



City of Port Moody

Report/Recommendation to Council

Date: November 26, 2024
Submitted by: Community Development Department – Development Planning Division
Subject: OCP Amendment Bylaw No. 3493 and Rezoning Bylaw No. 3494 – 2524 and 2528 St. Johns Street (CityState Consulting)

Purpose

To present Council with OCP Amendment Bylaw No. 3493, proposing an increase in building height for the properties at 2524 and 2528 St. Johns Street, and Rezoning Bylaw No. 3494, rezoning the properties from General Commercial C3 to Comprehensive Development Zone 98 (CD98) for consideration of first reading as requested by the applicant.

Recommended Resolution(s)

THAT, as recommended in the report dated November 26, 2024, from the Community Development Department – Development Planning Division regarding OCP Amendment Bylaw No. 3493 and Rezoning Bylaw No. 3494 – 2524 and 2528 St. Johns Street (CityState Consulting), the application be referred back to staff and the applicant to address the following issues, and any others that may be identified during the on-going project review, prior to consideration of first reading of Official Community Plan Amendment Bylaw, No. 3493 and Zoning Bylaw Amendment Bylaw, No. 3494:

- **removal of the drive-through component;**
 - **revisions to the architectural and landscaping designs as necessary;**
 - **revisions to the civil engineering plans to address the integration of the Chines Integrated Stormwater management Plan recommendations, including the incorporation of various green infrastructure measures;**
 - **development of a draft Housing Agreement;**
 - **provision of a Transportation Demand Management report identifying measures to offset the reduction in parking;**
 - **establishment of a density bonus payment through an appraisal process;**
 - **provision of a revised Sustainability Report Card;**
 - **provision of a Site Disclosure Statement;**
 - **consideration of the City’s Well-Being Design Guidelines;**
 - **the applicant hosting a Community Information Meeting; and**
 - **other issues identified by Council.**
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Executive Summary

CityState Consulting has applied to redevelop two properties at 2524 and 2528 St. Johns Street for a mixed commercial/residential project with underground parking. The initial proposal consisted of a six-storey, mixed commercial/residential building with 60 residential units, an A&W drive-through restaurant, and additional office/retail use spaces. The application was reviewed by the Advisory Design Panel, the Land Use Committee, and the City Initiatives and Planning Committee between June and September 2023. Based on the motions from these meetings, there was no support for the inclusion of the drive-through restaurant as a permitted use.

As the development site is situated within an 800m radius of the Moody Centre Station the proposal was revised by increasing the height of the building to eight storeys as permitted under Bill 47, the *Housing Statutes (Transit-Oriented Areas) Amendment Act*. With the added height, the number of residential units was increased from 60 to 82 and the second floor office space was removed. The ground level commercial units, including the A&W drive-through restaurant were retained. The 82 units represent a mix of 62 strata, 13 below-market rental, and 8 rent-to-own units.

Given the impasse between staff and the owner of the A&W restaurant over the proposed drive-through—which is not permitted under the Zoning Bylaw—the applicant has requested that the proposal be presented to Council for a decision on whether that component is acceptable. To facilitate this discussion, two bylaws have been prepared: OCP Amendment Bylaw No. 3493 to permit an increase in the building height from six to eight storeys; and Rezoning Bylaw No. 3494 creating a new Comprehensive Development Zone (CD98) with permitted use and development regulations unique to the proposal. While Bylaw No. 3494 includes a drive-through restaurant as a permitted use, staff do not support this inclusion and recommend Council not give first reading to the two bylaws.

The applicant has proposed an eight-year phase-out period for the drive-through; however, staff do not support this approach due to both zoning and technical engineering concerns. Specifically, the separated drive-through entry and exit driveway crossings on Mary Street pose engineering challenges, impacting local traffic flow and pedestrian movements. Additionally, the driveway crossings limit the opportunity to introduce additional street trees to increase the overall street tree canopy coverage.

If Council supports the inclusion of the drive-through component and gives first reading to the two bylaws, there are a number of issues surrounding the project which still need to be resolved before the bylaws are considered for second reading and referral to a public hearing. These include but are not limited to, completing the design review and possible revisions, negotiating a more reasonable phase-out period, developing a legal agreement to enforce the phase-out, holding a Community Information Meeting, and the preparation of a draft housing agreement and bylaw.

