



City of Port Moody

Report/Recommendation to Council

Date: November 26, 2024
Submitted by: Community Development Department – Development Planning Division
Subject: Heritage Revitalization Agreement and Housing Agreement – 2400-Block Clarke Street (Kyle & Clarke Holdings Ltd.) – Bylaw Nos. 3491 and 3495

Purpose

To present for Council consideration the first, second, and third readings of the Heritage Revitalization Agreement (HRA) Bylaw, which includes Zoning Bylaw amendments to facilitate a six-storey mixed-use development comprising two buildings separated by a public mews, along with the retention and restoration of the P. Burns Building within the 2400-Block of Clarke Street, as well as the first, second and third readings of the Housing Agreement Bylaw to secure the project's market rental component (File: HRA00007).

Recommended Resolution(s)

THAT City of Port Moody Heritage Revitalization Agreement Bylaw, 2024, No. 3491 (2407-2421 Clarke Street, 85 Kyle Street, and 50 Queens Street) be read first, second, and third time as recommended in the report dated November 26, 2024, from the Community Development Department – Development Planning Division regarding Heritage Revitalization Agreement and Housing Agreement – 2400-Block Clarke Street (Kyle and Clarke Holdings Ltd.) – Bylaws Nos. 3491 and 3495;

AND THAT City of Port Moody Housing Agreement Bylaw, 2024, No. 3495 (2407-2421 Clarke Street, 85 Kyle Street, and 50 Queens Street) (Market Rental) be read first, second, and third time as recommended in the report dated November 26, 2024, from the Community Development Department – Development Planning Division regarding Heritage Revitalization Agreement and Housing Agreement – 2400-Block Clarke Street (Kyle and Clarke Holdings Ltd.) – Bylaw Nos. 3491 and 3495.

Executive Summary

The proposed project involves an Official Community Plan (OCP) amendment and Heritage Revitalization Agreement (HRA) to allow for the restoration and relocation of the P. Burns heritage building to the corner of Queens Street and Clarke Street. The development includes two six-storey, U-shaped, mixed-use commercial/residential buildings, separated by a pedestrian mews, and offer a residential unit mix of 98 strata units, 79 market rental units, and approximately 2,174m² (23,402.4ft²) of commercial space.

As part of the application process, the OCP Amendment Bylaw (No.3421), which permits six-storeys across the entire site, was adopted on November 5, 2024. The original Heritage Revitalization Agreement (HRA) Bylaw (No.3420) was adopted on September 26, 2023, but due to project changes requiring an updated HRA, it was repealed by HRA Bylaw Repeal Bylaw No. 3487, adopted on November 12, 2024.

This report presents a new updated HRA Bylaw for consideration to establish the program for the relocation and restoration of the P. Burns Building, along with development controls typically managed through zoning, with detailed architectural and landscape plans also included in the HRA Bylaw. Additionally, a Housing Agreement Bylaw is presented to secure the 79 market-rental units in this proposal. A Development Permit for Hazardous Conditions is also required and will be brought forward for consideration at an appropriate stage in the project's progression.

Background

Kyle and Clarke Holdings Ltd. submitted a full application in October 2022 for an OCP amendment and Heritage Revitalization Agreement (HRA) for the properties at 2407, 2411, 2413, 2419, 2421 Clarke Street, 85 Kyle Street, and 50 Queens Street. As part of the review process, the application was presented to Advisory Design Panel (ADP) on November 17, 2022, the Land Use Committee (LUC) on December 12, 2022, and the Community Initiatives Planning Committee (CIPC) for early Council Input on January 17, 2023. Details of the ADP, LUC and CIPC meeting minutes are included as **Attachments 1, 2, and 3**.

The ADP endorsed the project subject to the applicant addressing several aspects, including incorporating green roofs, widening sidewalks, adding active cooling to complement passive cooling, refining plant and tree selection, and adding a public artwork along the street.

The LUC found the project to be unsuitable due to deficiencies in commercial component, including insufficient commercial space, inadequate commercial parking and loading space, limited space for building servicing, and lack of business amenities.

