



# STAFF REPORT

**TO:** Council **MEETING DATE:** October 19, 2021

**FROM:** Kirsten Rawkins **FILE NO:** 3220-Marine-466  
Planner I DVP-2021-07 & DVP-2021-09

**SUBJECT:** Flood Exemption and Setback Variance Decisions for retaining wall, porch and deck additions at 466 Marine Drive

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## RECOMMENDATIONS

**THAT the report titled Flood Exemption and Setback Variance Decisions for retaining wall, porch and deck additions at 466 Marine Drive be received;**

**THAT the Mayor provides an opportunity for those affected by the proposed variances under DVP-2021-07 for 466 Marine Drive to be heard;**

**THAT an exemption to the flood plain provisions in part 4.11 (2) of the Zoning Bylaw be granted to permit the proposed deck replacement and landscape retaining walls within the 15 m flood setback from the Natural Boundary of the Sea at 466 Marine Drive, subject to:**

- a) conditions outlined in the geotechnical report by Ground Up Geotechnical, dated June 30, 2021, and
- b) registration of a Section 219 save-harmless covenant to the property title in favour of the Town of Gibsons;

**THAT the following variances be granted at 466 Marine Drive to permit construction of a proposed deck and front porch roof extension:**

- a) Vary part 14.6 (2) of the zoning bylaw to reduce the south interior side lot line setback from 10.5 m to 0.8 m to permit extension of the home's existing roofline over the front porch,
  - b) Vary part 14.6 (2) of the zoning bylaw, reducing the north interior side lot line setback from 10.5m to 4.5 m to permit the proposed north-east side deck;
  - c) Vary part 14.5 of the zoning bylaw to increase the maximum lot cover from 25% to 36%
-

## **BACKGROUND / PURPOSE**

The Town received applications for a flood exemption and for variances to setbacks and lot cover at 466 Marine Drive to allow the homeowners to replace and expand the footprint of an existing second storey deck and front porch roof on the existing single-family residence, and to construct landscape retaining walls at the south side of the home.

The requested variances include relaxation of the required side lot line setbacks to allow the new proposed deck and front porch roof extension and relaxation of the maximum impermeable lot cover for the property from 25% to 36% to permit the proposed deck, as follows:

- a) *Vary part 14.6 (2) of the zoning bylaw to reduce the south interior side lot line setback from 10.5 m to 0.8 m to permit extension of the home's existing roofline over the front porch,*
- b) *Vary part 14.6 (2) of the zoning bylaw, reducing the north interior side lot line setback from 10.5m to 4.5 m to permit the proposed north-east side deck;*
- c) *Vary part 14.5 of the Zoning Bylaw to increase the maximum lot cover from 25% to 36%*

The flood exemption would permit construction of the deck and landscape retaining walls on the water side of the home, within the 15 m flood plain setback from the Natural Boundary of the Sea. The Flood exemption application is supported by a report by Ground up Geotechnical.

The Committee of the Whole and Council reviewed the details of the applications in their respective meetings on October 5, 2021. The staff report of October 5, 2021 is enclosed as Attachment C.

Council resolved to proceed with the application, per the Town's procedures, giving staff direction to notify neighbours of the property of the application and provide an opportunity for comment on the requested variances. While not subject to neighbour notification, the decision on granting the flood exemption was also withheld given that the proposed deck for the home requires both the flood exemption and variances to proceed.

The purpose of this report is to share neighbour comments with Council and to obtain a decision on 1) whether to grant the requested variances, and 2) whether to grant the flood exemption, subject to registration of a Section 219 covenant saving the Town harmless with respect to the flood safety and any potential geotechnical hazard with respect to the proposed deck, patio and retaining wall construction.

## **COMMUNICATION**

### **Neighbour Notifications**

On October 6<sup>th</sup>, 2021, letters were delivered to 49 owners and tenants of properties within 50 m of 466 Marine Drive notifying them of the requested variances.

At the time of writing this report, one letter was received from an immediate neighbour of the property – at 476 Marine Drive, in support of the variances. The letter is enclosed with this report as attachment A.

### Agency Referrals

The development application was referred on September 9, 2021 to the following agencies. No concerns were identified with the proposed variances or flood exemption.

Agency	Comments
Gibsons and District Volunteer Fire Dept.	No comments received
TOG Building Dept.	No concerns; Building Permit Required
TOG Infrastructure Services Dept.	No objections

### NEXT STEPS

If Council resolves to support the Variance and Flood exemption, the applicants may proceed with a Building Permit application for the porch, deck and landscape construction.

If the variances or flood exemption are denied, the applicants will not be able to complete the respective construction.

### RECOMMENDATIONS / ALTERNATIVES

As outlined in the staff report of October 5, 2021, staff find that the criteria provided in the Local Government Act for granting a Flood Exemption are met. Based on its review of Council's policy for evaluating variances, staff also recommends issuance of the variances as proposed.


Recommendations are provided on page 1 of the report.

Alternatively, Council may reject all or part of the variance requests and/ or the Flood Exemption.

### ATTACHMENTS

- Attachment A – Neighbour Comments
- Attachment B – Draft Permit
- Attachment C – Oct 5, 2021 Staff Report

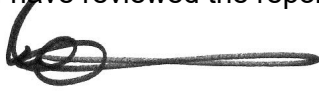
Respectfully Submitted,

  
\_\_\_\_\_  
Kirsten Rawkins  
Planner I

  
\_\_\_\_\_  
Lesley-Anne Staats, MCIP, RPP  
Director of Planning

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I have reviewed the report and support the recommendation(s).



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Mark Brown  
Chief Administrative Officer



**From:** [Jamie Arens](#)  
**To:** [Planning](#); [Kirsten Rawkins](#)  
**Subject:** [EXTERNAL]Development variance permit app: DVP-2021-07  
**Date:** Tuesday, October 12, 2021 8:53:21 AM

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**CAUTION:** This email originated from outside of the Town of Gibsons. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Kirsten,

I'm writing to you in support of the development variance permit DVP-2021-07 of 476 Marine Drive. As you may recall, I'm their next-door neighbour at 476 Marine Dr.

This proposed new deck is a welcomed addition, and we appreciate everything they are doing to improve their property and all of our views along the walkway.

Additionally, Mike and Margot are fantastic people and plan to reside in the property long-term making for great neighbours.

Thank you,

--

photo



**Jamie Arens**

Dealer Principal, Tricity Mitsubishi

Work: 604-464-3330 | Cell: 604-908-7072 |

[Jamie@tricitymitsubishi.ca](mailto:Jamie@tricitymitsubishi.ca) | [tricitymitsubishi.ca](http://tricitymitsubishi.ca) |

2060 Oxford Connector, Port Coquitlam, BC V3C 0A4





# DEVELOPMENT VARIANCE PERMIT

FILE NO: DVP-2021-07

TO: **Michael and Margaret Karda**

ADDRESS: **466 Marine Drive, GIBSONS, BC V0N 1V0** (Permittee)

- 1) This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Town of Gibsons applicable thereto, except those specifically varied or supplemented by this Permit.
- 2) The Development Variance Permit applies to those "lands" within the Town of Gibsons described below:

**Parcel Identifier: 010-897-321**

**Legal Description: LOT 1 BLOCK J DISTRICT LOT 686 PLAN 6401**

**Civic Address: 466 Marine Drive, Gibsons, BC V0N 1V0**

- 3) *Zoning Bylaw 1065, 2007* enacted under Section 489 of the *Local Government Act* is varied or supplemented as follows:
  - *Relax Section 14.6 (2), reducing the south interior side lot line setback from 10.5 m to 0.8 m to permit extension of the existing roof to cover the front porch,*
  - *Relax Section 14.6 (2), reducing the north interior side lot line setback from 10.5m to 4.5 m to permit the proposed north-east side deck;*
  - *Vary part 14.5 of the Zoning Bylaw to increase the maximum lot cover from 25% to 36%*
- 4) The "lands" described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part thereof; specifically:
  - *Site and development plans titled: Karda – Deck & Renovations Building Permit Application, 466 Marine Drive, Gibsons BC, dated 01/2021.*
- 5) If the Permittee does not commence the development permitted by this Permit within twelve months of the date of this Permit, this Permit shall lapse.
- 6) This Permit is NOT a Building Permit.

AUTHORIZING RESOLUTION **R2021-XXX** PASSED BY COUNCIL THE **XX** DAY OF **XXXX** 20XX. ISSUED THIS **XX** DAY OF **XXXX** , 201X.

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Bill Beamish, Mayor

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Rebecca Anderson, Corporate Officer



# STAFF REPORT

**TO:** Committee of the Whole **MEETING DATE:** October 5, 2021

**FROM:** Kirsten Rawkins **FILE NO:** 3220-Marine-466  
Planner I DVP-2021-07 & DVP-2021-09

**SUBJECT:** Flood Exemption and Variances for porch roof and deck construction at 466  
Marine Drive

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## RECOMMENDATIONS

**THAT the report titled Flood Exemption and Variances for porch roof and deck construction at 466 Marine Drive be received;**

**AND THAT notifications be sent to neighbours within 50m of the property to inform them of the requested property line setback variances.**

**AND FURTHER THAT these recommendations be forwarded directly to the Council meeting scheduled for October 5, 2021.**

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## BACKGROUND

The Town has received an application for a Development Variance Permit and Flood exemption to allow renovations to a single-family home at 466 Marine Drive. The applicants propose a covered extension of the existing second storey deck on the waterfront side of the home and a 1.2 m (3ft10") extension of the roof on the front (Marine Drive side) of the home to cover the existing concrete entry porch.

With required supporting geotechnical and environmental reports, the applicants have also applied to construct landscape retaining walls on the slope at the southeast side of the property to improve usability of the steeply sloped property.

The zoning of the property is CDA-1, which has restrictive lot line setback and lot cover requirements intended to allow existing single family uses while encouraging future lot consolidation and rezoning for multi-family uses. To overcome the restrictive setback requirements and allow renovations with a conservative lot cover typical for a single-family property, the applicants request that the side lot line setbacks and lot cover be varied.

In addition to the setbacks provided in the zoning and view protection areas, the zoning bylaw also designates a 15m flood plain for the waterfront property, as measured from the natural

Staff Report to Committee of the Whole – September 21, 2021

Flood Exemption and Variances for porch roof and deck construction at 466

Marine Drive

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boundary of the sea. To permit development of buildings or structures within the flood plain, a Flood Exemption is required, to be supported with a report by a qualified professional.

Development plans and a proposal summary are enclosed with this report as Attachments A and B. The Geotechnical Report supporting the Flood exemption is enclosed as Attachment C.

## PURPOSE

The purpose of this report is to share the development plans and geotechnical report and to obtain a decision on whether to proceed with notifying neighbours of the Development Variance Permit application. Neighbour feedback will be shared with Council prior to a decision on the applications.

## DISCUSSION

### Site and Proposal

The subject property at 466 Marine Drive is located on the waterfront, between Marine Drive and the Town's seawalk fronting Gibsons Harbour. Figure 1 shows the location of the property on Marine Drive.



Figure 1 – Location of property at 466 Marine Drive; Image shows existing home and non-conforming garage and boathouse not affected by the proposal.

Use on the property and the two neighbouring waterfront properties is single family dwellings. The dwelling and boathouse on the subject property are shown in photo records to have been built prior to 1964, prior to adoption of the current Zoning Bylaw, and as a result the home is considered to be legally non-conforming.

The owners are currently renovating the aging home for continued use as a single-family dwelling. The renovations to the home include the following:

- 1) Replacement of the existing deck on the waterfront side of the home with a larger, covered deck.

- 2) Extension of the existing roofline at the front of the property by 1.2m (3ft 10in) to provide shelter to the front porch entrance.
- 3) Construction of landscape retaining walls on the water side of the home to improve slope stability and usability of the lot and to allow for revegetation.

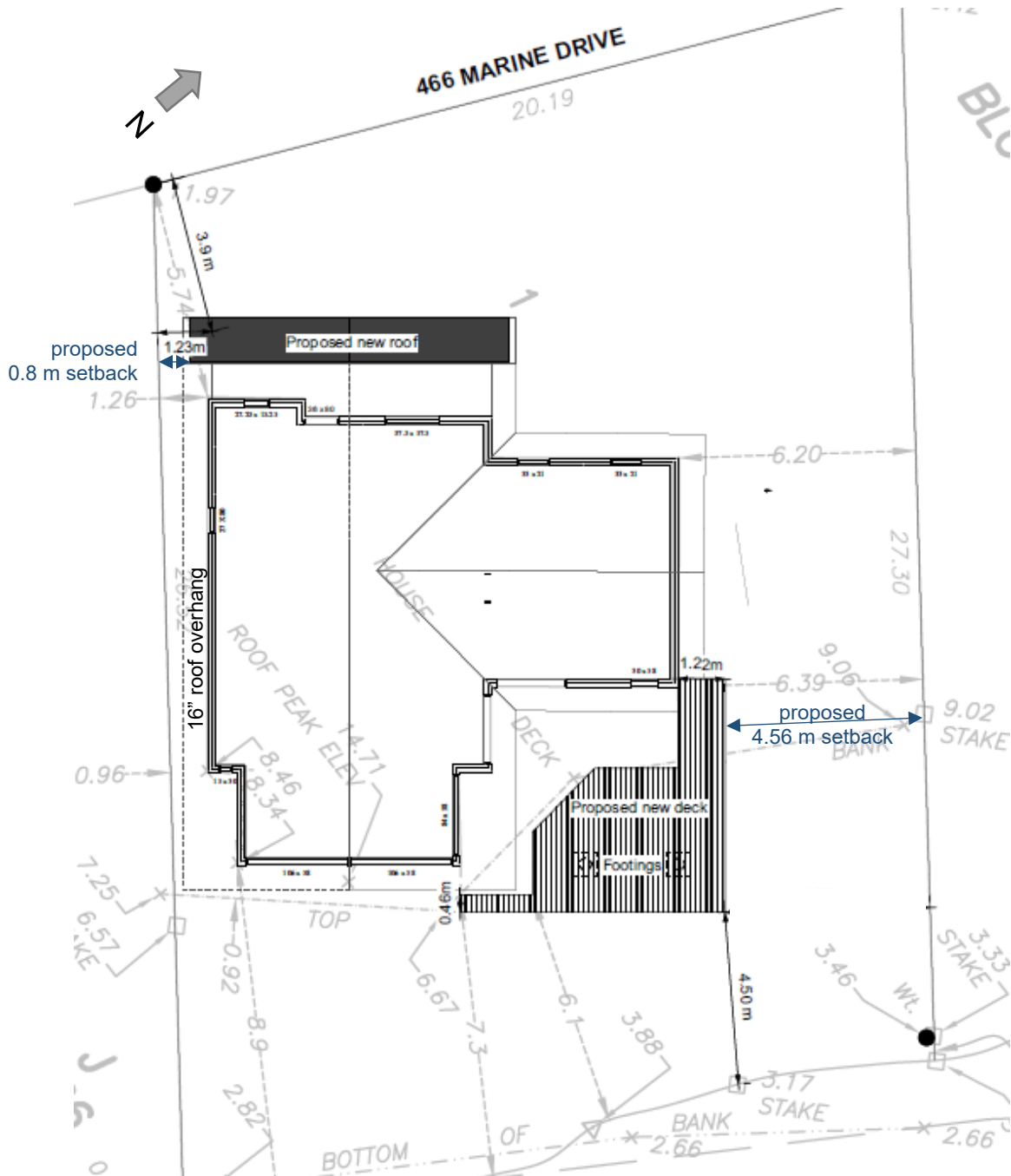


Figure 2 - Site Plan showing location of proposed new deck and extension of existing roof over front porch.



