



# City of Port Moody

## Report/Recommendation to Council

Date: June 28, 2021

Submitted by: Community Development Department – Development Planning Division

Subject: Development Approval – Lots 17-20 Henry Street (Ankenman Marchand)

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### Purpose

To present for Council consideration the following:

- adoption of Official Community Plan (OCP) Amendment Bylaw, No. 3258 (**Attachment 1**), to change the land use designation of a portion of the site to be dedicated to the City as park, from 'Multi-Family Residential' to 'Parks and Open Space', and to allow for an 11-storey building;
- adoption of Zoning Amendment Bylaw, No. 3259 (**Attachment 2**) to rezone the property from Acreage Reserve to Comprehensive Development Zone 57 (CD57) for the portion of the lot proposed for development, and to Civic Institutional (P1) for the portion to be dedicated to the City as park;
- adoption of Housing Agreement Bylaw, No. 3279 (**Attachment 3**) that establishes the parameters of the housing component, including an affordable housing unit; rent-to-own units; and lock-off suites; and
- authorization of Development Permit No. 2021-140 (**Attachment 4**) for Form and Character, Hazardous Conditions, and Environmentally Sensitive Areas (ESA).

If approved, this would allow for a 173-unit development within an 11-storey building on the properties located at Lots 17-20 (3000 Block) Henry Street (**Attachment 5**).

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### Recommended Resolution(s)

**THAT City of Port Moody Official Community Plan Bylaw, 2014, No. 2955, Amendment Bylaw No. 25, 2020, No. 3258 (Lots 17-20 Henry Street); City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 41, 2020, No. 3259 (Lots 17-20 Henry Street) (CD57); and City of Port Moody Housing Agreement Bylaw, 2021, No. 3279 (Lots 17-20 Henry Street) be now adopted as recommended in the report dated June 28, 2021 from the Community Development Department – Development Planning Division regarding Development Approval – Lots 17-20 Henry Street (Ankenman Marchand);**

**AND THAT Development Permit 2021-140 be authorized for issuance;**

**AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required in support of this application.**

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## Executive Summary

This development application relates to an OCP amendment and rezoning application to allow for an 11-storey, 173-unit development on the properties located at Lots 17-20 Henry Street.

Key aspects of the proposal include:

- an 11-storey building that tiers up the hillside, with a Floor Area Ratio of 1.82;
- a unit mix including 63 studio and one-bedroom units, and 110 units with two or more bedrooms, with 87 units, or 50%, being adaptable;
- compliance with the Zoning Bylaw's riparian setbacks and dedication of 8,005m<sup>2</sup> (86,162ft<sup>2</sup>) of land to the City for park and environmental purposes; and
- the provision of a 148.6m<sup>2</sup> (1,600ft<sup>2</sup>) affordable housing unit to Kinsight, which could house up to six persons, along with a minimum of 17 rent-to-own units and six units with lock-off suites;

Implementation of the project requires the adoption of the OCP amendment Bylaw (**Attachment 1**), rezoning Bylaw (**Attachment 2**), and housing agreement Bylaw (**Attachment 3**). In addition, the project has been reviewed against the applicable Development Permit guidelines for:

- Form and Character Area 1: Neighbourhood Residential design guidelines;
- Development Permit Area 4: Environmentally Sensitive Area guidelines, due to the site's forested character and the riparian area associated with Elginhouse Creek; and
- Development Permit Area 5: Hazardous Conditions guidelines due to the existence of steep slopes and the potential for soil liquefaction.

As the project complies with these guidelines, Council may consider authorizing the issuance of Development Permit 2021-140 (**Attachment 4**). A subdivision will be required to allow for the consolidation of lots and creation of two parcels: the development parcel and the park parcel.

## Background

The OCP amendment and rezoning application involves four properties located on the south side of the 3000-block of Henry Street, west of Buller Street, as shown in the Location Map (**Attachment 5**). The OCP designates the subject lands as multi-family residential, which permits residential development up to a maximum of six storeys. The subject lots are presently zoned Acreage Reserve (A1). The OCP designation and Zoning maps are included as **Attachments 6** and **7**.

On June 2, 2020, Council gave first and second readings to a new OCP Amendment Bylaw, No. 3258, and a Rezoning Bylaw, No. 3259. The OCP Amendment and Rezoning Bylaws were referred to a Public Hearing held on July 28, 2020. Following the Public Hearing, Bylaw No. 3258 and Bylaw No. 3259 were given third reading. On November 24, 2020, Council endorsed a Community Amenity Contribution (CAC) fee waiver for the affordable housing portion of the CAC, in the amount of \$344,000 to facilitate the purchase of an affordable housing unit by Kinsight. The related Housing Agreement Bylaw was given first, second, and third readings on April 27, 2021.