Background

CityState Consulting originally submitted an application on behalf of the property owner to redevelop the existing A&W restaurant site and the adjacent property to the west into a six-storey, mixed-use project. The original proposal consisted of 30 strata units, 15 market-rental units, and 15 below-market rental units, with ground-level commercial space, including an A&W drive-through restaurant, as well as second-floor office space.

The application was presented to the Land Use Committee, the City Initiatives and Planning Committee for early input, and the Advisory Design Panel. The motions from both Committees and the Panel follow:

Land Use Committee – June 5, 2023

LUC23/009

THAT the Land Use Committee recommends that the proposed land use for application LUC – Rezoning (Mixed Use) – 2524-2528 St. Johns Street (CityState Consulting) is not appropriate for the following reasons:

- the unit mix does not meet the standards of the family-friendly policy;
- the drive-through is not appropriate for the area;
- there is a lack of parking spaces;
- there is insufficient EV charging stations;
- the design is not pedestrian friendly; and
- there is a lack of daylight in the internal units.

Advisory Design Panel – July 27, 2023

ADP23/010

THAT the (Mixed-Use DP) – 2524-2528 St. Johns Street (CityState Consulting) proposal not be endorsed as presented for the following reasons:

- removing the drive-through from the project to be consistent with City Policy and the Official Community Plan;
- undertaking a study for introduction of rain gardens at grade;
- investigating rainwater capture at atrium/courtyard level to accentuate “forest floor” design rationale;
- assessing if more permeable surfaces could be included at grade to reduce the number of impermeable surfaces;
- investigating the incorporation of more permeable surfaces on exterior roof spaces to reduce the number of impermeable surfaces;
- revising the location of street cuts on the landscape drawings to align with the project ramps and drive-through;
- considering providing electric vehicle street parking;
- investigating the integration of street trees along Mary Street and St. Johns Street;
- investigating improving access to light into the atrium/courtyard by methods such as increasing size of atrium/courtyard, adding a second atrium/courtyard, adding lightwells, etc.;
- studying articulation of the massing to reduce the bulkiness of the overall massing as revised massing could also aid in increasing access to daylight;
- exploring the use of different colours or materials for the feature boxes to enhance the vibrancy of the facades;
- investigating relocating the mural so it can be viewed for the life of the building regardless of development of adjacent lot;
- exploring revising the unit mix to increase the number of 2- and 3-bedroom units;

- developing a detailed design rationale for streetscape design (landscaping, street furniture, finishes, etc.); and
- investigating the parkade ramp design to ensure safety and accessibility.

City Initiatives and Planning Committee – September 5, 2023

CIPC23/041

THAT staff and the applicant consider the comments provided during the City Initiatives and Planning Committee meeting held on September 5, 2023, regarding the development application presented in the report dated September 5, 2023, from the Community Development Department – Development Planning Division regarding Early Input (Rezoning) 2524-2528 St. Johns Street (CityState Consulting).

For reference, Committee discussion included:

- concern over the restriction of natural light for units on the atrium;
- the impact of the drive-through on walkability;
- the lack of family-friendly units;
- parking allowances; and
- support for solar panels, green space, job creation, and below-market units.

Following consideration by the committees and the Advisory Design Panel, the applicant did not proceed with revisions to the project to address the various issues identified at that time. With the enactment of Bill 47, the *Housing Statutes (Transit-Oriented Areas) Amendment Act*, which increased the allowable height and density on sites within 800m of the Evergreen Line stations, including the subject site, a revised proposal was submitted as outlined in this report. That revised proposal still includes a drive-through A&W drive-through restaurant.

Discussion

Property Description

The subject site consists of two properties located at the northwest corner of St. Johns Street and Mary Street, as shown on the Location Map (**Attachment 1**). One parcel is currently occupied by the existing A&W drive-through restaurant and the parcel to the west contains a two-storey commercial building. The net lot area is 1,724.3m² (18,560ft²). There are no environmentally sensitive elements on the site to be considered. A covenant is registered on the title of the property at 2524 St. Johns related to the issuance of an earlier development permit.