Staff Report to Committee of the Whole – September 21, 2021

Flood Exemption and Variances for porch roof and deck construction at 466  
Marine Drive

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Figure 2, above, is a site plan showing the location of the proposed roof extension and new deck. Figure 3, below, shows the proposed renovations in elevation view from the north side of the building.

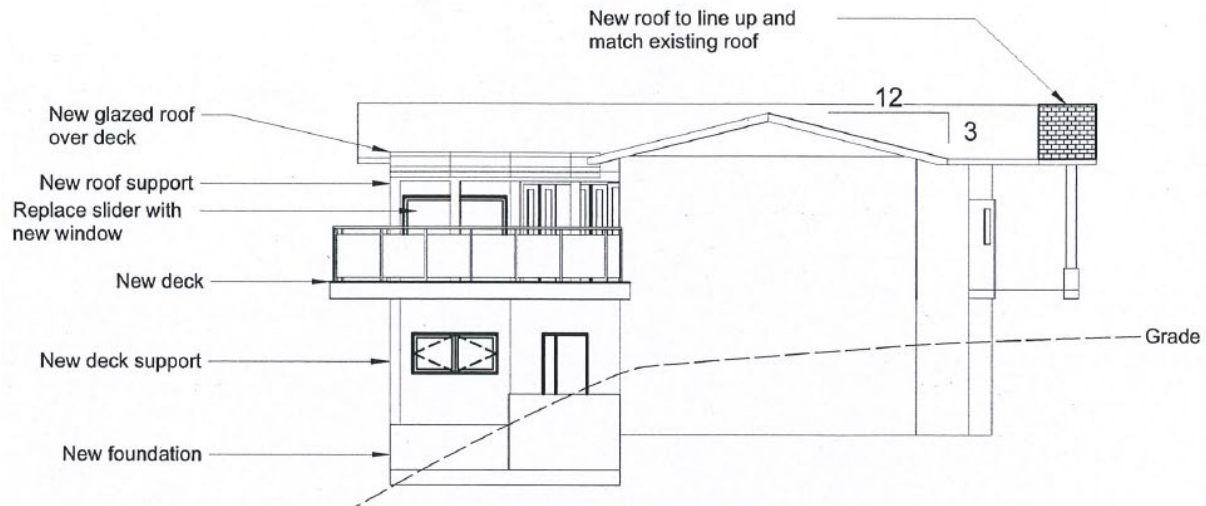


Figure 3 – North side elevation

Figure 4 shows the existing deck to be replaced.



Figure 4 - existing deck to be replaced.

Figure 5 shows the front porch to be covered with an extension of the existing roofline.

Staff Report to Committee of the Whole – September 21, 2021

Flood Exemption and Variances for porch roof and deck construction at 466  
Marine Drive

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Figure 5 - Existing front porch to be covered with extension of existing roofline.

## Zoning

Zoning of the property is CDA-1, which permits the existing single family use on the property, but includes very large (10.5 m) setbacks with the intent of discouraging new development without a zoning amendment consistent with the OCP, for which an update is understood to have been anticipated at the time.

The stated intent of the zone is:

*"to allow for existing uses to continue, pending receipt of development applications consistent with the Official Community Plan, and the completion of a comprehensive local area plan, while limiting new development that is not compatible with the Official Community Plan, policies, or does not have a local area plan context."*

The property at 466 Marine Drive is included in View Protection Subarea A, which further influences permitted siting and massing for development on the property. Table 1 summarizes the regulations of the Zoning Bylaw – CDA Zone and View protection Area regulations - as applicable to the proposed deck and porch renovations.



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Flood Exemption and Variances for porch roof and deck construction at 466

Marine Drive

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Table 1 – Zoning Summary

	<i>Regulation</i>	<i>Existing</i>	<i>Proposed</i>	<i>Notes</i>
Front setback (Marine Drive)	0.0m View Protection Area A	5.74	3.58 m	conforms
Rear setback (natural boundary)	4.5 m to deck (View Protection Area A)	7.3	4.5 to deck	conforms
North side lot line setback	10.5 m (CDA-1 Zone)  <i>Typical single family side yard setback in View Protection Area is 1.5 m on the least side with sum 4.5 m for both side yards.</i>	6.2 m	4.56 m	Requires variance for proposed deck
South side setback	10.5 m (CDA-1 Zone) <i>Typical side lot line setback is 1.5m for single family uses. The existing siting of the dwelling is within the typical setback.</i>	0.96 m with 0.4m roof overhang	0.8 m for new roof with overhang	Requires variance for proposed porch roof.
Lot cover	Max 25% (CDA 1 zone)  <i>Typical permitted lot cover for Single family zones is 45%-50%</i>	n/a	36%	Variance required for proposed deck coverage.

### Variance Request

As the proposed deck and porch construction do not meet the 10.5 m side property line setbacks or minimal lot cover permitted under the property's CDA-1 zoning, the following variances are requested:

- 1) *Relax part 14.6 (2) of the zoning bylaw as follows:*
  - a) *Reduce the south interior side lot line setback from 10.5 m to 0.8 m to permit extension of the home's existing roofline over the front porch,*
  - b) *Reduce the north interior side lot line setback from 10.5m to 4.5 m to permit the proposed north-east side deck,*



- 2) *Relax part 14.5 of the Zoning Bylaw, increasing the maximum lot cover from 25% to 36%.*

Staff have reviewed the requested variances with respect to Council's Policy on reviewing variances. The review is enclosed with this report as Attachment D. Based on the review, staff recommends issuance of the variances as proposed.

### **Flood Exemption**

Per authority granted in the Local Government Act, flood plain regulations for the Town of Gibsons are set out in section 4.11 of the Zoning Bylaw. The bylaw requires that for lots abutting the seashore, buildings and structures must not be located within 15.0 m of the natural boundary of the sea.

Per the Act, floodplain regulations in a zoning bylaw may be exempted if the local government considers it advisable and has received a report certified by a professional engineer or geoscientist experienced in geotechnical engineering that the land may be used safely for the use intended.

The applicants have submitted a report by Ground up Geotechnical in support of the proposed uses of the property (deck and retaining walls) within the designated flood setback. The geotechnical report is enclosed with this report as Attachment C.

Staff have reviewed the findings of the report and find that the recommendations meet the requirements of the Town and the Local Government Act for authorizing the requested exemption, subject to development conditions outlined in the report.

The report states:

*“Based on our geotechnical assessment, it is our opinion that construction of the new deck and retaining walls in general conformance with the geotechnical design provided herein:*

1. *Would not diminish the stability conditions of the existing slope.*
2. *Would not create a hazard to neighboring lands or land users.*
3. *Can be done so in a safe and practical manner which would not risk existing structures or uses on the property.*
4. *Would protect the slope toe from erosion during extreme oceanic storm events.”*

Staff find that the criteria for granting a Flood Exemption are met, in that:

- a) The proposed deck replacement and landscape retaining walls are advisable as they would enhance the usability, environmental resilience and appearance of the existing dwelling on the property without expected negative impacts to surrounding uses or the natural environment. Further, the proposed uses are not seen to impact long-term usability or adaptability of the foreshore to future climate change planning given that they

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Flood Exemption and Variances for porch roof and deck construction at 466

Marine Drive

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are minor improvements to an existing single-family dwelling that would not persist beyond the usable life of the home.

- b) A report by a Geotechnical Engineer is provided stating that the land may be used safely for the use intended.

Staff therefore recommend that the Flood Exemption for the deck and retaining walls be granted with the conditions that the recommendations of the report be followed and with the condition that a Section 219 covenant referencing the findings and recommendations of the report be registered to the property title as required under section 4.11 of the Zoning Bylaw.

## COMMUNICATION

The Variance application was referred on September 9, 2021 to the following agencies. At the time of this report, comments have been received from the Town's Building and Infrastructure Services Departments. Staff will report back with additional comments received prior to Council's decision.

Agency	Comments
Gibsons and District Volunteer Fire Dept.	No comments received at time of report
TOG Building Dept.	No concerns; Building Permit Required
TOG Infrastructure Services Dept.	No objections.

## Notifications

Per the Town's Development Application Procedures, notifications are to be sent to neighbours within 50m of the property to solicit feedback on the proposal for Council's review prior to a decision on the Development Variance Permit.

A draft copy of the neighbour notification is enclosed with this report as attachment E.

## POLICY / PLAN IMPLICATIONS

### Strategic Plan Implications

The Town's Strategic plan includes objectives around responding to a changing climate and also supporting affordable housing and the use of existing infrastructure. The proposal intends to revitalize and use existing housing infrastructure on the waterfront.

The siting of the existing structure may or may not be compatible with future Town planning for rising sea levels and increasing storm events as a result of the changing climate.

### **Financial Plan Implications**

Improvements to the home would be expected to increase value-based tax revenues from the property with no negative cost implications expected for the Town.

### **Official Community Plan**

As the property is within Geotechnical Hazards Development Permit Area No.1 and Environmentally Sensitive Development Permit Area No. 2, the required Development Permit applications have also been submitted and reviewed by staff for current and proposed work on the building and landscape. Development Permits are required before building permits can be issued.

### **NEXT STEPS**

With Council's Direction, staff will send notification letters to neighbours of the property with information about the application and an invitation to provide comments. Any comments will be shared with Council prior to a decision on the applications.

Should Council resolve to support the Variance and Flood exemption, the applicants may proceed with a Building Permit application for the Porch and deck construction.

Should Council deny the Variance and Flood Exemption, the applicants will not be able to obtain building permits for the proposed renovations.

### **RECOMMENDATIONS / ALTERNATIVES**

Recommendations are provided on page 1 of the report.

Alternatively, Council may reject the variance and flood exemption requests.

**Attachments**

- Attachment A – Development Plans
- Attachment B – Proposal Summary
- Attachment C – Geotechnical Report
- Attachment D – Review of Variances per Council Policy
- Attachment E – Draft Neighbour Notification

Respectfully Submitted,



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Kirsten Rawkins  
Planner I



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Lesley-Anne Staats, MCIP, RPP  
Director of Planning

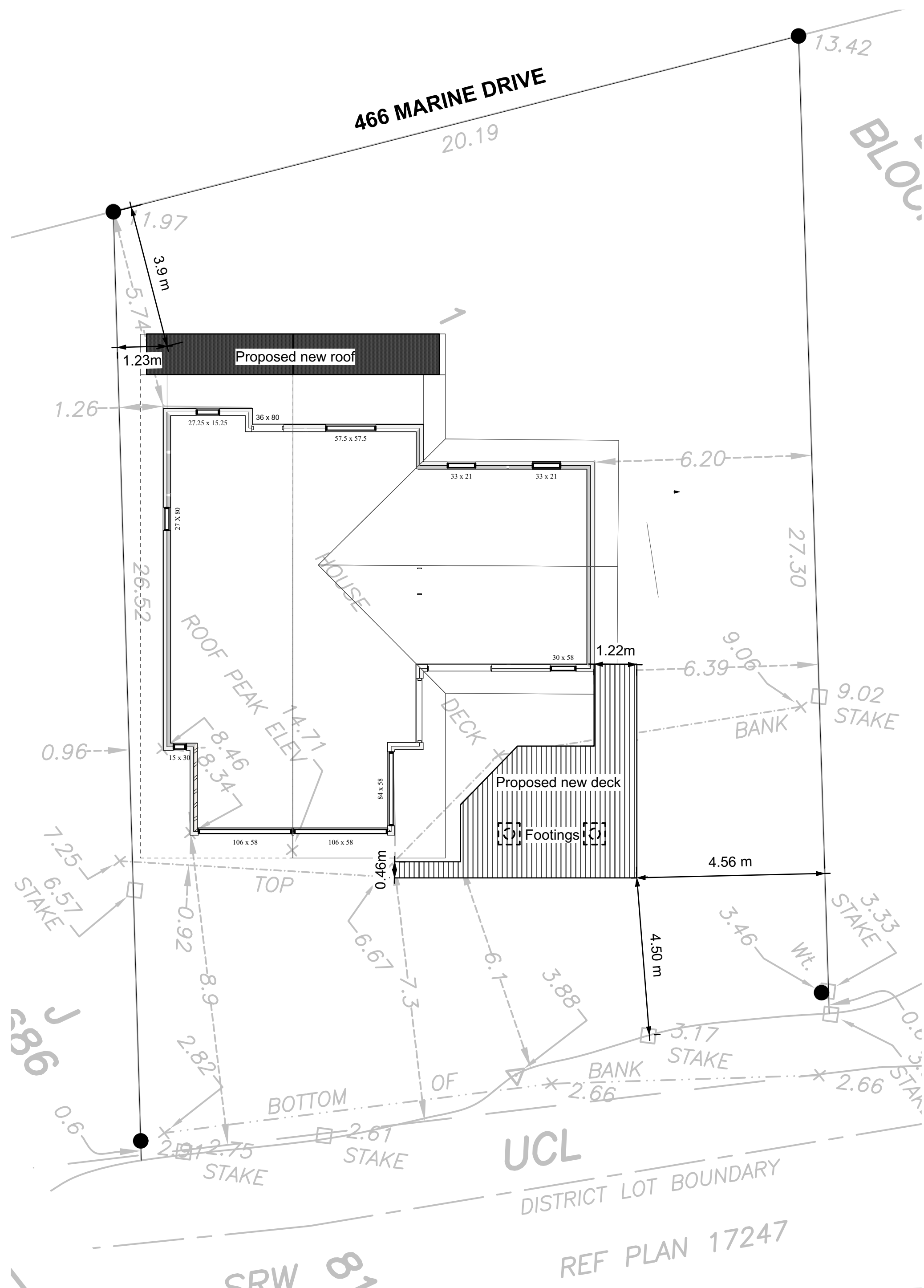
**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**

I have reviewed the report and support the recommendation(s).