## Discussion

### Site and Conditions

The total site is approximately 17,556m<sup>2</sup> (4.3ac) in size and is situated on the Chines hillside. The site slopes significantly upwards from north to south with an elevation gain of approximately 56m and slopes varying between 25-35%. A large Environmentally Sensitive Area covers the vast majority of the site as it is heavily forested, and the site is impacted by two watercourses: the West Channel running along the west property boundary; and Elginhouse Creek, a more significant watercourse, crossing the southeast portion of the subject site. Due to the steep topography and Environmentally Sensitive Areas, only the portion of the site closest to Henry Street is being proposed for development.

### Development Proposal Description

The development proposal consists of the following:

- a U-shaped 11-storey residential building over an underground parkade;
- a gross residential floor area of 17,362m<sup>2</sup> (186,881ft<sup>2</sup>);
- dedication of 8,005m<sup>2</sup> (86,162ft<sup>2</sup>) of land to the City for park and environmental purposes;
- an FAR of 1.82 based on the net area, which compares to an FAR of 0.99 prior to dedication;
- a total of 173 units with a mix of unit sizes, including 63 studio and one-bedroom units, and 110 units with two or more bedrooms;
- a total of 87 units, or 50%, being adaptable;
- a total of 519m<sup>2</sup> (5,586ft<sup>2</sup>) of indoor amenity space; two outdoor amenity spaces totalling 865m<sup>2</sup> (9,310ft<sup>2</sup>), one on the rooftop and one in the rear yard; and balcony space for each individual unit;
- vehicle access from Henry Street at the western side of the building. It is noted that this element has been changed as part of the detailed design at the Development Permit stage, and allows for the courtyard to have more of a pedestrian/amenity focus for the building; and
- parking provision in accordance with Zoning Bylaw requirements, with a total of 255 spaces, including 228 resident spaces and 27 designated visitor spaces, seven of which are accessible spaces, and 262 long-term residential bicycle parking spaces. Furthermore, two vehicles will be included for a car-share program.

### OCP amendment

In addition to a change in land use designation to change a portion of the site from Multi-Family Residential to Parks and Open Space, in order to allow for an 11-storey building on this site, an OCP amendment for height is required, as a maximum of six-storeys is permitted under the Multi-Family Residential designation. Although the building will have a total of 11 storeys, the proposed development consists of three-storeys fronting onto Henry Street, then steps back up the hillside, meaning that the building is eight storeys at its highest point along the eastern property line. Staff are supportive of the proposed OCP amendment, given 1) the way in which the building terraces into the hillside and is significantly screened from neighbouring development to the west by large trees; 2) the overall FAR before land dedication would be only 0.99; and 3) the site is in relatively close proximity to rapid transit service and other amenities.

The dedication of land to the City as park, the covenant protection afforded to the watercourses to the east and west, and the proposed affordable housing component are also acknowledged as positive elements of the proposal.

In summary, the proposed OCP amendment will include the following:

- an amendment to the OCP to change the land use designation of a portion of the site to be dedicated to the City as park, from 'Multi-Family Residential' to 'Parks and Open Space', which will also require changes to other related maps in the OCP, including Map 1 – Overall Land Use Plan; Map 2 – Parks, Open Space, and Public Facilities; Map 6 – Bike Routes; and Map 7 – Pedestrian Routes; and
- a text amendment to the OCP to allow for an 11-storey building on the subject property. OCP Amendment Bylaw, No. 3258 is included as **Attachment 1**.

### Rezoning

The proposal requires the rezoning of the property from Acreage Reserve to Comprehensive Development Zone 57 (CD57) for the portion of the lot proposed for development of a 11-storey apartment building and to Civic Institutional (P1) for the portion to be dedicated to the City as park. Rezoning Bylaw, No. 3259 is included as **Attachment 2**.

### Development Permit: Form and Character

Architectural and Landscape Plans are included with the Development Permit (**Attachment 4**). The project has been reviewed against the applicable Development Permit Area 1: Neighbourhood Residential design guidelines, which regulates the form and character of multi-family residential developments.

### Development Permit – ESA

The subject property is within a highly sensitive ESA and is bordered by two watercourses (Elginhouse Creek and an unnamed creek). The proposed Riparian Enhancement and Protection Area (RPEA) aligns with the Zoning Bylaw requirements for the two watercourses. Per section 5.4.3(c) of the Zoning Bylaw, the 20m setback from Elginhouse Creek is reduced by no more than 20% at any one point (i.e. 16.0m), and the total length of area where the reduction occurs does not extend beyond 50% of the total setback length. The required 10m RPEA setback is proposed for the unnamed watercourse. The additional 5m Riparian Transition Area (RTA) may allow for pathways and trails.

