



City of Port Moody

Report/Recommendation to Council

Date: June 17, 2020
Submitted by: Planning and Development Department – Development Planning Division
Subject: Zoning-Development Permit Development Approval – 3105-3113 St. Johns Street (Mixed-Use, FL Group GP Ltd.)

Purpose

To present Zoning Amendment Bylaw, No. 3195 (3105-3113 St. Johns Street) (CD75) and Housing Agreement Bylaw, No. 3196 for Council consideration of adoption; and Development Permit 2018-128 for issuance for a proposed six-storey, mixed-use residential/commercial project at 3105-3113 St. Johns Street.

Recommended Resolutions

THAT third reading of City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 17, 2019, No. 3195 (3105-3113 St. Johns Street) (CD75) and third reading of City of Port Moody Housing Agreement Bylaw, 2020, No. 3196 (3105-3113 St. Johns Street) be rescinded as recommended in the report dated June 17, 2020 from the Planning and Development Department – Development Planning Division regarding Zoning-Development Permit Development Approval – 3105-3113 St. Johns Street (Mixed-Use, FL Group GP Ltd.);

AND THAT Bylaws No. 3195 and No. 3196 be read a third time as amended;

AND THAT Bylaws No. 3195 and No. 3196 be now adopted;

AND THAT Development Permit 2018-128 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

Forte Living (FL Group GP Ltd.) has applied to redevelop two vacant single-family residential properties located at 3105 and 3113 St. Johns Street, as shown on the Location Plan (**Attachment 1**). The mixed-use project consists of 70 apartment units and approximately 727.6m² (7,832ft²) of commercial floor area, 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:

- Development Permit Area 2: Moody Centre, for the regulation of the form and character of development; and
- Development Permit Area 5: Hazardous Conditions, as the site may be subject to liquefaction during a seismic event and may be susceptible to flooding associated with Dallas Creek to the south.

The application was considered by the Community Planning Advisory Committee (CPAC) on September 4, 2018, at which time the Committee endorsed the proposal subject to the applicant providing a second elevator and improving the Environmental and Cultural sections of the Sustainability Report Card. The applicant's response is discussed later in this report.

Bylaw No. 3195, rezoning the site to Comprehensive Development Zone 75 (CD75) was given first and second readings on July 23, 2019 and received third reading following the Public Hearing on September 10, 2019. Housing Agreement Bylaw, No. 3196 was given first, second, and third readings on January 14, 2020.

An Application Fact Sheet is included as **Attachment 2** and the existing OCP and Zoning Designation Maps are included as **Attachment 3**.

Zoning Amendment Bylaw, No. 3195 and Housing Agreement Bylaw, No. 3196 contained an error in the legal description of the subject properties; it is, therefore, recommended that third reading of both Bylaws be rescinded and that both Bylaw No. 3195 (**Attachment 4**) and Bylaw No. 3196 (**Attachment 5**) be read a third time as amended with the correct legal descriptions.

The project complies with the applicable OCP land use designation and the applicable Development Permit form and character design guidelines. Accordingly, Council may consider the adoption of Zoning Amendment Bylaw, No. 3195 and Housing Agreement Bylaw, No. 3196 as amended and authorize the issuance of Development Permit 2018-128 (**Attachment 6**).

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 vacant single-family lots with a total area of 1,844m² (19,859ft²).

Surrounding development consists of:

- North: a Petro Canada service station (C4) and a four-storey, mixed-use building (C3);
- East: the Port Moody Middle School and Moody Elementary school site (P1);
- South: a four-unit multi-family building (RM4) and developed single-family residential lots (RS1); and
- West: a developed duplex lot (RT) and a developed single-family lot (RS1). Beyond these lots to the west is the Public Safety Building (P1).

Development Proposal Description

Uses:

The proposed project consists of a six-storey, L-shaped, mixed-use building containing 727.6m² (7,832ft²) of commercial floor space with 70 apartment units on five floors above. The residential units consist of 38 one-bedroom units, 26 two-bedroom units, and six three-bedroom units. The floor area, after the allowable deductions are excluded, is 6,374.4m² (68,613ft²), which results in an FAR of 3.46. Forty-eight units (68.5%) are designed as adaptable units, which exceeds the Zoning Bylaw requirement for a minimum of 50% of single-storey units to be adaptable in accordance with the *British Columbia Building Code*.

