

CITY OF PORT MOODY

DEVELOPMENT PERMIT No. DP000026

TO: **1074765 B.C. LTD., INC.NO. BC1074765**
1567 Chartwell Drive,
West Vancouver, B.C. V7S 2R9
(the “**Developer**”)

1. This Development Permit is issued subject to compliance with all applicable City Bylaws, except as specifically varied or supplemented by this Permit.
2. This Permit applies to those lands in Port Moody, British Columbia more particularly described below and including all buildings, structures, and other development thereon:

LOT 34 EXCEPT: PART DEDICATED ROAD ON PLAN LMP19138,
BLOCK 3 DISTRICT LOT 202 GROUP 1 NEW WESTMINSTER
DISTRICT PLAN 55

LOT 33 BLOCK 3 DISTRICT LOT 202 GROUP 1 NEW WESTMINSTER
DISTRICT PLAN 55

WEST HALF LOT 32 BLOCK 3 DISTRICT LOT 202 GROUP 1 NEW
WESTMINSTER DISTRICT PLAN 55

PARCEL B (BYLAW PLAN 50455) EXCEPT: PART DEDICATED ROAD
ON PLAN LMP19138, BLOCK 3 DISTRICT LOT 202 GROUP 1 NEW
WESTMINSTER DISTRICT PLAN 55

LOT 19 EXCEPT: PART DEDICATED ROAD ON PLAN LMP19138,
BLOCK 3 DISTRICT LOT 202 GROUP 1 NEW WESTMINSTER
DISTRICT PLAN 55

LOT 20 EXCEPT: PART DEDICATED ROAD ON PLAN LMP19138,
BLOCK 3 DISTRICT LOT 202 GROUP 1 NEW WESTMINSTER
DISTRICT PLAN 55

Parcel Identifiers: 003-991-644; 003-991-563; 003-991-474; 013-589-717;
003-991-253; 003-991-318

(the “**Lands**”)

- 1) The following plans and documents are made part of this Permit and, notwithstanding any other provision, no works shall be performed upon the Lands covered by this Permit, nor shall any building or structure be erected, constructed, repaired, renovated, or sited, that is not in substantial accordance with the following and strictly in accordance with all terms and conditions of this Permit.

Development Permit: Form and Character

- (a) Site and Architectural Plans (21 pages), dated May 10, 2022, prepared by LO Studio Architecture Inc., on file with the City of Port Moody, attached as Schedule A, and any amendments thereto subsequently approved by the City.
- (b) Off-Site Landscaping Plans (3 pages), dated March 21, 2022, prepared by van der Zalm + Associates Inc. on file with the City of Port Moody, attached as Schedule A, and any amendments thereto subsequently approved by the City.
- (c) On-Site Landscaping Plans (11 pages), dated March 21, 2022, prepared by van der Zalm + Associates Inc. on file with the City of Port Moody, attached as Schedule A, and any amendments thereto subsequently approved by the City.

Development Permit: Hazardous Conditions

Prior to the issuance of a building permit, as a condition of issuance of this Development Permit a covenant shall be registered on the title to the Lands to regulate the development of the property in accordance with the following reports:

- (a) Geotechnical Report titled “Geotechnical Investigation Report – Commercial/Residential Building 2101 Clarke Street, Port Moody, BC”, dated April 1, 2022, prepared by Geopacific Consultants Ltd. on file with the City of Port Moody, attached as Schedule B, and any amendments thereto subsequently approved by the City.
- (b) Flood Hazard Report titled “2101 Clarke St., Port Moody, BC. Flood Hazard Assessment”, dated March 29, 2022, prepared by Northwest Hydraulic Consultants Ltd. on file with the City of Port Moody, attached as Schedule B, and any amendments thereto subsequently approved by the City.

Development Permit: Environmentally Sensitive Areas

Prior to the issuance of a building permit, as a condition of issuance of this Development Permit a covenant shall be registered on the title to the Lands to regulate the development of the property in accordance with the following reports:

- (a) Environmental Report titled “Revised Riparian Restoration Plan and Success Monitoring Plan – Spring Creek Development Ltd. – 2101 Clarke Street, Port Moody, BC”, dated April 1, 2022, prepared by PGL Environmental Consultants, on file with the City of Port Moody, attached as Schedule C, and any amendments thereto subsequently approved by the City.
 - (b) Tree Management Plan Report titled “Revised Tree Risk Assessment – Spring Creek Development, Port Moody, BC”, dated April 1, 2022, prepared by PGL Environmental Consultants, on file with the City of Port Moody, attached as Schedule C, and any amendments thereto subsequently approved by the City.
 - 2) Notwithstanding the regular requirements of City of Port Moody Zoning Bylaw 2018 No. 2937 the following variances are included in this Development Permit:
 - (a) Varying sections 5.4.4 Riparian Transition Areas and 5.4.5 Minimum Riparian Area Setbacks by reducing the Riparian Transition Area from 5.0m to 0.6m;
 - (b) As per section 5.4.3 Riparian Protection and Enhancement Areas provision (b) (ii) a 3m access easement for maintenance purposes may be located in the Riparian Protection and Enhancement Area;
 - (c) Varying section 5.2.1 Adaptable Housing Requirements provision (b) by reducing the percentage adaptable Single-Storey Residential Units from 50% to 18%;
- The extent of the above variances are reflected in the plans that form part of this development permit as Schedule A.
- 3) The works contemplated in plans set out in section 1 hereto shall be substantially started within two (2) years of the date of the Council Resolution authorizing the issuance of this permit or the Development Permit will lapse.

