

Considered at June 23, 2020 Special Council Meeting

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City of Port Moody Report/Recommendation to Council

Date: May 4, 2020

Submitted by: Planning and Development Department – Development Planning Division

Subject: Development Variance Permit No. 2019-139 – 2811 Ivy Street

Purpose

To present for consideration Development Variance Permit No. 2019-139 for the property located at 2811 Ivy Street. The proposed variance would allow for the redevelopment of one new single detached dwelling in a Riparian Protection and Enhancement Area and Riparian Transition Area.

Recommended Resolution(s)

THAT Development Variance Permit No. 2019-139, to permit development in a Riparian Protection and Enhancement Area and Riparian Transition Area, be approved as recommended in the report dated May 4, 2020 from the Planning and Development Department – Development Planning Division regarding Development Variance Permit No. 139 – 2811 Ivy Street;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required in support of this application.

Background

The subject property located at 2811 Ivy Street (shown on location map included as **Attachment 1**) is the subject of three planning applications and a building permit application dating back to 2018. The proposal seeks to demolish an existing house and build a new house. The following applications have been submitted:

- May 2018 – Building Permit;
- December 2018 – Minor Development Permit (MDP4) – Hazardous Lands;
- December 2018 – Minor Development Permit (MDP5) – Environmentally Sensitive Area; and
- October 2019 – Development Variance Permit – Setback reduction.

Through the building permit process, it was determined that the property was located within Development Permit Area 4 – Environmentally Sensitive Area (DPA 4) and Development Permit Area 5 – Hazardous Lands (DPA 5). Subsequently, the applicant submitted formal applications

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for MDP4 and MDP5; this submission included an Environmental Report prepared by a Qualified Environmental Professional (QEP) and a Geotechnical Report.

Upon review of the submitted reports, it was determined that an unmapped watercourse was located east of the subject property, which requires a 15m setback, measured from the top of bank. The 15m setback includes a 10m Riparian Protection and Enhancement Area and a 5m Riparian Transition Zone. If this were applied on the subject property, it would sterilize the entire lot, as demonstrated on the site plan included as **Attachment 2**. In light of the need to apply for a variance to the City's Zoning Bylaw setback, staff recommended that the applicant submit a Riparian Areas Protection Regulation (RAPR) Assessment Report to the Province to ensure compliance with at least the provincial requirements.

The provincial review was completed on September 12, 2019 and confirmed that the applicant's methodology and conclusion met the Riparian Area Protection Regulations.

Between October 2019 and April 2020, the applicant contemplated a revised design to accommodate a turnaround area at the front of the property, which would encroach further into the Riparian Enhancement Area; however, staff were not supportive of this design. Ultimately, the applicant decided to withdraw the alternate design and proceed with the current plan.

Discussion

Site Description

The subject property, municipally known as 2811 Ivy Street, is located on the south side of Ivy Street, east of Moody Street at the eastern terminus of Ivy Street, and abuts Chines Park to the east (**Attachment 1**). The subject property varies greatly in topography with a high point of 54.24m in the southwest to a low point of 40.83m in the northeast, a slope of 13.41m.

The subject property contains an existing single detached dwelling, which is proposed to be demolished and a new single detached dwelling constructed. The new single detached dwelling contains a larger building footprint than the existing single detached dwelling.

The proposed new dwelling is consistent in size with new dwellings being constructed in Port Moody and meets the zoning requirements for lot coverage, floor area ratio, and height. While the house does encroach further into the Top of Bank than the current building footprint, at the time of the applicant's initial enquiry, staff were unaware of the watercourse and did not have any concerns with the proposed footprint. As a result, staff have worked with the applicant to follow the RAPR approach which resulted in a setback that exceeds the provincial minimum setback of 10 metres while adhering to City Development Permit Guidelines including slope re-planting and enhancement (discussed further below) to mitigate the effects of the increased riparian encroachment. With these measures in place, staff are supportive of the increased building footprint.

Official Community Plan (OCP)

The subject property is designated Single Family Low Density and is located within the following Development Permit Area(s):

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- Development Permit Area 2 – Moody Centre;
- Development Permit Area 4 – Environmentally Sensitive Area; and
- Development Permit Area 5 – Hazardous Lands.

The land use designation permits the proposed single-family detached dwelling. Should Council approve this Development Variance Permit (DVP), staff would proceed with issuing the above noted Minor Development Permits, subject to review and the applicant satisfying all conditions.

Development Variance Permit

The subject property is located at the eastern limit of Ivy Street, immediately adjacent to Chines Park. The southern portion of the property is designated as an Environmentally Sensitive Area and triggered the requirement for an Environmental Report to be prepared by a QEP.

