

# Considered at November 10, 2020 Regular Council Meeting

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## City of Port Moody Report/Recommendation to Council

Date: October 19, 2020  
Submitted by: Community Development Department – Development Planning Division  
Subject: Rezoning Application (RS1-S) – 1136 Tuxedo Drive (Dillon Burgess)

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### Purpose

To present for Council consideration a rezoning application to allow for subdivision of the single-family property at 1136 Tuxedo Drive.

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### Recommended Resolution(s)

**THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 45, 2020 No. 3277 (1136 Tuxedo Drive) (RS1-S) be read a first and second time as recommended in the report dated October 19, 2020 from the Community Development Department – Development Planning Division regarding Rezoning Application (RS1-S) – 1136 Tuxedo Drive (Dillon Burgess);**

**AND THAT the applicant be requested to include tree replanting and cash-in-lieu as outlined in the Tree Protection Bylaw No. 2961, based on the tree cover in existence as of June 2019;**

**AND THAT any trees replanted on the site be secured through a tree preservation covenant;**

**AND THAT Bylaw No. 3277 be referred to a Public Hearing.**

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### Background

The City has received a rezoning application for 1136 Tuxedo Drive to rezone the existing single-family lot in order to facilitate a four-lot subdivision. Before the subdivision can be considered by the Approving Officer, the current lot must be rezoned from Single Detached Residential (RS1) to Single Detached Residential Small Lot (RS1-S) as set out in draft Bylaw No. 3277 (**Attachment 1**). An application fact sheet that summarizes the key components of the project is included (**Attachment 2**).

This application is, for the most part, a straightforward single family rezoning for a proposed subdivision. However, due to a recent and significant loss of tree cover on this site, tree retention and restoration have been reviewed in greater detail. To provide context for the staff review later in this report, additional background information regarding the recent history of this site is offered below.

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Prior to receiving this development application to rezone and subdivide the property, staff were working with the previous owner of the property to subdivide the lands into three lots under existing zoning. This three-lot subdivision would not have required rezoning as the lots were large enough to meet the minimum requirements of the current RS1 Zone. A Preliminary Letter of Requirements (PLR) was issued by the Approving Officer on December 22, 2017 and was extended as needed. Completion of the PLR would have permitted approval and registration of the three-lot subdivision. However, the property was sold in 2019, while the three-lot subdivision was not completed and remained active.

The current owners purchased the property in April 2019 and, in July 2019, removed 28 mature trees on the property without a permit. Residents in the area contacted the City's Bylaw Enforcement Division to express their concerns and objections. Initially, staff required the owners to follow the Tree Protection Bylaw given the subdivision application that was still noted as active for the property.

However, in follow up correspondence, including in an email to City Council sent on August 8, 2019, the new owners stated that they were not planning to develop the property at that time and, therefore, the permitting process should not apply to them. The owners claimed that the trees were a liability and wanted to open up the yard. Subsequently, the City received written confirmation that the remaining subdivision application was no longer active and on that basis, the Tree Protection Bylaw no longer applied.

On December 12, 2019, shortly after the aforementioned communication was received, a detailed development application was submitted to rezone and subdivide the lot to create four new lots.

Aerial photos before and after the tree cutting have been provided. **Attachment 3** shows the property prior to the tree removal and **Attachment 4** shows the property after the removal of 28 on-site trees prior to the application submission.

## Discussion

### Subject Site Description

The subject property is approximately 2,028m<sup>2</sup> (21,830ft<sup>2</sup>) in size and is located on Tuxedo Drive, south of Angela Drive. The property is currently developed with one single-family dwelling, which is proposed to be demolished as part of the subdivision and replaced with four new dwellings. The subject property slopes downwards from southwest to northeast with an approximate elevation change of 5m (16.4ft). The subject property is located within a predominantly single-family residential neighbourhood composed mostly of properties ranging from approximately 557m<sup>2</sup> (6,000ft<sup>2</sup>) to 929m<sup>2</sup> (10,000ft<sup>2</sup>) in lot sizes. A location map is provided as **Attachment 5**.

### Official Community Plan (OCP)

The OCP designates the subject lot as Single Family Low Density (**Attachment 6**), which supports the proposed rezoning. Small lot subdivisions are supported in the OCP's Housing chapter; specifically, section 8.6 Demands for New Forms of Housing sets out the policies for new housing forms, such as "small lot houses" and "smaller houses on smaller lots" and

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recognizes that a “range of housing choices will continue to be provided for Port Moody's residents in both newly developing areas of the community and redeveloping neighbourhoods.”

Design guidelines that review form and character of principal dwellings on small lots are not applied to lands within this area of Port Moody.

As there is no existing or proposed rear lane, a Detached Accessory Dwelling Unit (DADU) would not be permitted on any of the lots.

## Zoning

The subject lot is zoned RS1, as are all other surrounding properties to the east, west, north, and south, as shown in **Attachment 7**. The neighbourhood is composed of single-family dwellings.

## Implementation

To facilitate the proposed subdivision, draft Bylaw No. 3277 (**Attachment 1**) would rezone the subject property from RS1 to RS1-S. If the rezoning bylaw is adopted, the Approving Officer will then consider the subdivision plan.

