

Report

Date	April 17, 2024	File: DP000302
Subject	Development Permit with Variance application for 2591 Beverly Street	

PURPOSE

To consider development permit application DP000302, which seeks a variance to the parking requirements of the Zoning Bylaw, to facilitate the construction of a six-storey mixed-use building with ground-floor commercial use and 210 residential apartment units at 2591 Beverly Street.

BACKGROUND

The 1.01 (2.5 acre) subject property is located at the northwest corner of Beverly Street and York Road. It is situated within the Urban Containment Boundary (UCB) of the Official Community Plan (OCP) and within Area 1 of the CD19 Zone (University Village Mixed Commercial/Residential Comprehensive Development), where mixed-use buildings with ground-floor commercial use and (upper-floor) residential use are permitted.

Council may consider approval of a development permit with variances to the zoning bylaw (*Local Government Act*, section 490(1)). Additionally, Schedule J section (iv) of the Zoning Bylaw states that Council may consider issuing a development permit with variances if doing so facilitates the proposal's conformance with applicable guidelines and achieves policy objectives in the OCP.

A location map, orthophoto, and zoning map are provided in Attachments 1, 2, and 3.

Proposal

The applicant proposes:

- A mixed-use building with ground floor commercial and five storeys of residential units, for a total of 210 apartments and comprised of the following:
 - 70 studio units;
 - 110 1-bedroom units; and,
 - 30 2-bedroom units.

In accordance with the development permit areas (DPA) designated in the OCP, the property owner must receive development permit approval prior to building permit issuance for:

- DPA 1 – Multi-Unit & Intensive Residential Development;
- DPA 2 – Commercial & Industrial Development;
- DPA 3 – Natural Environment;
- DPA 4 – Hazard Lands; and,
- DPA 6 – GHG Reduction, Energy & Water Conservation.

The applicant is requesting Council's approval for a development permit, which includes a variance to the parking provisions of the zoning bylaw.

The applicant's request to vary the associated parking provision of the Zoning Bylaw would:

- Decrease the minimum parking stall width at posts (underground) from 3.0 m to 2.6 m (section 24(2a)).

The subject property's phased development is proposed to include a subsequent phase of mixed-use development immediately to the south of this development permit proposal (DP000302).

The applicant's Letter of Rationale is provided as Attachment 4. Note that the public road access to the site will be from Beverly Street, and the variance request, as shown above, is updated in the developer's finalized drawings.

DISCUSSION

The following subsections outline how the development proposal aligns with relevant development permit guidelines, complies with applicable bylaws and infrastructure servicing requirements, and the land use impacts of the proposed variance.

- **Development Permit Areas 1, 2, 3, 4 & 6**

In fulfillment of relevant guidelines of DPA-1 & DPA-2 (Intensive Residential & Commercial) and DPA-6 (GHG Reduction and Energy & Water Conservation), as well as DPA3 (Natural Environment, Aquifer Vulnerability) and DPA-4 (Natural Hazard, Floodplain), the Draft Development Permit with Variance (DP000302) with Schedules 1-6 is provided (Attachment 5).

Highlights from the Schedules demonstrate the development addresses:

- Site Plan, Building Elevations, Lighting, Energy Attestation (Schedule 1)

DPA 1 & 2 *Site Choice & Efficient Land Use* and *Site Design & Landscaping and Building Form & Character* guidelines by providing well-defined common amenity spaces in the courtyard area as well as on the rooftop (Zoning Bylaw, section 1.3.1.2), adequately lit and clearly marked entrances, accessible parking stalls in proximity to the main entrance/elevators (section 1.3.1.1), and bicycle storage rooms in underground parking for residents (section 1.4.1);

DPA 6 *Energy Conservation* guidelines by demonstrating Step Code 3 standards will be achieved (section 5.3.1);

- Concept Servicing Plan & Erosion and Sediment Control Plan (Schedule 2)

DPA 1 & 2 *Erosion and Sediment Control* standards (section 1.5.1) by providing a Concept Servicing Plan conducted by a professional Engineer, which has been acknowledged by Engineering Department staff with no concerns noted at this time;

- Landscape Plan & Estimate (Schedule 3)

DPA 1 & 2 *On-site Landscaping* guidelines by demonstrating landscaped linkages between the building to adjacent streets (York Rd) (section 1.5.3 a) and parking lot areas (section 1.4.3 a), as well as invasive species management (1.5.2 h);

- Aquifer Vulnerability Report (Schedule 4)

DPA 3 *Aquifer Protection* guidelines by providing an assessment report conducted by a qualified professional, which states that stormwater management plans are sufficient to balance risks to the aquifer associated with excavation and subsequent development (section 2.4.5); and,

- Geotechnical Assessment Report (Schedule 5)

DPA 4 *Flood Hazard Protection* guidelines with respect to site preparation and floor elevations by providing an assessment report conducted by a qualified professional (section 3.2.3).