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Mark Brown  
Chief Administrative Officer



**ADDITIONAL NOTES :**

- 1)
- 2)
- 3)
- 4)
- 5)

**GENERAL NOTE :**

KARDA RESIDENCE @ 466 MARINE DRIVE, GIBSONS

CODES AND BY-LAWS:

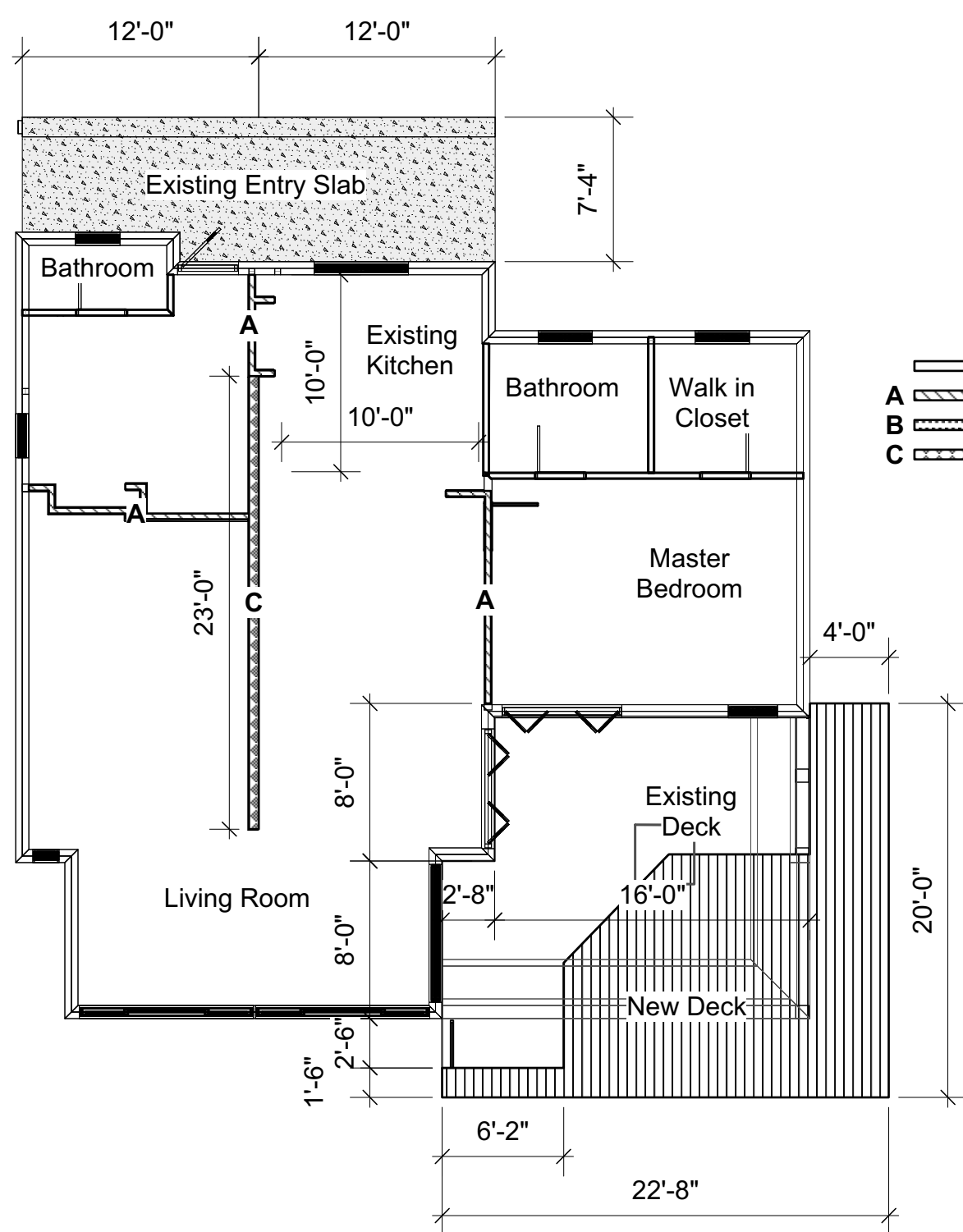
THE FOLLOWING REGULATIONS GOVERN THE REQUIREMENTS FOR THE CONSTRUCTION OF THIS PROJECT:

1. BRITISH COLUMBIA BUILDING CODE 2012
2. NATIONAL FIRE PROTECTION ASSOCIATION
3. PROVINCIAL PLUMBING AND ELECTRICAL CODES

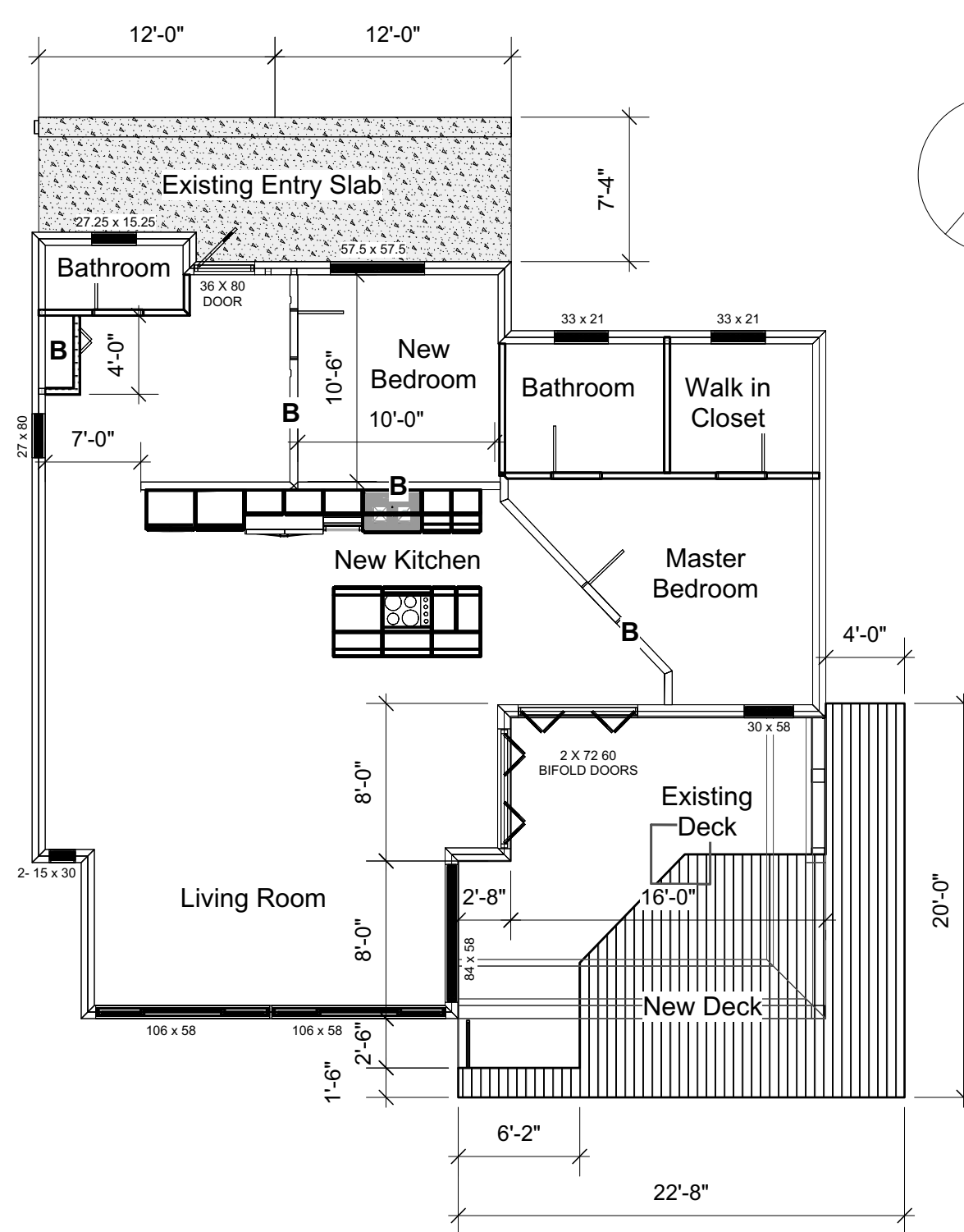
\* ANY PROBLEM CAUSED BY THE FAILURE TO COMPLY TO THE ABOVE REGULATIONS OR THE FAILURE TO INFORM THE ARCHITECT OF ANY DISCREPANCY CONTAINED WITHIN THIS SET OF DRAWINGS, OR ANY CHANGE NOTICE WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

1 SITE PLAN  
Scale: 1/8" = 1'-0"

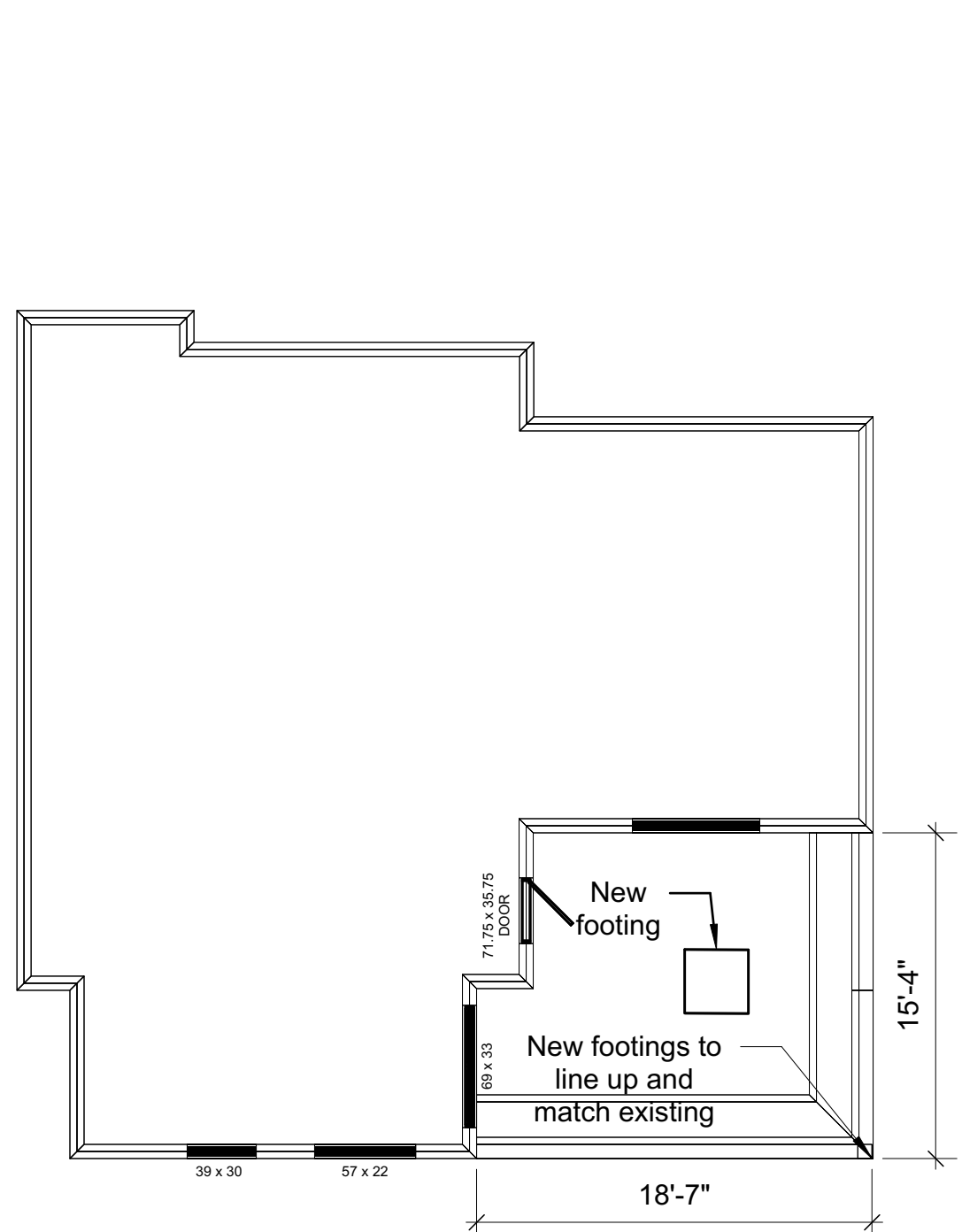
NO.	DATE	REVISION
392 - 12800 Mainsail Road Madeira Park V0N 2H0 email: madeiraparkshore@gmail.com cell: 604-989-1034		
madeiraparkshore@gmail.com		
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PROJECT TITLE: <b>KARDA - DECK &amp; RENOVATIONS BUILDING PERMIT APPLICATION</b>		
466 MARINE DRIVE GIBSONS, BC		
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DRAWN	BP	1
SCALE	1/8"=1'-0"	



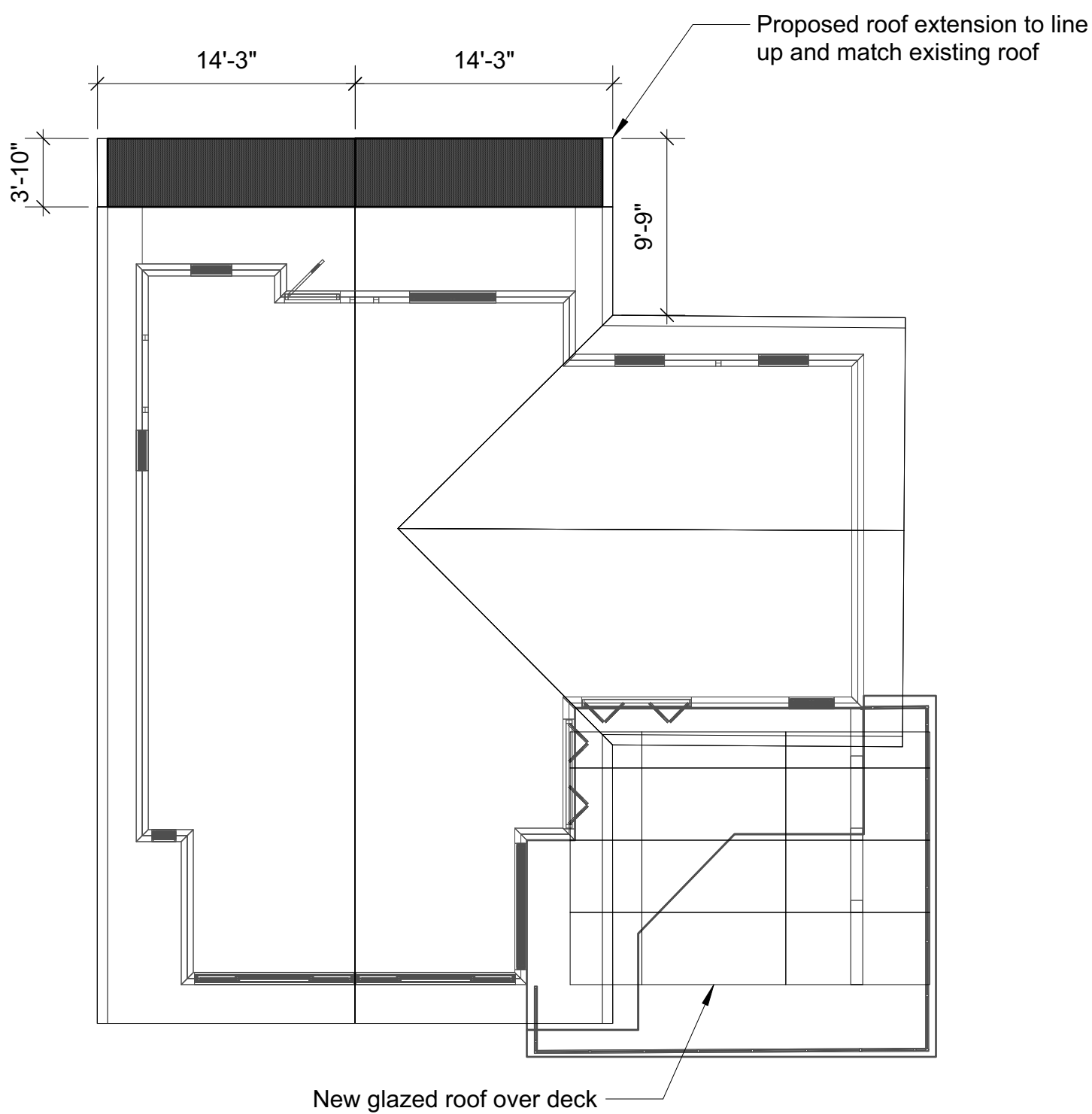
2 EXISTING 2nd FLOOR PLAN VIEW  
Scale: 1/8" = 1'-0"



