



# City of Port Moody

## Report/Recommendation to Council

Date: November 5, 2019  
Submitted by: Planning and Development Department – Development Planning Division  
Subject: Rezoning Application – 804 Alderside Road

---

### Purpose

To present to Council an application for a rezoning to Comprehensive Development 78 (CD78) Zone to facilitate construction of a new house at 804 Alderside Road.

---

### Recommended Resolution(s)

**THAT the application to amend the zoning for 804 Alderside Road to Comprehensive Development (CD78) be denied as recommended in the report dated November 5, 2019 from the Planning and Development Department – Development Planning Division regarding Rezoning Application – 804 Alderside Road.**

---

### Executive Summary

The owners of 804 Alderside Road would like to construct a new home comparable in size to the existing dwelling. However, the existing home was constructed in 1987 and is legally non-conforming due to the size of the existing home. Under the present-day Zoning Bylaw, a house with the same amount of floor space is not be permissible on this relatively small lot. As such, the City has received an application to rezone the property located at 804 Alderside Road from the North Shore Single Detached Residential (RS3) Zone to a site specific Comprehensive Development (CD78) Zone. The purpose of the rezoning would facilitate construction of a new home that is comparable in floor area to the existing dwelling.

While staff recognize that the size of the new proposed house is comparable to the existing home, the proposed bylaw is not supported based on the following:

- The Citywide practice in recent years has been to moderate house size relative to lot size. A larger lot can accommodate a larger home while a smaller lot would accommodate a smaller home.
- A larger than permitted house is contradictory to previous Council direction:
  - In 2014, staff were directed by Council to address the issue of large homes in the community. In 2015, Zoning Bylaw amendments were adopted to address the issues;
  - In 2018, the Zoning Bylaw review further restricted house size by amending how floor area ratio (FAR) is calculated to control the massing of homes; and

- In 2019, Council raised the issue of large homes again and created a task force to review the current Zoning Bylaw in relation to new residential homes.

Staff are of the opinion that a reasonable sized home that follows the Zoning Bylaw is viable on the subject property, which is 380m<sup>2</sup> (4,090ft<sup>2</sup>) in size. A house in conformance with the Zoning Bylaw would be a maximum of 228m<sup>2</sup> (2,454ft<sup>2</sup>) versus the 510m<sup>2</sup> (5,494ft<sup>2</sup>) that is being sought by the applicant.

Staff have been working with the applicant to review their proposal and create a path forward by crafting an appropriate CD Zone based on the proposed architectural drawings should Council choose to support the application.

## Background

The owners of 804 Alderside Road purchased the property in November 2018 with the intention of constructing a new home.

Staff became aware of the proposal in November 2018 and at that time, communicated to the applicant that the current house was legally non-conforming to the Zoning Bylaw and that any new construction must meet the current RS3 zoning regulations. In cases where zoning regulations are amended and a legally constructed building becomes lawfully non-conforming, as is the case with this property, section 529 of the *Local Government Act* allows an owner to maintain, extend or alter their structures provided that there are no further contraventions of the zoning regulations. In this case, interior and/or exterior renovations would be permitted as specified in the *Local Government Act*. However, the applicant has proposed not to retain the house and wishes to construct a new house (while retaining the existing footprint), thereby needing to comply with current zoning regulations.

In June, 2019 staff reviewed the proposed work involving the construction of a new home. Under the City's bylaws, all new construction must comply with the current RS3 zoning of the property, including compliance with the FAR of 0.6. However, the proposed work resulted in a FAR that is more than twice the permissible amount at 1.34. The proposal could not be accommodated through a variance as the *Local Government Act* does not allow a municipality to vary use or density (i.e. FAR).

Staff met with the property owners and the designer and advised that the owners had two options: undertake renovations or re-design the new house in accordance with the Zoning Bylaw, or; apply to rezone the property to a Comprehensive Development (CD) Zone to seek approval for their preferred design.

## Discussion

The development site backs onto the foreshore of the Burrard Inlet, south of the CPR railway line, as shown in **Attachment 1**. Surrounding development consists of developed single family properties also zoned RS3.

The lot is approximately 380m<sup>2</sup> (4,090ft<sup>2</sup>) in area and it slopes down from north to south towards the inlet by approximately 6m (19.7ft). Based on a topographic survey, the rear property line is located at the natural boundary of the inlet. A 123m<sup>2</sup> (1,324ft<sup>2</sup>) area of land extends further past

the rear property line which is under the jurisdiction of the Vancouver Fraser Port Authority and is leased to the owners by a foreshore licence agreement by way of a covenant. The foreshore licence agreement was originally granted in 1996 for a period of ten years with possible extensions. The latest extension was granted in 2018 and expires on February 28, 2020. This land is not part of the legal lot and outside of the City's jurisdiction. Therefore, the leased lands do not contribute to the property size for FAR or Lot Coverage calculations.

