



City of Port Moody

Report/Recommendation to Council

Date: January 30, 2020
Submitted by: Planning and Development Department – Development Planning Division
Subject: Development Approval – 3227-3239 St. Johns Street (Porte Communities)

Purpose

To present Zoning Amendment Bylaw, No. 3201 (3227-3239 St. Johns Street) (CD76) for Council consideration of adoption and Development Permit 2018-132 for issuance and Housing Agreement Bylaw, No. 3202 for first, second and third readings, for a proposed six storey, mixed use residential/commercial project at 3227-3239 St. Johns Street.

Recommended Resolutions

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 19, 2019, No. 3201 (3227-3239 St. Johns Street) be now adopted as recommended in the report dated January 30, 2020 from the Planning and Development Department – Development Planning Division regarding Development Approval – 3227-3239 St. Johns Street (Porte Communities);

AND THAT City of Port Moody Housing Agreement Bylaw, 2020, No. 3202 (3227-3239 St. Johns Street) be read a first, second, and third time;

AND THAT Development Permit 2018-132 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.

Background

Porte Communities has applied to redevelop two developed commercial properties located at 3227 and 3239 St. Johns Street, as shown on the Location Plan (**Attachment 1**). The mixed-use project consists of 117 apartment units and 964.2m² (10,379ft²) of commercial space, over underground parking. The subject property is designated Mixed Use – Moody Centre in the Official Community Plan (OCP) which permits mixed commercial/residential projects up to a maximum height of six storeys. The site is also included within:

- the Evergreen Line Inlet Centre Transit-Oriented Development Sub-Area;
- Development Permit Area 1: Neighbourhood Residential, for the regulation of the form and character of development; and

- Development Permit Area 5: Hazardous Conditions, as the soils may be subject to liquefaction during a seismic event and due to the steep slopes on the south and east sides of the site.

The application was considered and endorsed by the Community Planning Advisory Committee (CPAC) on December 4, 2018. The minutes of the meeting are included as **Attachment 2** and the applicant's responses to items are discussed later in the report.

Bylaw No. 3201, rezoning the site to Comprehensive Development Zone 76 (CD76) received third reading following a Public Hearing on July 23, 2019. Housing Agreement Bylaw No. 3202 was considered by Council on January 28, 2020 and was referred back to staff and the developer to address the term of proposed market rent units. Road Closure Bylaw 3208 was adopted on October 8, 2019 which facilitates the developer's acquisition of a small portion of the St. Johns Street road allowance.

An Application Fact Sheet is included as **Attachment 3** and the existing OCP and Zoning Designation Maps are included as **Attachment 4**.

The project complies with the applicable OCP land use designation and the applicable Development Permit form and character design guidelines and it has been designed to address the potential soil liquefaction and steep slope conditions. Staff and the applicant have reviewed the Housing Agreement which has been amended to address the key issues. Accordingly, Council may consider the adoption of Zoning Amendment Bylaw No. 3201 (**Attachment 5**) and the issuance of Development Permit 2018-132 (**Attachment 6**) and consider first, second and third readings of Housing Agreement Bylaw 3202 (**Attachment 7**).

Discussion

The following project description is a summary of information that was substantially provided to Council earlier in the process.

Site and Conditions

The development site consists of two developed lots with a net area of 3,737.3m² (40,228.7ft²), located between Moray Street and Clearview Drive, on the south side of St. Johns Street as shown on the Location Plan and the aerial photo (**Attachment 1**). The subject lots are currently occupied by an automotive tire shop and an auto dealership. The rear and east sides of the property are occupied by a steep bank currently supported by the existing buildings and a retaining wall. The grade change between the single-family lots to the south and the bottom of the retaining wall varies between 4m (13ft) and 5.5m (18ft). To the east, the bank varies between 3m (9.8ft) and 4m (13ft) in height.

Surrounding development consists of:

- North: light industrial and commercial properties (M1 and C5) which were the subject of a recent development application and, to the northeast, a four-storey, mixed commercial/residential project (CD36). These properties are designated in the OCP for redevelopment up to 12 storeys in height;

- South and East: Single Detached Residential properties (RS1) which are designated Single Family Low Density in the OCP; and
- West: a retail building currently used by Shoppers Drug Mart (C3) which is designated in the OCP for mixed-use redevelopment up to six storeys in height.

Development Proposal Description

The proposed project consists of 117 apartment units and 964.2m² (10,379ft²) of gross commercial floor area. The gross floor area, less the permitted exclusions, is 10,393.1m² (111,870.6ft²) which results in a Floor Area Ratio of 2.78. Sixty-seven units are one-bedroom and one-bedroom plus den suites, 39 units are two-bedroom and two-bedroom plus den units, and 11 units are three-bedroom. The units range in size from 36.37m² (391.5ft²) to 113.7m² (1,223.9ft²). Fifty-nine of the units in the project are designated as adaptable units which satisfies the Zoning Bylaw requirement.

