



City of Port Moody

Report/Recommendation to Council

Date: July 25, 2023
Submitted by: Community Development Department – Development Planning Division
Subject: Development Approval and Bylaw Adoption – Westport Village

Purpose

This report presents the Official Community Plan Amendment Bylaw and the Zoning Amendment Bylaw for Westport Village for fourth and final reading. It also includes for Council approval the Phase 1 development permit and the development agreement for the whole site.

Recommended Resolutions

THAT City of Port Moody Official Community Plan Bylaw, 2014, No. 2955, Amendment Bylaw No. 21, 2019, No. 3204 (Westport Village) (CD77) and City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 20, 2019, No. 3203 (Westport Village) (CD77) be now adopted as recommended in the report dated July 25, 2023, from the Community Development Department – Development Planning Division regarding Development Approval and Bylaw Adoption– Westport Village;

AND THAT a Community Amenity Contribution fee waiver in the amount of \$455,600 be approved to facilitate the public amenity and below-market artist housing components within the development;

AND THAT Development Permit DP000045 be authorized for issuance;

AND THAT the Development Agreement be endorsed for execution;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required in support of this application;

AND THAT City of Port Moody Road Closure Bylaw – Portion of Vintner Street, 2023, No. 3412 be read a first, second, and third time.

Background

Urbanics Consultants Ltd., on behalf of Andrew Peller Limited (APL), applied in October 2016 to amend the Official Community Plan (OCP) land use designations for the former winery site at 2120 Vintner Street and the properties at 2110-2136 Clarke Street from General Industrial and Mixed Use – Moody Centre to Mixed Use – Westport Village, and to rezone the subject site to a

new Comprehensive Development Zone (CD77) to allow for the development of a high density mixed use project.

A Public Hearing on the proposed development was held on July 23, 2019, following which Council gave third reading to the OCP Amendment Bylaw and the Zoning Amendment Bylaw, and also approved the document titled “Westport Village Term Sheet - June 28, 2019” as the basis for preparing a development agreement.

Work on moving the project forward after third reading of the bylaws initially experienced some challenges, over the past 18 months the applicant has demonstrated significant progress. On that basis, per the City’s Development Approval Procedures Bylaw, staff recommended that APL receive approval from Council for a final extension to complete the work necessary to bring the two bylaws back for adoption. This approval was given by Council on July 23, 2022.

OCP Amendment Bylaw No. 3204 is included as **Attachment 1** and Zoning Amendment Bylaw No. 3203 is included as **Attachment 2**.

Discussion

Site Description and Conditions

The development site is located west of Douglas Street, north of Clarke Street, and south of Short Street, and is 1.43 ha (3.53 ac) in size (**Attachment 3**). The subject site is currently being used as a parking and staging area for light industrial uses. The site is relatively flat and includes a riparian area adjacent to South Schoolhouse Creek to the west.

As further discussed below, the development site is proposed to include a portion of Vintner Street, between South Schoolhouse Creek and Douglas Street. APL has proposed that this unused road allowance be closed, purchased from the City and consolidated with the subject site.

The site is currently designated for General Industrial and Mixed Use – Moody Centre uses (**Attachment 4**) and zoned General Industrial (M2), Single Detached Residential (RS1), and Semi-Detached Residential (RT) (**Attachment 5**).

Surrounding development consists of:

- North and East: General Industrial (M2) uses
- West: South Schoolhouse Creek
- South: Townhouses

Phasing of Development

At the time of third reading of the bylaws, APL was uncertain if the development would be undertaken as a single phase or multiple phases. APL subsequently determined that it would be undertaken in two phases, with the possibility that Phase 2 might get underway while Phase 1 is still being constructed.

Development Proposal - Phase 1

In summary, Phase 1 of the development is:

- 0.71 ha (1.75 ac) in size, which is about 50% of the total site area of 1.43 ha (3.53 ac); and
- Proposed to contain 24,699 m² (265,868 ft²) of residential and commercial floor area, which is about 37% of the 67,498 sq. m. (726,564 sq. ft.) of total permitted floor area for all uses combined (excluding private indoor amenity space) in the CD77 zone.

