



City of Port Moody

Report/Recommendation to Council

Date: February 8, 2022
Submitted by: Community Development Department – Policy Planning Division
Subject: Termination of Land Use Contract at San Remo Drive and Rezoning to Comprehensive Development Zone 88.

Purpose

To present Bylaw No. 3337 and Bylaw No. 3338 for consideration of first and second readings to repeal the Land Use Contract (LUC) at San Remo Drive and to rezone this LUC area to Comprehensive Development Zone 88.

Recommended Resolutions

THAT City of Port Moody Land Use Contract Termination Bylaw, 2022, No. 3337 (San Remo Drive) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 66, 2021, No. 3338 (San Remo Drive) (CD88) be read a first and second time as recommended in the report dated February 8, 2022 from the Community Development Department – Policy Planning Division regarding Termination of Land Use Contract at San Remo Drive and Rezoning to Comprehensive Development Zone 88;

AND THAT Bylaw No. 3337 and Bylaw No. 3338 be referred to a Public Hearing;

AND THAT the requirement to notify tenants and property owners within 140m of the perimeter boundary of the LUC area per Development Approval Procedures Bylaw, No. 2918 be waived.

Background

A land use contract (LUC) is a legislative tool that was used in the 1970s that encompasses a wide range of land uses and development components, until it was repealed in 1978. LUCs are site-specific contracts between the City and the property owner that are registered on title and operate as the governing land use tool for affected properties.

In May 2014, the *Local Government Act* was amended by Bill 17 to:

- automatically terminate all Land Use Contracts (LUCs) in BC on June 30, 2024;
- require municipalities to zone all lands subject to an LUC by June 30, 2022; and
- outline a process for local governments to undertake early termination of LUCs to ensure appropriate zoning is in place.

The new provincial legislation provides a process for the City to undertake early termination of LUCs to ensure that appropriate zoning is in place before the provincially-mandated deadline.

On March 12, 2019, Council endorsed an approach for the termination of Land Use Contracts to minimize anticipated costs through a hybrid approach. This approach involves the following:

1. LUCs for properties with suitable underlying zoning being left to expire; and
2. other properties being rezoned (beginning 2020).

The existing use and siting permitted by the land use contract governing the properties at San Remo Drive do not match the current underlying zoning of RS1. As San Remo Drive lots are smaller than typical RS1 lots and the building siting and configuration is unique to this area, it is proposed that the properties be rezoned to a Comprehensive Development (CD) zone that is tailored to the existing properties.

Notification letters were mailed to all San Remo properties on October 21, 2021, notifying all property owners and tenants of the land use contract on the property, of the proposed rezoning to a CD zone, and that an information meeting via Zoom was scheduled for November 4, 2021. Fourteen participants attended the information meeting. Notification signs were posted on the property in January inviting public comments and providing an email contact for inquiries.

Discussion

A summary of the land use contract and affected properties is outlined in *Table 1*. The location map and Land Use Contract for San Remo Drive is included as **Attachment 1**. **Attachment 2** compares the provisions of the land use contract to proposed CD Zone 88.

Table 1: Summary of San Remo Drive LUC

Name:	San Remo Drive
Number of Properties:	40
Addresses:	463 - 541 San Remo Drive
Current Use:	Residential Dwelling Units
OCP Designation	Single Family Low Density
Underlying Zoning	RS1
Proposed New Zoning	Comprehensive Development Zone 88
LUC Intent:	40 residential dwelling units contained in 40 principal buildings for residential use with accessory off-street parking.

LUC Termination Bylaw and Rezoning Bylaw

To facilitate early termination of the LUC for San Remo Drive and to rezone the property to CD Zone 88, draft City of Port Moody Land Use Contract Termination Bylaw, 2022, No. 3337 (San Remo Drive) is included as **Attachment 3** and draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 66, 2021, No. 3338 (San Remo Drive) (CD88) is included as **Attachment 4**.

The proposed CD 88 zone includes permitted uses, setbacks, building height, maximum lot coverage, and provisions for accessory buildings consistent with the existing structures on site as well as general provisions in the City's other single-family zones. CD 88 does not specify a maximum floor area ratio. Instead, the overall building massing will be regulated by the permitted building height, setbacks, and lot coverage in the proposed CD 88 zone. Given the wide range of lot sizes along San Remo Drive, CD 88 includes three different lot coverage allowances that correspond to lot sizes within a specified range.