Parking/Bicycle Parking:

The site is located immediately outside of the 400m radius surrounding the Moody Centre Station Transit-Oriented Development Area; the parking requirements for this project were established using the reduced regulations permitted under the Zoning Bylaw for TOD areas. Based on those regulations, a total of 110 resident, visitor, and commercial parking spaces are required. A total of 106 underground spaces are provided, including three accessible spaces, requiring a variance of four spaces. While staff are supportive of the variance, given the proximity to the Moody Centre Station and bus transit, the developer was encouraged to enter into an agreement with a car share company to offset the variance. The developer has a draft agreement with Modo (**Attachment 7**) to locate a car share space adjacent to the loading bay on St. Andrews Street and will pay for a car share vehicle, which will be available for any Modo member. This space will be energized to allow for the charging of an electric vehicle if the charging infrastructure is provided by Modo. As outlined in the draft agreement, the developer will also pay Modo for 100 membership shares for project residents who meet Modo's eligibility requirements, to further encourage car share usage and add to the offset of the variance. Development Permit 2018-128 references the variance and includes a condition that the developer provide a signed contract to formalize the agreement prior to issuance of a building permit.

A total of 117 short- and long-term bicycle parking spaces are provided, which meets the Zoning Bylaw requirement of 111 spaces. The surface bicycle parking spaces are situated adjacent to the residential entry on Buller Street and adjacent to the commercial spaces on St. Johns Street.

Amenities:

The communal resident amenity consists of a 237.8m² (2,560ft²) landscaped deck, located on the second level, complemented by an indoor amenity room, 72.5m² (780ft²) in size, on the second level. The total common indoor and outdoor amenity space is 310.3m² (3,340ft²) or 4.43m² (47.7ft²) 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, each unit has private outdoor space consisting of a patio or balcony.

Variances:

In addition to the parking variance, the underground parkade encroaches to within 0.42m (1.38ft) of the property lines and does not comply with section 6.5 of the Zoning Bylaw, which requires a minimum 1.2m (3.94ft) setback to ensure that the roots of any street trees are not impacted. In this case, the street trees on Buller Street and St. Johns Street are located well

beyond the property line and will not be impacted by the parkade. Nonetheless, a variance is required which is incorporated into Development Permit 2018-128.

Development Permit: Form and Character

The project is situated within Development Permit Area 2: Moody Centre, and the project has been reviewed against the applicable design guidelines. Key form and character components of the development include:

- the upper storeys are pulled to the front and the use of framing, in conjunction with the balcony design creates articulation and visual interest on the north, south, and east elevations;
- the L-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 use of native and drought-tolerant plants to minimize irrigation requirements;
- the use of durable building materials, including cementitious and metal panels, brick and vinyl window framing, and the inclusion of a canopy for weather protection over the commercial entries;
- a strong architectural response to the corner exposure;
- the use of a lighter colour palette and a colour contrast, which creates a stronger differentiation between the commercial and residential levels;
- a 'frame' design which enhances the residential entry on Buller Street; and
- a street-oriented commercial level which enhances the pedestrian realm.

In response to the CPAC motion, a second elevator has been added to the project.

In addition, while not a form and character issue, the applicant has committed to achieve a BuiltGreen 'Gold' performance level and to incorporate measures to achieve an EnerGuide 82 building energy performance level. This would be roughly equivalent to Step Code 2 of the *BC Building Code*. As a condition of Development Permit 2018-128, a restrictive covenant will be registered on title to ensure that these energy and building performance measures are incorporated into the building permit design.

Reduced project plans are attached to Development Permit 2018-128 (**Attachment 6**).

Development Permit: Hazardous Conditions

As the soil conditions may be subject to liquefaction during a seismic event and the site may be susceptible to potential flooding, a geotechnical report has been submitted, which confirms that the soil conditions are not prone to liquefaction. The flood hazard assessment identified a potential risk and recommended that the Minimum Building Elevation (MBE) be raised 0.2m above the adjacent curb level and the mechanical equipment in the parkade be waterproofed. The attached project plans are based on the raised MBE as recommended and the method of waterproofing the mechanical systems will be established at the building permit stage. To ensure that the report recommendations are adhered to, the development permit includes a condition that a geotechnical covenant be registered on title prior to issuance of a building permit.

Housing Agreement Bylaw

Housing Agreement Bylaw, No. 3196 requires that seven units be rental and of the seven, four units will be rented at 30% below market rents. These units will be maintained as rental units for the lesser of 60 years or the life of the building. The remaining three units will be rented at 10% below market rents for a minimum of 20 years. The Agreement also prohibits the future strata council from enacting bylaws or regulations that prevent a future owner from renting their unit. If Bylaw No. 3196 is adopted, the Housing Agreement will be registered as a covenant on title.