## Proposed Subdivision

The proposal involves the subdivision of the existing property into four lots (**Attachment 8**). The proposed lots exceed the minimum lot width requirement of 9m (29.5ft) and lot area requirement of 325m<sup>2</sup> (3,498ft<sup>2</sup>) for subdivision under the RS1-S Zone. Based on the submitted draft plan of subdivision, each lot would have a width of 12.9m (42.3ft) and the lot sizes would range from 391m<sup>2</sup> (4,209ft<sup>2</sup>) to 623m<sup>2</sup> (6,706ft<sup>2</sup>).

## Community Amenity Contribution Program

In accordance with the City's Community Amenity Contribution (CAC) Policy, the applicant has volunteered a CAC of \$18,000 to offset the financial burden that this residential development imposes on the City to fund new facilities and/or amenities. Payment of the CAC would be made to the City prior to Council consideration of final adoption of the Zoning Amendment Bylaw, No. 3277.

## BC Energy Step Code Rezoning Application

In accordance with the City's BC Energy Step Code Rezoning Policy, the applicant has volunteered to a higher standard of energy efficiency for the new buildings by committing to Step 3 of the BC Energy Step Code. A covenant will be registered on title prior to Council consideration of final adoption of the Zoning Amendment Bylaw, No. 3277.

## Tree Removal, Replacement, and Protection

Based on the application materials and City records, the following information in regards to the urban forest has been established:

- 28 on-site trees have been removed from the property in July 2019, less than 6 months before the application submission; and
- 12 boulevard trees remain on City property and have been requested for removal to facilitate additional driveways on Tuxedo Drive.

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Staff are concerned with the loss of trees that occurred in July 2019 and the negative impact it had in the community. This site is one of a few bigger parcels in the area, and the tree cover provided a major contribution to the green and lush character of this neighbourhood. In addition, the treed area would have contributed to stormwater management and provided environmental benefits. The proposed new parcels are relatively long, and therefore do provide an opportunity to restore some of the tree cover at the back of the lots, while still allowing for usable private backyards for future residents. This would ensure that the proposed land use change will not adversely alter the character of the neighbourhood.

Overall, 40 trees will be removed as part of the project, including the 28 trees that were removed prior to the application submission and 12 City-owned trees. The Tree Protection Bylaw would have required tree replacement of 80 trees based on a 2:1 ratio (two trees to be replanted for each tree removed). For trees that cannot be replanted on-site, cash-in-lieu (\$600 per tree) is collected, also at a 2:1 replacement ratio.

The applicant's Tree Management Plan (**Attachment 9**) is proposing to replant a total of 24 on-site trees and four additional trees on the City's boulevard, totalling 28 trees for replacement of the 40 trees removed. If the Tree Protection Bylaw were applied, which requires a 2:1 ratio, the applicant would be responsible to plant or compensate for 80 trees.

The Tree Protection Bylaw does not directly apply to this application because the subject trees were removed right before the rezoning application was submitted. Therefore, staff are not provided with the ability to require the applicant to compensate for removing trees from the property. Council has discretion to approve or reject a rezoning application, or consider other requirements for the application as their discretion. Considering the rezoning application time line in relation to the tree cutting on the property, the pre-existing conditions related to tree coverage have relevance to this application. The overall neighbourhood is at a significant net loss of tree canopy due to the tree cutting that took place on the property prior to the submission of the rezoning application.

Staff recommend that the applicant be required to follow tree replanting and/or compensation based on the pre-existing site condition at the 2:1 ratio outlined in the Tree Protection Bylaw. Council can require an alternate formula such as a 1:1 ratio. Staff also recommend that the registration of a tree preservation covenant be required as part of the rezoning consideration.

Staff have requested that a voluntary cash-in-lieu be paid on the outstanding 52 trees. The cash-in-lieu payment for 52 trees at \$600 per tree would total \$31,200. The applicant has not agreed to the voluntary cash-in-lieu recommendation.

## Other Option(s)

1. THAT the rezoning application, as presented in the report dated October 19, 2020 from the Community Development Department – Development Planning Division regarding Rezoning Application (RS1-S) – 1136 Tuxedo Drive (Dillon Burgess), be revised.
2. THAT the rezoning application, as presented in the report dated October 19, 2020 from the Community Development Department – Development Planning Division regarding Rezoning Application (RS1-S) – 1136 Tuxedo Drive (Dillon Burgess), be denied.

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## Financial Implications

If Bylaw No. 3277 is given first and second readings, CACs in the amount of \$18,000 will be paid prior to adoption of the Zoning Bylaw. As part of the tree management compensation portion of the application, a resolution is required by Council for the cash-in-lieu amount of \$31,200 for 52 replacement trees.

## Communications and Civic Engagement Initiatives

A notification sign informing the public of the rezoning application has been placed on the subject property in accordance with the City of Port Moody Development Approval Procedures Bylaw, 2011, No. 2918. In response to the notification sign, the Community Development Department received three letters of opposition from surrounding property owners, citing increase in density and traffic, and the removal of trees as their main concerns.