Process to Address a Hardship Concern

If a property owner believes that the timing of the early LUC termination would cause hardship, an application can be made to the Board of Variance for consideration of an exemption under Section 533 of the *Local Government Act*. The Board of Variance may allow provisions of the LUC to continue to apply (no later than June 30, 2024). Application for exemption must be received within six months after the adoption of the LUC Termination Bylaw. Existing buildings and structures which were lawfully built will have legal non-conforming protection under Division 14 of the *Local Government Act*.

Should the LUC Termination Bylaw proceed, a letter will be sent to each affected property owner advising them of this provision and the associated timelines.

Timeline and Next Steps

To rezone the properties to Comprehensive Development Zone 88, the City will follow its established rezoning process as well as provincial LUC termination requirements, which include:

- notification letter to property owners (October 21, 2021);
- information meeting (November 4, 2021);
- Council to consider first and second readings of LUC Termination Bylaw and the related Zoning Bylaw amendment for proposed new CD Zone 88 (February 22, 2022);
- Public Hearing (date TBD);
- Council to consider third reading and adoption of the Zoning and LUC Termination Bylaws (date TBD);
- notification of outcome to property owners (date TBD);
- one-year waiting period (LUC continues to be in effect during this waiting period);
- LUC Termination Bylaw and new zoning comes into effect after the one-year waiting period; and
- LUC notation is removed from property owner's Certificate of Title.

Notification Recommendation

Section 11 of the City's Development Approval Procedures Bylaw No. 2918 requires notification of a proposed rezoning to all owners and tenants in occupation of each parcel of land which is the subject of the proposed Bylaw and to all registered owners of property and tenants in occupation of property within 140m of the perimeter boundary of the parcel. Given that the rezoning of the LUC affected properties does not involve any new development on the site, staff propose that the notification requirement for properties within a 140m radius of the rezoning site be waived. Notification to the owners and tenants of the LUC properties would continue. This approach is consistent with the notification process associated with the June 9, 2020 Public Hearing for the LUC termination and rezoning of Sentinel Hills, Inlet View, Eagle Point, Easthill, and Highland Park, as well as for a similar Public Hearing on October 12, 2020 for Balmoral Place.

Other Option

THAT the Land Use Contract associated with the properties at San Remo Drive be left to expire leaving the existing underlying zoning of RS1 in place until the provincial deadline of June 30, 2024.

Financial Implications

The costs associated with the Public Hearing notifications and the discharge of the Land Use Contract at the Land Title and Survey Authority will be covered by the land use contract termination operating budget, which is funded from the Council Strategic Priorities Reserve.

Communications and Civic Engagement Initiatives

If Bylaw No. 3337 and Bylaw No. 3338 proceed to a Public Hearing, notification will occur in accordance with the requirements set out in the City's Development Approval Procedures Bylaw, No. 2918 and the *Local Government Act*, with the exception of the notice to surrounding areas within 140m of the perimeter boundary of the rezoning site, should this requirement be waived.

Council Strategic Plan Objectives

The information and recommendations contained in this report align with the Council 2019-2022 Strategic Plan Objectives of Exceptional Service and Community Evolution.

Attachments

1. San Remo Location Map and Land Use Contract.
2. Comparison of the San Remo Drive LUC and Comprehensive Development Zone 88.
3. Draft City of Port Moody Land Use Contract Termination Bylaw, 2022, No. 3337 (San Remo Drive).
4. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 66, 2021, No. 3338 (San Remo Drive) (CD88).

Report Author

Jess Daniels
Policy Planner

Report Approval Details

Document Title:	Termination of Land Use Contract at San Remo Drive and Rezoning to Comprehensive Development Zone 88.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - San Remo LUC.pdf- Attachment 2 - Comparison of LUC and Port Moody Comprehensive Development (CD 88) Zone.pdf- Attachment 3 - Land Use Contract Termination Bylaw, 2022, No. 3337 (San Remo Drive).pdf- Attachment 4 - Zoning Amendment Bylaw No. 66, 2022 No. 3338 (San Remo Drive) (CD88).pdf
Final Approval Date:	Feb 14, 2022

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

Mary De Paoli, Manager of Policy Planning - Feb 8, 2022 - 3:38 PM

Kate Zanon, General Manager of Community Development - Feb 8, 2022 - 7:14 PM

Dorothy Shermer, Corporate Officer - Feb 9, 2022 - 4:24 PM

Rosemary Lodge, Manager of Communications and Engagement - Feb 9, 2022 - 6:32 PM

Paul Rockwood, General Manager of Finance and Technology - Feb 10, 2022 - 9:56 AM

Tim Savoie, City Manager - Feb 14, 2022 - 1:48 PM