Sustainability Report Card

Following the CPAC meeting, no additional Cultural measures were incorporated as many of the measures are not applicable to this site. However, the Sustainability Report Card (**Attachment 8**) was amended to include additional environmental measures, most notably a commitment to achieve a LEED 'Gold' level for energy and building performance and the introduction of heat recovery ventilators. The Report Card has also been revised to reflect the proposed affordable housing component, increasing the score to 63% as summarized in the following table:

Sustainability Pillar Application	Cultural	Economic	Environmental	Social	Overall Total
3227-3239 St. Johns Street	45% (5 out of 11)	61% (8 out of 13)	74% (38 out of 51)	53% (20 out of 38)	63%

Financial Implications

Community Amenity and Public Art Contributions

The applicant is required to pay the Community Amenity Contribution (CAC) and public art contribution prior to adoption of the Rezoning Bylaw. Based on a residential floor area of 5,646.7m² (60,781ft²) at \$6/ft², the total CAC amounts to \$364,686. Of that amount, at \$2/ft², \$121,562 will be directed to the Affordable Housing Reserve Fund with the remainder, \$243,124, going to general community amenities.

The developer has also provided a contribution to the Public Art Reserve Fund in the amount of \$100,000, based on 0.5% of the construction cost estimate of \$20,000,000 in accordance with the Public Art Policy.

Density bonus

The net residential density (FAR) of this project is 3.06. As this exceeds a residential FAR of 2.5, a density bonus payment will be required. In accordance with the density bonus provisions in the Zoning Bylaw, the amount of the payment will be based on 75% of the value of the increased density over the 2.5FAR, less the floor area of any units deemed to be low- or moderate-income housing. If the project proceeds, the bonus payment will be determined by an appraisal and will be payable prior to issuance of a building permit.

Development Cost Charges

The applicant will be required to pay Development Cost Charges at the previous DCC Bylaw rates as the project was instream prior to adoption of the new rates. With 70 units and a commercial floor area of approximately 727.62m² (7,832ft²), it is estimated that the total DCC owing would be about \$264,839.60. This will be payable prior to issuance of a building permit.

Concluding Comments

The project satisfies the applicable development permit area design guidelines to the satisfaction of staff. In particular, the project incorporates a 10% below market rental component to provide a number of more affordable housing options in response to the OCP Council's housing policies, although it does not meet the minimum 15% rental target in the recently-adopted Interim Affordable Housing Policy. The project also provides a substantial outdoor resident amenity area that takes advantage of a southern exposure and it provides for pedestrian and streetscape 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. 3195 and Bylaw No. 3196 and authorization to issue Development Permit 2018-128 (This may require a second public hearing).
2. THAT the rezoning application, as presented in the report dated June 17, 2020 from the Planning and Development Department – Development Planning Division regarding Development Approval – 3105-3113 St. Johns Street, not be supported.
3. THAT City of Port Moody Housing Agreement Bylaw, 2020, No. 3196 (3105-3113 St. Johns Street) not be supported.
4. THAT issuance of Draft Development Permit 2018-128 not be authorized.

Communications / Civic Engagement

In accordance with the City's Community and Stakeholder Consultation Policy, the applicant held a Community Information meeting on May 6, 2019 to engage the public about the proposal and solicit feedback. 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. Application Fact Sheet.
3. OCP Land Use and Zoning Designation Map.
4. Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 17, 2019, No. 3195 (3105-3113 St. Johns Street) (CD75).
5. Draft City of Port Moody Housing Agreement Bylaw, 2020, No. 3196 (3105-3113 St. Johns Street).
6. Draft Development Permit 2018-128.
7. Draft Modo Car Share Agreement.
8. Sustainability Report Card.

Report Author

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Report Approval Details

Document Title:	Development Approval - 3105-3113 St. Johns Street (FL GP Group Ltd.).docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Location Plan.pdf- Attachment 2 - Application Fact Sheet.pdf- Attachment 3 - OCP Land Use and Zoning Designation Map.pdf- Attachment 4 - Draft City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 17, 2019, No.3195.pdf- Attachment 5 - Draft City of Port Moody Housing Agreement Bylaw, 2020, No. 3196.pdf- Attachment 6 - Draft Development Permit 2018-128.pdf- Attachment 7 - Draft Modo Car Share Agreement.pdf- Attachment 8- Sustainability Report Card.pdf
Final Approval Date:	Jul 7, 2020

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

André Boel, General Manager of Planning and Development - Jun 30, 2020 - 12:36 PM

Dorothy Shermer, Corporate Officer - Jun 30, 2020 - 7:25 PM

Rosemary Lodge, Manager of Communications and Engagement - Jun 30, 2020 - 8:58 PM

Paul Rockwood, General Manager of Finance and Technology - Jul 2, 2020 - 11:53 AM

Tim Savoie, City Manager - Jul 7, 2020 - 1:07 PM