The applicant's consultant completed this report and noted that a narrow seepage channel is present just east of the subject property at the bottom of the slope in Chines Park. This seepage channel was not mapped on any municipal or provincial databases that were reviewed by the QEP. Under normal circumstances, if a watercourse was present, the City would apply a 15.0m setback to the Top of Bank (TOB); if this were applied on the subject property in this case, it would sterilize the entire lot. As a result of this application, staff have implemented an improved process to ensure unmapped riparian areas are captured through the development application process.

Due to the unique circumstances and condition of the riparian habitat, steep slope, and an existing house on a single-family parcel, staff agreed to tentatively support a reduced riparian setback, subject to review by the Province under the Provincial *Riparian Areas Protection Regulation (RAPR)* and subject to Council's support for a variance.

In order to support the reduced setback, ensure compliance with senior environmental regulations, and support the Development Permit Area 4 Guidelines, staff requested that a Slope Re-Vegetation and Restoration Area Protection Plan be prepared. The requested plan was prepared to the satisfaction of staff and is included as **Attachment 3**.

In regards to the standard zoning requirements related to front yard, rear yard, and side yard setbacks, as well as lot coverage, FAR, and dwelling height, the proposed dwelling is in conformity with the requirements of the Zoning Bylaw.

For the reasons presented above, staff recommend that Council approve Development Variance Permit No. 2019-139. A draft of Development Variance Permit No. 2019-139 is included as **Attachment 4**.

Other Option(s)

1. That Development Variance Permit No. 2019-139 be denied.
2. That Development Variance Permit No. 2019-139 be revised.
3. That Development Variance Permit No. 2019-139 be approved subject to the new dwelling footprint not exceeding the size of the existing dwelling footprint.

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Financial Implications

There are no financial implications to the City associated with this Development Variance Permit application.

Communications and Civic Engagement Initiatives

In accordance with the notification requirements in the City's Development Approval Procedures Bylaw and the *Local Government Act*, notices for the proposed Development Variance Permit application were mailed to property owners and tenants within 140m of the subject site two weeks in advance of the Council meeting date.

Council Strategic Plan Objectives

The proposal is consistent with the goals of Council's 2019-2022 Strategic Plan related to a Healthy City by planning for a variety of housing types to meet community needs.

Attachment(s)

1. Location Plan.
2. Site Plan.
3. Planting Enhancement Plan.
4. Draft Development Variance Permit No. 2019-139.

Report Author

Dejan Teodorovic, MCIP, RPP
Planning Technician

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Report Approval Details

Document Title:	Development Variance Permit - 2811 Ivy Street.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Location Map.PDF- Attachment 2 - Site Plan.pdf- Attachment 3 - Enhancement Planting Plan .pdf- Attachment 4 - Draft Development Variance Permit 2019-139.pdf
Final Approval Date:	Jun 15, 2020

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

Gary Penway, Acting Manager of Development Planning - Jun 10, 2020 - 6:34 PM

André Boel, General Manager of Planning and Development - Jun 11, 2020 - 9:33 AM

Dorothy Shermer, Corporate Officer - Jun 11, 2020 - 9:39 AM

Rosemary Lodge, Manager of Communications and Engagement - Jun 11, 2020 - 9:42 AM

Paul Rockwood, General Manager of Finance and Technology - Jun 11, 2020 - 10:02 AM