City of Port Moody Development Approval Procedures Bylaw, 2011, No. 2918 exempts RS1-S (Small Lot) rezoning applications from the requirement to seek Community Planning Advisory Committee's review and recommendation. Should the rezoning application be given first and second readings, the public will have an opportunity to comment at the Public Hearing, which will occur following a mail-out notification to adjacent residents, an advertisement placed in the local newspaper, and a decal of the public hearing time and date placed on the notification sign.

## 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. Bylaw 3277.
2. Application Fact Sheet.
3. Aerial Photograph of Subject Property Prior to Tree Removal.
4. Aerial Photograph of Subject Property After Tree Removal.
5. Location Map.
6. Land Use Designation Map.
7. Zoning Map.
8. Proposed Subdivision Plan.
9. Proposed Tree Management Plan.

## Report Author

Wesley Woo, MCIP, RPP  
Development Planner

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## Report Approval Details

Document Title:	Rezoning Application (RS1-S) - 1136 Tuxedo Drive (Dillon Burgess).docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 - Bylaw No. 3277.pdf</li><li>- Attachment 2 - Application Fact Sheet.pdf</li><li>- Attachment 3 - Subject Property Prior to Tree Removal.pdf</li><li>- Attachment 4 - Subject Property After Tree Removal.pdf</li><li>- Attachment 5 - Location Map.pdf</li><li>- Attachment 6 - Land Use Designation Map.pdf</li><li>- Attachment 7 - Zoning Map.pdf</li><li>- Attachment 8 - Proposed Subdivision Plan.pdf</li><li>- Attachment 9 - Proposed Tree Management Plan.pdf</li></ul>
Final Approval Date:	Nov 2, 2020

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

André Boel, City Planner - Oct 27, 2020 - 7:23 PM

Kate Zanon, General Manager of Community Development - Oct 27, 2020 - 9:06 PM

Dorothy Shermer, Corporate Officer - Oct 28, 2020 - 11:41 PM

Rosemary Lodge, Manager of Communications and Engagement - Oct 29, 2020 - 1:39 PM

Paul Rockwood, General Manager of Finance and Technology - Oct 29, 2020 - 3:17 PM

Tim Savoie, City Manager - Nov 2, 2020 - 4:27 PM

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## City of Port Moody

### Bylaw No. 3277

A Bylaw to amend City of Port Moody Zoning Bylaw, 2018, No. 2937 to allow for a small lot subdivision at 1136 Tuxedo Drive.

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 Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 45, 2020, No. 3277 (1136 Tuxedo Drive) (RS1-S)”.

#### 2. Amendments

- 2.1 City of Port Moody Zoning Bylaw, 2018, No. 2937 is amended by rezoning the following land from Single Detached Residential Zone (RS1) to Single Detached Residential – Small Lot Zone (RS1-S):

Lot 520 District Lot 377 Group 1 New Westminster District Plan 33616

PID: 006-890-164

as shown on the map in Schedule “A” of this Bylaw.

#### 3. Attachments and Schedules

- 3.1 The following schedules are attached to and form part of this Bylaw:
  - Schedule “A” – Location Map.

#### 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.

**Read a first time** this \_\_\_ day of \_\_\_\_, 20\_\_.

**Read a second time** this \_\_\_ day of \_\_\_\_, 20\_\_.

**Read a third time** this \_\_\_ day of \_\_\_\_, 20\_\_.

**Adopted** this \_\_\_ day of \_\_\_\_, 20\_\_.

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R. Vagramov  
Mayor

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D. Shermer  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3277 of the City of Port Moody.

