

**CITY OF PORT MOODY**

**DEVELOPMENT PERMIT NO. DP000045**

TO: **Andrew Peller Limited**  
697 South Service Road  
Grimsby, ON L3M 4E8  
(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 42 Block 3 District Lot 202 Group 1 New Westminster District Plan 55  
Except Plan EPP17730;  
PID 011-459-280

Lot 41 Block 3 District Lot 202 Group 1 New Westminster District Plan 55;  
PID 011-459-271

Lot 40 Except: West 3 Feet, Block 3 District Lot 202 Group 1 New  
Westminster District Plan 55; PID 011-459-255

West 3 Feet Lot 40 Block 3 District Lot 202 Group 1 New Westminster  
District Plan 55; PID 011-459-239

Lot 39 Block 3 District Lot 202 Group 1 New Westminster District Plan 55;  
PID 011-459-191

Lot 38 Block 3 District Lot 202 Group 1 New Westminster District Plan 55;  
PID 011-459-174

Lot 37 Block 3 District Lot 202 Group 1 New Westminster District Plan 55;  
PID 011-459-140

Lot 36 Block 3 District Lot 202 Group 1 New Westminster District Plan 55;  
PID 011-459-123

The 0.142 ha area shown in heavy black outline and identified as Lot A on Reference Plan EPP118323 dedicated as road on Plan 55 Block 3 District Lot 202 Group 1 New Westminster District, attached as Schedule A.

(the “**Lands**”)

3. 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 Area 2: Moody Centre Form and Character

- (a) Site and Architectural Plans (105 pages), dated May 29, 2023, prepared by Chris Dikeakos Architects Inc., on file with the City of Port Moody, attached as Schedule B, and any amendments thereto subsequently approved by the City.
- (b) Off-Site and On-Site Landscaping Plans (39 pages), dated May 29, 2023, prepared by PWL Partnership on file with the City of Port Moody, attached as Schedule C, and any amendments thereto subsequently approved by the City.

Development Permit Area 5: 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 “Westport Village Port Moody, BC – Environmental Impact Assessment”, dated May 2023, prepared by PGL Environmental Consultants, on file with the City of Port Moody, attached as Schedule D, and any amendments thereto subsequently approved by the City.
- (b) Construction Environmental Management Plan titled “Westport Village Port Moody, BC – Construction Environmental Management Plan”, dated May 2023, prepared by PGL Environmental Consultants, on file with the City of Port Moody, attached as Schedule E, and any amendments thereto subsequently approved by the City.

- (c) Invasive Plant Management Plan titled “Westport Village Port Moody, BC – Invasive Plant Management Plan”, dated May 2023, prepared by PGL Environmental Consultants, on file with the City of Port Moody, attached as Schedule F, and any amendments thereto subsequently approved by the City.
  - (d) Restoration Plan titled “Riparian Area Restoration Plan”, dated May 23, 2023, prepared by PGL Environmental Consultants, on file with the City of Port Moody, attached as Schedule G, and any amendments thereto subsequently approved by the City.
  - (e) Groundwater Management Plan titled “Preliminary Subsurface Investigation Report – Proposed Westport Village Development, Port Moody, BC”, dated May 31, 2023, prepared by WSP, on file with the City of Port Moody, attached as Schedule H, and any amendments thereto subsequently approved by the City.
  - (f) Arborist Report titled “Arboricultural Inventory and Report”, dated May 25, 2023, prepared by Diamond Head Consulting, on file with the City of Port Moody, attached as Schedule I, and any amendments thereto subsequently approved by the City.
  - (g) Tree Management Plan titled “Tree Management Plan”, dated May 25, 2023, prepared by Diamond Head Consulting, on file with the City of Port Moody, attached as Schedule J, and any amendments thereto subsequently approved by the City.
4. 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 section 5.4.5 Minimum Riparian Area Setbacks by reducing portions of the Riparian Transition Area from 5.0m to 0m and the Riparian Protection and Enhancement Area from 20m to an average of 15.2m (ranging from 9.7m to 26.3m).

The extent of the above variances is reflected in the plans that form part of this development permit as Schedule A.

The works contemplated in plans set out in section 1 hereto shall be substantially started within two (2) years of the date of the issuance of this permit or the Development Permit will lapse.

5. Prior to the issuance of any building permit, including excavation, as a condition of issuance of this Development Permit, the following shall be provided to the City of Port Moody for review and acceptance:
  - (a) erosion and sediment control plan;
  - (b) construction environmental management plan;
  - (c) a stormwater management plan;
  - (d) a construction dust abatement plan;
  - (e) a construction waste recycling plan;
  - (f) a completed Engineering Servicing Agreement;
  - (g) finalized grading plan, including coordinated on-site and off-site plans, once grades have been established, final building height to be confirmed;
  - (h) the preparation and registration of all required legal documents (e.g., covenants, easements and statutory rights of way) on title of the property in accordance with the Development Agreement; and
  
6. The following additional conditions apply to the Development Permit, specifically related to DPA 4:

General:

  - (a) The City trees along Clarke Street shall be surveyed to ensure the multi-use pathway can be designed to accommodate their root systems. The project arborist shall review civil drawings to ensure that retention is feasible.
  - (b) The Tree Management Plan and Arborist Report shall be updated to include recommendations for tree protection during the construction of the proposed 3.5m wide multi-use pathway on the east side of Douglas Street
  - (c) No excavation shall begin until all Provincial approvals are in place. City approval of any Development Permits do not imply approval of any temporary dewatering or other discharge.
  - (d) Groundwater quality must be characterized prior to any discharge to storm drainage system (i.e., during construction dewatering). If needed, treatment systems shall be installed to ensure discharge meets BC Water Quality

Guidelines (including for metal contaminants). No discharge of deleterious substances into stream and drainage systems is permitted.