Official Community Plan (OCP)

The site is designated Mixed Use – Moody Centre as shown on OCP Land Use Designations Map (**Attachment 2**) which supports multi-family residential uses in association with a variety of retail, service and office uses in buildings up to a maximum height of six storeys. Moody Centre Land Use Policy 6 (OCP section 15.4) further clarifies that the properties along St. Johns Street, between Kyle and Moray Streets, including the subject properties, are envisioned as more intensely concentrated commercial and residential areas, fostering a more vibrant and enhanced pedestrian environment supported by local commercial opportunities in a lower scale building form up to a maximum of six storeys in height.

The site backs onto the Evergreen Line Spring Street Promenade Sub-Area which establishes additional policy directions for sites in the commercial, mixed use area between Queens Street and Moody Street relating to landscaping, activation of the Spring Street streetscape and the location of parkade access points. These guidelines will be addressed through the development permit review if the OCP Amendment and Rezoning Bylaws proceed.

The site is located within Development Permit Area 2 (DPA2): Moody Centre which regulates the design of multi-family, commercial and industrial developments. The site is also within Development Permit Area 5 (DPA5) – Hazardous Conditions, due to the potential for soil liquefaction during a seismic event. The design guidelines will be considered as part of the development permit review process, and soil liquefaction issue will be addressed through the development permit review if the OCP Amendment and Rezoning Bylaws move forward.

Zoning

As shown on the Zoning Designation Map (**Attachment 3**), the site is zoned General Commercial (C3). This zoning permits a range of commercial uses but does not allow for a drive-through restaurant. The maximum permitted height in the C3 Zone is 9.5m and 3 storeys.

Neighbourhood Context:

Surrounding development consists of:

- West: properties occupied by various commercial uses zoned General Commercial Zone 3 (C3);
- East: a three-storey mixed-use commercial/residential building and other commercial uses further to the east, zoned General Commercial Zone 3 (C3);
- North: Spring Street promenade and to the north fronting Clarke Street, a Canada Post building (C3) and The Legion mixed-use building (CD62); and
- South: across St. Johns Street, two-storey commercial buildings with a variety of uses (C3).

Proposal

The initial re-submission proposed an eight-storey, mixed-use building with 82 residential units and ground-level commercial spaces, including an A&W drive-through restaurant. The residential component consisted of 57 strata units, 12 below-market rental units, and 13 rent-to-own units. The proposal was subsequently revised to reduce the number of rent-to-own units from 13 to 8, with a corresponding increase in strata units from 57 to 62. The number of below-market rental units remains the same at 12. The gross floor area is 7,184.32m² (77,331ft²), including a commercial floor area of 553.8m² (5,961ft²). After accounting for interior amenity area and floor area reductions for adaptable units, the net building area is 7,103.6m² (76,462ft²), resulting in a Floor Area Ratio of 4.12. Underground parking is provided for both residential and commercial uses, with access off Spring Street. The drive-through entry and exit are located on Mary Street. The architectural and landscaping plans are included as **Attachments 4a, 4b, and 5**.

The residential component includes a mix of studio, one-bedroom, two-bedroom, and three-bedroom units as illustrated in the following Table 1:

Table 1 – Residential Unit Mix

Unit Type	Total Number of Units	% of Total	Strata Units	Below-Market Rental	Rent-To-Own	# of Adaptable Units	Av. Unit Size (ft ²)
1-Bed	35	42.7	25	7	3	34	573.7
1-Bed + Den	19	23.2	14	3	2	3	600.1
2-bed	14	17	12	1	1	7	717
2-Bed + Den	4	4.9	3	0	1	0	955
3-bed	10	12.2	8	1	1	0	1,105
Totals	82	100	62	12	8	41	

Other key aspects of the proposal include:

- 69 parking spaces, including 55 resident and visitor spaces and 14 commercial spaces;
- 117 long- and short-term residential and commercial bicycle parking spaces; and
- 2 indoor amenity rooms located on the second level of the building, totalling 90.2m² (971ft²) in size, complemented by an adjacent outdoor amenity area, 267.7m² (2,881.5ft²) in area. The total amenity area amounts to 357.9m (3,852.4ft) which results in an average of 8.7m (94ft) per unit.