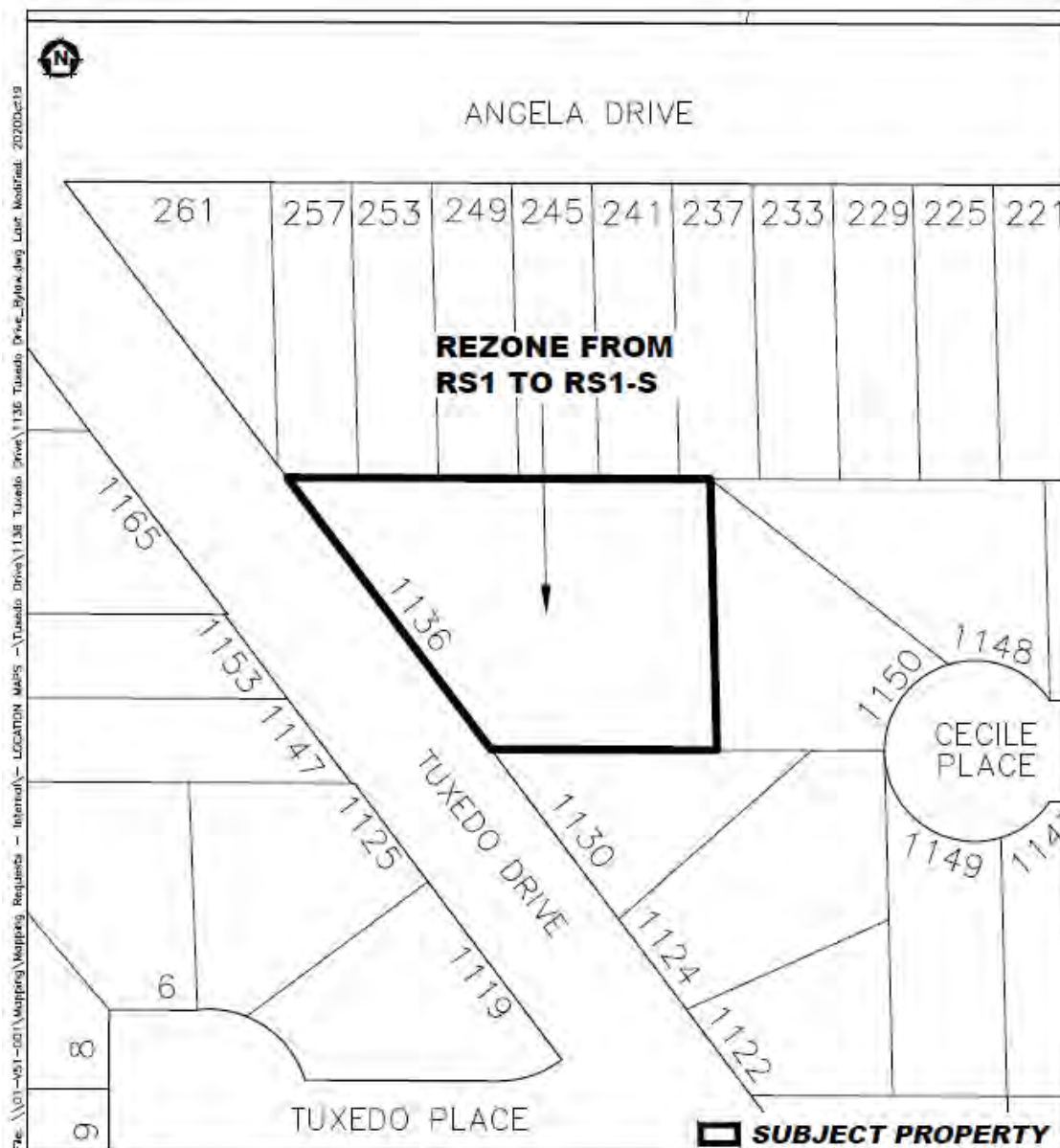
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D. Shermer  
Corporate Officer



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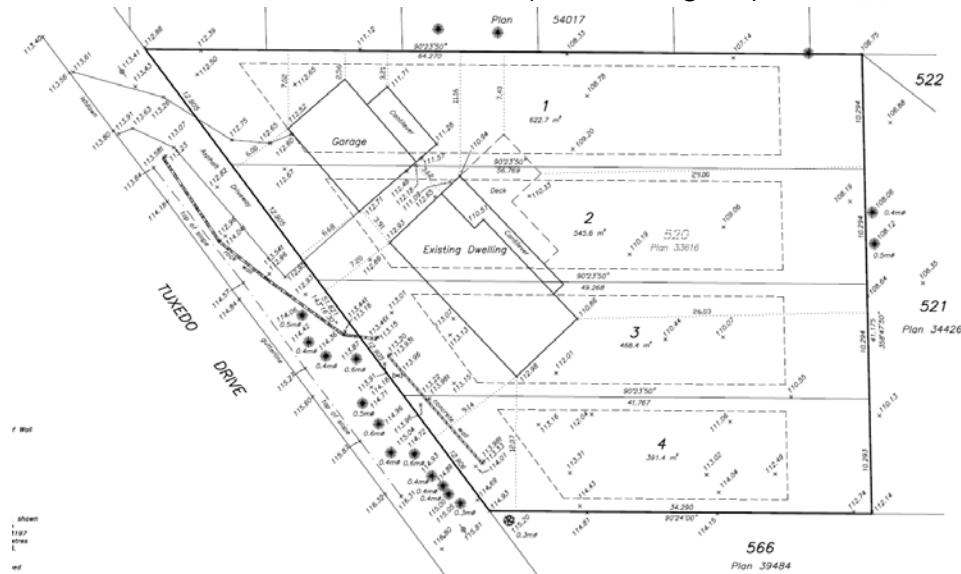
Corporate Officer



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## Application Fact Sheet 1136 Tuxedo Drive (Dillon Burgess)



**Application Type:** RS1-S Rezoning and Subdivision  
**OCP Designation:** Single Family Low Density (unchanged)

**Intent:** To rezone the existing property to permit a subdivision into four lots, each with a new principal dwelling with secondary suite.\*

**Existing Zoning:** RS1  
**Proposed Zoning:** RS1-S  
**Existing Lot Area:** 2,028m<sup>2</sup> (21,830ft<sup>2</sup>)  
**Existing Lot Width:** 51.6m (169.3ft)

	RS1 Zone	RS1-S Zone	Proposed
<b>Minimum Lot Area:</b>	555m <sup>2</sup> (5,974ft <sup>2</sup> )	325m <sup>2</sup> (3,498ft <sup>2</sup> )	391m <sup>2</sup> – 623ft <sup>2</sup> (4209ft <sup>2</sup> – 6706ft <sup>2</sup> )
<b>Minimum Lot Width:</b>	15.0m (49.2 ft)	9m (29.5ft)	12.9m (42.3ft)
<b>Required Parking:</b>	3 stalls	3 stalls	3 stalls

