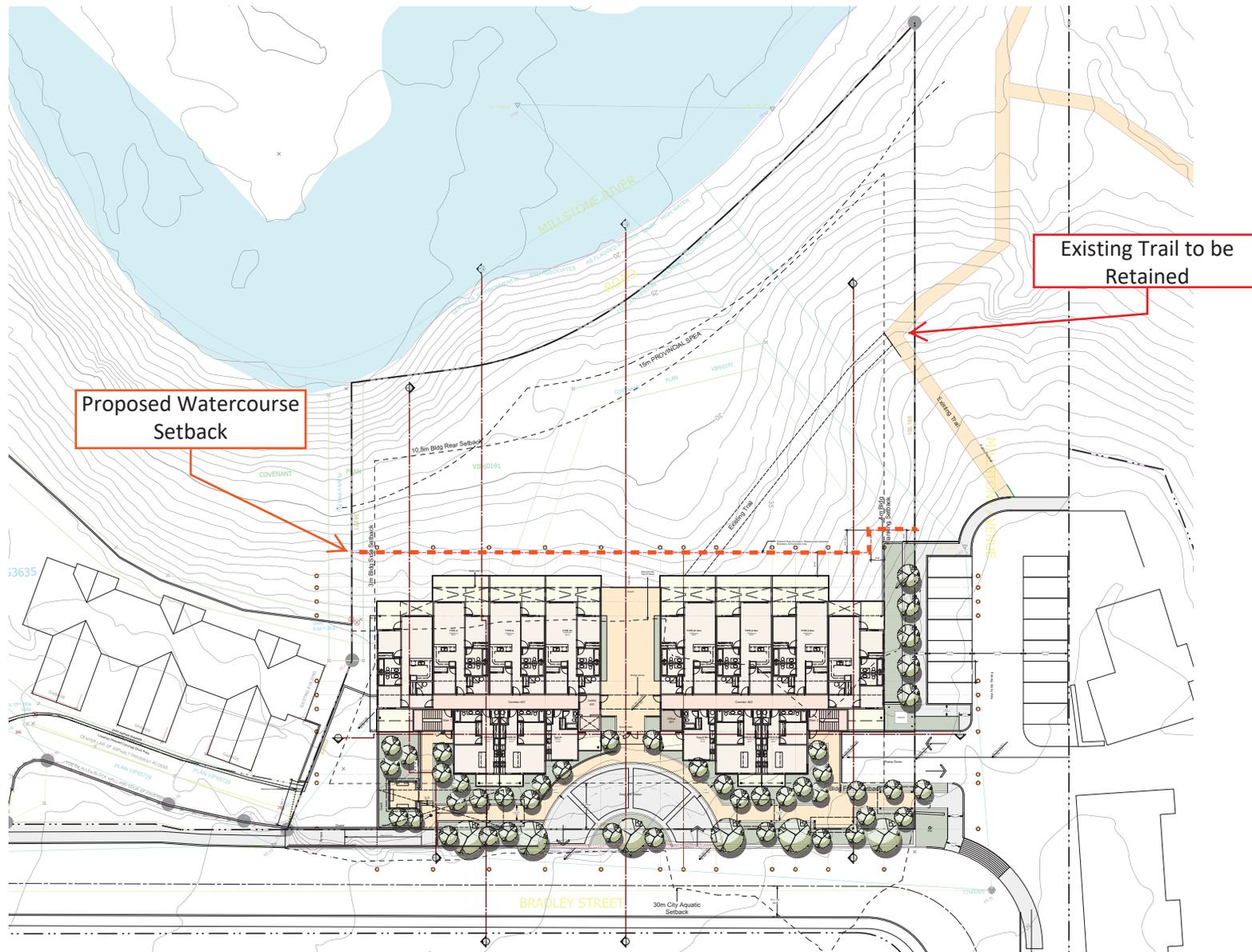
DEVELOPMENT PERMIT NO. DP001070

LOCATION PLAN

Civic: 591 BRADLEY STREET
Legal: LOT 2, NEWCASTLE TOWNSITE, SECTION 1
NANAIMO DISTRICT , PLAN VIP60189



ATTACHMENT C SITE PLANS



Existing Trail to be Retained

Proposed Watercourse Setback

SITE PLAN NOTES:
Survey based on Sketch Plan of Williamson & Associates, dated Jun 14, 2016, file #16059-1.
----- Extent of new covenant & excavation line



