

# Considered at the January 12, 2021 Council Meeting

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## City of Port Moody Report/Recommendation to Council

Date: December 16, 2020  
Submitted by: Community Development Department – Development Planning Division  
Subject: OCP Amendment and Rezoning Application – 2101 Clarke Street and 2102-2106 St. Johns Street (Springcreek Development Ltd.)

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### Purpose

To present for Council consideration Official Community Plan (OCP) Amendment Bylaw No. 3288 and Rezoning Bylaw No. 3289 to facilitate the redevelopment of six properties on Clarke and St. Johns Streets on the east side of the Barnet Highway.

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### Recommended Resolution(s)

**THAT City of Port Moody Official Community Plan Bylaw, 2014, No. 2955, Amendment Bylaw No. 29, 2021, No. 3288 (2101 Clarke Street and 2102-2106 St. Johns Street) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 48, 2021, No. 3289 (2101 Clarke Street and 2102-2106 St. Johns Street) (CD79 and P1) be read a first time as recommended in the report dated December 16, 2020 from the Community Development Department – Development Planning Division regarding OCP Amendment and Rezoning Application – 2101 Clarke Street and 2102-2106 St. Johns Street (Springcreek Development Ltd.);**

**AND THAT the applicant be requested to continue working with staff on further details of the proposal based on Council's tentative support of the proposed creek setback as well as a building form of six to eight storeys.**

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### Executive Summary

In November 2017, Springcreek Development Ltd. submitted an OCP amendment and rezoning application for six properties located at 2101 Clarke Street and 2102-2106 St. Johns Street, plus three abutting vacant parcels as shown on the Location Plan (**Attachment 1**). The application involves the development of an eight storey mixed-use residential and commercial building containing a total of 83 apartment units and a 518.6m<sup>2</sup> (5,582ft<sup>2</sup>) child care facility. The site is traversed by a reach of South Schoolhouse Creek. The creek and associated riparian area will be restored, enhanced, and dedicated to the City. Over the past three years, the setback to the creek has been reviewed extensively as it constitutes a major constraint to the OCP-envisioned six-storey mixed use for this site. In response, the applicant proposes to acquire a strip of land from the St. Johns Street and Barnet Highway road allowances to enable the building to be sited outside of the 15m riparian area. An application fact sheet summarizing the key components of the project is included as **Attachment 2**.

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Implementation of the proposal would involve:

- an amendment to the OCP to change the land use designation on the land to be dedicated to the City from Mixed Use – Moody Centre to Parks and Open Space and to allow for an increase in the maximum height of the building from six storeys to eight storeys;
- rezoning of the developable portion of the site from C4 (Service Station Commercial), RS1 (Single Detached Residential), and RT ((Semi-Detached Residential) to a new Comprehensive Development 79 Zone and the dedicated land from C4, RS1, and RT to P1 (Civic Institutional);
- adoption of a housing agreement bylaw to establish the provisions for the proposed affordable rental units;
- adoption of a road closure bylaw for the land to be acquired, and completion of a Land Sale and Purchase Agreement; and
- issuance of a development permit.

At this stage, staff are recommending that the OCP Amendment and Rezoning Bylaws receive first reading. If this proposal is supported, staff will continue to work with the applicant to develop the housing agreement and the Land Sale and Purchase Agreement, and the applicant will hold a community information meeting in accordance with the Policy on *'Public and Stakeholder Consultation for Major Development Projects or Area Plans'*. At that point, the OCP amendment and Rezoning bylaws will be returned to Council for consideration of second reading and referral to a public hearing, and the Housing Agreement Bylaw and the Road Closure Bylaw will be presented for consideration of first three readings.

Key issues that have been considered by staff during the review include: the siting of the building relative to the required riparian area; the proposed building height; the affordable housing program; the child care component; and the proposed acquisition of portions of the St. Johns Street and Barnet Highway road allowances.

## Background

In December 2015, staff received a Preliminary Application for the redevelopment of the site that involved a mixed-use residential/commercial building seven storeys in height, consisting of 78 units and 827.5m<sup>2</sup> (8,900ft<sup>2</sup>) of commercial floor space. The proposed building was situated parallel to the Barnet Highway and maintained a 15m riparian setback. The Preliminary Application review was completed in March 2016. Following the Preliminary Application, staff and the applicants worked to develop a riparian area setback scenario that was based on the City's then 15m setback, but allowed for some flexing where the setback was less than 15m in some areas and greater in others. In November 2017, based on the above flexed approach to the riparian setback, the owners submitted a Detailed Planning Application that involved an eight storey multi-family residential building containing 90 apartment units with an FAR of 3.0. The site plan was based on meeting and exceeding the 15m setback on the south half of the site with a reduced 12.2m setback on the remainder of the site.