**Additional Variances:** None

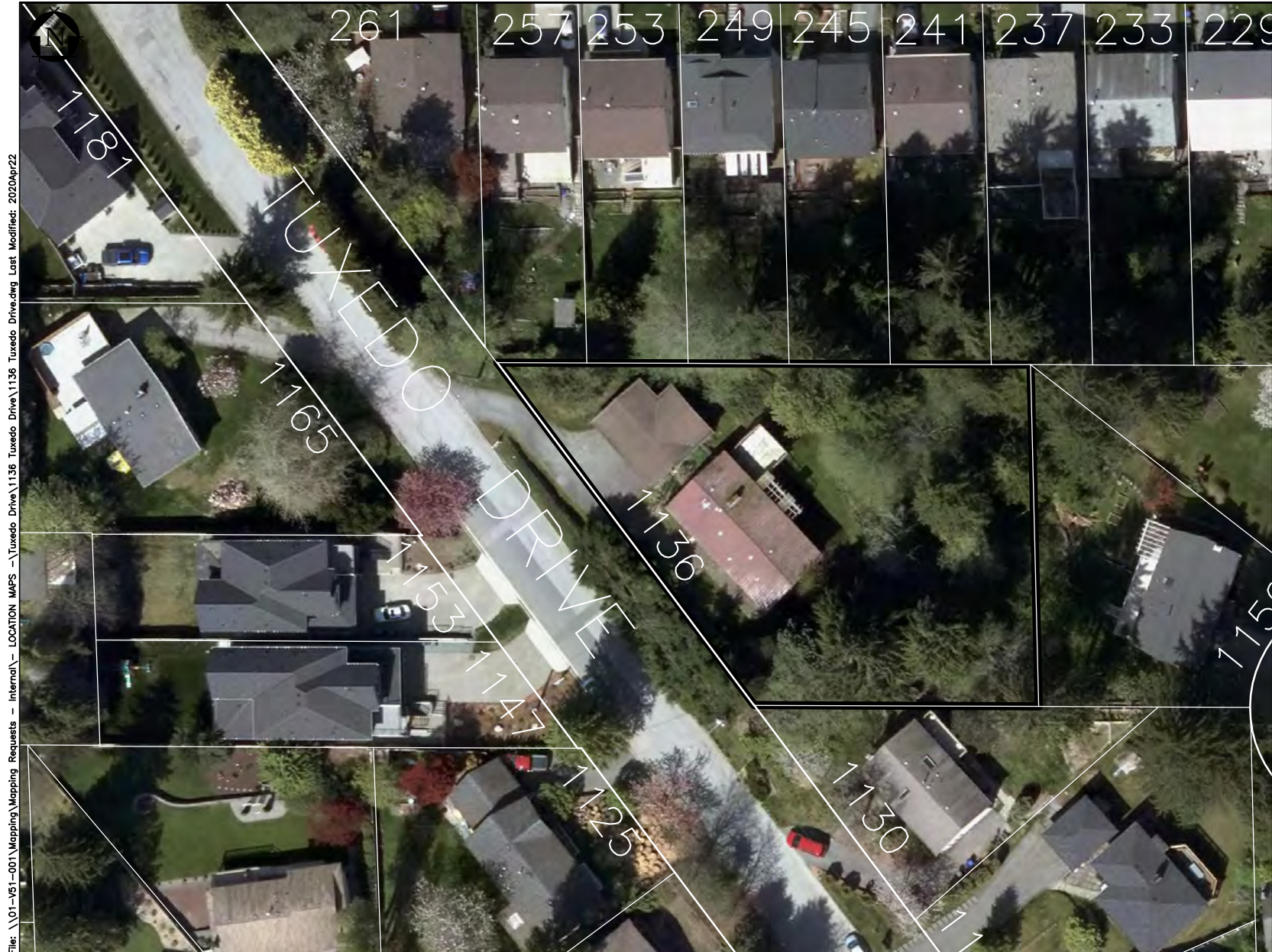
**Development Permit Area:** Not applicable

\*While Detached Accessory Dwelling Units (DADUs) are permitted within the RS1-S Zone, they are only permitted on lots with secondary access to the rear of the lot. In this case, there is no rear lane and as a result DADUs are not be permitted under DADU Zoning regulations.

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## *1136 Tuxedo Drive Prior to Tree Removal*





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## *1136 Tuxedo Drive After Tree Removal*



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## Location Map - 1136 Tuxedo Drive