The key elements of Phase 1 include the following components:

- A 31-storey building containing 263 strata condo units and 16 market rental units;
- A four-storey arts centre building containing the following mix of uses:
 - Level 1 – 487 m² (5,426 ft²) of commercial retail uses;
 - Level 2 – 1,149 m² (12,372 ft²) of art centre/theatre uses allowing for a viewing capacity of up to 350 seats - also called “flex space” because much of the seating can be retracted to allow a larger floor area for other uses;
 - Level 3 - 289 m² (3,112 ft²) of office uses; and
 - Level 4 - 374 m² (4,023 ft²) of childcare uses plus outdoor play space.
- A four-storey artist village building containing:
 - 10 three-story townhouse live-work units for artists, with each unit having an accessible ground floor artist studio that will be open to the public and this space is connected to a two-level residential unit above. Six of the units will be below market rental and occupied by artists who will be offered the space at 20% below-market rental value for the life of the building. A Housing Agreement Bylaw to secure the below-market artist units would be brought forward to Council at a later date.
- 490 parking spaces.
- 492 long-term bicycle storage spaces.

Architectural plans are included as **Attachment 6** and Landscape plans are included as **Attachment 7**.

Phase 2

The key elements of Phase 2 will include:

- The remaining 42,799 m² (460,700 ft²) of floor area for all uses combined;
- The remainder of the parkade structure;
- The main public plaza;
- The 21-storey mixed use tower, including rental housing (approximately 11,148m²/120,000 ft²), office space, an athletic club and a grocery store;
- The 12-storey mixed use tower, including seniors housing, seniors care facilities and common areas, ground floor retail uses, and light industrial space; and
- The six-storey mixed-use building, including medical clinic space, ground floor retail, and the hotel space (approximately 3,842m²/41,355ft²).

A separate development permit application will be submitted by the developer for Phase 2, the timing of which is uncertain at this time.

Population and Employment

At full build-out, it is estimated that Westport Village will have about 500 residential units, including strata, rental and seniors housing, with a resident population of about 800. However, the ultimate number of residential units could be somewhat more or less, depending on market demand.

It is also estimated by APL that about 585 jobs will be created on the site for all the non-residential uses combined.

Development Permit

APL submitted development permit applications for:

- Development Permit Area 2 – Moody Centre (DPA 2). The form and character of Phase 1 of the development; and
- Development Permit Area 4 – Environmentally Sensitive Area (DPA 4). The environmentally sensitive area of South Schoolhouse Creek currently owned by APL that will be subdivided from the development parcel, rehabilitated and turned over to the City.

These two development permit applications have been combined into a single development permit. Staff are satisfied that all the conditions for this development permit have been met and are therefore recommending that Council authorize staff to approve DP000045 (**Attachment 8**).

Housing Agreement Bylaws

Two housing agreement bylaws will be required for Phase 1 of the development:

- The subsidized artist rental housing; and
- The first market rental housing component.

Both agreements will be for the life of the buildings in which the units are located.

Per the development agreement (discussed below), both housing agreement bylaws will be prepared by staff and submitted to Council for approval as one of the conditions of APL receiving a building permit for Phase 1.

A further two housing agreement bylaws will be required for Phase 2 of the development:

- The final market rental housing component; and
- The seniors housing component.

Both of these two housing agreement bylaws will also be prepared by staff and submitted to Council for approval as one of the conditions of receiving a development permit for Phase 2.

Development Agreement

The development agreement (**Attachment 9**) was prepared based on the “Westport Village Term Sheet - June 28, 2019” that was approved by Council on July 23, 2019. It covers the entire development parcel (Phases 1 and 2), as well as a portion of the South Schoolhouse Creek riparian area.

The development agreement covers the following key points:

- The portion of South Schoolhouse Creek owned by APL that is immediately adjacent to the development parcel will be rehabilitated and transferred to the City's ownership.
- APL has agreed to also pursue subdividing and turning over to the City a remnant portion of South Schoolhouse Creek that is just northwest of its development parcel, per the attached subdivision plan (**Attachment 10**). This riparian area is part of what is shown as "Rem 65" on the plan and, while owned by APL, it is heavily encumbered by covenants in favour of TransLink as part of the Evergreen Line alignment. APL is currently in discussions with TransLink on the conditions under which this portion of the creek can be turned over to the City. The remainder of Rem 65 will remain in APL's ownership.
- Extending the trail to be constructed on the east side of South Schoolhouse Creek all the way to Short Street requires crossing Rem 65. This also requires TransLink involvement and APL is currently discussing this with TransLink along with the topic of the creek, as noted above.
- APL will relocate the Trans Canada Trail from the west side of Douglas Street adjacent to its development to the east side of the street, where there are fewer driveways than there will be on the west side once Westport Village is developed.
- The term sheet required that APL establish shuttle bus service between Westport Village and the Moody Centre rapid transit station as a Transportation Demand Management measure. Alternatively, the term sheet left open the option of a cash-in-lieu contribution to the City. It was subsequently jointly determined by staff and APL that it would be very challenging to set up and operate the shuttle bus service as envisioned. For example, it would eventually become the responsibility of a number of the stratas (commercial and possibly residential) to operate the service and the City's ability to effectively enforce matters such as the frequency and duration of service or even the long-term operation of the service at all would be very difficult.