Discussions at the CIPC meeting covered various topics, including the positive elements of heritage retention and the building's location on the plaza, the proposed project density, the proportion of below-market rental units, the building height of the western building and its interface with the heritage building, project architecture, the number of work-live units, viability of commercial space, opportunities for green roofs, and the provision of on-site and off-site amenity spaces.

Following the full intake, the applicant held two Community Information Meetings to consult with the public and share project concept, on December 5, 2022, and June 21, 2023. A summary report of the second meeting is included as **Attachment 4**.

The following key milestones have occurred in the development review process to date:

- July 25, 2023: First and second reading of OCP Amendment Bylaw (No. 3421) and HRA Bylaws (No. 3420).
- September 5, 2023: Public Hearing for OCP Amendment and HRA Bylaws.
- September 26, 2023: Adoption of HRA Bylaw.

- September 2024: the applicant proposed minor changes to the adopted HRA, necessitating consideration of an updated HRA. A bylaw to repeal the HRA Bylaw No. 3420 was presented to Council for first, second, and third readings on November 5, 2024 (HRA Bylaw Repeal Bylaw No. 3487). The OCP Amendment Bylaw was also adopted on this date.
- November 12, 2024: Adoption of HRA Bylaw Repeal Bylaw No. 3487.

Discussion

Property Description

The subject site covers 4,855.96m² (52,269.1ft²) and consists of 10 lots within the block bordered by Clarke Street, Spring Street, Kyle Street, and Queens Street Plaza. A location map is included as **Attachment 5**. The site is currently occupied by a few small commercial buildings, including a shoe repair/boot sales shop, a vintage shop, and the proposed development's future sales centre. The easternmost lot at Kyle and Clarke Streets is vacant, along with lots affected by a 2019 fire, which also destroyed the other heritage building, the Roe and Abernathy Grocery Store.

Official Community Plan (OCP)

The entire development site is designated as Mixed Use – Moody Centre in the OCP, allowing a maximum building height of six storeys on part of the site and restricting it to three storeys on the remaining properties (**Attachment 6**). The OCP Amendment Bylaw (Bylaw No. 3421), adopted on November 5, 2024, now permits a consistent height of six storeys across the entire site (**Attachment 7**). Map 11 in the OCP also identifies Kyle Street as a potential future overpass location to the future Oceanfront District development; however, the exact location has yet to be determined.

The site is situated within Development Permit Area 2 (DPA 2) – Moody Centre and Moody Centre Heritage Conservation Area (HCA). It also lies within the two boundaries of the Evergreen Line Sub Areas: the Heritage Commercial District, which seeks to preserve and integrate existing heritage buildings within new development, and the Spring Street Promenade, aimed at maintaining Spring Street's unique character and functionality. Additionally, the subject site falls within Development Permit Area 5 (DPA 5): Hazardous Conditions, due to soil liquefaction risk during an earthquake, requiring a Development Permit to confirm site safety for the proposed use.

Zoning

In terms of Zoning Bylaw designations, the entire subject site is zoned as General Commercial (C3) (**Attachment 8**).

Neighbourhood Context

Surrounding development and the zoning designations are as follows:

- North: The SkyTrain Line guideway and rail lines zoned as Transportation – Railway (T1) and Light Industrial (M1);
- East: a five-storey mixed-use commercial/residential building (CD62);
- South: commercial properties (C3) on St. Johns Street, including the Burrard Hotel;

- West: Queen Street Plaza, and the commercial uses within heritage properties to its west zoned as General Commercial (C3).

Heritage Significance

This proposal centers around the preservation, restoration, and rehabilitation of the P. Burns & Co. Butcher Shop. Built in 1908/9 for Patrick Burns and Co, this protected heritage property at 2419 Clarke Street was part of an extensive chain of retail butcher stores owned by the company.

The store is a two-storey wood-frame commercial building featuring an extended front parapet, a large storefront opening, paired projecting front bay windows on the second floor, and side-gable wall dormers leading to a second-floor residential suite. It holds significant community value for its association with the city's early commercial activity and is a rare surviving example of a 'Boomtown' or false-front commercial building. Listed on the City's Heritage Register, the P. Burns Building is currently protected through the existing Heritage Conservation Area list of buildings. A Statement of Significance is included as part of the Conservation Plan, which remains an Appendix to the new draft of HRA Bylaw in **Attachment 9**.