 SUBJECT PROPERTY

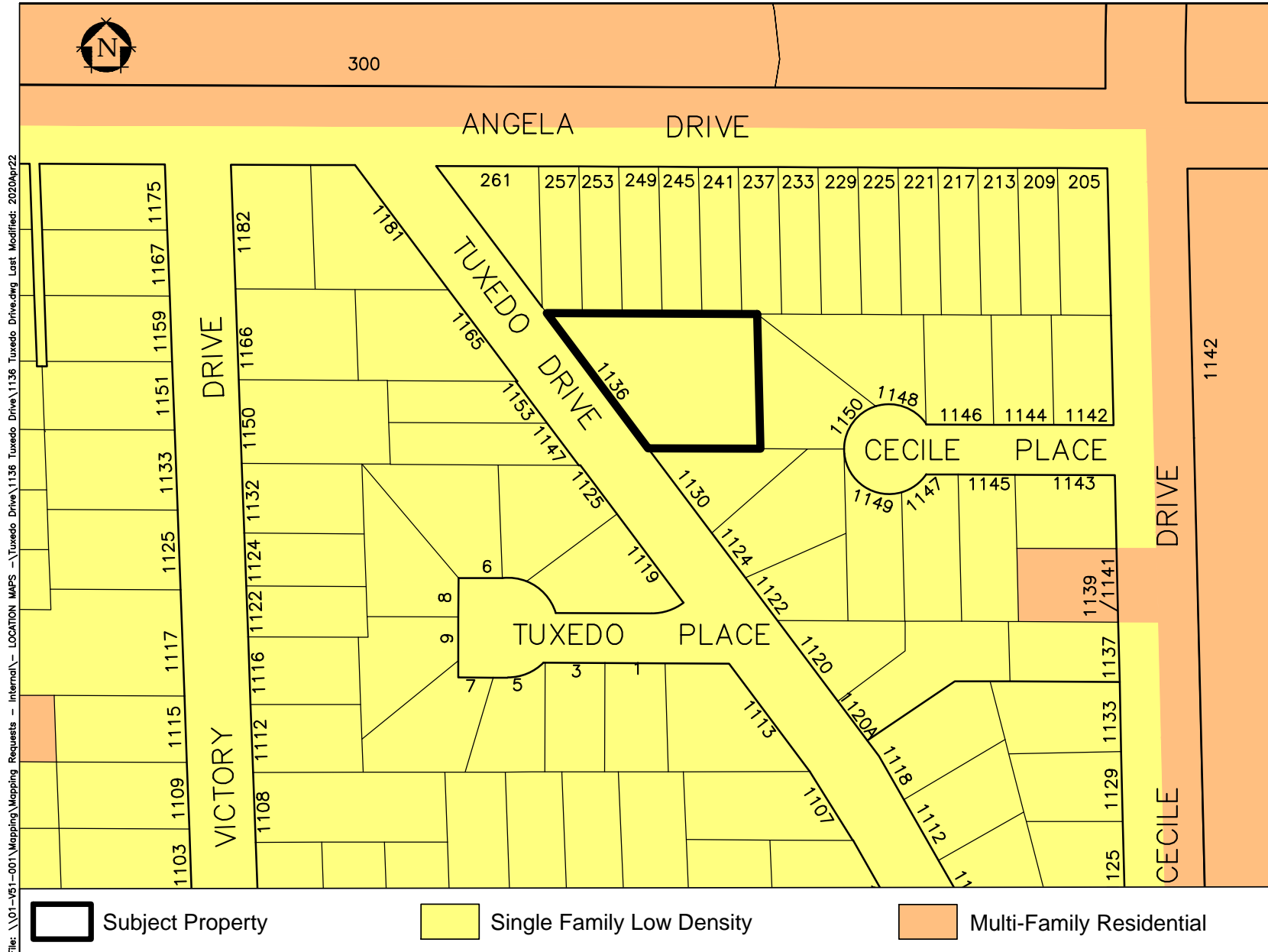




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## Land Use Designations - 1136 Tuxedo Drive