APL therefore agreed to a cash contribution to the City of \$1,120,000 (plus CPI) to be paid as follows:

- \$416,864 (plus CPI) at the time of issuance of a building permit for Phase 1.
- The remaining \$703,136 (plus CPI) at the time of issuance of a building permit for Phase 2.

The contribution will be applied by the City towards pedestrian and cycling improvements on routes between the Westport Village development and the Moody Centre transit station. The implementation of these pedestrian and cycling improvements will also benefit the broader community.

- A suite of TDM measures will be implemented that include, for example:
 - car-share vehicles plus designated car-share parking spaces;
 - a transit pass program with a monthly bus pass (two-zone) offered to 25% of the market strata dwelling units (one pass per household) on a first-come, first-serve basis for a period of one year, and to 100% of the rental dwelling units for a period of one year;
 - bike-share bicycles with secured storage;
 - end-of-trip change rooms, lockers and showers for the non-residential uses; and

- bicycle maintenance rooms with bike stands and repair tools.
- APL has committed to designing, constructing, and installing public art on the site with a value of at least \$500,000 (plus CPI). As part of that, APL has also committed to preparing a public art plan to the satisfaction of the City as a condition of receiving a building permit for Phase 1 (noting that this public art plan will cover both phases of development).
- A commitment to payment of Community Amenity Contributions (CACs). For Phase 1, CACs would total \$1,352,034 without any CAC credits being applied. Per the City’s CAC policy, credit can be given for the provision of in-kind amenity contributions. In this case, staff believe it is appropriate that the following credits totalling \$455,600 be applied:
 - \$306,000 for the relocation of the Trans Canada Trail.
 - \$110,000 for the viewing platform in the South Schoolhouse Creek riparian area
 - \$39,600 for the six townhouse units that will be rented to artists at 20% below market rates. This calculation is based on \$6/ft² x 1,100 ft² per unit x 6 units.

This credit results in a net CAC payment to the City of \$896,434 for Phase 1, payable prior to the issuance of the first building permit.

The CAC payment for Phase 2 will be calculated at the time of the Phase 2 development permit, when the exact amount of residential floor area is known. On a preliminary basis, CACs are estimated at about \$1,168,620 (plus CPI) for Phase 2, with no CAC credits anticipated to be applied for this second phase.

Sustainability Report Card

The Sustainability Report Card has been reviewed and scored by staff (**Attachment 11**).

As shown in the table below, the project scores well overall based on the amount and mix of employment floorspace (economic), the rehabilitation of South Schoolhouse Creek (environmental), the artist village and flex space / theatre (cultural), and the plazas (social).

Pillar	Total possible points	Sum of N/A points	Sum of missed points	Applicant total points	Pillar % score
Cultural Sustainability	56	12	17	39	88
Economic Sustainability	93	0	3	90	96
Environmental Sustainability	172	7	52	113	68
Social Sustainability	165	1	60	106	63

Metro Vancouver Regional Growth Strategy

As was discussed at the time of first and second reading of the two bylaws, the former winery portion of the site is designated as “Industrial” in Metro Vancouver's Regional Growth Strategy (RGS). Section 6.2.7 of the RGS provides for flexibility that permits a municipality's OCP to re-designate land from one regional land use designation to another if the site being re-designated does not exceed one hectare. In the case of the industrial portion of the Westport Village site,

once subdivided to include only the proposed developed area, the total area of RGS Industrial designated land is 0.92 ha (2.27 ac), which is under the one hectare limit.