Prior to construction of the home in 1987, the Board of Variance approved several variances to reduce the setbacks and increase the lot coverage on the house. Board of Variance decisions apply to the building at that point in time and cannot be applied to future construction on the property. In 1987, there was no defined FAR or maximum floor space in the Zoning Bylaw.

### **Land Use Policy:**

#### Official Community Plan (OCP):

The OCP (**Attachment 2**) designates the subject property as Single Family Low Density, which permits residential development in the form of single family homes.

The site is located within Development Permit Area 5: Hazardous Conditions due to the existence of steep slopes and the potential for soil liquefaction.

#### Zoning:

The subject lot is presently zoned RS3 (**Attachment 3**) and a copy of the zone regulations are included as **Attachment 4**. Section 8.5.6 of the RS3 Zone includes conditions of use specific to waterfront lots on Alderside Road. These conditions have been included in the Zoning Bylaw to take into account their unique location and to add flexibility when constructing a new home. The following conditions of use would apply to waterfront lots on Alderside Road, including the subject property:

- (i) have a maximum permitted FAR and maximum permitted lot coverage based on the survey plan of the property registered with the Land Title Office, as of July 1, 1994.

*The intent of this condition is for the purpose of determining lot size only and is meant to address the possibility that the size of the lot may change over time with rising sea levels and it is this lot area which is used to determine permitted floor area ratio and coverage calculations. Staff have calculated the permitted FAR and lot coverage according to this clause.*

- (ii) where the portion of Alderside Road has a dedicated 6.0m width, have a front lot line setback for the principal building of 3.0m and a setback for accessory buildings or structures of 1.5m;
- (iii) have a building setback from the high water mark of 3.0m;
- (iv) allow an accessory building or structure to be placed in the front yard; and allow no further siting exceptions.

### **Proposal:**

The owners of the property are proposing to demolish the existing house to the foundation and construct a new house. The submitted building plans show a new house 510m<sup>2</sup> (5,494ft<sup>2</sup>) in size. As proposed, the resulting FAR is 1.34.

It is noted that while the existing house is permitted in its current form, any new construction, including construction on the existing foundation, would need to comply with the current RS3 Zone regulations. A new house under the 0.6 FAR in the RS3 Zone would be permitted a maximum size of 228m<sup>2</sup> (2,454ft<sup>2</sup>), though the applicant has expressed a desire for a larger home.

A site plan and reduced project plans of the proposal are included as **Attachment 5**.

#### **Flood Protection:**

Under section 5.3.5 of the Zoning Bylaw, no building shall be constructed lower than a geodetic elevation of 4.5m for flood protection purposes. This relatively new elevation requirement takes into account anticipated sea level rise. The existing dwelling is currently constructed with the basement slab elevation of 3.9m (12.8ft) geodetic. The applicant is proposing to raise the existing slab in order to satisfy the current Zoning Bylaw requirement.

#### **Implementation:**

In order to enable the owners to proceed with the proposed reconstruction of the home, it will be necessary to create a new, site specific CD Zone including regulations for: Floor Area Ratio, setbacks, maximum building height and lot coverage for both a principal and accessory building. Staff have worked with the applicant's proposed building plans to draft a CD Zone specific to their request. The draft CD Zone is included as **Attachment 6**.

Table 1 shows a comparison between the RS3 Zone regulations and the proposed CD Zone.

**Table 1 – Zoning Comparison**

	<b>RS3 Zone (2018 Zoning Bylaw)</b>	<b>Proposed CD Zone</b>
<b>Density (maximum)</b>	Floor Area Ratio – 0.6	Floor Area Ratio – 1.34
<b>Height (maximum)</b>	The lesser of 8.0m (26.2ft) or 3 storeys	8.6m
<b>Lot Coverage (maximum)</b>	45%	59%
<b>Front Lot Line Setbacks (minimum)</b>	3.0m (9.8ft)	1.5m (4.9ft)
<b>Side Lot Line Setbacks (minimum)</b>	1.2m (3.9ft)	1.2m (3.9ft)
<b>Rear Lot Line Setbacks</b>	7.0m (23.0ft)	1.1m (3.7ft) (Principal Building) 0m (0ft) (Building projection for deck above)

In addition to the above table, Section 6.8 of the Zoning Bylaw permits one driveway access per single detached residential lot. The applicant is proposing two driveway accesses to create additional off-street parking on the property. The Engineering Department is not in support of a secondary driveway as Alderside Road is a designated neighbourhood bikeway and would create additional conflicts between vehicles and cyclists. Approval of the CD Zone as proposed

would allow for two driveways onto Alderside Road, contrary to the Engineering Department's position.

**External Referrals:**

The application was presented to the Community Planning Advisory Committee (CPAC) on September 3, 2019. Following a short discussion CPAC passed a resolution that the rezoning application be supported.

*CPAC19/009*

That the rezoning application for 804 Alderside Road be supported.

The proposal was also referred to the Vancouver Fraser Port Authority (VFPA). VFPA have no comment on the proposed upland development as there is no development proposed beyond the property line within the VFPA lease area.