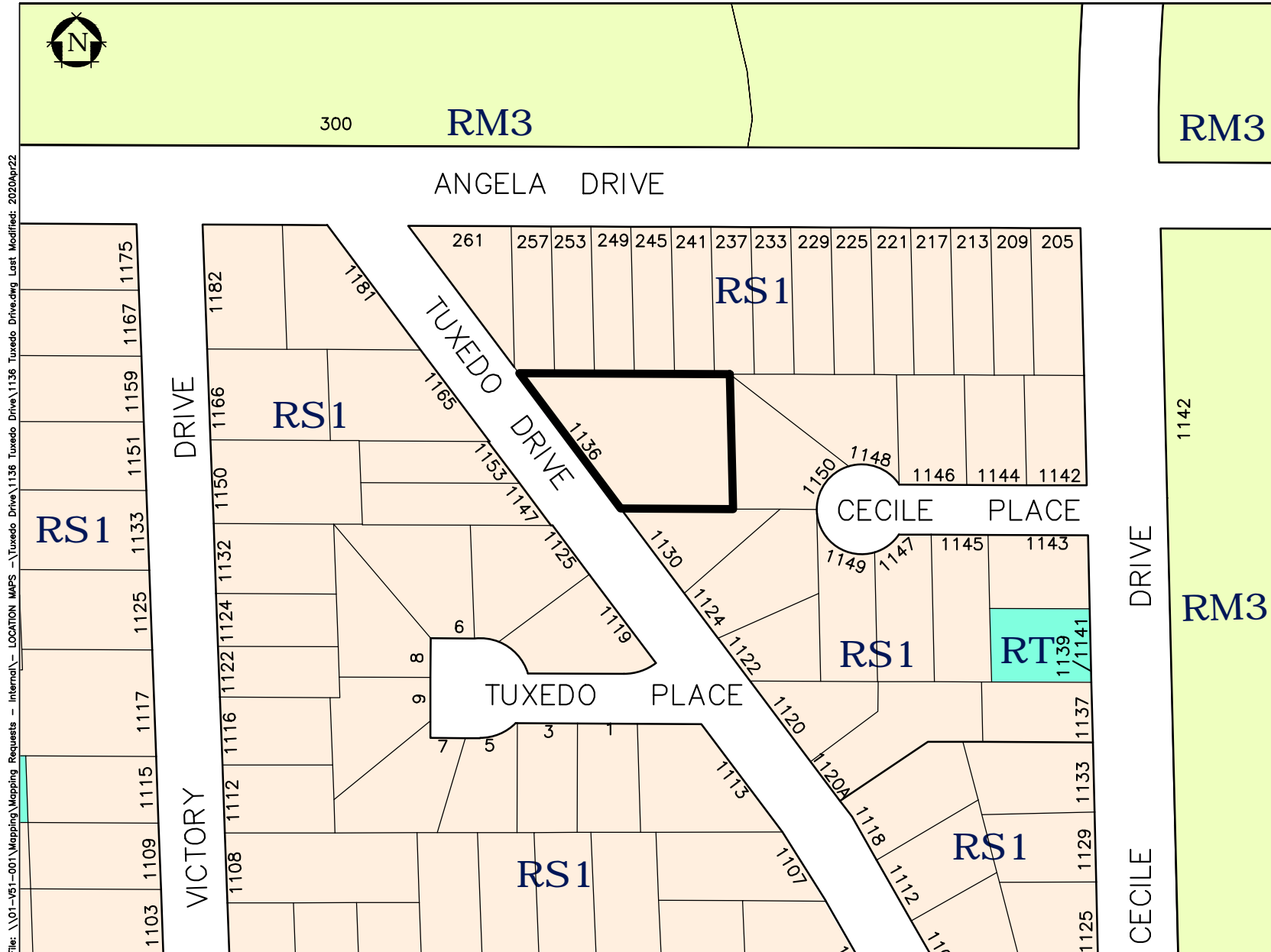


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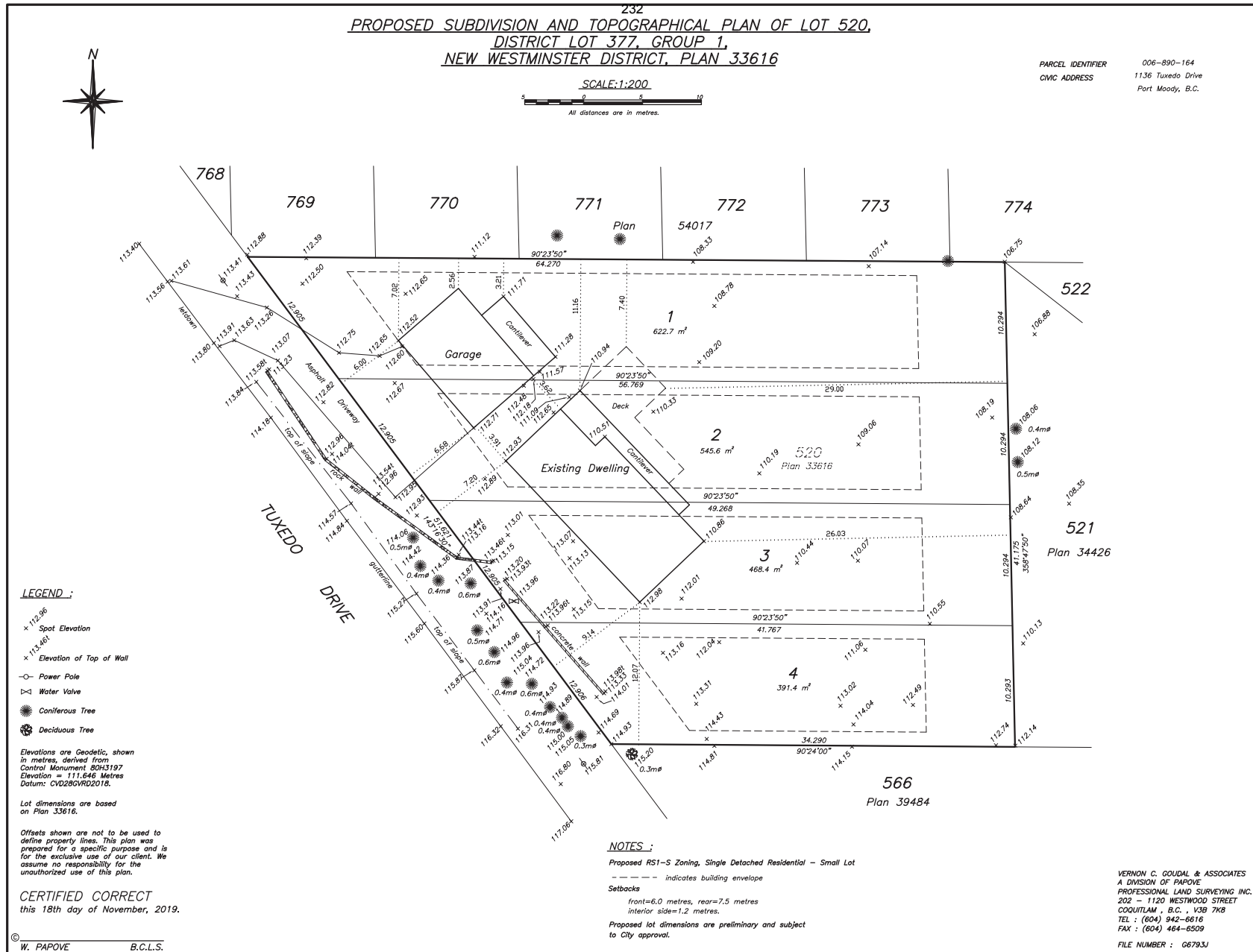
## ZONING MAP - 1136 Tuxedo Drive