Heritage Revitalization Agreement (HRA)

To facilitate this proposal, a Heritage Revitalization Agreement (HRA) has been utilized as a conservation tool to protect the heritage building. Section 610 of the Local Government Act (LGA) permits a local government to enter into an HRA to preserve heritage properties. An HRA can amend the Zoning Bylaw, and its terms supersede local zoning regulations if the property owner agrees to restore, preserve and protect the heritage building or property in exchange. When approved by Council, an HRA may vary land use, density, and other Zoning Bylaw regulations. It also functions like a covenant, imposing conditions that run with the land title. Once adopted by bylaw, the HRA is registered in the Land Title Office.

Development Proposal

The applicant proposes to develop the subject site with two, six-storey, U-shaped, mixed-use commercial/residential buildings, separated by a pedestrian Mews, alongside the relocation of the heritage building. The P. Burns & Co. Butcher Shop is proposed to be relocated to the northwest corner of the site at Clarke Street and Queens Street Plaza, to allow increasing its visibility from Queens Street Plaza while maintaining its presence on Clarke Street. This placement will align it with other heritage buildings to the west, and thereby strengthen the heritage streetscape.

The project contains a total floor area of 15,181m² (163,405.8ft²), with approximately 2,174m² (23,402.4ft²) allocated for commercial space. The development provides two levels of underground parking, accessible from Spring Street near Kyle Street. The eastern building (Building A) will offer market housing, while the western building (Building B) will consist of market rental housing units. Further specifics regarding the proposal are outlined as follows:

- An overall proposed Floor Area Ratio (FAR) of 3.13.
- Total of 177 residential units with 98 strata units and 79 market-rental units.
- Total of nine live-work units in both buildings (5 market and 4 market-rental units), with the 'work' portion of these units not counted in the total commercial floor area.

- 89 adaptable dwellings out of the total 177, meeting 50% Adaptable Housing Requirements of Zoning Bylaw.
- Indoor and outdoor amenity spaces in each building:
 - 366.5m² (3,945ft²) in the west rental building,
 - 480.3m² (5,170.5ft²) in the east strata building
- Three loading bays provided on-street on Kyle Street and Spring Street.
- Commitment to provide a car-share vehicle.
- 258 vehicle parking stalls including, 183 residential and work-live spaces, 27 visitor spaces, and 48 commercial spaces.
- 271 bicycle parking spaces for residential and commercial spaces.
- Committed to comply with BC Energy Step Code 3 with a Low Carbon Energy System (LCES). An alternative energy system that meets or exceeds these environmental benefits may be proposed by the Owner and the possibility has been considered in the HRA Bylaw.

Proposed project plans and landscape plans are included as appendices of the new draft of HRA Bylaw (**Attachment 9**). A Development Application Summary is also provided as **Attachment 10**.

Key Changes

A change in ownership of the lands referenced in the previous HRA Bylaw occurred prior to the signing of the HRA agreement. Kyle & Clarke Holdings Ltd. (K&C), originally the registered owner of a portion of the lands, acquired the remaining lands and is now the sole owner of the entire subject site. The changes proposed since the adoption of the previous HRA, now incorporated into this new HRA Bylaw, are outlined below:

- FAR has changed from 3.12 to 3.13; reflecting mainly a 28.9m² (311ft²) increase in Rental Building area, 19.4m² (209ft²) decrease in Market Building area and therefore, 9.56m² (103ft²) increase in overall residential floor area.
- Reduction of five in market residential unit numbers (from 103 to 98), and changes to its unit mix. This is due to conversion of some of the one-bedroom and three-bedroom units into two-bedroom units.
- Reduction of five adaptable units in the market building (from 55 to 50), with changes to their locations and layouts.
- Adjustments in parking layout and updating the parking stall requirements; Since the boundaries of Transit-Oriented Areas (TOAs) have been more specified with new provincial legislations, the parking requirements for the project have been updated. The parking variance is now 43 spaces (previously 30 stalls). Even though the site falls just outside the defined borders of the TOA, the site is located near transit and a parking reduction is appropriate. The total number of proposed parking stalls as well as the shared parking model for the commercial and visitor parking has remained unchanged.
- Increase in accessible parking stalls (from 9 to 11) and small stalls (from 67 to 75), with a reduction in standard stall (from 182 to 172).
- The project is now proposed to be constructed and occupied in two phases. The underground parking and market residential building comprise the first phase followed by the rental building and relocation of the P. Burns heritage building in the second phase.