The application was reviewed by the Community Planning Advisory Committee (CPAC) on October 2, 2018, at which time, the following resolution was passed:

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## CPAC18/040

THAT the proposal as presented in the report dated September 13, 2018 from Planning and Development Department – Development Planning Division not be endorsed for the following reasons:

- Excess in density;
- Environmental considerations; and
- Significant deviation from the Official Community Plan.

As a result of the CPAC comments regarding the flexed riparian area setback approach, staff and the applicants continued to develop an alternate siting approach that would maintain, to the greatest extent possible, the full 15m riparian setback. Staff suggested that the applicants explore acquiring a portion of the St. Johns Street and Barnet Highway road allowances, which was considered to be surplus to the City's needs, with the intention that the building could be shifted west on the site such that there would be no encroachment into the creek riparian area.

Council has previously supported the sale of the road allowance in principle, contingent on conditions being met.

Since the proposal was considered by CPAC, which, at the time, consisted of volunteers and all of the previous Council, a revised proposal was submitted consisting of an eight-storey building with 83 residential units, a 518.61m<sup>2</sup> (5,582ft<sup>2</sup>) child care facility, and 121 underground parking spaces. The site plan is based on the building maintaining the minimum 15m riparian area setback from South Schoolhouse Creek, and is predicated upon the developer acquiring a portion of the St. Johns Street and Barnet Highway road allowances.

## Discussion

### Property Description:

The development site consists of six vacant parcels between St. Johns Street and Clarke Street on the east side of the Barnet Highway, as shown on the Location Plan included as **Attachment 1**. A section of South Schoolhouse Creek crosses the east side of the site. The gross development parcel is 3,437m<sup>2</sup> (36,994ft<sup>2</sup>) in size, and slopes down by approximately 5.5m (18ft) from St. Johns Street north towards Clarke Street.

The Application Fact Sheet (**Attachment 2**) outlines the current OCP Land Use and Zoning Designations (illustrated on **Attachment 3**), the prevailing Development Permit Area designations, and the neighbourhood context.

### Development Proposal Description:

The project consists of a mixed residential commercial building, eight storeys in height, which comprises 83 residential units and a child care facility over underground parking. The total residential and child care floor area is 8,367m<sup>2</sup> (90,060ft<sup>2</sup>). Based on the gross site area, excluding the land proposed to be acquired, the FAR is 2.2. After dedication of the creek and riparian land, which reduces the site area by approximately 53%, and with the addition of the road allowances, the site area becomes 2,207m<sup>2</sup> (23,756.94 ft<sup>2</sup>), which results in an increase in the FAR to 3.79

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## *Residential Units*

As outlined on the Fact Sheet (**Attachment 2**), the residential units consist of one studio unit 36.3m<sup>2</sup> (391ft<sup>2</sup>) in size, with 49 one-bedroom units, 27 two-bedroom units, and six three-bedroom units. Aside from the studio unit, the other units range between 47m<sup>2</sup> (506ft<sup>2</sup>) to 105.1m<sup>2</sup> (1,454ft<sup>2</sup>) in size.

## *Affordable Rental Units*

While the detailed application was submitted prior to the adoption of the *Interim Affordable Housing Guideline Policy*, the applicant has proposed that eight (9.6%) of the 83 units be affordable rental units at 5% below market rent units. The developer has proposed to sell the rental units either to BC Housing or a non-profit society, and will continue discussions with BC Housing if there is support for the project. Staff have recommended that the applicant increase the number of rental units and refine the proposed rent reduction proposal and report back with further program details at the time of second reading if the bylaws proceed.

## *Site Plan/Creek Setback*

In the earlier iterations of the project, the site plans were based on a reduction in the width of the riparian area to approximately 12.2m (40ft). However, with the acquisition of the road allowance, the proposed building now complies with the 15m setback as measured from the top of bank. However, the Site Plan (**Attachment 4**) does not make provisions for the additional 5m riparian transition area. The principal purpose of the 5m transition area is to integrate riparian protection zones with upland development and to support corridor uses (e.g. trails, servicing infrastructure, etc.), ensuring that there is a reasonable separation between buildings and sensitive eco-systems, and that there is working room for building maintenance. In this case, staff acknowledge that the restoration and enhancement work proposed for the South Schoolhouse Creek channel and riparian area and support the required zoning bylaw variance to eliminate the 5m transition area requirement. An access easement of 3m (10ft) in width will be required over the dedicated riparian area to enable future building maintenance if required.