4) Prior to the issuance of any building permit, as a condition of issuance of this Development Permit, the following shall be provided to the City of Port Moody for review and acceptance:

- (d) any further geotechnical or hydrogeological reports, or other professional reports related to the Development Permit: Hazardous Conditions that are deemed necessary by the City. The Developer also acknowledges that the City may engage relevant professionals to conduct an independent peer review of any such reports, and that the cost of the peer review shall be borne by the Developer. Such reports shall be informed by detailed design drawings and include a detailed monitoring plan. all necessary documentation for the subdivision approval allowing for the consolidation of lots and creation of two parcels: the development parcel and park parcel;
- (e) erosion and sediment control plan;
- (f) construction impact management plan;
- (g) a stormwater management plan, including drainage for playgrounds;
- (h) a construction dust abatement plan;
- (i) a construction waste recycling plan;
- (j) a completed Engineering Servicing Agreement;
- (e) a detailed final planting plan, showing replacement trees and replanting, associated with invasive removal and riparian restoration;
- (f) submission of a detailed maintenance and monitoring plan for the RPEA/RTA and park dedication areas;
- (g) the submission of a detailed plan showing venting, mechanical and utility locations, including both site plans, dimensions of such elements, screening and where applicable cross-sections;
- (h) finalized grading plan, including coordinated on-site and off-site plans, once grades have been established, final building height to be confirmed;
- (i) finalized playground details regarding fencing to address tree protection bylaw standards and Fraser Health standards where relevant for the daycare and address drainage of stormwater to an onsite connection;

- (j) that the design of the public art/waterfall feature be finalized to staff satisfaction or alternatively an art contribution as per the public art policy be provided to the City;
 - (k) a signed car share agreement between the developer and Modo Car Share; and
 - (l) the preparation and registration of all required legal documents (e.g. covenants, easements and statutory rights of way) on title of the property including but not limited to:
 - (1) a geotechnical covenant establishing the requirements of Development Permit Area 5: Hazardous Lands
 - (2) a Housing Agreement covenant to establish the provisions for the rent-to-own program
 - (3) a Transportation Demand Management covenant to ensure that the accepted measures to offset the parking variance are implemented
 - (4) a no-occupancy covenant to ensure that the transfer of environmental dedication to the City
- 4) (a) As a condition of issuance of this Development Permit, the Developer has provided to the City, a security (the "Securities") as set out in the amount of \$408,478.46 (on-site total of \$331,156.98 and off-site total of \$77,321.48, 10% contingency and 5% GST included), for the completion of items related to landscaping. The Securities, in the form of a letter of credit, shall be made out to the City to ensure that the development is carried out in accordance with the terms and conditions set out herein and if for any reason the Permit holder neglects or otherwise fails to complete the works, within two (2) years of the date of issuance of this Development Permit, the City may, in its sole discretion, provided it has given the Developer seven (7) days' written notice, complete the works or any portion thereof and all costs incurred in so doing shall be deducted by the City from the amount of the Security and on final completion to the satisfaction of the City as evidenced by the issuance of a Certificate of Completion, the City shall thereafter refund the remainder of the monies, except for ten (10) percent of the monies, which shall be released after the maintenance period lasting one (1) year from the date of completion for the landscaping.

- (b) Portions of the Securities may be returned to the Developer, or reduced, as stages of the works are completed, to the satisfaction of, and at the sole discretion of, the City's General Manager of Community Development.
 - (c) As a condition of issuance of this Development Permit, the Developer shall pay to the City an on-site landscaping review fee of two (2) percent of the cost of on-site landscaping (\$6,623.14) and four (4) percent of the cost of the off-site landscaping (\$3,092.86), in the amount of \$9,716.00, to be paid by cash or certified cheque.
5. The works and services required in accordance with the Engineering Services Agreement are to be completed in compliance with the requirements of the "City of Port Moody Works and Services Bylaw, No. 1789, 1986" and "City of Port Moody Subdivision and Development Servicing Bylaw, No. 2831".

AUTHORIZED BY COUNCIL RESOLUTION passed on the ____ of _____, 2022.

CITY OF PORT MOODY, by its authorized signatories:

R. Vagramov, Mayor

D. Shermer, Corporate Officer