 SUBJECT PROPERTY



File: \\01-Y51-001\\Mapping\\Mapping Requests - Internal\\LOCATION MAPS - \\Tuxedo Drive\\1136 Tuxedo Drive\\1136 Tuxedo Drive.dwg Last Modified: 2020Apr22

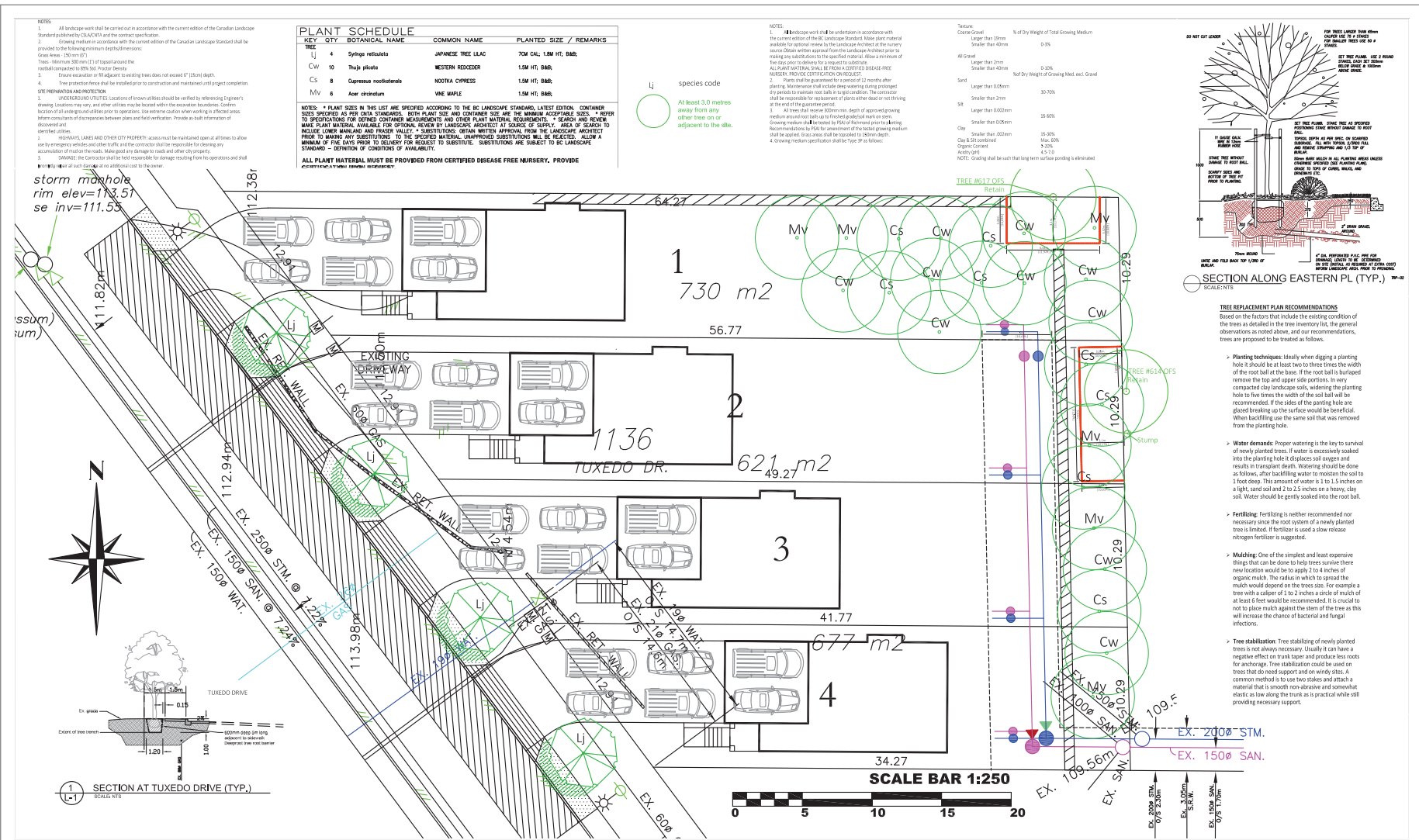
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Date	April 17, 2020	Sheet #	
Scale	1:250		
Drawn			
Checked			

Francis R. Klimo  
ISA Certified Arborist #PN-8149A  
ISA Certified Tree Risk Assessor (TRAQ)  
BC Wildlife Danger Tree Assessor #7193

TREE MANAGEMENT PLAN

Project Number

1136 TUXEDO DRIVE,  
PORT MOODY

Klimo &  
Associates