- (e) Climate change scenarios on groundwater and discharge regime shall be analyzed and incorporated into designs as needed prior to issuance of any building permit.
- (f) The footprint of Phase 2 will be modified as needed prior to excavation based on the outcomes of ongoing groundwater and stormwater assessment. The City will not approve any footprint of excavation for Phase 2 until groundwater movement and quality is understood for the entire site and demonstrated for Phase 1.
- (g) Restoration work along the SPEA adjacent to the trail shall be timed to avoid any impact from construction of stormwater infiltration gallery.
- (h) QEP pre-clearing site survey and report shall be completed with the contractor to identify wildlife and wildlife features (including raptor nests, Pacific Water Shrew and other species at risk habitat) prior to issuance of Tree Removal Permit and/or Excavation Permit.
- (i) Real-time third-party continuous monitoring will be required as part of site discharge management.
- (j) A tree management plan (TMP) for trees around the viewing platform will be required. The final alignment, design, and location of the platform must ensure limited tree impacts, use low impact construction methods (as noted) and consider opportunities for transplanting young trees.
- (k) A tree management plan and inventory for the natural area surrounding the east and west side of South Schoolhouse Creek will be required. The management plan must consider and identify the removal of hazard trees as well as any invasive plant management that could impact tree health. An inventory and TMP for this area will be required prior to the issuance of any Tree Removal Permit for this project.

#### Groundwater Management:

- (l) Groundwater quality exceeds criteria for total and dissolved iron, dissolve aluminum, dissolved and total copper, and for pH. The report notes that 1) treatment will be required during construction for any discharge to the City storm water system; 2) discharge to Metro Vancouver sanitary sewer would be permitted; and 3) Provincial approval for short-term construction dewatering is required.

- (m) Sections 7 and 8 of the Groundwater Management Report recommends ongoing monitoring of new groundwater perimeter wells after Phase 1 is complete, as well as ongoing monitoring of flows in South Schoolhouse Creek to confirm model predictions. This information shall inform the design of Phase 2 of the development, including the above noted stormwater infiltration gallery.
  - (n) Flow data for South Schoolhouse Creek shall continue as presented in Table 4 of the Groundwater Management Report, as low flow/summer conditions have not been captured. One full year of data should be collected.
- 7.
- (a) As a condition of issuance of this Development Permit, the Developer has provided to the City, securities (the "Securities") as set out in the amount of \$2,200,297.81 (on-site total) and \$196,307.84 (off-site total) (10% contingency, 5% inflation, and 5% GST included), for the completion of items related to landscaping. 25% of the Securities shall be paid prior to the issuance of this Development Permit and the remaining 75% shall be paid prior to the issuance of a building permit. 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 as per section 5 above, 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 2.2 percent of the cost of on-site landscaping (\$48,406.55) and 4.4 percent of the cost of the off-

site landscaping (\$8,637.54), in the amount of \$57,044.09, to be paid by cash or certified cheque.

9. (a) As a condition of issuance of this Development Permit, the Developer has provided to the City, environmental restoration, maintenance, and monitoring securities (the "Environmental Securities") as set out in the amount of \$373,543.61 (10% contingency, 5% inflation, and 5% GST included), for the completion of items related to the riparian restoration and replanting area. The Environmental Securities, in the form of a letter of credit, shall be made out to the City to ensure that the development adjacent to the riparian area 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 Phase 1 of the development project, 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 Environmental 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 environmental restoration.

(b) As a condition of issuance of this Development Permit, the Developer shall pay to the City an on-site environmental enhancement review fee of 4.4 percent of the off-site construction costs, in the amount of \$16,435.92, to be paid by cash or certified cheque.

10. 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 \_\_\_\_\_, 2023.

**CITY OF PORT MOODY**, by its authorized signatories:

\_\_\_\_\_  
M. Lahti, Mayor

\_\_\_\_\_  
S. Lam, City Clerk

Schedule A – Reference Plan EPP118323



Schedule B – Site and Architectural Plans

Schedule C – Off-Site and On-Site Landscaping Plans

Schedule D – Environmental Report

Schedule E – Construction Environmental Management Plan

Schedule F – Invasive Plant Management Plan

Schedule G – Restoration Plan

Schedule H – Groundwater Management Plan

Schedule I – Arborist Report



Schedule J – Tree Management Plan