## *Building Height*

While the building terraces down the site following the existing grade, it is defined under the Zoning Bylaw—and per the City's practice in recent years—as an eight-storey building, which exceeds the six storey maximum height permitted under the OCP. This is based on an interpretation that looks at the cross section of the building to determine the number of floors above the lowest site grades. Staff note that the proposed building form does step down towards Clarke Street, resulting in a building façade of eight storeys. Given that the riparian area has eliminated much of the site from development and taking into consideration the height of the proposed high-rise buildings in the Westport development on the north side of Clarke Street, which vary between 16 and 36 storeys), staff support this minor height increase.

## *Parking*

The Zoning Bylaw requires a total of 133 parking spaces for all uses. A total of 121 parking spaces are provided, including 100 residential spaces, 16 residential visitor spaces, and five spaces devoted to the child care use. The five child care parking spaces do not meet the Zoning Bylaw requirement of 17 spaces. The applicant proposes to make up the difference by sharing the use of 12 residential visitor spaces to enable the short-term drop-off and pick-up of children. The sharing of spaces, while not directly addressed in the Child Care Plan, reduces

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costs, and, to a degree, may result in more child care affordability. Given the short-term nature of the proposed sharing of parking, this approach is supported by staff and is built into the proposed CD79 Zone.

## *Child Care*

Consistent with current child care policies in the OCP, the proposal includes a 518.6m<sup>2</sup> (5,582ft<sup>2</sup>) child care space which could support a range of programs, including infant and toddler space for approximately 24 children, a daycare for about 25 children of ages three to five, 20 pre-school children, and an after school program for 30 school age children for a total of 99 spaces. Of these spaces, 54 (54.5%) are infant, toddler, and school age children spaces, which supports the Child Care Plan recommendation to prioritize the creation of spaces for children of these ages. The developer's preference is to turn the space over to a non-profit operator, but if there is no uptake, the space will be available for a for-profit business.

The child care use also includes dedicated indoor activity space, approximately 73.8m<sup>2</sup> (795ft<sup>2</sup>) in size, located on the first level of the parkade. This indoor space is augmented by a fenced outdoor play space, 162.4m<sup>2</sup> (1,748ft<sup>2</sup>) in size, located on the south end of the site as illustrated on the Child Care Outdoor Amenity Plan (**Attachment 5**).

## *Road Acquisition*

As noted, to provide some additional land and enable the building to be sited entirely outside of the riparian area, the developer proposes to acquire a strip of land along a portion of the St. Johns Street and Barnet Highway road allowances, which the Engineering Department has deemed to be surplus to future road widening requirements. This area amounts to 367.6m<sup>2</sup> (3,956.8ft<sup>2</sup>), and is illustrated on the Road Acquisition Plan included as **Attachment 6**.

At present, staff are awaiting the results of a land appraisal to establish the value of the land to be purchased and will prepare a Land Sale and Purchase Agreement which will be executed if the project proceeds to bylaw adoption and development permit issuance. This process will also require the adoption of a Road Closure Bylaw, which will be submitted for consideration at the time of second reading of the OCP amendment and rezoning bylaws.

Proposed site and architectural plans are included as **Attachment 7**, and the landscape plans are included as **Attachment 8**.

## Planning Analysis

The following project elements will require further analysis and development provided there is Council support for the current site plan, creek setback, and proposed height:

- the affordable rental housing program;
- the child care component;
- creek restoration and enhancement details;
- the building design; and
- building energy performance.

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## *Sustainability Report Card*

The completed Sustainability Report Card for the development proposal is included as **Attachment 9**. The following table summarizes the initial scoring. The scoring will be revised throughout the review process of the project.

<div>Sustainability Pillar</div> <div>Application</div>	Cultural	Economic	Environmental	Social	Overall Total
2101 Clarke Street	45% (5 out of 9)	67% (8 out of 12)	67% (38 out of 53)	63% (24 out of 38)	65%

## Implementation

For this project to move forward, the following Bylaw amendments are required:

- an OCP amendment bylaw to change the land use designation on the creek riparian area to be dedicated to the City from Mixed Use- Moody Centre to Parks and Open Space, and to permit an increase in the maximum height of the building from six to eight storeys (Bylaw No. 3288 – **Attachment 10**); and
- rezoning of the creek channel and riparian area from C4 (Service Station Commercial) and RS1 (Single Detached Residential) to P1 (Civic Institutional) and the remainder of the developable portion of the site as Comprehensive Development Zone CD79 (Bylaw No. 3289 – **Attachment 11**). In addition to establishing multi-family residential and child care as permitted uses, Bylaw No. 3289 also establishes the development regulations for the project.