3 NEW 2nd FLOOR PLAN VIEW  
Scale: 1/8" = 1'-0"

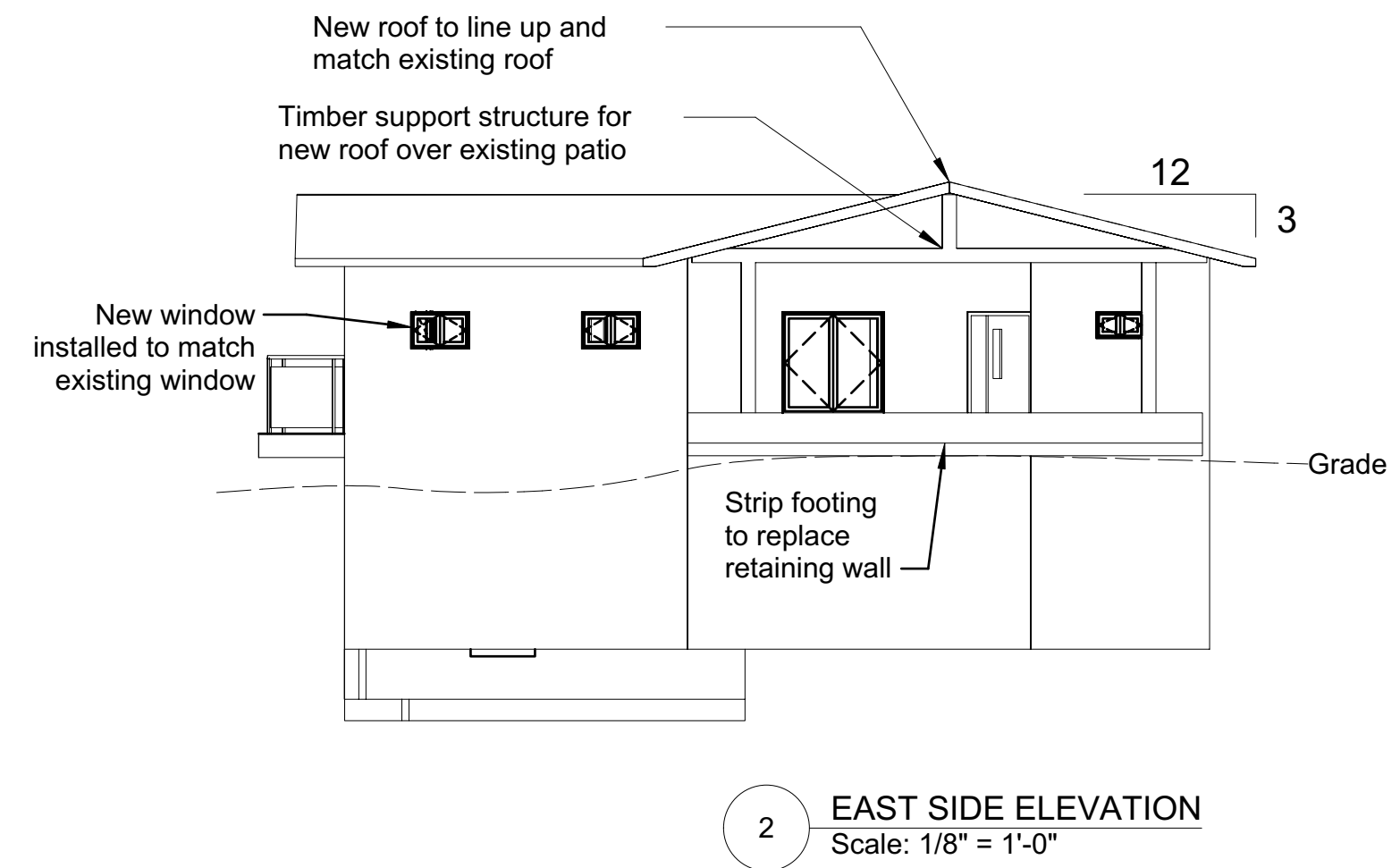
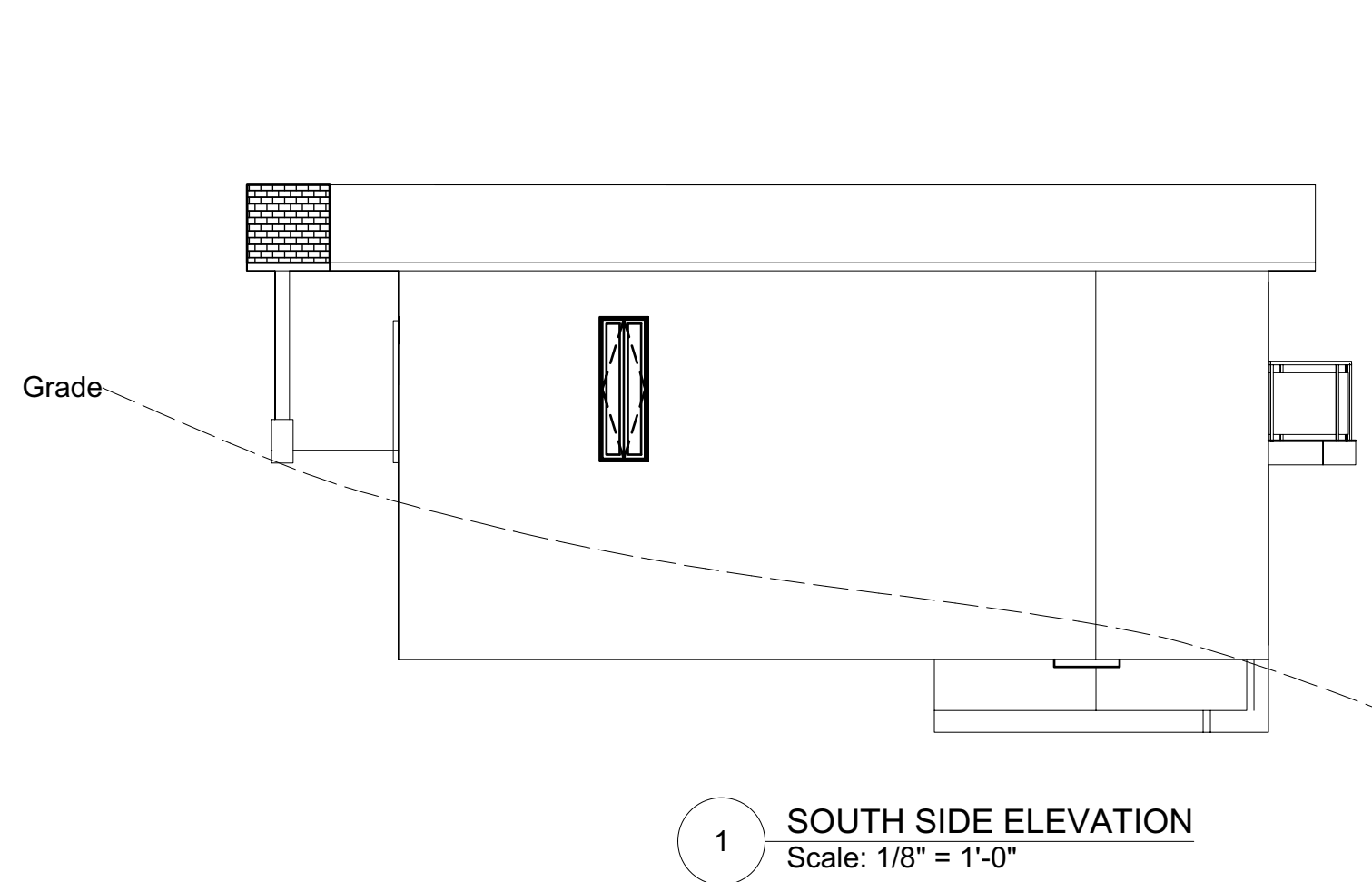
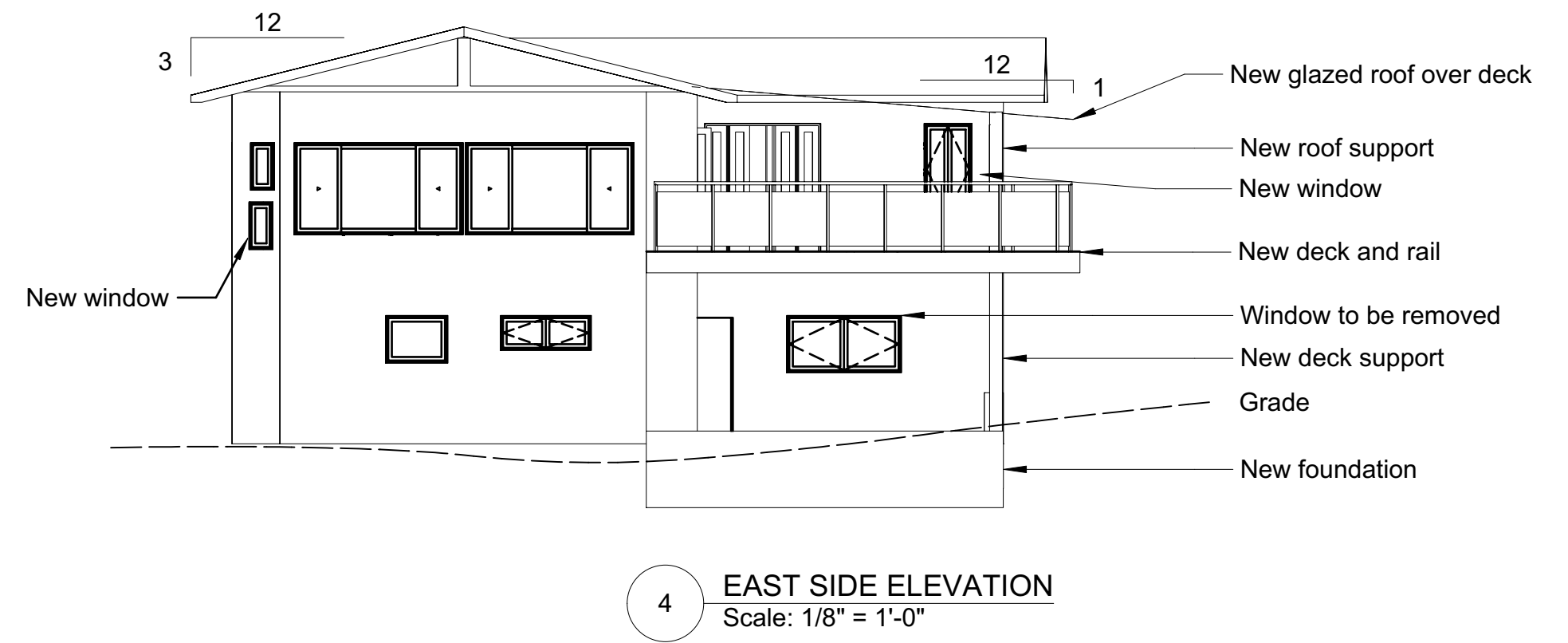
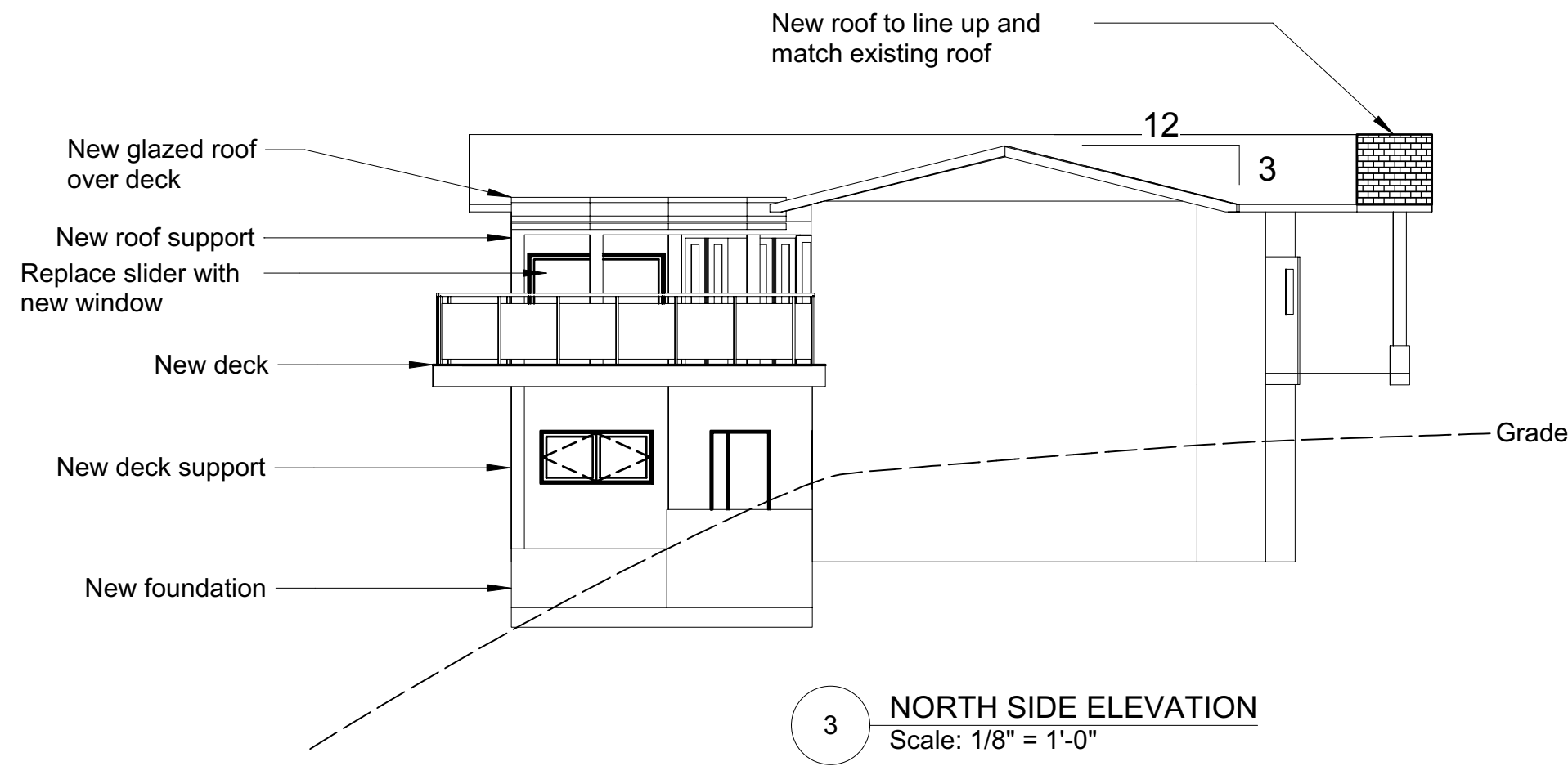