• **Variance Request & Required Parking**

The applicant's request to Council to relax the zoning provisions to reduce the minimum width of parking stalls next to posts in the underground parkade facilitates conformance with these policies:

- *DPA-1 guidelines* for efficient use of the site. Specifically, the requested variance helps to minimize the effect of surface parking by providing significant underground parking (section 1.4.3 a) and,
- *OCP objectives* to optimize residential density with appropriate housing diversity in the context of residential intensification within the UCB, where a walkable, compact community is anticipated (section 3.1/3.1.1).

The following table summarizes the requested variance to the provisions of Zoning Bylaw 2950, 1997:

Zoning Bylaw Section	Required	Variance Request
24(2)(a)	Min. parking stall width at posts 3.0 m	From 3.0 m to 2.6 m width at posts, underground parking only

A Parking Design Review (March 27, 2024), provided by a professional engineer, indicates that parking can be achieved at posts "... without conflicts for their respective design vehicles" (p. 2) using inbound and outbound exhibits based on:

- 90-degree standard stalls;
- 45-degree standard stalls, and,
- 90-degree small car parking stalls.

No other variances to the parking provisions in the Zoning Bylaw are requested.

Of note, the parking stalls currently indicated on the site plan exceed the required minimum number by 52. Should the subsequent phase of development immediately to the south of this proposed development take place in the future, the excess stalls indicated on the site plan in Schedule 1 of the Draft Development Permit with Variance can be factored into the subsequent phase.

The Parking Design Review is provided as Schedule 6 of the Draft Development Permit with Variance (Attachment 5).

Summary & Conclusion

The proposed development demonstrates consistency with relevant Development Permits 1 and 2 (Multi-Unit & Intensive Residential Development and Commercial & Industrial Development) and Development Permit 6 (GHG Reduction, Energy & Water Conservation) guidelines. It is also consistent with Development Permit Area 3 (Natural Environment, Aquifer Vulnerability) guideline requirements to identify mitigation measures for the proposed development of an aquifer and Development Permit Area 4 (Hazard Lands, Floodplain) requirements to review floor elevation levels as appropriate.

The proponent proposes underground parking for many of the required parking stalls to achieve the maximum allowable residential density. To achieve the required parking for this development permit application proposal and potential future phases, the applicant requests to reduce the minimum parking stall width adjacent to posts from 3.0 m to the regular stall width of 2.6 m. Vehicle turn plans provided by a professional engineer demonstrate the feasibility of the proposed underground parking design.

The proposal substantially complies with relevant development permit guidelines for the form and character of the proposed mixed-use building, energy and water conservation, aquifer protection, and floodplain hazard, so this development proposal with variance is recommended for approval.

OPTIONS

1. **(Recommended Option)** THAT Council issue the Development Permit DP000302 for Lot 3 at 2591 Beverly Street (PID 030-594-715) to construct a six-storey mixed-use building with ground floor commercial use and 210 residential apartment units as attached to this report dated April 17, 2024, and grant this variance to Zoning Bylaw 1997, No. 2950, to:
 - Decrease the minimum width of parking stalls at posts from 3.0 m to 2.6 m in the underground parkade under Section 24(2)(a).
2. THAT Council deny Development Permit application DP000302.
3. THAT Council refer the application back to staff if Council does not support the requested variance.

IMPLICATIONS

Should Council approve the application, grant the variance, and authorize the issuance of the development permit, the proposed six-storey, 210-unit mix-use building situated within the CD19 zone at 2591 Beverly Street could proceed to a building permit application and detailed servicing and stormwater management approvals.

Should Council not grant the requested variance, the proponent must amend the application accordingly.

If Council does not consider the application sufficiently consistent with applicable development permit guidelines, it may be denied, and the applicant would be required to submit a new application to develop the property.

RECOMMENDATION

THAT Council issue the Development Permit DP000302 for Lot 3 at 2591 Beverly Street (PID 030-594-715) to construct a six-storey mixed-use building with ground floor commercial use and 210 residential apartment units as attached to this report dated April 17, 2024, and grant this variance to Zoning Bylaw 1997, No. 2950, to:

- Decrease the minimum width of parking stalls at posts from 3.0 m to 2.6 m in the underground parkade under Section 24(2)(a).

Report prepared by:

Caroline von Schilling

Caroline von Schilling MCIP, RPP
Development Planner

Report reviewed by:



Amanda Young
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Letter of Rationale
- (5) Draft Development Permit with Variance