If the project proceeds, the following additional processes will be required:

- a Housing Agreement Bylaw to implement the final affordable housing program;
- completion of the Land Sale and Purchase Agreement and road closure bylaw process; and
- issuance of a Development Permit.

## Other Option

Council may consider both First and Second Reading of the Bylaws, which would initiate an information meeting by the developer and a Public Hearing organised by the City; the Public Hearing would be held after the information meeting. The alternate motions are as follows:

THAT City of Port Moody Official Community Plan Bylaw, 2014, No. 2955, Amendment Bylaw No. 29, 2021, No. 3288 (2101 Clarke Street and 2102-2106 St. Johns Street) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 48, 2021, No. 3289 (2101 Clarke Street and 2102-2106 St. Johns Street) (CD79 and P1) be read a first and second time;

AND THAT Bylaw No. 3288 and Bylaw No. 3289 be referred to a Public Hearing.

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## Financial Implications

### Community Amenity Contribution (CAC)

Per the City's CAC Policy, the applicant will be requested to make a contribution based on \$6.00/ft<sup>2</sup> of residential floor area, up to a maximum of \$6,000/unit. Given a total residential floor area of 7,848.3m<sup>2</sup> (84,478ft<sup>2</sup>), the total owing will be \$498,000 at \$6,000/unit. However, the final amount will be dependent upon the final floor area.

### Public Art Contribution

The applicant has committed to provide a waterfall element as part of the building design rather than making a financial contribution to the Public Art Reserve Fund. The value of the art component will be based on 0.5% of the total construction cost, but further discussions on this approach is required between staff and the applicant.

## Communications and Civic Engagement Initiatives

### Community Engagement

If the project proceeds, the applicant will be required to hold a community information meeting to obtain the public's feedback on the project. The meeting will be an on-line forum of some type, but the details of the meeting have not yet been established. As with other meetings of this type, information that would normally be provided will be available on-line to the public. The results of this input opportunity will be provided to Council for information either at second reading, or at a public hearing if Council chooses to proceed with the Other Option.

### Public Notification

A notification sign informing the public of the OCP amendment and rezoning applications has been placed on the subject site in accordance with the City of Port Moody Development Approval Procedures Bylaw, 2011, No. 2918.

Should the alternative recommendation be passed (that OCP and zoning amending bylaws be given first and second readings), the public will have an opportunity to comment at the Public Hearing, which will occur following a mail-out notification to adjacent residents, an advertisement placed in the local newspaper, and a decal of the public hearing time and date placed on the notification sign.

## Council Strategic Plan Objectives

The proposal is consistent with the goals of Council's 2019-2022 Strategic Plan related to a Healthy City by planning for a variety of housing types to meet community needs.

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## Attachments

1. Location Plan.
2. Application Fact Sheet.
3. OCP Land Use Designation and Zoning Designations Map.
4. Site Plan.
5. Child Care Outdoor Amenity Plan.
6. Road Acquisition Plan.
7. Site and Architectural Plans.
8. Landscape Plans.
9. Sustainability Report Card.
10. Draft OCP Amendment Bylaw No. 3288.
11. Draft Rezoning Bylaw No. 3289.

## Report Author

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## Report Approval Details

Document Title:	OCP Amendment and Rezoning Application - 2101 Clarke Street and 2102-2106 St. Johns Street (Springcreek Development Ltd.).docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Location Map.pdf</li><li>- Attachment 2 - Application fact Sheet.pdf</li><li>- Attachment 3 - OCP Land use Designation and Zoning Designation Maps.pdf</li><li>- Attachment 4 - Site Plan.pdf</li><li>- Attachment 5 - child care outdoor amenity plan.pdf</li><li>- Attachment 6 - Road Acquisition Plan.pdf</li><li>- Attachment 7 - Site and Architectural plans.pdf</li><li>- Attachment 8 - Landscape plans.pdf</li><li>- Attachment 9 - Sustainability Report Card.pdf</li><li>- Attachment 10 - Draft Bylaw No. 3288.pdf</li><li>- Attachment 11 - Draft Bylaw No. 3289.pdf</li></ul>
Final Approval Date:	Jan 6, 2021

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

André Boel, City Planner - Jan 4, 2021 - 7:05 PM

Kate Zanon, General Manager of Community Development - Jan 5, 2021 - 9:15 AM

Dorothy Shermer, Corporate Officer - Jan 5, 2021 - 9:57 AM

Rosemary Lodge, Manager of Communications and Engagement - Jan 5, 2021 - 2:50 PM

Paul Rockwood, General Manager of Finance and Technology - Jan 5, 2021 - 3:23 PM

Tim Savoie, City Manager - Jan 6, 2021 - 10:58 AM