The Regional Context Statement included in Port Moody's OCP permits such amendments to be made using the RGS flexibility provisions. Council directed at a Regular Council meeting on June 27, 2017 that section 6.2.7 of the RGS be enacted for the Westport Village application. Metro Vancouver staff were informed of Council's direction and noted that final confirmation of the City's ability to exercise this flexibility clause would be at such time as the criteria for the use of the section 6.2.7 provisions have been met and once the subdivision of the lands has been approved and the OCP amendment has been adopted. Staff will inform Metro Vancouver once these conditions are met and at which time the City will receive formal confirmation.

Vintner Street Road Closure

As noted above and as proposed as part of the development, a portion of Vintner Street, totalling 0.142 ha 15,285 ft² in size, between South Schoolhouse Creek and Douglas Street, is required to be closed, purchased by APL, and consolidated with the development site. The developer has committed to purchasing this portion of Vintner Street as stipulated in the development agreement. An appraisal of the road closure area was obtained by the City, with the cost borne by the applicant. Based on the proposed uses of the development, the market value of the closure area is \$2,770,000, as assessed by the appraisal report. A draft road closure bylaw, Bylaw No. 3412, is included as **Attachment 12**.

Other Option(s)

THAT Council not give adoption of Bylaw No. 3203 and Bylaw No. 3204 and/or not approve execution of the development agreement, with staff directed to work with the applicant on the following topics and report back to Council:

<insert list of topics>

Financial Implications

Council directed staff at the June 27, 2017 meeting to negotiate the sale of the unopened portion of Vintner Street on the basis that the proposed floor area and land uses are distributed as if the unopened road were a portion of the site for density calculation purposes. That process has now concluded, with APL agreeing to purchase the unopened portion of Vintner Street for \$2,770,000, subject to the rezoning being approved by Council.

As mentioned in this report, a cash-in-lieu contribution towards active transportation will be made in the amount of \$1,120,000 (\$416,864 of which would be paid as part of Phase 1) and a CAC payment of \$896,434 for Phase 1 would be made, if the credits valued at \$455,600 are authorized by Council.

Communications and Civic Engagement Initiatives

The Public Hearing held on July 23, 2019 was the final opportunity for the public to provide input on the proposed development.

Council Strategic Plan Objectives

The proposal is consistent with the goals of Council's 2023-2026 Strategic Plan by prioritizing healthy community development by creating complete and connected communities through balanced growth, protecting, integrating, and enhancing the City's natural assets, and enhancing vibrancy through placemaking, arts, culture, heritage and tourism.

Attachments

1. OCP Amendment Bylaw No. 3204
2. Zoning Amendment Bylaw No. 3203
3. Location Map – Westport Village
4. OCP Land Use Designations Map – Westport Village
5. Zoning Map – Westport Village
6. Architectural Plans – Westport Village
7. Landscape Plans – Westport Village
8. Draft Development Permit DP000045
9. Development Agreement – Westport Village
10. Draft Subdivision Plan – Westport Village
11. Sustainability Report Card – Westport Village
12. Draft Road Closure Bylaw No. 3412

Report Author

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Report Approval Details

Document Title:	Development Approval and Bylaw Adoption (Mixed-Use) - Westport Village (Andrew Peller Ltd.).docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - OCP Amendment Bylaw No. 3204.pdf- Attachment 2 - Zoning Amendment Bylaw No. 3203.pdf- Attachment 3 - Location Map - Westport Village.pdf- Attachment 4 - OCP Land Use Designation Map - Westport Village.pdf- Attachment 5 - Zoning Map - Westport Village.pdf- Attachment 6 - Architectural Plans - Westport Village.pdf- Attachment 7 - Landscape Plans - Westport Village.pdf- Attachment 8 - Draft Development Permit DP000045.pdf- Attachment 9 - Development Agreement - Westport Village.pdf- Attachment 10 - Draft Subdivision Plan - Westport Village.pdf- Attachment 11 - Sustainability Report Card - Westport Village.pdf- Attachment 12 - Draft Road Closure Bylaw No. 3412.pdf
Final Approval Date:	Jul 18, 2023

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

Kate Zanon, General Manager of Community Development - Jul 17, 2023 - 1:41 PM

Stephanie Lam, City Clerk and Manager of Legislative Services - Jul 17, 2023 - 3:50 PM

Lindsay Todd, Manager of Communications and Engagement - Jul 17, 2023 - 6:22 PM

Paul Rockwood, General Manager of Finance and Technology - Jul 18, 2023 - 9:25 AM

Kate Zanon, General Manager of Community Development, for Tim Savoie, City Manager - Jul 18, 2023 - 12:27 PM