1 GROUND FLOOR PLAN  
Scale: 1/8" = 1'-0"



4 ROOF PLAN  
Scale: 1/8" = 1'-0"

NO.	DATE	REVISION
12800 Mainsail Road Madeira Park V0N 2H0 E: madeiraparker@gmail.com T: 604-883-9704 C: 604-989-1034		
madeiraparker@gmail.com		
Copyright reserved.		
This drawing and design are and shall at all times remain the exclusive property of Brent Parker and cannot be used or reproduced without written consent. Written dimensions shall have precedence over scaled dimensions. Contractor shall verify and shall be responsible for all dimensions and conditions on the job and the Architect shall be informed of any variations from the dimensions and conditions as shown on this drawing.		
PROJECT TITLE:		
KARDA - DECK & RENOVATIONS BUILDING PERMIT APPLICATION		
466 MARINE DRIVE GIBSONS, BC		
DRAWING TITLE		
FLOOR PLANS		
DATE	01/2021	DRAWING NO.  <b>2</b>
DRAWN	BP	
SCALE	1/8"=1'-0"	



NO.	DATE	REVISION
<p>392 - 12800 Mainsail Road Madeira Park V0N 2H0</p> <p>email: madeiraparkshore@gmail.com cell: 604-989-1034</p> <p>madeiraparkshore@gmail.com</p> <p>Copyright reserved. This drawing and design are and shall at all times remain the exclusive property of Brent Parker and cannot be used or reproduced without written consent. Written dimensions shall have precedence over scaled dimensions. Contractor shall verify and shall be responsible for all dimensions and conditions on the job and the Architect shall be informed of any variations from the dimensions and conditions as shown on this drawing.</p>		
<p>PROJECT TITLE: KARDA - DECK &amp; RENOVATIONS BUILDING PERMIT APPLICATION</p>		
<p>466 MARINE DRIVE GIBSONS, BC</p>		
<p>DRAWING TITLE: ELEVATIONS</p>		
DATE	01/2021	DRAWING NO.
DRAWN	BP	3
SCALE	1/8"=1'-0"	

July 1, 2021

**466 Marine Drive  
Development Variance  
Proposal Summary**

The owner's of the property located at 466 Marine, Mike and Margo Karda, are applying for a Development Variance Permit to accommodate a covered extension to their existing East facing (oceanside) deck as well as a small roof extension on the West side to provide a covered entrance area. The proposed additions will require a variance to reduce the current setbacks in the CDA-1 zone to those indicated on the site plans provided. The owner's intension is to improve the aesthetic and outdoor livability of the existing house without extensive alterations to the existing footprint. The proposed renovation will include new windows, roofing and siding with natural wood accents as well as a partial timber and glass cover over the proposed new deck. In addition with new ocean facing rock wall terraces and new landscaping, and under the supervision of environmental and geotechnical professionals, the property will receive a much needed revitalization while maintaining its seaside character and preserving the neighbouring viewsapes. The immediate neighbours have been consulted and they have no objections to the proposed design. Any questions can be directed to the renovation contractor Peter Cave at 604 740-1155 or [pc.cave@gmail.com](mailto:pc.cave@gmail.com)





**GROUND UP GEOTECHNICAL**

SOIL | FOUNDATIONS | ROCK | WATER

Call: 778.678.7654 Email: [info@groundupgeo.ca](mailto:info@groundupgeo.ca) Visit: [www.groundupgeotechnical.ca](http://www.groundupgeotechnical.ca)  
Box 151 Garibaldi Highlands, Squamish BC V0N 1T0

June 30, 2021

Project #: GUG 20-216-1

Lincoln Construction Ltd.  
BY EMAIL: [info@buildwithlincoln.ca](mailto:info@buildwithlincoln.ca)

**Attention: Mr. Erik Lincoln**

Re: Geotechnical Assessment Report for Proposed Deck & Retaining Walls  
Location: 466 Marine Drive, Gibsons BC  
Legal: Lot 1, Block J, DL 686, Plan 6401  
PID: 010-897-321

**1.0 INTRODUCTION**

We have completed a geotechnical assessment in support of the proposed construction of a new deck and landscape retaining walls at 466 Marine Drive in Gibsons BC (subject property). We understand the property owners desire to replace the existing deck and improve the usability of the steep slope at the rear of the property. The objective of our geotechnical assessment was to determine the geotechnical suitability of the proposed construction of a new deck and retaining walls on the rear slope at the property and to provide geotechnical recommendations and design for such.

The subject property is situated within the Town of Gibsons' "Geotechnical Development Permit Area No. 1" as defined within the Official Community Plan (OCP), and thus, geotechnical assessment of the land and a report is required to support construction of the proposed replacement deck and retaining walls. According to the Town of Gibsons' 'Schedule C – Geotechnical Hazards Development Permit Area No. 1' (from the Official Community Plan), the subject property is classified as "Low Geotech Hazard".

We attended the subject property on July 29 & December 17, 2020 as well as April 28, 2021, to meet with Margo & Mike Karda (property owners), Erik Lincoln of Lincoln Construction Ltd. (client & general contractor) and Jonathan Bacon of Tall Timber Excavating Ltd. (excavation contractor) and complete our geotechnical assessment of the slope and proposed deck and retaining wall locations. We also completed a subsurface geotechnical investigation of the soils conditions upon the slope. This report summarizes our observations, assessment, conclusions, development conditions and recommendations associated with the proposed deck and retaining walls. Our work has not included any assessment of the existing home or any other existing structures on the property. Our services and this report have been provided in accordance with, and are subject to, the attached Terms of Engagement.

## 2.0 PROPOSED DEVELOPMENT

We understand the property owners intend to replace the existing deck, and create some flat useable space upon the rear slope of the property by constructing terraced retaining walls. The new deck would expand on the footprint of the existing deck and add a roof and would require at least two new foundations.

## 3.0 SITE CHARACTERISTICS & OBSERVATIONS

As shown on the attached 'Site Plan' prepared by Strait Land Surveying Inc., the subject property lies along the marine shoreline Shoal Channel, immediately north of Gibsons Landing. The property is situated upon a steep slope stretching from Marine Drive down to a wide waterfront pathway and the marine shoreline of Shoal Channel. This same slope stretches across neighboring properties to the north and south, many of which have tiered retaining walls. Upon the subject property, the slope is broken into two main segments with a bench in between where an existing home is situated. A detached garage is built into the slope at the northernmost corner of the lot. Total vertical relief between Marine Drive and the waterfront pathway (bottom of slope) is approximately 11m.

The focus of our assessment was the lower segment of slope, extending up from the waterfront pathway to the existing home. This slope is approximately 6m high and is inclined at between 30 and 40 degrees (see Figures 1, 2 & 3 on the attached 'Site Photos'). The slope has several rows of rudimentary stacked rock walls which appear to be slumping down the slope. The slope is mostly bare of vegetation except for several small shrubs and a severely leaning and heavily pruned deciduous tree situated right on the northern property line near the toe of the slope. Areas with black landscape fabric were also visible across much of the slope. No signs of instability were observed on or around the slope. No groundwater seepage, or vegetation indicating recurring groundwater seepage (wet soil indicator plant species), were observed on or around the slope.

The subject property's eastern property boundary extends across the very bottom of the slope, elevated just above the slope toe (approximately 0.5m above). The property boundary is setback approximately 7.5m from the marine shoreline, or Present Natural Boundary (PNB), of Shoal Channel. According to the Site Plan, the small fenced yard at the base of the slope is not part of the subject property and is actually Unsurveyed Crown Land (labelled UCL on the Site Plan). Beyond the fenced yard, a wide flat gravel waterfront pathway is present just behind the marine shoreline. We suspect the waterfront pathway was likely created by landfill. The marine shoreline (PNB) is lined with large angular boulder rip rap. The toe of the slope is at an approximate elevation of 2.66m geodetic.

## 4.0 SUBSURFACE INVESTIGATION

On December 17, 2020, we completed penetration testing upon the slope in order to estimate the depth to competent bearing soils. Two penetration tests were completed using a 25mm diameter steel rod and 10kg hammer. The first test completed at the crest of the slope, in the location of the proposed new deck foundations, encountered approximately 2.5m of loose granular soils atop refusal on inferred hard/very dense soils or cobble/boulder. The second test near the toe of the slope





encountered approximately 1.5m of loose soils atop refusal on inferred hard/very dense soils or cobble/boulder.

On April 28, 2021, we returned to the property to complete three exploratory boreholes utilizing a mini excavator mounted power auger owned and operated by others. Due to access constraints, the boreholes could only be completed along the toe of the slope and approximately 4m up. Subsurface soil conditions consisted of 0.3m of loose/soft organic topsoil, atop 0.8m of firm sandy brown silt, atop stiff to very stiff tan silt with some sand and gravel.

Figure 1 within the reference paper, "*Surficial Geology and Sand and Gravel Deposits of Sunshine Coast, Powell River, and Campbell River Areas*"<sup>1</sup> suggests that the subject property is underlain by Capilano Marine & Glacio-Marine Deposits, which the paper describes as, "*varied gravelly, sandy, stoney, clay, and clay veneer, normally over till*". Our borehole results are consistent with the paper's soil description, and we believe this soil lithology likely underlies the entire property.

#### 5.0 GEOTECHNICAL ASSESSMENT & CONCLUSIONS

Based on the results of our subsurface investigation, we believe the slope is overlain with between 1m to 2.5m of loose soils which we consider to be unsuitable for foundation support for the proposed deck and retaining walls. Therefore, it is our opinion that the new deck foundations be lowered onto more competent soils at depth. Augured, cast in place, reinforced concrete piles would be appropriate foundation support and we understand such can be installed using local contractors and equipment. To further accommodate the loose surface soils upon the slope, we recommend the proposed retaining walls incorporate ultra-lightweight expanded polystyrene (EPS) foam blocks as backfill to minimize the weight added to the slope.

The proposed deck foundations would be setback from the Present Natural Boundary of the sea by approximately 14m, which we consider to be geotechnically sufficient given the foundations are to be lowered into competent soils at depth.

The toe of the slope is at an elevation of around 2.66m geodetic and we believe it may be at risk of erosion during extreme oceanic storm events (1:100 year, 1:200 year storm events), especially when considering the predicted climate change driven sea level rise. Construction of the proposed retaining wall near the toe of the slope would add erosion protection to the slope.

Based on our geotechnical assessment, it is our opinion that construction of the new deck and retaining walls in general conformance with the geotechnical design provided herein:

1. Would not diminish the stability conditions of the existing slope.
2. Would not create a hazard to neighboring lands or land users.

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<sup>1</sup> *Surficial Geology and Sand and Gravel Deposits of Sunshine Coast, Powell River, and Campbell River Areas*" authored by J.W. McCammon in 1977, and published by the BC Ministry of Mines & Petroleum Resources



3. Can be done so in a safe and practical manner which would not risk existing structures or uses on the property.
4. Would protect the slope toe from erosion during extreme oceanic storm events.

Based on our geotechnical assessment, it is our opinion that the slope can accommodate new deck foundations as well as retaining walls, but that such must be designed to avoid adding loading to the slope and constructed on competent bearing soils. The attached drawings 'Proposed Retaining Wall & Pile Foundations' display our geotechnical design for the proposed deck foundations and retaining walls.

As required for development proposals within "Geotechnical Development Permit Area No. 1" as defined within the 'The Town of Gibsons OCP', it is our professional opinion that the land described above as the 'proposed new deck & retaining wall locations', and shown as such on the attached drawings, may be used safely for the use intended, provided adherence to our development conditions contained herein.

Our definition of 'used safely' in the context of this report means that construction of the proposed new deck and retaining walls will not adversely impact the existing stability conditions upon the rear yard slope, and will not introduce any additional geohazard risk to inhabitants of the property or neighboring properties. As required by the *BC Building Code*, the *National Building Code*, and *Engineers and Geoscientists BC*, our assessment has considered a seismic event with an occurrence probability of 2% in 50 years, and a return period of 1:2,475 years.

## 6.0 DEVELOPMENT CONDITIONS

The proposed deck foundations and retaining walls are to be constructed on a steep soil slope adjacent the marine shoreline. To minimize geotechnical risk, the following must be incorporated into design and construction of the proposed deck and retaining walls:

1. Soil conditions below the proposed deck foundations and retaining walls must be reviewed by the geotechnical engineer at the start of excavation.
2. New deck foundations shall be designed and field reviewed by both a professional geotechnical engineer and structural engineer.
3. The proposed retaining walls have not been designed to support excess surface loading caused by items such as pools and hot tubs etc. and such items must remain off the terraces above and below the retaining walls.
4. Rainwater from the home's roof and deck shall be collected and piped to either the Town of Gibsons stormwater system, or to the base of the slope within non-perforated UV resistant PVC pipe, where it may be discharged onto a non-erodible surface such as a pile of boulders.
5. While not a geotechnical item, we recommend the property owners consider either installing a handrail or rope or landscaping along the tops of the retaining walls in a manner which prevents accidental falls by inhabitants and guests of the property.





Lincoln Construction Ltd.  
466 Marine Drive, Gibsons BC

June 30, 2021

## 7.0 CLOSURE

This report was prepared in accordance with current geotechnical engineering practices and principles in British Columbia. This Geotechnical Assessment has considered APEGBC's 'Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia'. Attached is our completed *Appendix D: Landslide Assessment Assurance Statement*.

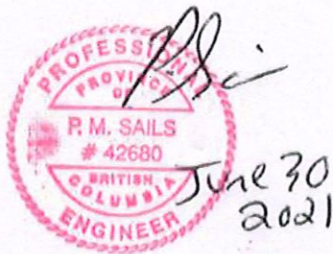
The conclusions in this report are provided based upon the assumption that either Ground Up Geotechnical Ltd. or another qualified Geotechnical Engineer will provide construction field reviews of the excavation, foundation preparation, and construction for the new deck foundations and proposed retaining walls.

This report has been prepared exclusively for our client, their agents, and their design and construction team, yet remains the property of Ground Up Geotechnical Ltd. Margo & Mike Karda (property owners) as well as the Town of Gibsons are also considered authorized users of this report.

Any use of this report by third parties, or any reliance on or decisions made based on it, are the responsibility of such third parties. Ground Up Geotechnical Ltd. does not accept responsibility for damages suffered, if any, by a third party as a result of their use of or reliance on this report.

We trust that this report provides you with the information you require at this time, please do not hesitate to contact us if you have any questions or require anything further.

Sincerely,  
Ground Up Geotechnical Ltd.