**Sustainability Report Card:**

A Sustainability Report Card is not required as the proposed land use remains as a single family dwelling.

**Recommendation:**

Staff do not support the proposed Bylaw as it is contrary with the density provided in the Zoning Bylaw and direction previously provided by Council regarding large homes.

The present-day Zoning Bylaw restricts density by placing a maximum on floor area through the FAR. The size of a residential home is specifically tied to the lot size by establishing the FAR for each zone. Simply put, larger lots are permitted larger homes, while smaller lots are permitted smaller homes. In this case, the lot size of the subject property is relatively small and permits a modest sized home of 228m<sup>2</sup> (2,454ft<sup>2</sup>) based on the RS3 Zone. Permitting a large home with more than double the allowable floor space would go against the Zoning Bylaw and city-wide practices, and could set a precedence for other property owners looking to gain larger homes in Port Moody.

The construction of large homes in Port Moody has also been an issue raised by the public to Council in recent years. On July 15, 2014, concerns of the character of new homes in established neighbourhoods were discussed at a public forum. These concerns included the overall size of the homes related to floor space and heights. In light of these concerns, Council directed staff to review changes to the Zoning Bylaw. After a staff review and further public consultation, amendments to include new definitions for grade, height and retaining walls in the Zoning Bylaw were adopted by Council on April 28, 2015 (Bylaw No. 3004). These changes were designed to reduce the overall massing of the buildings.

During the Zoning Bylaw update process in 2018, further changes were made to limit the massing on homes by introducing changes to the way FAR is calculated for single detached dwellings. It was established that all areas within a house that contribute to building massing would be included in the FAR calculation, with the exception of enclosed parking.

The issue of large homes has recently surfaced again with a report by Councillor Madsen to Council at the May 28, 2019 Regular Council meeting. As part of the recommended resolution from the report, Council has launched a Task Force for Review of Policies and Practices Concerning Neighbourhood-Inappropriate Houses. The task force is currently in the process of reviewing how well the current bylaws related to large homes are working from the viewpoint of residents.

While not supportive of the rezoning request, staff have been working with the applicant to review their proposal and create a path forward by crafting an appropriate CD Zone based on the proposed architectural drawings should Council choose to approve the bylaw.

**Other Options**

1. THAT Bylaw No. 3221 be referred back to staff to work with the owners and their designer to reduce the size of the building.

OR

2. THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 23, 2019, No. 3221 (804 Alderside Road) (CD78) be read a first time.

THAT Bylaw No. 3221 be read a second time

AND THAT Bylaw No. 3221 be referred to a Public Hearing to be held on January, 14, 2019 at City Hall, 100 Newport Drive, Port Moody.

## Financial Implications

There are no financial implications with this application.

## Communications and Civic Engagement Initiatives

As per the City of Port Moody Development Approval and Procedures Bylaw, 2011, No. 2918, a notification sign was placed on the subject property informing the public of the rezoning application. Should the rezoning be granted first and second readings, the public will have an opportunity to comment on the subject Bylaw at the Public Hearing, which will occur following a mail-out notification to surrounding residents, two advertisements placed in the local newspaper, and the date posted on the notification sign on the subject property.

The applicant has indicated that brochures explaining the proposal were hand delivered to over 100 properties on Alderside Road and the surrounding area. Additional brochures were available at the property. The property owners have also met with immediate neighbours on both sides of the property.

## Council Strategic Plan Objectives

Not applicable.

## Conclusion

While staff recognize that the size of the new proposed house is comparable to the existing home, the proposed bylaw is not supported. The proposal is contrary to the citywide practice of limiting house size relative to lot size and may trigger further requests for floor ratios in excess to what is permitted in order to create larger homes.

## Attachment(s)

1. Location Map.
2. OCP Map.
3. Zoning Map.
4. Existing Zoning – RS3 Zone.
5. Reduced Project Plans.
6. Draft CD78 Zone.

## Report Author

Wesley Woo, MCIP, RPP  
Development Planner

## Report Approval Details

Document Title:	804 Alderside Road Rezoning Application.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Location Map.pdf</li><li>- Attachment 2 - OCP Map.pdf</li><li>- Attachment 3 - Zoning Map.pdf</li><li>- Attachment 4 - Existing Zoning - RS3 Zone.pdf</li><li>- Attachment 5 - Reduced Project Plans.pdf</li><li>- Attachment 6 - Draft CD78 Zone.pdf</li></ul>
Final Approval Date:	Nov 21, 2019

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

**André Boel, General Manager of Planning and Development - Nov 20, 2019 - 2:06 PM**

**Rosemary Lodge, Manager of Communications and Engagement - Nov 20, 2019 - 3:55 PM**

**Paul Rockwood, General Manager of Finance and Technology - Nov 20, 2019 - 4:52 PM**

**André Boel, General Manager of Planning and Development - Nov 20, 2019 - 4:56 PM**

**Tim Savoie, City Manager - Nov 21, 2019 - 10:44 AM**