Tim Savoie, City Manager - Jun 15, 2020 - 11:12 AM

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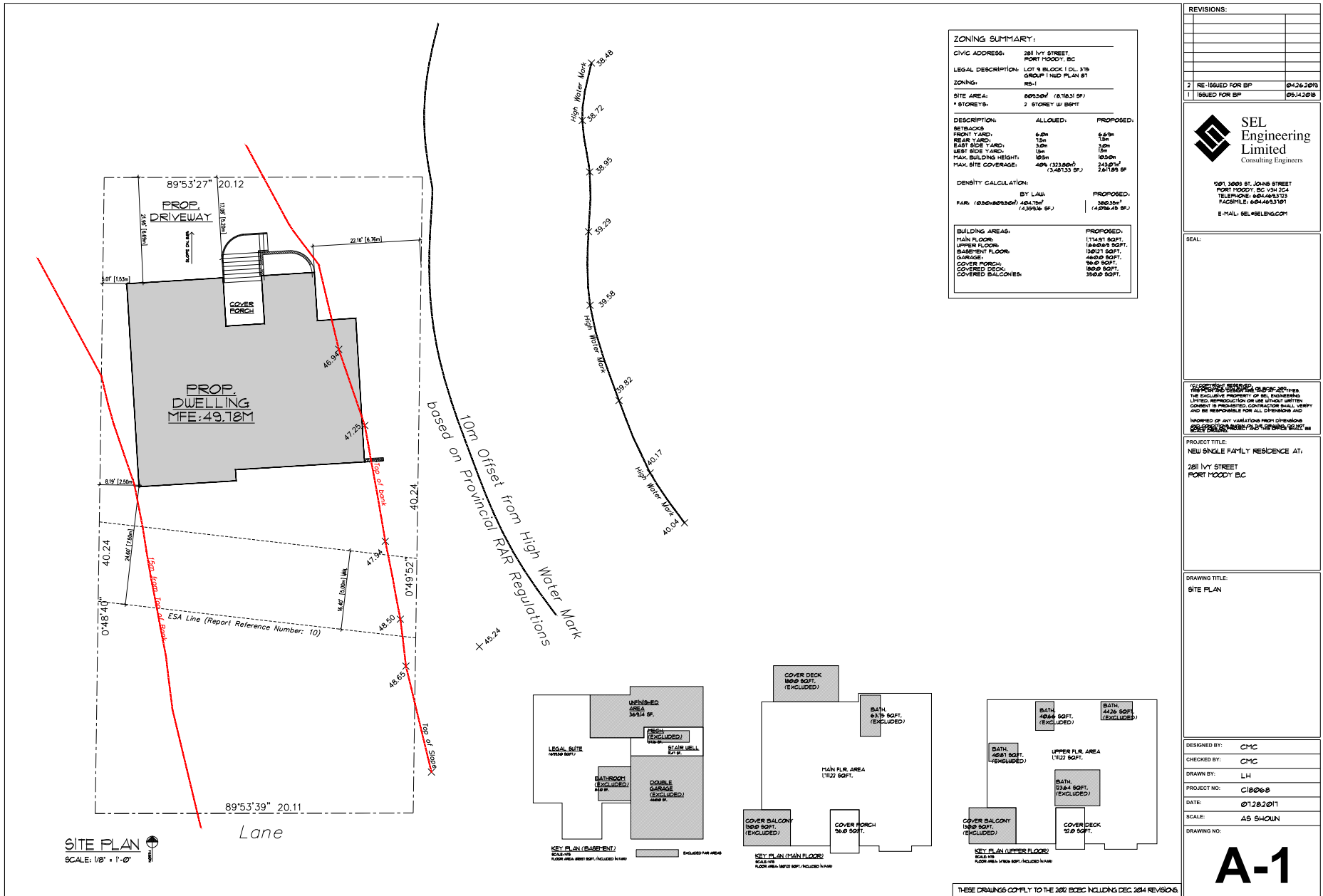
LOCATION MAP - 2811 Ivy Street

 SUBJECT PROPERTY



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CITY OF PORT MOODY DEVELOPMENT VARIANCE PERMIT 2019-139

ISSUED BY: CITY OF PORT MOODY

A municipal corporation pursuant to the *Community Charter*, S.B.C. 2003, c26
with offices at 100 Newport Drive, Port Moody, BC V3H 5C3

(the "City")

TO: Hui Mei Chu
2811 Ivy Street
Port Moody, BC V3H 2L1

(the "Owner")

WHEREAS:

The Owner has made an application for a Development Variance Permit to allow for
development to occur within the Riparian Protection Enhancement Area and Riparian Transition
Area to facilitate the development of one single family dwelling on the property described as:

Civic Address: 2811 Ivy Street

Parcel Identifier (PID): 011-472-821

Legal Description: LOT 9, BLOCK 1, DISTRICT LOT 375, GROUP 1,
NEW WESTMINSTER DISTRICT PLAN 87

(the "Land");

NOW THEREFORE, in accordance with subsection 498(1) of the *Local Government Act*:

1. City of Port Moody Zoning Bylaw, 2018, No. 2937 is hereby varied:
 - (i) in section 5.4.3 by allowing development on lands within a minimum Riparian Protection and Enhancement Area (RPEA) as defined in section 5.4.5.
2. This Development Variance Permit is issued subject to all requirements contained in the City's bylaws, except where specifically varied or supplemented by this Development Variance Permit.

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3. Whenever the singular or masculine is used in this Permit, the same shall be deemed to include the plural, or the feminine, or the body politic, or corporate as the context so requires, and every reference to each party shall be deemed to include the heirs, executors, administrators, successors, and assigns of such party whenever the context or the parties so require.
4. The Owner shall comply with all Permits applicable to the Land, and with all applicable building regulations, and shall not commence work on the Land until a Building Permit in respect of such work has been issued by the City.
5. The Owner agrees to comply with the following conditions of Development Variance Permit 2019-139:
 - a) The single-family dwelling shall be sited in accordance with the Site Plan drawing shown in Schedule "A".
 - b) The enhancements works shall be completed as stipulated in the Slope Re-vegetation and Restoration Area Protection Plan (prepared by Aquaterra Environmental LTD.). This includes a three-year monitoring and maintenance period with final sign-off by a Qualified Environmental Professional.
 - c) An accepted erosion and sediment control plan shall be prepared to the satisfaction of the City.
 - d) Environmental monitoring shall be conducted to ensure slope is adequately protected and knotweed is adequately managed throughout the demolition, slope remediation, and construction.
 - e) It is the Owner's responsibility to obtain all necessary Minor Development Permits prior to a Building Permit application.
 - f) A no-build covenant shall be registered on title for the portion of the property outlined in red and included in Schedule "B".