Parking

The Zoning Bylaw would require a total of 123 spaces (assessing the rent-to-own units as strata units), consisting of: 94 resident spaces, 15 resident visitor spaces, and 14 commercial spaces. The applicant has proposed a total of 69 spaces, including 40 resident spaces, 15 visitor spaces, and 14 commercial spaces.

Under the Transit-Oriented Areas Bylaw No. 3465, adopted in June 2024, parking would be required to fulfill the residential visitor and commercial needs, but no parking is required for the residential use, subject to the acceptance of a Transportation Demand Management report. However, the applicant wishes to provide some parking for the residential use. If the project proceeds, staff will work with the applicant to define a specific set of TDM measures to offset the parking reduction.

Drive-Through Phase Out

Given the impasse regarding the drive-through, as outlined in the letter dated October 2024 (**Attachment 6**), the applicant has proposed an eight-year phase-out period, after which the drive-through would be replaced with additional commercial floor area. Should the project proceed with the drive-through, staff will negotiate an alternative phase-out period, and a covenant will be required to ensure that the drive-through is removed prior to that time. In that scenario, a development permit amendment will be required to address the change in the at-grade floor plan.

Replacing the drive-through with additional commercial space would increase the overall project floor area beyond what is proposed in Bylaw No. 3494. Therefore, a new rezoning bylaw would need to be considered to remove the drive-through as a permitted use, increase the permitted Floor Area Ratio (FAR)—as neither use nor density can be adjusted through a development variance permit—and amend the parking requirements.

A letter dated June 2024 from the applicant outlining some of the changes made to the project following consideration by the Committees, the Advisory Design Panel, and staff is included as **Attachment 7**. A Development Application Summary is included as **Attachment 8**.

Affordable Housing Component

As outlined in a July 2024 letter from the applicant (**Attachment 9**), the 12 below-market units would be rented at 20% below the CMHC median rent for the Tri-Cities area for a term of 20 years. At this point, the applicant has not determined how these units will be managed as no agreement has been reached with BC Housing or another non-profit agency.

Under the Inclusionary Zoning – Affordable Rental Units Policy, 15% of the residential floor area is required for Below-Market Rental Units. In this case that would amount to approximately 996m² (10,718ft²). Under the proposal, 730m² (7,857.2ft²) of the residential floor area consists of below-market units and therefore, the proposal does not meet this policy requirement. The Policy also includes a specific unit mix of studios, one-bed, two-bed, and three-bed units with minimum unit floor area requirements which the proposal satisfies. The project also complies with the unit share mix for strata units (including the rent-to-own units) as stipulated in the Family Friendly Units Policy. If the project proceeds, the plans will need to be revised to address the minimum floor area required for the below-market units under the Inclusionary Zoning – Affordable Rental Units Policy.

The affordable housing details are included in the Development Application Summary.

If the bylaws receive first reading, a draft housing agreement is required to establish the below-market rental and the rent-to-own unit management provisions prior to second reading. The term of the agreement would be 60 years as stipulated in the Inclusionary Zoning – Affordable Rental Units Policy as opposed to the 20-year term proposed by the applicant.

Sustainability Report Card

A Sustainability Report Card was provided with the initial application but, given the changes to the project, if the bylaws proceed, a revised report card will be required prior to second reading.

Implementation

1. OCP Amendment Bylaw

While Bill 47 would support a building height of eight storeys and an FAR of 3.0, that is predicated on City-led amendments to the OCP which are not required until the end of 2025. Therefore, if the project is to proceed, an amendment to the OCP (Bylaw No. 3493, **Attachment 10**) to allow for the proposed increase to eight storeys is required.

2. Rezoning Bylaw

Implementation will also require the adoption of a rezoning bylaw (Bylaw No. 3494, **Attachment 11**) which creates a new Comprehensive Development 98 Zone with permitted land uses and regulations tailored specifically to the project. While Bylaw No. 3494 includes a drive-through restaurant as a permitted use, as noted previously, staff do not support consideration of first reading of either bylaw with the inclusion of this use.

Concluding Comments

Other than the height of the building, this project is consistent with the OCP 'Mixed Use – Moody Centre' land use designation, which supports the development of a variety of retail, service, office uses with residential uses above in buildings up to six storeys in height.