As mentioned above, a land dedication is being proposed for 8,005m<sup>2</sup> (86,162ft<sup>2</sup>) of land to be dedicated to the City as park and open space. Areas of the development parcel, outside the building footprint, will also be subject to covenants associated with the RPEA and RTA, which will ensure that these areas are also protected. The additional land dedication will also ensure that Environmentally Sensitive Areas are under the control of the City and enables consideration for the future development of a formalized trail system in this area.

As part of the development, a more formalized trail will be provided to the east, west, and south of the building, which also serves as a fire access trail, and some informal trails will be decommissioned. In the longer term, the City will seek to install a more formalized trail system for this area of the Chines. The applicant has committed a contribution to the City of \$25,000 for trail construction and rehabilitation in this area, which could go towards this future trail, and \$54,000 in FireSmart wildland interface funding.

With regards to tree removal or alteration, 141 trees on site are slated for removal or modification, and, based on the current plans, approximately 200 replacement trees are currently proposed. A detailed replanting plan will be finalized as part of the Development Permit issuance process, and a cash-in-lieu amount of \$600 per tree will be accepted for any trees that are unable to be replaced on site, in order to meet the two-for-one replacement requirements of the City's Tree Protection Bylaw.

#### Development Permit: Hazardous Conditions

Given the location of the site at the foot of the Chines hillside and that the lot falls within Development Permit Area 5: Hazardous Conditions due to the existence of steep slopes and the potential for soil liquefaction, ensuring all geotechnical aspects associated with the project have been fully addressed is of paramount importance. Accordingly, a peer review of the submitted geotechnical report and related stormwater management plan has been undertaken by the City, with the cost being recovered from the applicant. Key findings of the peer review of the geotechnical report included the following:

- the geotechnical report and related stormwater management plan generally comply with the intent of current regulations and follow best management practices for development on steep slopes;
- limited geotechnical investigation to date left questions and gaps in data that needed to be addressed; and
- in relation to the proposed excavation and related shoring system, additional geotechnical investigation is required, including the drilling of additional test holes that cover the full extent of the proposed excavation. Such further investigation is needed (as was acknowledged in the proponent's geotechnical report) to better understand geotechnical and groundwater conditions and the associated impact that the excavation will have on the existing groundwater conditions.

In order to allow for additional geotechnical investigation work to be completed, some additional site clearance was required, including the removal of trees, to enable drill access. Following this additional investigation, updated geotechnical and hydrogeological reports have been prepared. Staff are satisfied that the above questions and gaps in data have been addressed at this point. The related reports are also attached to as part of the Development Permit (**Attachment 4**). It is also noted that the Development Permit also includes specific conditions in relation to additional report requirements associated with any future detailed design as part of the Building Permit process, including the ability to require additional peer review where the City deems it necessary, in order to determine that the proposal meets current regulations and best management practices.

### Affordable Housing

It is noted that this application was in stream prior to Council's adoption of the Interim Affordable Housing Guidelines, and that the housing component within this project has been reviewed with that in mind. The key elements of the housing component include:

- 148.6m<sup>2</sup> (1,600ft<sup>2</sup>) of residential floor area to be sold to Kinsight, a non-profit affordable housing operator;
- 17 units offered as rent-to-own to local buyers; and
- six units with lock-off suites.

The estimated design and construction cost of delivering the affordable housing unit is approximately \$800,000 (costs associated with land, financing, and municipal charges are not included as part of the proposed funding arrangement). A partnership funding arrangement between the project proponent and Kinsight, the non-profit housing provider, is proposed and includes:

- the proponent providing an additional \$200,000 on top of the \$344,000 CAC portion that is also to be allocated towards the provision of the unit;
- the non-profit (Kinsight) paying the outstanding cost of the unit, which would be \$256,000; and
- any additional cost overruns over the total \$800,000 being covered by the proponent to ensure the non-profit's financial commitment is not exceeded.

The parameters of the proposed housing component are set out in the Housing Agreement, which forms part of the Draft Housing Agreement Bylaw (**Attachment 3**) and which will be registered by covenant on title of the property.

### Sustainability Report Card

The completed Sustainability Report Card for the development proposal is included as **Attachment 8** and the following table summarizes the scoring.

<div>Sustainability Pillar</div> <div>Application</div>	Cultural	Economic	Environmental	Social	Overall Total
Lots 17-20 Henry Street	64% (7 out of 11)	85% (6 out of 7)	70% (40 out of 57)	70% (24.5 out of 35)	71%

Some of the key highlights identified in the Sustainability Report Card include:

- the provision of an affordable housing unit for Kinsight and affordable home ownership opportunity through the rent-to-own program;
- protection/enhancement and dedication of Environmentally Sensitive Areas in proximity to watercourses as park; and
- extensive outdoor and indoor amenity spaces.

