

# Considered at September 10, 2019 Regular Council Meeting

## Council Agenda Information

☒ Regular Council September 10, 2019

Item 9.5



## City of Port Moody Report/Recommendation to Council

Date: August 12, 2019

File No. 13-6700-20-182

Submitted by: Planning and Development Department – Development Planning Division

Subject: Road Closure Bylaw, No. 3208 – 3227 and 3239 St. Johns Street

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### Purpose / Introduction

To present for Council's consideration a Bylaw to close and remove the road dedication from a portion of St. Johns Street to facilitate the sale of the land to Porte Development Corporation.

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### Recommended Resolutions

**THAT City of Port Moody Road Closure Bylaw, 2019, No. 3208 – 3227-3239 St. Johns Street be read a first time as recommended in the report dated August 12, 2019 from the Planning and Development Department – Development Planning Division regarding Road Closure Bylaw, No. 3208 – 3227 and 3239 St. Johns Street.**

**THAT Bylaw No. 3208 be read a second time.**

**THAT Bylaw No. 3208 be read a third time;**

**AND THAT notice of Council's intention to remove the road dedication from an unopened portion of the St. Johns Street road allowance and to dispose of the closed road allowance be provided in accordance with sections 26(3) and 40 of the *Community Charter*.**

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### Background

Porte Development Corporation has applied to redevelop the two properties located at 3227 and 3239 St. Johns Street for a six-storey, mixed commercial/residential building. The proposed building contains 117 residential units and approximately 924m<sup>2</sup> (10,379ft<sup>2</sup>) of commercial floor area over underground parking. The development site is shown in Figure 1.

Bylaw No. 3201, to rezone the properties, received first and second readings on June 25, 2019. A Public Hearing was held on July 23, 2019 and Bylaw No. 3201 received third reading on the same date.

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Figure 1 – Development Site



## Discussion

As shown on Figure 1, the current St. Johns Street property line is irregular. As shown on Figure 2, the developer is required to dedicate a portion of the site, 86.85m<sup>2</sup> (934.82ft<sup>2</sup>) in area as this strip of land will form part of the public streetscape. Consequently, the developer has requested that the City sell the small triangular piece of land approximately 17.5m<sup>2</sup> (188ft<sup>2</sup>) in area as shown to square off the front property line following dedication and enable a small portion of the building to encroach into this area. Figure 3 illustrates the encroachment at grade and Figure 4 shows the typical floor area/balcony encroachment at each of the upper residential levels.

Figure 2 – Land Dedication and Purchase Area



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### Figure 3 – At-Grade Encroachment

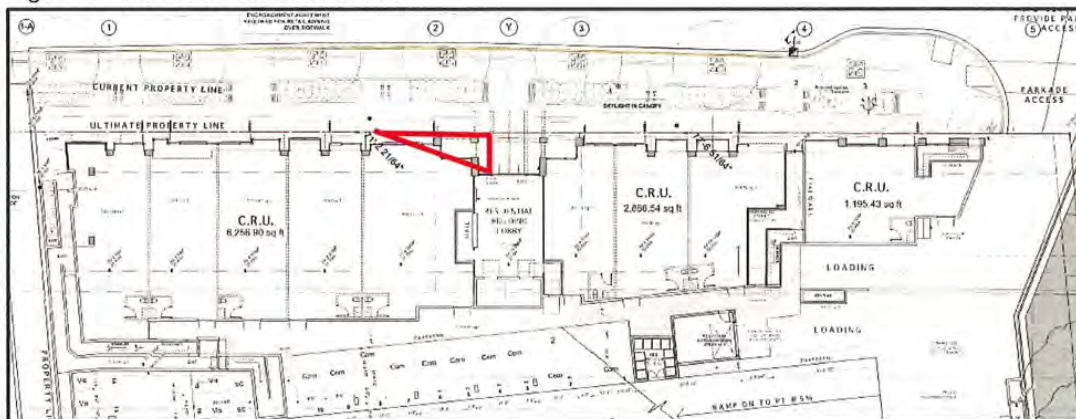
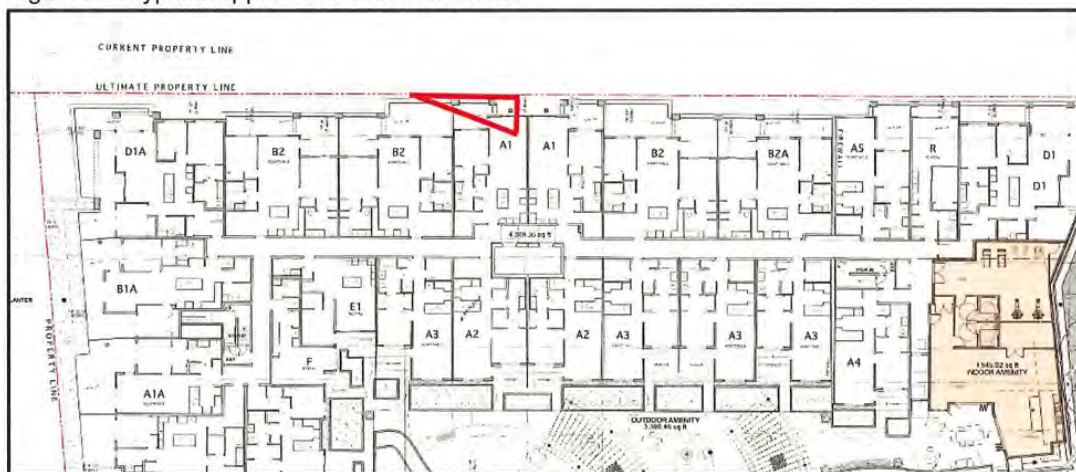