Patrick Sails, P.Eng.  
Geotechnical Engineer

Attachments – Terms of Engagement  
SCRD Property Report  
Site Plan - Strait Land Surveying Inc. August 28, 2020  
Site Photos  
Proposed Retaining Wall & Pile Foundations (Drawings – 2 Sheets)  
Ground Up Geotechnical Ltd. Certificate of Insurance





## TERMS OF ENGAGEMENT

## GENERAL

Ground Up Geotechnical Ltd. (the Consultant) shall render the Services, as specified in the agreed Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage sub-consultants to perform all or any part of the Services.

## COMPENSATION

Charges for the Services rendered by the Consultant will be made in accordance with the Consultants Fee Estimate and/or Schedule of Fees if such was provided. All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client within 30 days of receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

## REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

## TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

## ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater.

## PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

## INSURANCE

Ground Up Geotechnical Ltd. is covered by Professional Indemnity Insurance as well as Commercial General Liability Insurance.

## LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

1. the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
2. the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
3. any cross-contamination resulting from subsurface investigations;
4. any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
5. any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
6. the unauthorized distribution of any confidential document or report prepared by or on behalf of the Consultant for the exclusive use of the Client;
7. Any damage to subsurface structures and utilities;

The Consultant will make all reasonable efforts prior to and during subsurface site investigations to minimize the risk of damaging any subsurface utilities/mains. If, in the unlikely event that damage is incurred where utilities were unmarked and/or undetected, the

Consultant will not be held responsible for damages to the site or surrounding areas, utilities/mains or drilling equipment or the cost of any repairs.

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the date of discovery of such defect.

#### DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant review and revise these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a miss-statement or receipt of fraudulent information.

#### JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

#### FIELD SERVICES

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work of the Client, or a contractor retained by the Client, is being carried out in general conformity with the intent of the Services. Any reduction from the level of services recommended will result in the Consultant providing qualified certifications for the work.

#### DISPUTE RESOLUTION

If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the arbitrator appointed by agreement of the parties or by reference to a Judge of the British Columbia Court.





# SCRD Maps

## Property Report

### 466 MARINE DR

9/17/2020

Folio: 524.00697.000      PID: 010-897-321

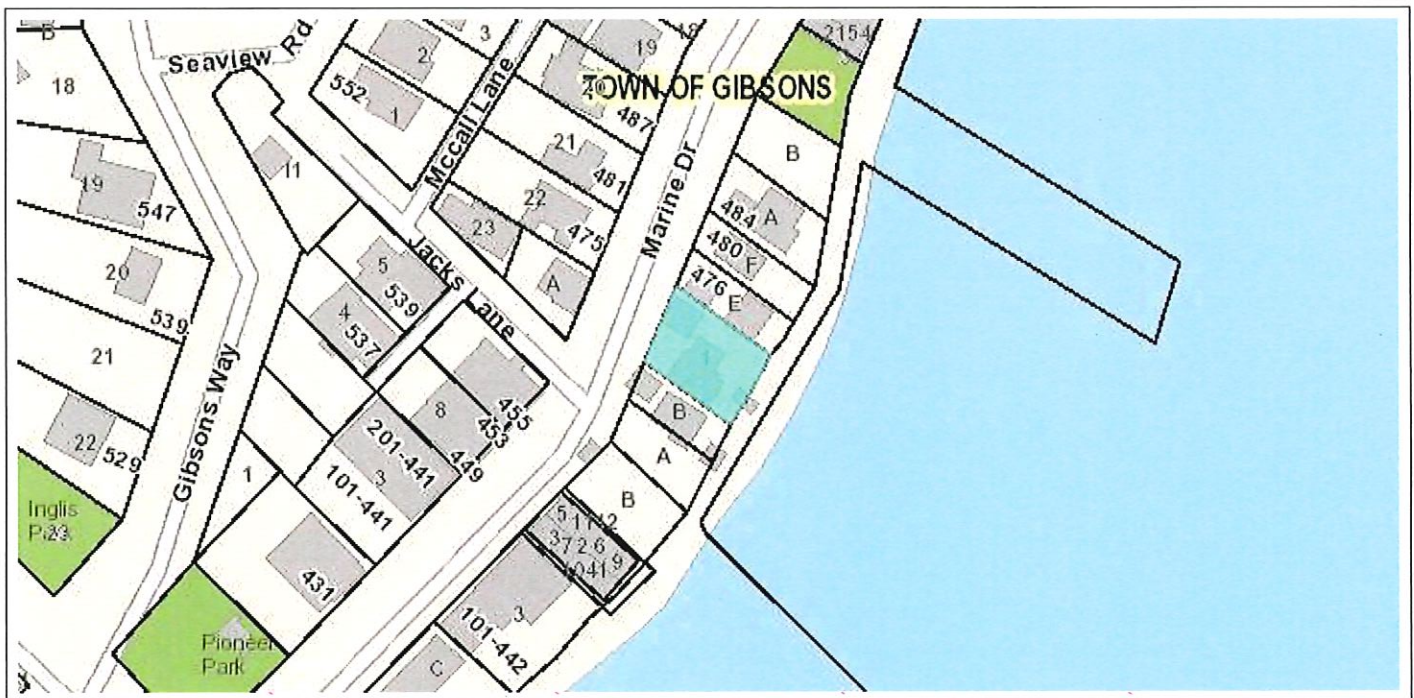
Address: 466 MARINE DR

Jurisdiction: Gibsons

Lot: 1      Block: J      Plan: VAP6401      District Lot: 686

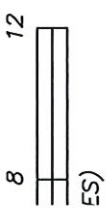
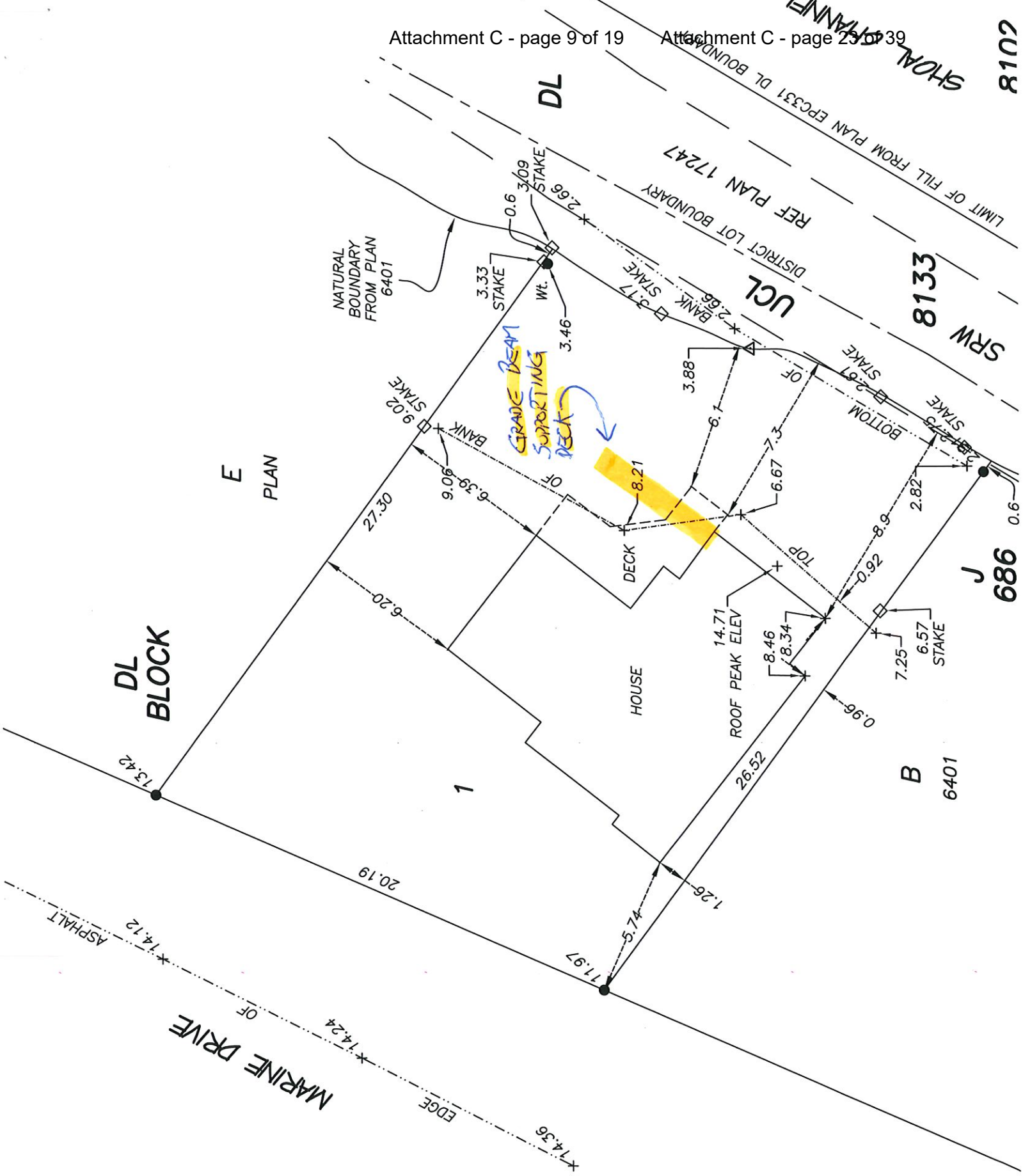
2020 Assessed Value: 1144000      Land Value: 984000      Improvement Value: 160000

Approximate Lot Size (BC Assessment): 5742 SQUARE FEET





SHOAL CHANNEL



OST FOUND.

SET.

SET.

LAND.

FIELD TIES REGISTERED

WALL.

S AND ARE CAL DATUM OBSERVATIONS

NS, BC

RE MICHAEL



## Site Photos



Figure 1: Current state of rear yard slope, looking west from waterfront path. Wood stakes with orange flagging delineate property boundary.



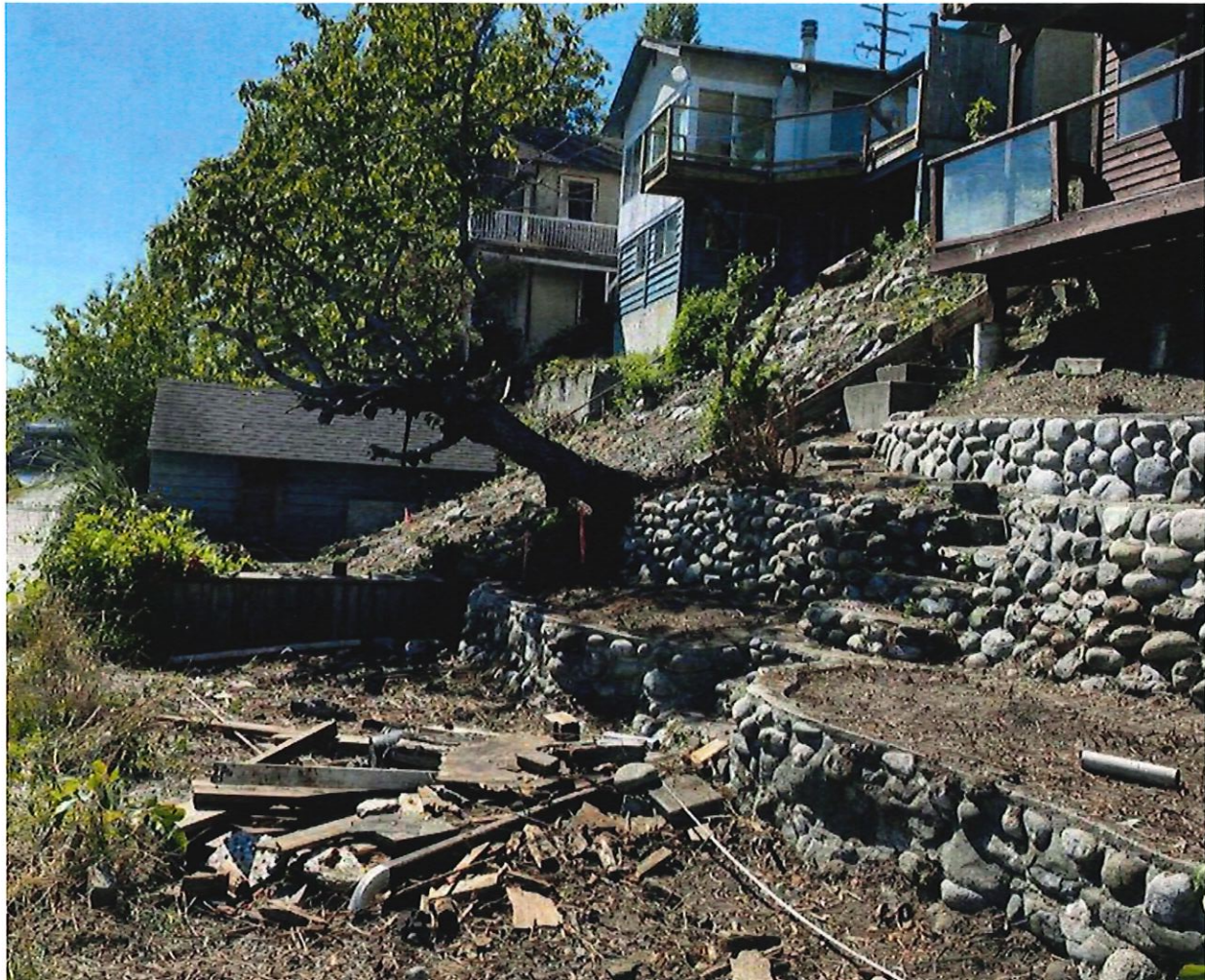


Figure 2: Looking south across neighbors' property towards subject slope. Note neighbor's tiered retaining walls.