The project responds positively to current OCP housing policies relating to the provision of rental housing opportunities to meet the diverse needs in the community although the affordable, below-market units do not comply with the minimum amount of floor area required to be devoted to those types of units as established in the Inclusionary Zoning – Affordable Rental Units Policy.

Overall, excluding the drive-through restaurant issue, the project has merit and staff recommend consideration be given to a revised concept which eliminates the drive-through component, meets housing policies, and addresses other design-related issues, including those raised previously by the Advisory Design Panel and staff.

Other Options

1. THAT first reading of City of Port Moody Official Community Plan Bylaw, 2014, No. 2955, Amendment Bylaw No. 41, 2024, No. 3493 (2524 and 2528 St. Johns Street) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 103, 2024, No. 3494 (2524 and 2528 St. Johns Street) (CD98) be considered and approved.
2. THAT first reading of City of Port Moody Official Community Plan Bylaw, 2014, No. 2955, Amendment Bylaw No. 41, 2024, No. 3493 (2524 and 2528 St. Johns Street) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 103, 2024, No. 3494 (2524 and 2528 St. Johns Street) (CD98) be considered and defeated.

Financial Implications

If the project proceeds, the applicant will be responsible for all applicable City, Metro Vancouver and TransLink development cost charges, the School Site Acquisition Charge, the Community Amenity Charge and Density Bonus payments. Estimates of the amounts owing will be provided to Council at second reading.

Communications and Public Engagement Initiatives

To date, the applicant has not held a Community Information Meeting, but if the bylaws are granted first reading, a community meeting will be required prior to second reading.

Council Strategic Plan Goals

Notwithstanding staff's concerns with the drive-through component, the project generally aligns with the following Council Strategic Plan Goals:

- Strategic Goal 3.1 – create complete and connected communities through balanced growth;
- Strategic Goal 3.2 – provide safe, efficient, and accessible transportation options; and
- Strategic Goal 4.1 – improve the local business climate.

Attachments

1. Location Map.
2. OCP Land Use Designations Map.
3. Zoning Designations Map.
- 4a. Architectural Plans.
- 4b. Architectural Plans.
5. Landscape Plans.
6. Letter From Applicant Regarding Drive-Through Phase Out.
7. June 2024 Letter from Applicant.
8. Development Application Summary
9. July 2024 Affordable Housing Letter.
10. Draft OCP Amendment Bylaw No. 3493.
11. Draft Rezoning Bylaw No. 3494.

Report Author

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Report Approval Details

Document Title:	OCP Amendment and Rezoning – 2524 and 2528 St. Johns Street (CityState).docx
Attachments:	<ul style="list-style-type: none"> - Attachment 1 - Location Map - 2524 and 2528 St. Johns Street.pdf - Attachment 2 - OCP Land Use Designations Map - 2524 and 2528 St. Johns Street.pdf - Attachment 3 - Zoning Designations Map - 2524 and 2528 St. Johns Street.pdf - Attachment 4a - Architectural Plans - 2524 and 2528 St. Johns Street.pdf - Attachment 4b - Architectural Plans - 2524 and 2528 St. Johns Street.pdf - Attachment 5 - Landscaping Plans - 2524 and 2528 St. Johns Street.pdf - Attachment 6 - Drive Through Phase Out Letter.pdf - Attachment 7 - June 2024 Letter From Applicant.pdf - Attachment 8 - Development Application Summary - 2524 and 2528 St. Johns Street.pdf - Attachment 9 - July 2024 Affordable Housing Letter.pdf - Attachment 10 - Draft OCP Amendment Bylaw No. 3493.pdf - Attachment 11 - Draft Rezoning Bylaw No. 3494.pdf
Final Approval Date:	Nov 19, 2024

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

Tracey Takahashi, Deputy Corporate Officer - Nov 15, 2024

Michael Olubiyi, Manager of Development Planning - Nov 18, 2024

Kate Zanon, General Manager of Community Development - Nov 19, 2024

Stephanie Lam, City Clerk and Manager of Legislative Services - Nov 19, 2024

Lindsay Todd, Manager of Communications and Engagement - Nov 19, 2024

Paul Rockwood, General Manager of Finance and Technology - Nov 19, 2024

Anna Mathewson, City Manager - Nov 19, 2024