Housing Component

The City's Corporate Policy: Family-Friendly Units, amended on June 18, 2024, outlines expectations for provision of two and three-bedroom units for new multi-residential or mixed-use developments that create 20 or more dwelling units. However, this project is exempted from its new requirements as it was submitted to the City between April 19, 2022, and June 18, 2024. Therefore, the original requirements apply to it and the project meets those requirements. The following table outlines the unit mix in each building of this project:

Unit Type	Strata Units	Percentage of Mix
Studio	0	0%
One-bedroom	20	21.5%
One-bedroom + den	20	21.5%
Two-bedroom	43	46.2%
Three-bedroom	10	10.8%
Total	93	100%

Unit Type	Market-Rental Units	Percentage of Mix
Studio	26	34.7%
One-bedroom	9	12.0%
One-bedroom + den	15	20%
Two-bedroom	14	18.7%
Three-bedroom	11	14.7%
Total	75	100%

Note: The nine live-work units of the proposal are not included and counted for this policy.

Affordable Housing

As with the previous HRA, the updated proposal does not include affordable rental units to meet City's Inclusionary Zoning – Affordable Housing policy requirements. Prior to Public Hearing and during the consideration of the OCP Amendment Bylaw and previous HRA Bylaw for this project, as per staff recommendation, the applicant submitted a pro-forma analysis on August 9, 2023, confirming the project's inability to provide rental housing units at below-market levels due to other amenities provided in this project, the heritage conservation, and the substantial number of rental units. Staff were satisfied with this conclusion at that time. Given that the project's nature and conditions have not significantly changed, staff continue to support the conclusion of this report for this new HRA.

Design context

Although the architectural plans have undergone some revisions compared to the previous HRA Bylaw, the overall concept remains the same. The market building retains its more modern general style, but its north, east, and west elevations have been revised to reflect minor adjustments due to the unit mix changes. Other minor changes have been made to the façade design of this building, including the relocation of balconies, adjustments to some window placements and the framed bays around select windows. The porcelain panel accents have been replaced with fiber cement burnt amber panels. The design grades around the perimeter of the building are slightly adjusted, too, which has resulted in minor adjustments to interior floor elevations and ramp configuration throughout the ground level. Additionally, there are minor roof projections at living rooms to increase interior ceiling height.

The western building's façade remains unchanged. The design of this building, particularly on Clarke Street, breaks up into two- and three storey elements to reference heritage commercial building frontages, including typical building symmetry.

Amenity Spaces/Community Gathering Spaces

The project includes indoor and outdoor amenity spaces on the second storey/podium of both buildings. The detailed landscape design of the amenity areas in both buildings has been updated in this current updated proposal. The development also features a Mews- a mid-block pedestrian pathway that breaks up the long block and provides a secondary connection from Clarke to Spring Street, also serving as a potential community gathering space for commercial uses. The Mews, based on the landscape plans, includes a location for Public Art and a play area. Public access through the Mews will be secured via a Statutory Right of Way/Covenant. The landscape plans are included as Appendix D of the HRA Bylaw (**Attachment 9**).

The HRA bylaw (No.3491) notes that changes to the landscape plans may be made, subject to the City's satisfaction. The purpose of this clause is to permit:

- potential adjustments to the Queens Street Plaza interface, based on any redesign/reprogramming of the plaza space;
- potential changes to the mews space to ensure effective combined programming with the plaza together; and
- On-site plans change to include additional urban agriculture plots and dog relief areas.