Figure 4 – Typical Upper Floor Encroachment



Council directed staff to proceed with the proposed sale of the small triangular section to the Porte Development Corporation. The City and the developer have agreed on the terms of a Contract of Purchase and Sale Agreement. In order to remove the highway dedication and enable the closure of this small portion of land to implement the sale, a Road Closure Bylaw is required in accordance with section 40 of the *Community Charter*. Draft Road Closure Bylaw No. 3208 is included as **Attachment 1** for Council's consideration.

## Other Options

THAT City of Port Moody Road Closure Bylaw, 2019, No. 3208 not be given any readings.

## Financial Implications

The City will incur some legal costs associated with the documentation of the land sale as proposed.

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### **Communications / Civic Engagement**

Under section 26(3) of the *Community Charter*, a Notice of Disposition of Land is required to indicate Council's intention to sell the subject road allowance to Porte Development Corporation. Public input is not required.

In accordance with section 40(3) of the *Community Charter*, before adopting a Road Closure Bylaw, Council must give notice of its intention to remove the highway dedication and close the subject land, and provide an opportunity for public input; that notice is to be provided in accordance with section 94 of the *Community Charter*.

Should Bylaw No. 3208 receive three readings, advertisements will be placed in two issues of the local newspaper inviting public input.

It should be noted that as Bylaw No. 3201 is the subject of a closed public hearing, no further public input on the rezoning may be received.

### **Council Strategic Plan Objectives**

The recommendations in this report align with the Council Strategic Priority of Community Evolution, specifically to plan and develop for future generations a vibrant, connected, and livable city, with distinctive places and spaces, where growth is managed in strategic balance with quality of life.

### **Attachment:**

1. Draft City of Port Moody Road Closure Bylaw, 2019, No. 3208 – 3227-3239 St. Johns Street.



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Prepared by:	Reviewed by:
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<b>Reviewed for Form and Content / Approved for Submission to Council:</b>	
<b>City Manager's Comments</b>  Tim Savoie, MCIP, RPP City Manager	

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## City of Port Moody

### Bylaw No. 3208

A Bylaw to close a portion of St. Johns Street.

**WHEREAS** pursuant to s. 40 of the *Community Charter*, Council may adopt a bylaw to close a portion of a highway to traffic and remove its dedication as highway;

**AND WHEREAS** notice of adoption of this Bylaw has been published in a newspaper for two consecutive weeks prior to adoption and Council has provided an opportunity for persons who consider they are affected to make presentations to Council;

**NOW THEREFORE**, the Council of the City of Port Moody enacts as follows:

#### 1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Road Closure Bylaw, 2019, No. 3208 – 3227-3239 St. Johns Street".

#### 2. Legal Description

- 2.1 That the 17.5m<sup>2</sup> area shown in heavy black outline and identified as Parcel 1 on Reference Plan EPP89829 dedicated as road on Plan 10551, District Lot 233, Group 1, New Westminster District, a copy of which is attached hereto as Schedule A and forms a part of this Bylaw, is hereby stopped up and closed to traffic of all kinds and the dedication as road is removed.

#### 3. Authorization

- 3.1 The Mayor and Corporate Officer are hereby authorized to execute all documentation necessary to give effect to the provisions of this Bylaw, including the plan attached hereto.

#### 4. Severability

- 4.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

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**Read a first time** this \_\_\_ day of \_\_\_\_, 2019.

**Read a second time** this \_\_\_ day of \_\_\_\_, 2019.

**Read a third time** this \_\_\_ day of \_\_\_\_, 2019.

**Adopted** this \_\_\_ day of \_\_\_\_, 2019.

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Acting Mayor

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D. Shermer  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3208 of the City of Port Moody.

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D. Shermer  
Corporate Officer

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## Schedule A