The principal outdoor communal amenity space is the landscaped courtyard located on the second level podium covering the rear parking area. This space is 315m² (3,390.5ft²) in size and includes a structured children's play area, communal gathering/seating opportunities, and garden plots for resident use. An indoor amenity room, 181m² (1,945ft²) in size, is located at the east end of the courtyard. The total common indoor and outdoor amenity space is 495.7m² (5,335.5ft²) or 4.24m² (45.6ft²) per unit which exceeds the minimum amenity standard of 3m² (32.3ft²) that would be required in the comparable Six-Storey Mixed Use Zone (CRM2). In addition, all units have balconies at least 4.65m² (50ft²) in size and nine units on the upper floor have access to individual rooftop patios.

The landscape plan also incorporates additional screen planting to the south and east to provide visual separation from the single-family homes on the top of the bank. The streetscape along St. Johns Street is a minimum of 6.7m (22ft) deep and includes street trees and shrub planting beds creating a substantial pedestrian space across the width of the site.

Access and Parking

Vehicle access to the site and the underground parking is provided off St. Johns Street at a new signalized intersection at Golden Spike Way.

Based on the parking requirements for projects within TOD Areas and the reduced requirement for the two below market rent units, 185 spaces are provided in accordance with the Zoning Bylaw requirements. All residential spaces and 20% of the commercial spaces are provided with electric vehicle charging infrastructure.

A total of 212 long- and short-term residential and commercial bicycle parking spaces are provided in the parkade and on-street which exceeds the Zoning Bylaw requirement of 189 spaces.

Public Art

The developer has volunteered to provide a public art installation rather than make a financial contribution to the Public Art Reserve Fund. Based on the draft public art plan, the artwork will consist of either a tile mural or metal artwork placed on the existing retaining wall east of the site which, in conjunction with a wider sidewalk, will enliven the pedestrian environment along this

section of St. Johns Street. The development permit includes a condition that the public art element be designed and approved prior to the issuance of a building permit and installed no later than 6 months from the date of occupancy and that an artwork maintenance plan covenant be registered.

Development Permit: Form and Character

The project is situated within Development Permit Area 1: Neighbourhood Residential and the project has been reviewed against the applicable design guidelines. Key form and character components of the development include:

- the building design is very well articulated breaking down a long façade on St. Johns Street and creating strong visual interest on all elevations;
- the U-shaped built form allows for improved sunlight penetration into the units;
- the landscaped courtyard on the second level incorporates resident amenity space and a children's play area to complement the adjoining indoor amenity room;
- the landscaped courtyard softens the impact on the adjacent properties to the south;
- the use of durable building materials, including cementitious siding and panels, brick, metal window frames and metal storefront window wall system;
- energy performance measures including the use of heat recovery ventilators, LED lighting and lighting sensors;
- the inclusion of a canopy for weather protection over the commercial entries; and
- a street-oriented commercial level which enhances an expanded pedestrian realm.

With specific reference to the issues identified by CPAC:

- the canopy over the commercial units has been redesigned as a continuous structure to provide uninterrupted weather protection for pedestrians;
- the garbage and loading facilities previously located behind the commercial units at the west end of the site have been relocated to the rear parking area which eliminates the requirement for the second driveway off St. Johns Street;
- a green roof has not been provided and the developer provided a letter from their insurance company outlining the issues with green roofs on wood frame buildings;
- the project includes water conservation strategies, including measures to capture rainwater for use in irrigation; and
- three additional handicapped parking spaces are provided, increasing the total to seven spaces.

In addition, the applicant proposes to achieve a building performance equivalent to the LEED® 'Gold' building performance level and the developer's commitment will be secured by a restrictive covenant as a condition of the development permit.

Reduced project plans are included as schedules in **Attachment 6**.

Development Permit: Hazardous Conditions:

As the site is identified as having soil conditions which may be subject to liquefaction during a seismic event, a geotechnical report was submitted which confirms that the soil conditions are

not prone to liquefaction. While the steep slopes to the south and east are designated hazardous there are no concerns from a geotechnical perspective provided the construction recommendations are followed and a covenant will be required as a condition of the development permit.

Housing Agreement Bylaw

Following the January 28, 2020 Council meeting, staff met with the applicant to discuss the length of the term affecting the eight market rental units and other technical issues. In response:

- the length of the term for the eight market rental units has been increased from 10 to 12 years;
- the definition of 'Community Worker' has been amended to delete the reference to City fire and police employees;
- the term of the Agreement will commence with the adoption of the Housing Agreement Bylaw;
- clarity has been provided around the means of securing tenants for the two below market rent units by seeking candidates nominated by a non-profit.

Based on the discussion and legal review, it was determined that a two separate Agreements will be provided. If Housing Agreement Bylaw 3202 is adopted, the Housing Agreement will charge all residential units in the project but, upon the end of the term, it will be discharged from all but the ten rental units. A 'No Rental Prohibition' housing agreement will remain in place for all other units.

This Agreement also incorporates the developer's commitments to provide:

- a 'locals first' marketing program;
- a 3% reduction in the purchase price of units by individuals who identify as 'Community Workers' (as revised); and
- a minimum of 10 purchasers the opportunity to pay the 5% down payment in monthly installments during construction.

