



# City of Port Moody

## Report/Recommendation to Council

Date: May 4, 2023

Submitted by: Community Development Department – Development Planning Division

Subject: Temporary Use Permit Extension – 3044 St Johns Street and 3039 Spring Street

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### Purpose

To present for consideration an extension to an approved Temporary Use Permit (TUP) for liquor manufacturing in the lower level of a two-storey building at 3039 Spring Street and accompanying lounge uses in the upper level at 3044 St. Johns Street.

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### Recommended Resolution(s)

**THAT Temporary Use Permit TUP00006 be extended for a final three-year period;**

**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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### Background

Fraser Mills Fermentation Company was issued a Temporary Use Permit (TUP) on May 26, 2020, which allowed for the operation of a brewery and lounge on the subject site for the past three years. The current General Commercial (C3) Zone of the subject property does not permit any manufacturing uses. However, the current TUP allows for temporary uses that do not conform to the Zoning Bylaw. A TUP does not permanently amend the land use of a property, but allows for a specified activity to be conducted on a property for a limited time. A permit may be issued for a period of up to three years and may be renewed once, at the discretion of Council, for an additional three-year period. At this time the applicant is looking to extend the TUP for a second and final three-year period.

### Discussion

#### Site and Conditions

The subject property is located mid-block in Moody Centre on St. Johns Street and Spring Street, east of Williams Street and west of Electronic Avenue (**Attachment 1**). The subject property is approximately 847m<sup>2</sup> (9,118ft<sup>2</sup>) in size and is currently developed with a single storey commercial building fronting St. Johns Street and, due to the lower grade on the north side, two storeys fronting Spring Street.

### Zoning

The current C3 Zone of the subject property permits a mix of commercial and residential uses up to three storeys in height. Liquor manufacturing is not permitted within the C3 Zone as it is considered to be an industrial use.

### Official Community Plan

The OCP states that a TUP will be considered by Council on a case-by-case basis within areas designated as Multi-family Residential, Mixed Use, Mixed Employment, General Industrial, Parks and Open Space, and Public and Institutional. The OCP designates the subject property as Parks and Open Space as Dallas Creek runs nearby in an underground culvert. The property also falls within Development Permit Area 2: Moody Centre for form and character of development. Ultimately, as the Moody Centre area redevelops over time, OCP policies will require the daylighting of Dallas Creek to enhance its environmental function and as part of an urban greenway.

### Project Description

As noted above, the applicant operated a manufacturing facility for the purpose of producing liquor. During the course of the last three years, the Ubrew business portion ceased, and the lower floor area was used for manufacturing only. The current manufacturing area is 217m<sup>2</sup> (2,338ft<sup>2</sup>) in size and is located in the lower level of an existing two-storey building. The original lounge area is located in the upper storey of the building. The entire upper floor is approximately 386m<sup>2</sup> (4,150ft<sup>2</sup>) in size, which includes a seating area of approximately 232m<sup>2</sup> (2,500ft<sup>2</sup>) in size. The business is expanding to include a former interior renovation unit on the lower floor of approximately 159m<sup>2</sup> (1,709 ft<sup>2</sup>). This space will be used for storage. Floor plans, dated February 27, 2019, are attached as **Attachments 2 and 3**.

### Parking

The Zoning Bylaw regulations are calculated based on the floor areas. The liquor manufacturing use would require two parking spaces, and the lounge area would require 13 parking spaces. The site plan shows that a total of four parking spaces, including one accessible space, are available at the front of the building accessed from St. Johns Street, and an additional three parking spaces are accessed at the back of the building can be accessed from Spring Street. The back parking spaces are intended for staff parking. There is an eight-parking space shortfall. Currently the front parking area is occupied by a temporary outdoor patio that was in operation under the City's Covid program. The applicant is proposing to retain this patio and as such a Development Variance Permit will be required for the elimination of the front yard parking stalls. The subject property is located near several street parking spaces as well as pay-parking lots close to the Moody Centre SkyTrain Station. Generally, the pay-lots are not in high demand during peak operating hours of this business (evenings and weekends). The temporary patio has also opened up additional street parking in the amount of five spaces on St Johns Street due to the closing of driveway let downs along the business frontage.

The current parking plan has been in place for the past three years. As parking complaints have not been a concern brought to staff's attention, staff does not have any concerns with the parking plan.

### Building Form and Design

The applicant is proposing to retain the existing temporary 20-seat patio space at the front of the building. A patio space at the front of the building would require a minor development permit. At that time, staff would ask for additional landscaping surrounding the patio. As a patio is seasonal, it is not included for parking requirements.

### Concluding Comments

Staff are supportive of the TUP extension for the following reasons:

- the temporary use provides a short-term solution for a local business to remain in the area while the property and surrounding properties are assembled for redevelopment.
- There have been no bylaw complaints on the property or the business since the original TUP was issued.
- The conditions of the TUP remain largely unchanged, with only a minor addition to allow for a storage area.

A copy of the draft extended TUP is included as **Attachment 4**. As part of the original TUP approval and issuance, a \$5,000 security was collected to ensure the removal of the temporary use once the permit has expired. This security will remain in place if the extension is granted. As this is the second three-year term of the TUP, it is therefore the final TUP for this business as no further renewals are permitted.

### Other Option(s)

1. THAT the application to renew Temporary Use Permit TUP00006 be denied.

### Financial Implications

There are no financial implications with the TUP extension application.

### Communications and Civic Engagement Initiatives

As notification of the TUP was conducted under the original application, and a minor change to the original TUP is proposed to allow for storage, no further notification is necessary.

### Council Strategic Plan Objectives

The proposal is consistent with the goals of the 2023-2026 Council Strategic Plan as they relate to a livable, vibrant and prosperous community.

### Attachment(s)

1. Attachment 1 - Location Map
2. Attachment 2 - Upper Floor Plan
3. Attachment 3 - Lower Floor Plan
4. Attachment 4 - Draft Temporary Use Permit Extension TUP00006

### Report Author

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## Report Approval Details

Document Title:	Temporary Use Permit Extension – 3044 St. Johns Street and 3039 Spring Street.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Location Plan.PDF</li><li>- Attachment 3 - Lower Floor Plan with Additional Storage Area.pdf</li><li>- Attachment 4 - Draft Temporary Use Permit Extension TUP00006.docx</li><li>- Attachment 2 - Existing TUP Areas.PDF</li></ul>
Final Approval Date:	May 15, 2023

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

Kate Zanon, General Manager of Community Development - May 8, 2023 - 3:25 PM

Stephanie Lam, City Clerk and Manager of Legislative Services - May 8, 2023 - 3:37 PM

Lindsay Todd, Manager of Communications and Engagement - May 8, 2023 - 3:49 PM

Paul Rockwood, General Manager of Finance and Technology - May 9, 2023 - 9:33 AM

Tim Savoie, City Manager - May 15, 2023 - 11:09 AM