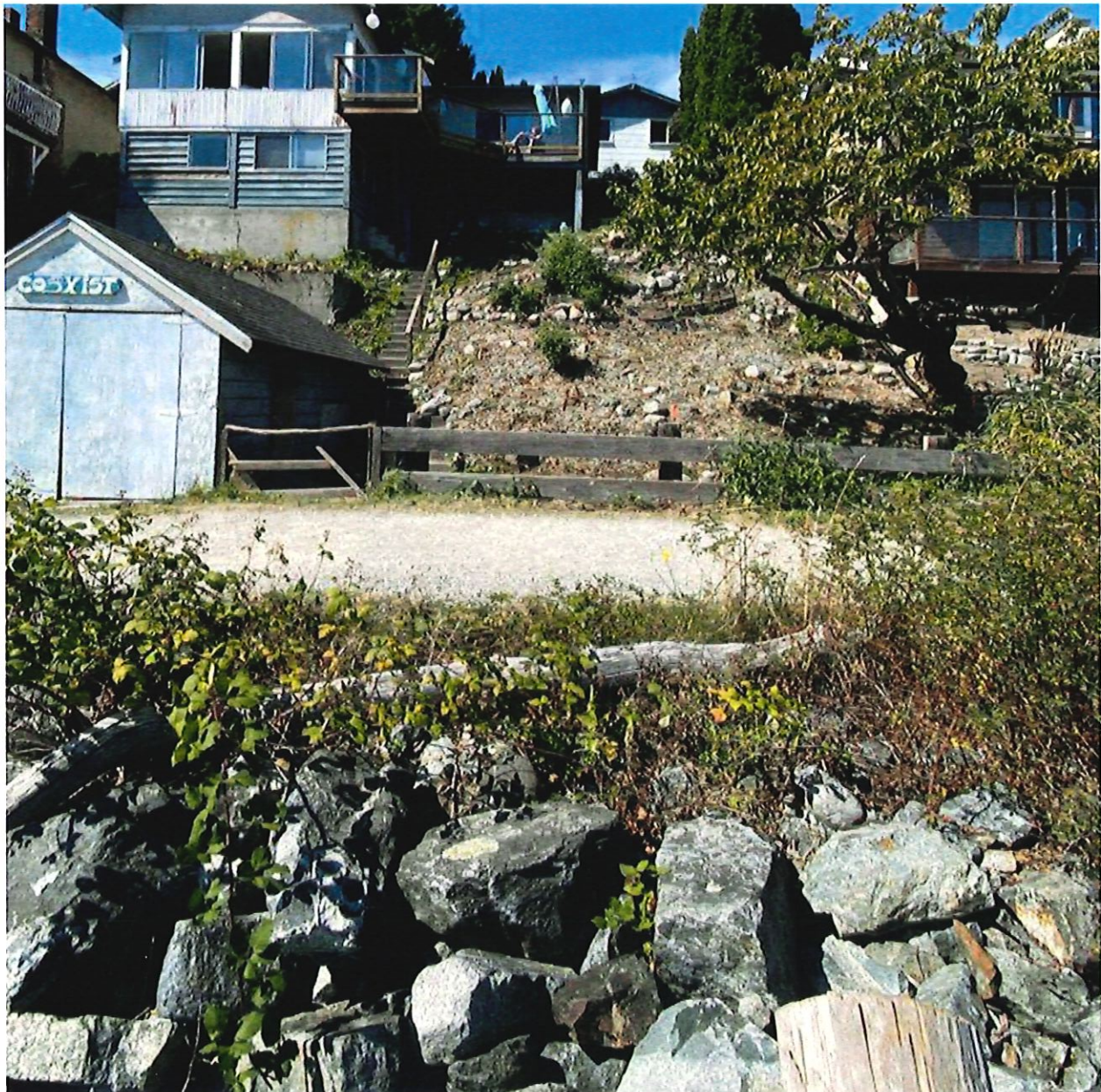
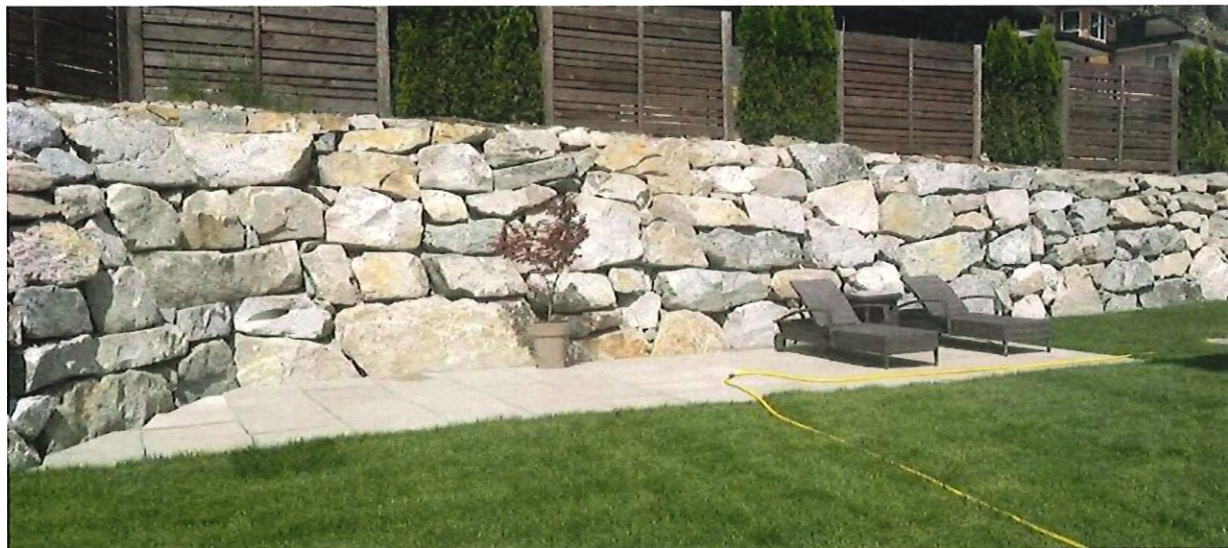


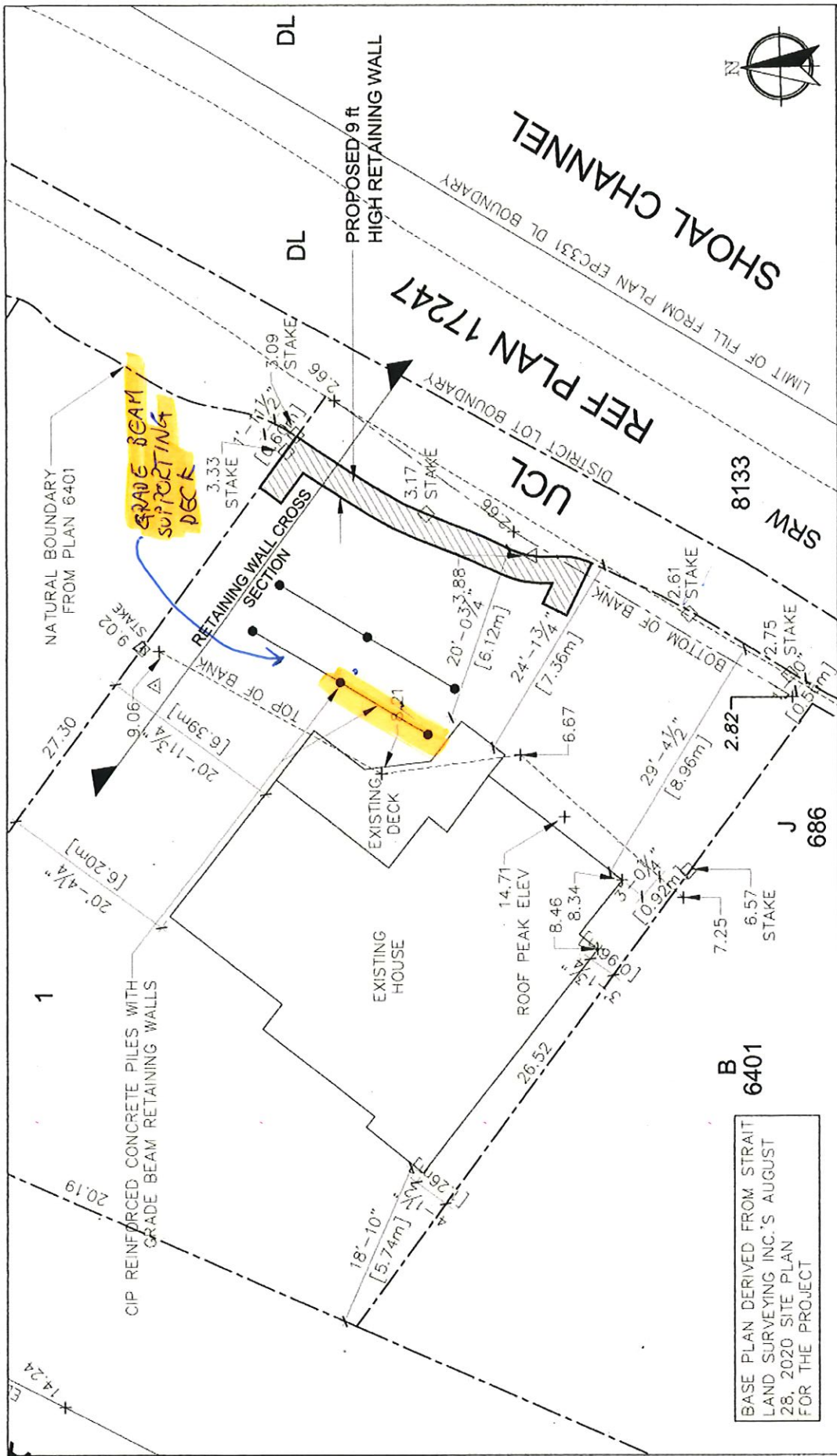
Figure 3: Rear yard slope and proposed retaining walls (looking west from marine shoreline)








Figures 4 & 5: Example of 2.5m high stacked boulder retaining wall recently built in Squamish BC



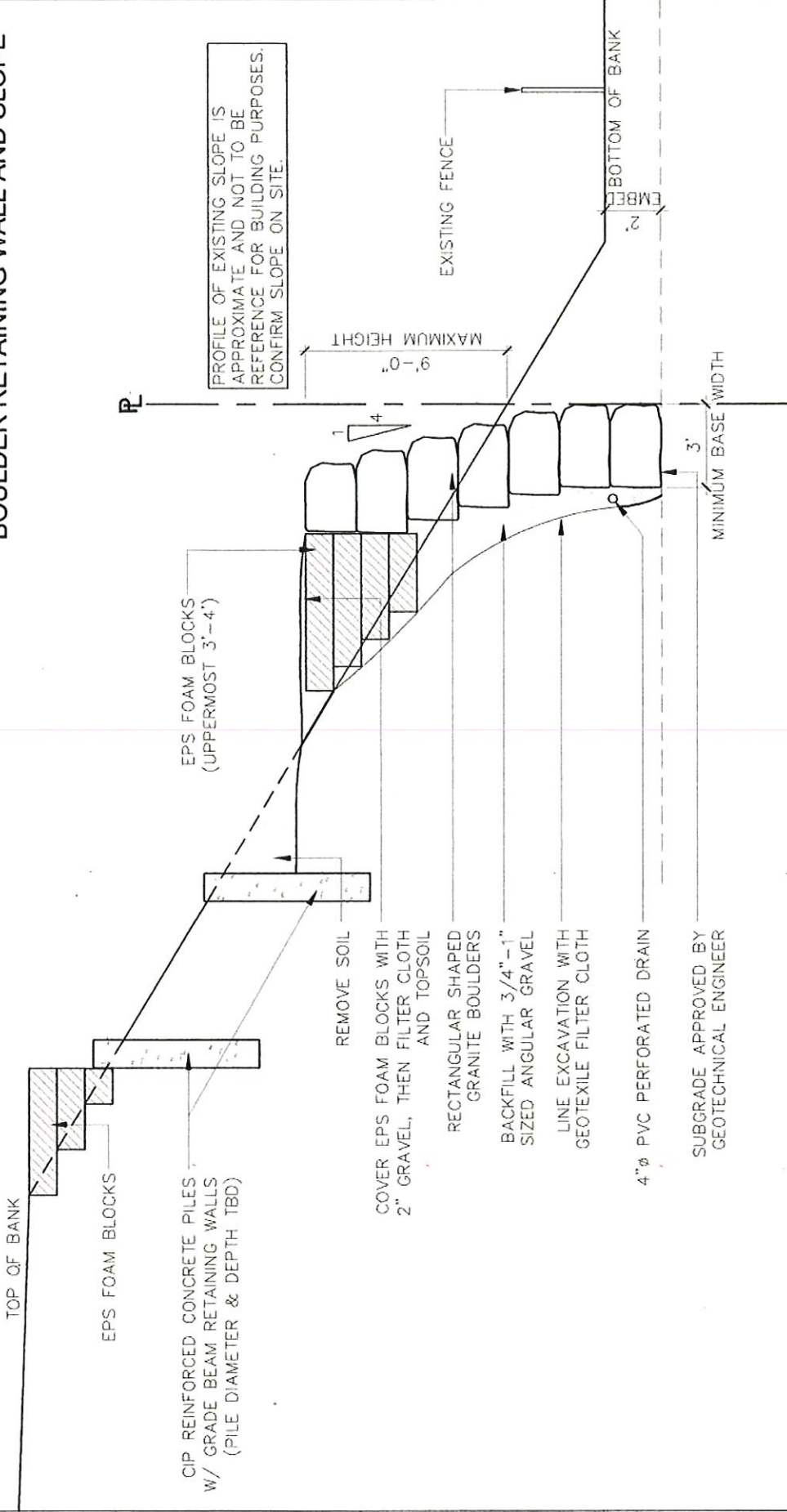
**B**  
**6401**

BASE PLAN DERIVED FROM STRAIT  
LAND SURVEYING INC.'S AUGUST  
28, 2020 SITE PLAN  
FOR THE PROJECT

 <p><b>GROUND UP GEOTECHNICAL</b> SPECIALIZING IN FOUNDATIONS, ROCK, WATER</p> <p>Ground Up Geotechnical Ltd. 778-678-7654 info@groundupgeo.ca www.groundupgeotechnical.ca Box 151 Garibaldi Highlands Squamish, BC V0N 1T0</p>	<p><b>PROPOSED RETAINING WALL &amp; PILE FOUNDATIONS</b></p> <p>466 Marine Drive Gibsons, BC</p> <p><b>LOCATION PLAN</b></p>	<p>Date: APRIL 26 2021</p> <p>Designed By: PMS</p> <p>Drawn By: JGK</p> <p>Scale: 1/16" = 1'-0"</p> <p>Project Number: 20-216-1</p>
	<p>Drawing Title:</p> <p><i>P.M. SAILS</i> PROFESSIONAL SEAL P.M. SAILS # 42680 BRITISH COLUMBIA ENGINEER</p> <p><i>April 27 2021</i></p>	



TYPICAL SECTION OF STACKED BOULDER RETAINING WALL AND SLOPE



**PROPOSED RETAINING WALL & PILE FOUNDATIONS**  
 466 Marine Drive  
 Gibsons, BC

**SECTION DETAIL**

**GROUND UP GEOTECHNICAL**  
 BEST PRACTICE DESIGN SERVICES

Ground Up Geotechnical Ltd.  
 778-678-7654  
 info@groundupgeo.ca  
 www.groundupgeotechnical.ca  
 Box 151 Garibaldi Highlands  
 Squamish, BC V0N 1T0

**PROFESSIONAL ENGINEER**  
 F. M. SAILS  
 # 42680  
 BRITISH COLUMBIA ENGINEERS

APR 26 2021

Date: APRIL 26 2021  
 Designed By: PMS  
 Drawn By: JGK  
 Scale: 3/16" = 1'-0"  
 Project Number: 20-216-1

Drawing Title:



## APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Town of Gibsons

Date: JUNE 30, 2021

Jurisdiction and address

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: Lot 1, Block J, DL 686, Plan 6401

Legal description and civic address of the Property

466 Marine Dr., Gibsons, BC

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
  - 6.2 estimated the *landslide hazard*
  - 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
  - 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
  - 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:



- 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- 8.3 compared this guideline with the findings of my investigation
- 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions<sup>[1]</sup> contained in the attached *landslide assessment* report,

Check one

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- with one or more recommended registered covenants.
- without any registered covenant.

- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".

- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- with one or more recommended registered covenants.
- without any registered covenant.

- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".

- for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Patrick M. Sails  
 Name (print) \_\_\_\_\_  
 Signature \_\_\_\_\_

June 30, 2021  
 Date \_\_\_\_\_

[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion, in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".