Grastve Enterprises Ltd. / Landview Construction Co. Ltd.
Development Permit Application

591 BRADLEY MULTI-FAMILY

Site Plan

RECEIVED
DP 1070
2019-APR-16
Current Planning

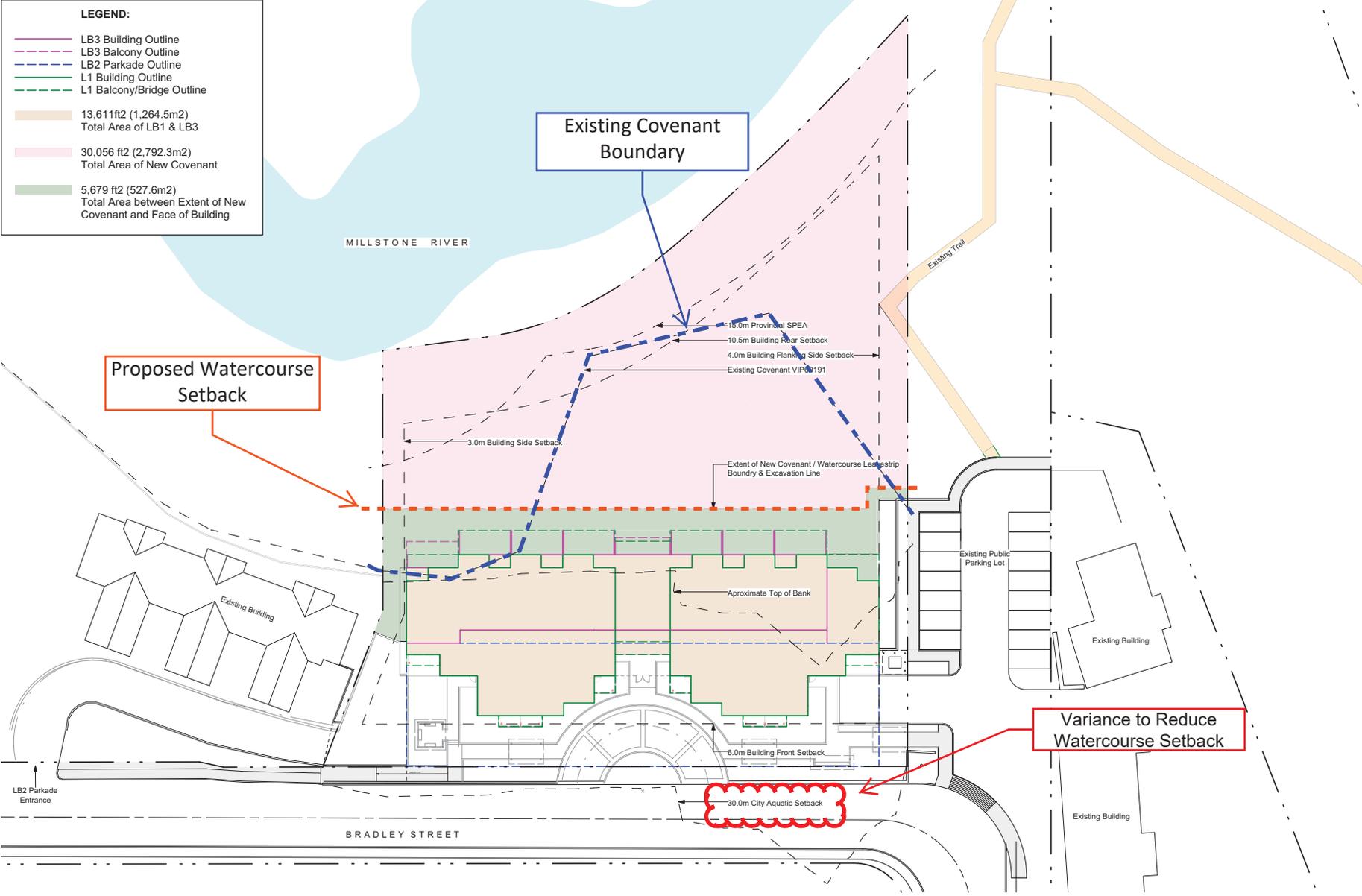
March 26, 2019
DP Rev 5, April 16, 2019

A1.1

PROPOSED WATERCOURSE SETBACK

LEGEND:

- LB3 Building Outline
- - - LB3 Balcony Outline
- - - LB2 Parkade Outline
- L1 Building Outline
- - - L1 Balcony/Bridge Outline
- █ 13,611ft² (1,264.5m²)
Total Area of LB1 & LB3
- █ 30,056 ft² (2,792.3m²)
Total Area of New Covenant
- █ 5,679 ft² (527.6m²)
Total Area between Extent of New Covenant and Face of Building



Grastve Enterprises Ltd. / Landview Construction Co. Ltd.
Development Permit Application

591 BRADLEY MULTI-FAMILY

Bldg Area (Bldg Code)
Modified for 8x11

RECEIVED
DP 1170
2019-MAY-07
CIVIL ENGINEERING
May 07, 2019

A1.4

Proposed Building Height Variance

MATERIALS LEGEND:

- AL1 Aluminum Storefronts - Clear Anodized
- AL2 Aluminum Window Grille - Clear Anodized
- AL3 Aluminum Overhead Door - Clear Anodized
- CN1 Concrete - Natural
- FH1 Fiber Cement Horizontal Siding - Light Yellow
- FH2 Fiber Cement Horizontal Siding - Medium Yellow
- FH3 Fiber Cement Horizontal Siding - Brown
- FH4 Fiber Cement Horizontal Siding - Light Green
- FH5 Fiber Cement Horizontal Siding - Medium Green
- FH6 Fiber Cement Horizontal Siding - Dark Green
- FP1 Fiber Cement Panels - Grey
- FP2 Fiber Cement Panels - White
- WD1 Wood textured lap siding
- WD2 Fir Trellis
- WD3 Fir Gate on Metal Frame
- WD4 Fir Post and Fascia
- MT1 Metal Flashing - Brown to match wood
- MT2 Metal Flashing - Grey
- MT3 Metal Flashing - White
- GL1 Glass Railing/Glass
- LT1 Lights
- SN1 Signage
- VW1 Vinyl Windows - Beige