Public Art

Applicant has maintained the previously proposed total public art contribution of \$300,000.00 for Mary Anne's Place, covering public artwork, administration, and other related fees as detailed in the public art plan (**Attachment 11**). A covenant is required to secure this contribution.

Sustainability Report Card

As there have been no major changes to the proposal since the last consideration, the previous completed Sustainability Report Card has been considered for the development (**Attachment 12**). The proposal achieved the highest score in the cultural sustainability pillar.

Implementation

OCP Amendment Bylaw: With the OCP Amendment Bylaw (No. 3421), adopted on November 5, 2024 (**Attachment 7**), this step in the progress of the project has been fulfilled.

HRA Bylaw: The HRA Bylaw establishes the program for relocation and restoration of the P. Burns Building, the key aspects of the project that usually established through zoning, as well as including detailed architectural and landscape plans. Key aspects of the HRA Conservation Plan that will govern the restoration of the P. Burns Building has remained unchanged and include:

- relocation of the historic structure to the northwest corner of the block;
- the preservation of surviving, original exterior character-defining elements of the historic structure;

- preservation/restoration of original window openings, including surviving original wood window assemblies, and rehabilitation of later windows using historically appropriate wood window sashes and trims; and
- sensitive modification of the west elevation to provide a side entrance facing Queens Street Plaza.

The proposed mixed-use building form is in conformance with the Mixed-Use land use designation for the properties. In terms of incentives associated with this HRA beyond the standard Six-Storey Mixed Use (CRM2) zone, this updated HRA includes similar following variations as the previous one:

- an increase in density (FAR) from 2.5 to 3.13; and
- a vehicle parking reduction of 43 spaces, from 301 to 258 spaces.

A draft of the new HRA Bylaw No. 3491 is provided as **Attachment 9**, and includes the following parts:

- Schedule “A” – Heritage Revitalization Agreement, including:
 - Appendix A – P. Burns Building Conservation Plan;
 - Appendix B – Heritage Review of P. Burns Building within the redevelopment;
 - Appendix C – Architectural Plans; and
 - Appendix D – Landscape Plans.

Since Architectural Plans and Landscape Plans are attached as part of the HRA, the HRA essentially serves as a form and character Development Permit for the project.

Heritage Designation Bylaw

The P. Burns Building, currently a protected heritage property within a Heritage Conservation Area, will be restored and relocated as part of this application. Protection of the building will continue through the proposed Heritage Revitalization Agreement. Once the development has been completed, a Heritage Designation Bylaw will be brought forward as further protection as a municipally designated heritage property. An amendment to the Heritage Conservation Area will also occur at a later date, reflecting the building’s relocation.

Housing Agreement

Alongside the HRA, another component of this application is a Housing Agreement. The intension of this agreement in the form of a bylaw is to secure the delivery of 79 market-rental housing units in market-rental building (Building B) of the development proposal, as outlined in this agreement. The draft of the Housing Agreement Bylaw is included as **Attachment 13**.

Concluding Comments

Overall, this proposal is well-developed, and staff remain supportive of the application. The project and HRA ensure the restoration and long-term protection of the P. Burns heritage building. The project also offers new commercial spaces, increases the city’s market rental housing stock, and creates employment opportunities by providing commercial spaces and work/live units. Furthermore, it supports the historical character of the neighbourhood, shows

potential for enhancement along Clarke Street and encourages more vibrancy through greater community presence.

Other Option(s)

THAT City of Port Moody Heritage Revitalization Agreement Bylaw, 2024, No. 3491 (2407-2421 Clarke Street, 85 Kyle Street, and 50 Queens Street) be read first and second time;

AND THAT the applicants address the following issues prior to third reading:

- (list concerns).

Financial Implications

Community Amenity Contributions (CACs)

The final CAC amount for this project is approximately \$833,557.00. The applicant has requested CAC payment to be deferred prior to the issuance of the building permit. A no-build covenant will be registered on land title to address this request. As outlined in the HRA bylaw, the owner agrees to work with City on the finalization of a design for Queens Street Plaza and contribute financially towards the redevelopment of Queens Street Plaza through the community amenity contribution.

Public Art

The applicant has maintained the previously proposed total public art contribution of \$300,000.00 for Mary Anne's Place by providing a public artwork.