AUTHORIZING RESOLUTION PASSED BY COUNCIL the ____ day of _____, 2020.

ISSUED THIS ____ day of _____, 2020.

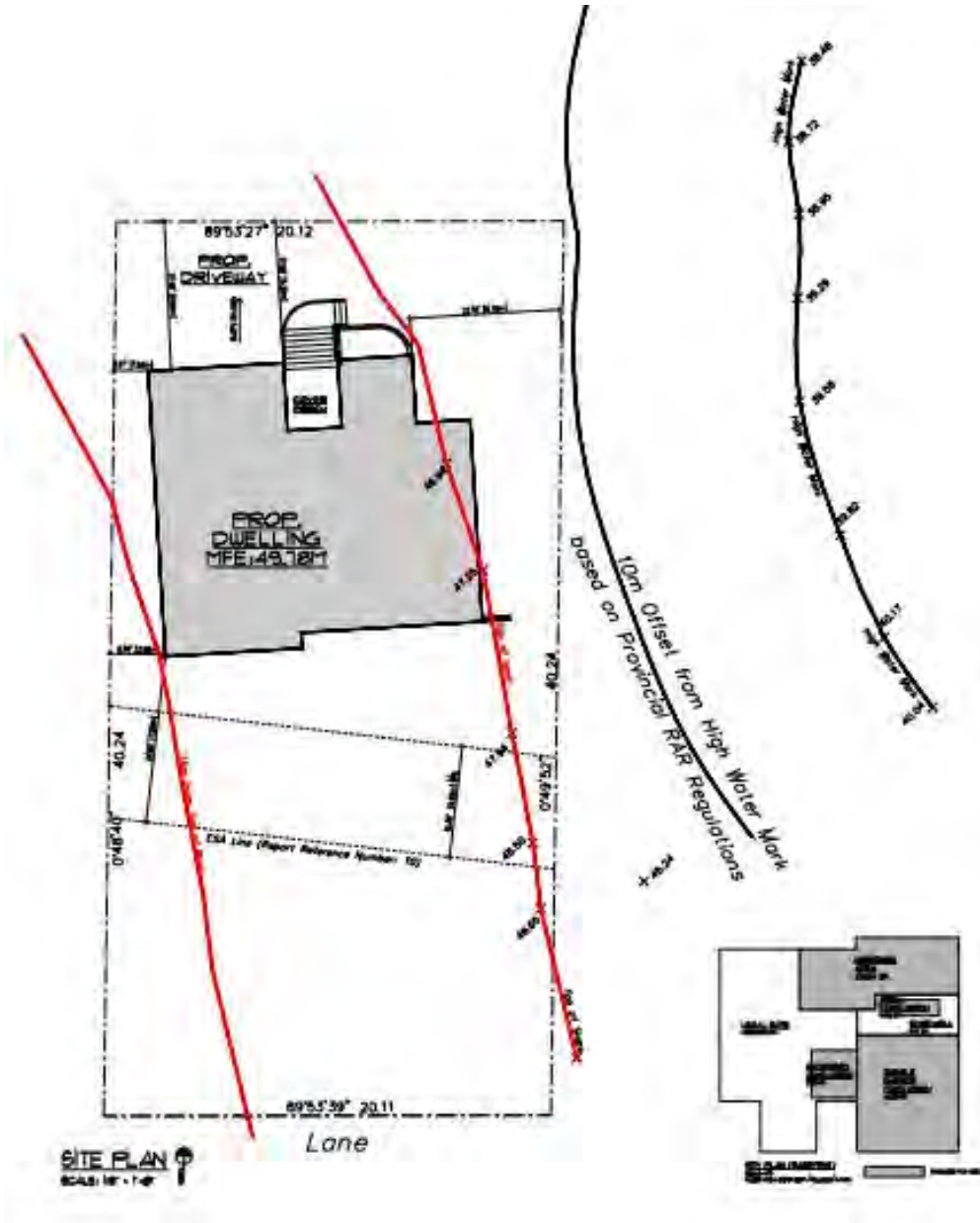
Rob Vagramov, Mayor

D. Shermer, Corporate Officer

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SCHEDULE "A"



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SCHEDULE "B"