1 EAST ELEVATION

Proposed Building Height Variance



2 NORTH ELEVATION

ATTACHMENT E BUILDING RENDERINGS



1 MAIN ENTRY VIEW



2 NW BIRD'S EYE VIEW W/O CONTOURS



3 SE BIRD'S EYE VIEW



4 NE BIRD'S EYE VIEW



1 NE VIEW



2 SW VIEW

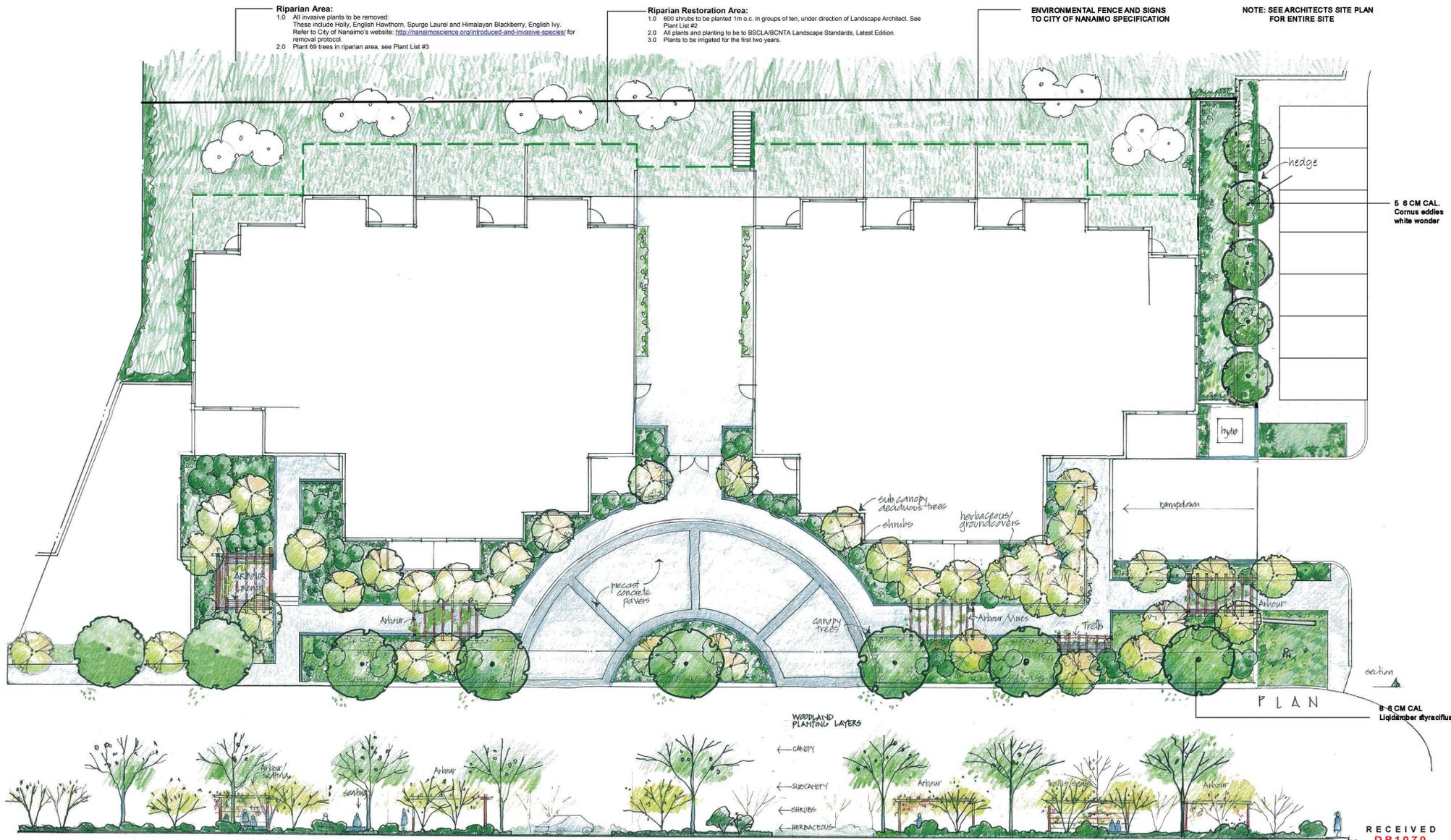


3 NW VIEW



4 COURTYARD VIEW

ATTACHMENT F LANDSCAPE PLAN AND DETAILS



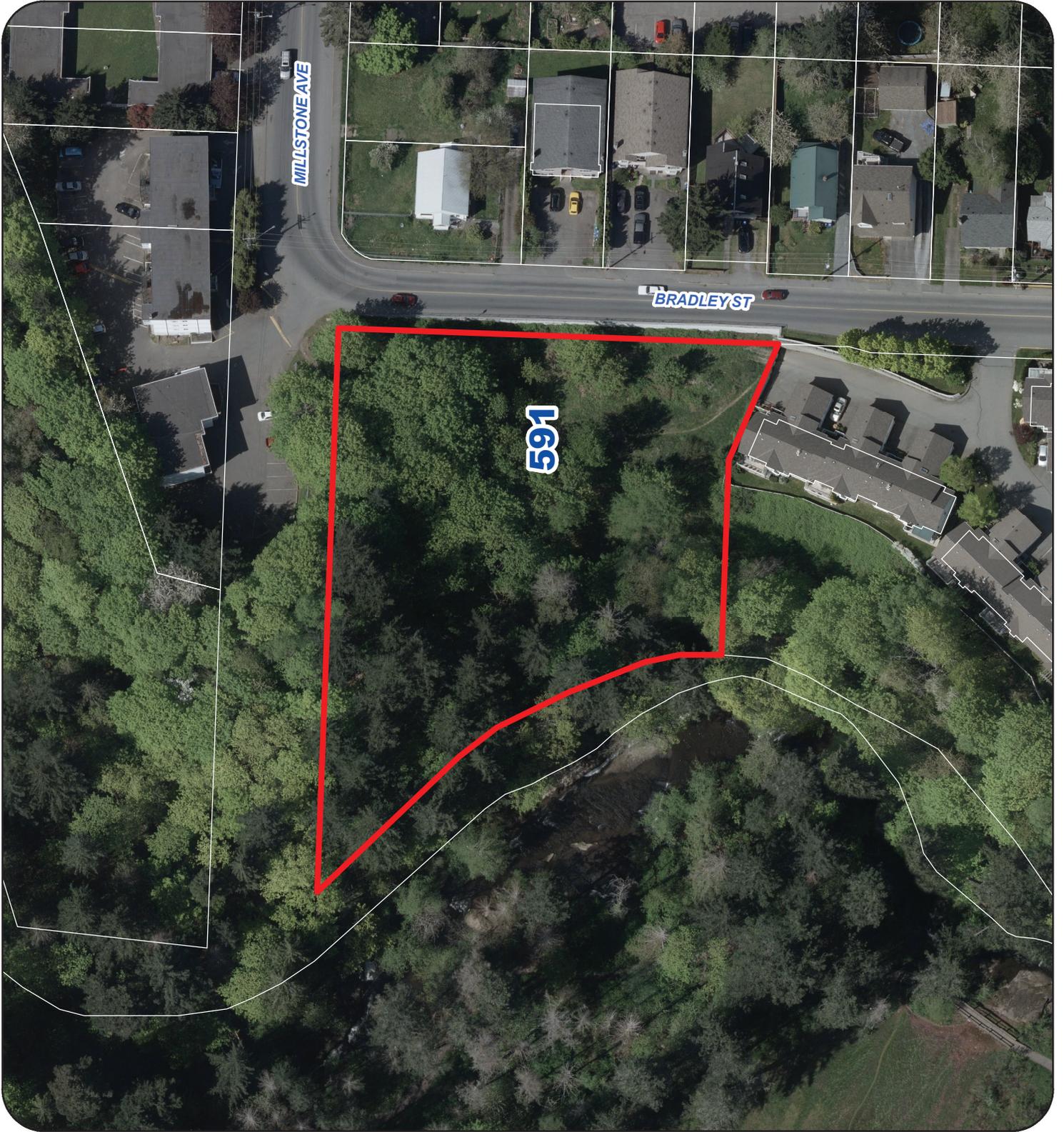
VICTORIA DRAKEFORD
 LANDSCAPE ARCHITECT
 236 Pine St. Nanaimo,
 B.C. V9R 2S9
 250-754-4338
 victoria@vdrakeford.net