Communications and Public Engagement Initiatives

Following the adoption of the Official Community Plan (OCP) Amendment Bylaw No. 3421 on November 5, 2024, this new Heritage Revitalization Agreement (HRA) Bylaw does not require a public hearing, as the proposed development aligns with the objectives and policies of the adopted OCP, is for the purpose of permitting a residential development, and the residential component constitutes the majority of the gross floor area, thereby meeting the necessary criteria in accordance with s. 464(3) of the *Local Government Act*. To meet the provisions of s. 464(3), staff have mailed a notice as required stating that no Public Hearing will be held and providing the date the HRA is being considered by Council. A notification sign has also been placed on the subject site informing the public of the new consideration of the application, and that no Public Hearing will be held, as well as including the date the HRA is being considered by Council.

Given that the new HRA is not substantially different from the previous version, no additional Community Information Meeting was held.

The most recent Engage Port Moody summary report indicates a total of 23 feedback were received until November 6, 2024. Of those, 11 were supportive, 5 were opposed, and 7 had a mixed reaction to the proposal. Verbatim comments are in **Attachment 14**.

Council Strategic Plan Goals

The recommendations in this report align with the following Council Strategic Plan Goal(s):

- Strategic Goal 2.3 – Enhance and expand parkland and open spaces; and
- Strategic Goal 3.1 – Create complete and connected communities through balanced growth.

Attachment(s)

1. ADP Meeting Minutes – November 17, 2022 – 2400-Block Clarke Street.
2. LUC Meeting Minutes – December 12, 2022 – 2400-Block Clarke Street.
3. CIPC Meeting Minutes – January 17, 2023 – 2400-Block Clarke Street.
4. Community Information Meeting Summary – 2400-Block Clarke Street.
5. Location Map – 2400-Block Clarke Street.
6. OCP Designation Map – 2400-Block Clarke Street.
7. Adopted OCP Amendment Bylaw No. 3421.
8. Zoning Map – 2400-Block Clarke Street.
9. Draft HRA Bylaw No. 3491.
10. Development Application Summary – 2400-Block Clarke Street.
11. Public Art Plan – 2400-Block Clarke Street.
12. Sustainability Report Card – 2400-Block Clarke Street.
13. Draft Housing Agreement Bylaw No. 3495.
14. Engage Port Moody Summary Report – 2400-Block Clarke Street.

Report Author

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Development Planner

Report Approval Details

Document Title:	Heritage Revitalization Agreement and Housing Agreement – 2400 Block Clarke Street.docx
Attachments:	<ul style="list-style-type: none"> - Attachment 1 - ADP Meeting Minutes – November 17, 2022 – 2400 Block Clarke Street.pdf - Attachment 2 - LUC Meeting Minutes - December 12, 2022 – 2400 Block Clarke Street.pdf - Attachment 3 - CIPC Meeting Minutes – January 17, 2023 – 2400 Block Clarke Street.pdf - Attachment 4 - Community Information Meeting Summary – 2400 Block Clarke Street.pdf - Attachment 5 - Location Map - 2400 Block Clarke Street.pdf - Attachment 6 - OCP Designation Map - 2400 Block Clarke Street.pdf - Attachment 7 - Adopted OCP Amendment Bylaw No. 3421.pdf - Attachment 8 - Zoning Map - 2400 Block Clarke Street.pdf - Attachment 9 - Draft HRA Bylaw No. 3491.pdf - Attachment 10 - Development Application Summary- 2400 Block Clarke Street.pdf - Attachment 11 - Public Art Plan – 2400 Block Clarke Street.pdf - Attachment 12 - Sustainability Report Card - 2400 Block Clarke Street.pdf - Attachment 14 - Engage Port Moody Summary Report – 2400 Block Clarke Street.pdf - Attachment 13 - Draft Housing Agreement Bylaw No. 3495.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 18, 2024

Stephanie Lam, City Clerk and Manager of Legislative Services - Nov 18, 2024

Lindsay Todd, Manager of Communications and Engagement - Nov 18, 2024

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

Anna Mathewson, City Manager - Nov 19, 2024