Box 151 Garibaldi Highlands  
 Address  
Swanish BC VON ITO  
778-678-7654  
 Telephone



If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Ground Up Geotechnical Ltd.  
 and I sign this letter on behalf of the firm. (Print name of firm)

**BROKER**

FX INSURANCE BROKERS LTD.  
SUITE 114, 3218 JACKLIN ROAD  
VICTORIA, BC V9B 0J5

BROKER'S CLIENT ID: **GROUU-1** CERTIFICATE NUMBER: **2021-01**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below

**COMPANIES AFFORDING COVERAGE**

**INSURED'S FULL NAME & MAILING ADDRESS**

Ground Up Geotechnical Ltd.  
PO Box 151  
Garibaldi Highlands, BC

V0N 1T0

- COMPANY A Wawanesa Mutual Insurance Company
- COMPANY B HDI Global Specialty SE - Canadian Branch
- COMPANY C
- COMPANY D

**COVERAGES**

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this Certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.  
**LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.**

TYPE OF INSURANCE	CO LTR	POLICY NUMBER	POLICY EFFECTIVE DATE (YY/MM/DD)	POLICY EXPIRATION DATE (YY/MM/DD)	LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise)	
<b>COMMERCIAL GENERAL LIABILITY</b> <input checked="" type="checkbox"/> CLAIMS MADE OR <input type="checkbox"/> OCCURRENCE <input checked="" type="checkbox"/> PRODUCTS AND/OR COMPLETED OPERATIONS <input checked="" type="checkbox"/> EMPLOYERS' LIABILITY <input checked="" type="checkbox"/> CROSS LIABILITY  <input checked="" type="checkbox"/> TENANT'S LEGAL LIABILITY <input checked="" type="checkbox"/> NON-OWNED AUTOMOBILE <input checked="" type="checkbox"/> HIRED AUTOMOBILES <input type="checkbox"/> POLLUTION LIABILITY EXTENSION	A	35777930	21/02/26	22/02/26	EACH OCCURRENCE	\$2,000,000
					GENERAL AGGREGATE	\$5,000,000
					PRODUCTS-COMP/OP AGG	\$2,000,000
					PERSONAL INJURY	\$2,000,000
					TENANTS LEGAL LIABILITY	\$2,000,000
					MED EXP (Any one person)	\$10,000
					NON-OWNED AUTO	\$2,000,000
					OPTIONAL POLLUTION LIABILITY EXTENSION	\$--
					(Per Occurrence)	\$--
					(Aggregate)	\$--
<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> DESCRIBED AUTOMOBILES <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> LEASED AUTOMOBILES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <small>**ALL AUTOMOBILES LEASED IN EXCESS OF 30 DAYS WHERE THE INSURED IS REQUIRED TO PROVIDE INSURANCE</small>					BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$--
					BODILY INJURY (Per Person)	\$--
					BODILY INJURY (Per accident)	\$--
					PROPERTY DAMAGE	\$--
<b>EXCESS LIABILITY</b> <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM (Specify)					EACH OCCURRENCE	\$--
					AGGREGATE	\$--
<b>OTHER LIABILITY (SPECIFY)</b> <input checked="" type="checkbox"/> ERRORS & OMISSIONS (Claims Made)	B	CC0060020000	21/02/26	22/02/26	EACH OCCURRENCE	\$1,000,000
					AGGREGATE	\$1,000,000

**ADDITIONAL INSURED**, but only with respect to liability arising out of the operations of the Named Insured.  
N/A

**DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS**  
Engineering and Consulting

**CERTIFICATE HOLDER**

To Whom it may concern.

SIGNATURE OF AUTHORIZED REPRESENTATIVE  
FX INSURANCE BROKERS LTD.

Per: 

FAX NUMBER  
866.828.7679

EMAIL ADDRESS  
droddick@fxinsurance.ca

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail n/a days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives

PRINT NAME INCLUDING POSITION HELD  
**Doug Roddick, CAIB**  
Senior Account Executive  
DIRECT 250.217.7097

**This policy contains a clause(s) which may limit the amount payable.**



## Staff Review of Variance Request for 466 Marine Drive per Council Policy 3.9

September 28, 2020

Council Policy 3.9 provides a framework for Council to assess variance requests. Staff have reviewed the proposal at 466 Marine Drive with the Policy's criteria as outlined below:

- (1) *The request is not within the jurisdiction of the Board of Variance;*

The request is not considered to be within the jurisdiction of the Board of Variance.

- (2) *The same request has not been previously denied by the Board of Variance;*

The application has not been presented to the Board of Variance.

- (3) *The variance will not result in significant negative impacts on neighbouring properties;*

The potential impacts to neighbouring properties include minimal additional roof overhang area encroaching in the setback at the northwest corner of the existing home, within the alignment of the existing roof and building wall. The new deck on the water side of the home would be located with a setback larger than is typical for a single family home and with a water side setback that is consistent with surrounding development. Therefore, staff do not expect that the variances would cause any significant negative impacts for neighbouring properties. The applicants report that they discussed the proposal with immediate neighbours and that no concern was expressed.

- (4) *There is a demonstrated need for the variance in order to permit reasonable use of the property;*

The current setbacks and lot cover in the CDA-1 zone impact nearly any proposed alteration to the home. Therefore staff find that a variance is required to permit reasonable use of the property including typical home improvements.

- (5) *The overall intent of the original bylaw requirement or standard is not compromised;*

The intent of the CDA-1 zone is to permit continued single family use of the property but restrict redevelopment without a change of zoning consistent with the OCP. As the proposal is to maintain the existing single family use, the intent of the Bylaw is not compromised.

- (6) *The variance does not appear to establish a precedent for other properties but responds to a site-specific situation or difficulty.*

The need for the variance is related to the existing non-conforming siting of the home and therefore presents a site-specific situation in relation to the zoning regulations.

- (7) *As per the (Municipal Act) Local Government Act provisions, does not result in a change in land use or an increase in permitted density;*

No change in land use or density are proposed.

- (8) *The variance results in suitable development that is an asset and compatible in the context of surrounding uses;*

Staff finds that the variance would allow for improvement of the building and landscape that would be an asset to the neighbourhood and compatible with surrounding uses.

- (9) *In the case of variance of specific development standards for off-site servicing, that any additional costs that may be incurred by the municipality or future landowners are considered.*

The variance will not affect design standards for off-site servicing.



# TOWN OF GIBSONS

PO Box 340  
474 South Fletcher Road  
Gibsons BC | V0N 1V0

T 604-886-2274

F 604-886-9735

info@gibsons.ca

www.gibsons.ca

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September 29, 2021

Dear Property Owner\Tenant:

**RE: Notice of Development Variance Permit Application (DVP-2021-07) at 466 Marine Drive**

This letter is to advise you that the Town of Gibsons has received an application at 466 Marine Drive requesting to vary provisions of *Zoning Bylaw No. 1065, 2007* to allow replacement and expansion of a deck on the waterfront side of the home and to allow an extension of the roofline to cover the front porch of the existing single-family home.

Subject Property: LOT 1 BLOCK J DISTRICT LOT 686 PLAN 6401

Variance Requests:

As the proposed deck and porch construction do not meet the 10.5 m side property line setbacks or minimal lot cover permitted under the property's CDA-1 zoning, the following variances are requested:

- 1) Relax part 14.6 (2) of the zoning bylaw as follows:
  - a) Reduce the south interior side lot line setback from 10.5 m to 0.8 m to permit extension of the home's existing roofline over the front porch,
  - b) Reduce the north interior side lot line setback from 10.5m to 4.5 m to permit the proposed north-east side deck,
- 2) Relax part 14.5 of the Zoning Bylaw, increasing the maximum lot cover from 25% to 36%.

A location map and site plan are enclosed on pages 2 and 3 of this letter.

For more information about the proposal, a copy of the application and the staff report dated October 5, 2021 are available for review on the Town of Gibsons website at: [www.gibsons.ca/current-development-applications](http://www.gibsons.ca/current-development-applications).

Council will consider the application at its online meeting on October 19, 2021, beginning at 7:00 p.m. We welcome your feedback on the requested variances either in writing, prior to the meeting, or "in person", at the online meeting.

**Prior to the Council meeting:** Written comments may be submitted to Kirsten Rawkins, Planner, by noon on October 5, 2021 in one of the following ways:

Email:	<a href="mailto:planning@gibsons.ca">planning@gibsons.ca</a>
Regular Mail:	P.O. Box 340, Gibsons, B.C., V0N 1V0
Drop off:	Gibsons Town Hall, 474 South Fletcher Road, Gibsons, BC

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**TOWN OF GIBSONS**

*"Nature is our most valuable asset"*



**At the online meeting:** Individuals may attend the online Council meeting and will be provided an opportunity to present verbal or written submissions. The link to the meeting can be found at: [www.gibsons.ca/online-meetings](http://www.gibsons.ca/online-meetings)

Please contact the Town of Gibsons Planning Department with questions, at 604-886-2274, or by email at [planning@gibsons.ca](mailto:planning@gibsons.ca).

Sincerely,

**Town of Gibsons**

KR

Enclosed: Location Map, Site Plan, information about registering for and attending online meetings.

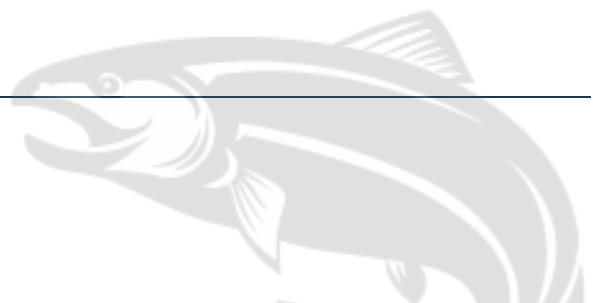


Property Location – lot boundary indicated in yellow.

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**TOWN OF GIBSONS**

*"Nature is our most valuable asset"*



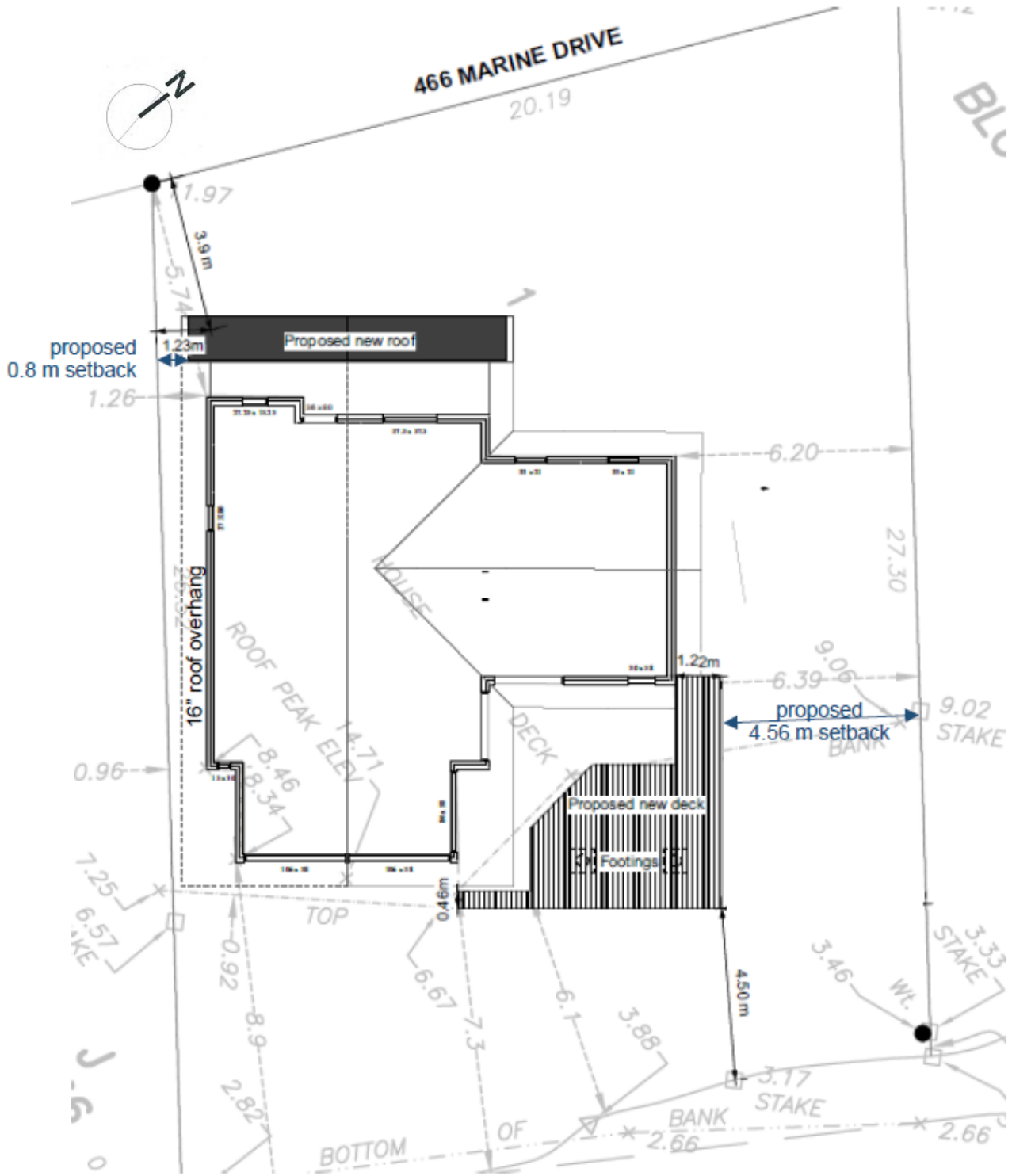


Figure 2 - Site Plan showing location of proposed new deck and extension of existing roof over front porch.

## Online Meetings

To ensure that our citizens may continue to actively participate in Council and committee meetings during the COVID-19 pandemic, the Town of Gibsons began conducting public online meetings.

These meetings are to be convened by electronic means as authorized by Ministerial Order No. M192, *"Local Government Meetings and Bylaw Process (COVID-19) Order No. 3"*.

Due to COVID-19 restrictions on gatherings, the Town is currently unable to offer seating at Town Hall for residents to view online meetings. We continue to update this policy as required, based on guidance from BC's Public Health Officer.

### To participate online, in real time

- To join a live meeting, please go to [www.gibsons.ca/online-meetings](http://www.gibsons.ca/online-meetings)
- Click on the link provided on the webpage: [Council meeting October 19th, 2021](#)
- You will then be asked to register to join the meeting as an "attendee". Once you have provided your name and email address, a link to join the meeting will be provided on the registration confirmation screen and to the email address you provided.
- Registering for the meeting enables you to participate in the meeting during the designated "Inquiry" times.
- To ask a question during the Inquiry segment, please use the 'raise hand' feature by clicking on the red hand icon found at the bottom of your screen. The meeting administrator will then "unmute" you and you will be able to ask your question. You may also email questions in advance to: [clerk@gibsons.ca](mailto:clerk@gibsons.ca).

### To view the meeting on YouTube

If the meeting has ended, or if you'd like to watch a meeting in process, but do not want to participate, you may view it on our YouTube channel.