591 BRADLEY MULTI-FAMILY

SECTION
 Scale: 1/8" = 1'-0"
 Date: 4.8.17
 Revised: 19.2.18
 Revised: 21.9.18
 Revised: 08.05.19

RECEIVED
 DP1070
 2019-MAY-09
 C:\Users\pdrake\Documents\591 Bradley Multi-Family\591 Bradley Multi-Family - DP1070 - 2019-MAY-09

**ATTACHMENT G
AERIAL PHOTO**



DEVELOPMENT PERMIT NO. DP001070

Legend

 Subject Property

Delegation Request

Delegation's Information:

Paul Chapman has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is May 27, 2019.

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:

The proposed development at 591 Bradley Street and to inform Council about the environmental and City infrastructure reasons for maintaining riparian setbacks.

BRADLEY STREET NEIGHBOURHOOD ASSOCIATION

Mayor and Council
City of Nanaimo
455 Wallace Street
Nanaimo BC V9R 5J6

May 20, 2019

RE: DP1070 - 591 BRADLEY STREET

The strongly held view by all those consulted in our neighbourhood remains that this development is TOO BIG for both the very steep sloped, unstable site and the traffic capacity of Bradley Street.

Environmental Issues: The main concern is the protection of the Coho salmon bearing Millstone River during construction. Tree removal equipment and bulldozers have been known to tip over on steep inclines. There is NO natural bench below this site to stop anything from entering the river. Would the City consider adding this land to the adjacent Bowen Park?

Traffic Issues: The conversations about traffic/safety issues with Bradley Street go back decades (1981) with no satisfactory resolutions. The addition of 59 residential units with the corresponding increased traffic, including service vehicles entering and exiting this development will only add to the already dangerous congestion. The street is narrow with limited on street parking and has a sidewalk on one side only which is intermittently blocked by hydro poles causing bikes, buggies and walkers to step onto the road. Additional traffic will increase the risk to vehicle, pedestrian and bike safety. If the project is approved will the City move forward with the Wall Street Connector plan (2004)?

Developer Issues: What prohibits the owner from switching it to a condo unit after it is built? Our concern is that the proposal might be approved because of the shortage of rental units in our city. The 59 rental units would be a welcome addition to any neighbourhood if it were being built on FLAT LAND (not a steep slope above the precious Millstone River) and was on a NORMAL street that did not have traffic design issues going back decades. If approved, can the City get a guarantee from the Developer that this building will remain a rental unit?

The Bradley Street Neighbourhood Association STRONGLY recommends the rejection of this development as proposed. Thank you for your thoughtful consideration of these important concerns.



Sandra Thomson, Volunteer Chair
Bradley Street Neighbourhood Association