The second Agreement is intended to prevent the Strata Council from enacting rules or regulations prohibiting any owner from renting their unit. This Agreement will remain on title for all units in perpetuity.

The total number of rental units represents an increase as was also suggested by CPAC. If Housing Agreement Bylaw 3202 is adopted, both Agreements will be registered as covenants on title.

Sustainability Report Card

The Sustainability Report Card (**Attachment 8**) has been revised to incorporate additional measures, including reference to the affordable housing component, increasing the score to 72.6% as summarized in the following table:

Sustainability Pillar Application	Cultural	Economic	Environmental	Social	Overall Total
3227-3239 St. Johns Street	63.6% (7 out of 11)	54% (7 out of 13)	76% (40.5 out of 53)	76.3% (29 out of 38)	72.6%

Financial Implications

In accordance with the CAC Policy, payment is based on a residential floor area less the permitted exclusions, of 9,395m² (101,128.73ft²) which, at \$6.00/ft², results in a total contribution of \$606,772.38. Of that amount, \$202,257.46 will be directed to the Affordable Housing Reserve Fund with the remainder of \$404,514.92 going to the Community Amenity Contribution Reserve Fund.

Based on the previous DCC rates, City Development Cost Charges are estimated to be \$439,669.75 provided that the building permit is issued prior to January 2021.

With respect to public art, 0.5% of the project construction cost is estimated at about \$124,475. As the applicant is providing an art installation rather than a contribution to the Public Art Reserve Fund, a portion of the total amount will cover the public art consultant fee and art selection process, and the remainder, estimated at approximately \$98,000 will cover the cost of the actual artwork. A refundable deposit in the amount of \$98,000 will secure the provision of the art work and will be released upon completion of the work and acceptance by the City.

The net residential floor area of the project, at 9,395m² (101,128.73ft²) results in an FAR of 2.514. As this floor area ratio marginally exceeds 2.5, a density bonus payment will be required. If the project proceeds, the amount of the bonus payment will be confirmed and payable prior to issuance of a building permit.

With the adoption of the Road Closure Bylaw, staff and the developer have negotiated a Purchase and Sales Agreement and the developer has submitted payment in the amount of \$23,546.25 for the land to be acquired.

Concluding Comments

The project satisfies the applicable development permit area design guidelines to the satisfaction of staff. In particular, the project incorporates a rental component which will increase the City's current rental housing stock, it provides a substantial resident amenity area which takes advantage of a southern exposure and it provides for public realm improvements. Overall, this project will be a positive addition to the community.

Other Options

1. THAT the applicant be requested to make further changes as identified by Council prior to the consideration of the adoption of Bylaw No. 3201 and Bylaw No. 3202 and authorization to issue Development Permit 2018-132 (This may require a second public hearing).
2. THAT the rezoning application, as presented in the report dated January 30, 2020 from the Planning and Development Department – Development Planning Division regarding Development Approval – 3227-3239 St. Johns Street, not be supported.
3. THAT City of Port Moody Housing Agreement Bylaw, 2020, No. 3202 (3227-3239 St. Johns Street) not be supported.
4. THAT issuance of Draft Development Permit 2018-132 not be authorized.

Communications and Engagement

As part of the review, the application was previously considered by the Community Planning Advisory Committee (CPAC) on December 4, 2018. In the spring of 2019, in accordance with the City's Community and Stakeholder Consultation Policy, the applicant held a Community Information meeting on May 6, 2019. A Public Hearing was held on July 23, 2019.

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 targets approved in the City's Official Community Plan.

Attachments:

1. Location Plan.
2. December 4, 2018 CPAC meeting Minutes.
3. Application Fact Sheet.
4. OCP Land Use and Zoning Designation Map.
5. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 19, 2019, No. 3201 (3227-3239 St. Johns Street).
6. Draft Development Permit 2018-132.
7. Draft City of Port Moody Housing Agreement Bylaw, 2020, No. 3202 (3227-3239 St. Johns Street).
8. Sustainability Report Card.

Report Author

Doug Allan, MCIP, RPP
Senior Development Planner

Report Approval Details

Document Title:	Development Approval - 3227-3239 St. Johns Street (Porte Communities).docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Location Plan.pdf- Attachment 2 - December 14, 2018 CPAC Meeting Minutes.pdf- Attachment 3 - Application Fact Sheet.pdf- Attachment 4 - OCP Land Use and Zoning Designation Map.pdf- Attachment 5 - Draft Zoning Amendment Bylaw 3201.pdf- Attachment 6 - Draft Development Permit 2018-132.pdf- Attachment 7 - Draft City of Port Moody Housing Agreement Bylaw, 2020, No. 3202 (3227-3239 St. Johns Street).pdf- Attachment 8 - Sustainability report card.PDF
Final Approval Date:	Feb 18, 2020

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

Dorothy Shermer, Corporate Officer - Feb 18, 2020 - 9:28 AM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement –
Feb 18, 2020 - 11:55 AM

Paul Rockwood, General Manager of Finance and Technology - Feb 18, 2020 - 12:49 PM

Tim Savoie, City Manager - Feb 18, 2020 - 1:23 PM