### Concluding Comments

The proposed development, while requiring an OCP amendment for height to allow for an 11-storey building, is otherwise seen as in conformance with the applicable design guidelines. Other positive aspects of the development relate to the significant land dedication for parks and open space, protection of setback areas related to adjacent watercourses, and the affordable housing component. Overall, this project will provide additional housing options in proximity to transit, schools, and commercial uses on St. Johns Street, and is seen as representing a positive addition to the community.

### **Other Option(s)**

THAT the applicant be requested to revise draft Development Permit 2021-140 as identified by Council;

AND THAT adoption of Official Community Plan Bylaw, No. 3258, Zoning Amendment Bylaw, No. 3259, and Housing Agreement Bylaw, No. 3279 be postponed until revisions are complete.

### **Financial Implications**

#### Community Amenity and Public Art Contributions

The applicant, as required, has paid the Community Amenity Contribution (CAC) amount in the order of \$688,000 going towards general community amenities, with Council having approved the waiver for the affordable housing portion in the amount of \$344,000 for allocation towards the affordable housing unit in the project. It is also noted that the applicant has provided additional contributions in the amount of \$25,000 for trail construction and rehabilitation, and \$54,000 in FireSmart wildland interface funding.

The applicant has also committed to provide \$250,000 to the Public Art Reserve Fund as proposed to be allocated for this component, based on 0.5% of the cost of construction in accordance with the Public Art Policy.

### **Communications and Civic Engagement Initiatives**

In accordance with the City's Public and Stakeholder Consultation for Major Development Projects or Area Plans policy, opportunity for input from the general public and specific stakeholder groups was provided at a community information meeting facilitated by the applicant and attended by staff on September 9, 2019 to engage the public about the proposal and solicit feedback. Approximately 50 people attended the meeting, with total of 21 respondents submitting feedback forms, with 52% expressing support for the project and 48% not supportive, with most concerns related to the environment, traffic, height/density, and architecture.

The Public Hearing for the OCP amendment Bylaw and Zoning Bylaw amendment Bylaw was held on July 28, 2020. In accordance with the City's Development Approval Procedures Bylaw, the required notification procedures were followed. This included signage posted on the subject property, notifications sent to property owners and occupants within 140m of the subject property, and advertisements placed in the Tri-City News.

## Council Strategic Plan Objectives

The proposal is consistent with the strategic priority of Community Evolution in the 2019-2022 Council Strategic Plan as it relates to the objective of ensuring that future community growth is carefully considered and strategically managed, consistent with the City's Official Community Plan.

## Attachment(s)

1. Draft Official Community Plan Bylaw, No. 3258.
2. Draft Zoning Amendment Bylaw, No. 3259 (CD57).
3. Draft Housing Agreement Bylaw, No. 3279.
4. Draft Development Permit – 2021-140.
5. Location Map – Lots 17-20 Henry Street.
6. OCP Land Use Designation Map – Lots 17-20 Henry Street.
7. Zoning Map – Lots 17-20 Henry Street.
8. Sustainability Report Card – Lots 17-20 Henry Street.

## Report Author

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## Report Approval Details

Document Title:	Development Approval - Lots 17-20 Henry Street (Ankenman Marchand).docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Draft Official Community Plan Bylaw, No. 3258.pdf</li><li>- Attachment 2 - Draft Zoning Amendment Bylaw No. 3259 (CD57).pdf</li><li>- Attachment 3 - Draft Housing Agreement Bylaw No. 3279.pdf</li><li>- Attachment 4 - Draft Development Permit - Lots 17-20 Henry Street.pdf</li><li>- Attachment 5 - Location Map - Lots 17-20 Henry Street.pdf</li><li>- Attachment 6 - OCP Land Use Designation Map - Lots 17-20 Henry Street.pdf</li><li>- Attachment 7 - Zoning Map - Lots 17-20 Henry Street.pdf</li><li>- Attachment 8 - Sustainability Report Card - Lots 17-20 Henry Street.pdf</li></ul>
Final Approval Date:	Jul 5, 2021

This report and all of its attachments were approved and signed as outlined below:

André Boel, City Planner - Jun 30, 2021 - 5:52 PM

André Boel for Kate Zanon, General Manager of Community Development - Jun 30, 2021 - 7:05 PM

Joji Kumagai, Manager of Economic Development - Jul 1, 2021 - 8:43 AM

Dorothy Shermer, Corporate Officer - Jul 2, 2021 - 5:35 PM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement - Jul 4, 2021 - 8:17 AM

Paul Rockwood, General Manager of Finance and Technology - Jul 4, 2021 - 10:18 AM

Tim Savoie, City Manager - Jul 5, 2021 - 11:21 AM