



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCES
DP 22-26

To: Gatehouse Developments (Providence) Inc., BC1304810
 c/o Mike Sheppard
 PO Box 2585 STN Sardis Main
 Sardis, BC, VR2 1A8

CC: Distefano Jaud Architecture
 c/o Carlo Distefano
 3-1331 Ellis Street
 Kelowna, BC, V1Y 1Z9

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below, and any and all buildings, structures and other developments thereon:

Lot 37 District Lot 2044 ODYD Plan KAP90501
(3401 Sundance Drive)

3. This **Multiple Family and Intensive Residential (DPA 3), Hillside (DPA 4), and Sensitive Terrestrial Ecosystem (DPA 5) Development Permit Area** allows the construction of 57 townhouses contained in 11 buildings, subject to the following conditions and related Schedules:
 - The siting and phasing of buildings are to be in accordance the **Site Plan Drawings A1.0-A1.2**, prepared by DiStefano Jaud Architecture, dated April 17, attached as Schedule "A";
 - The exterior design and finish of buildings are to be in accordance with the **Architectural submission** (elevations, material and colour schedule, renderings) prepared by DiStefano Jaud Architecture, dated February 24 and April 17, 2023, attached as Schedule "A";
 - The dimensions and siting of retaining walls and servicing to be constructed on the land shall be in accordance with **Civil Engineering Drawings** (site servicing and grading plans, pre- and post-contours, hammerhead cross sections, lane extension cross sections, stormwater management, erosion and sediment control plan, turning movement plan), package prepared by Aplin & Martin Consultants Ltd., prepared Aug. 22, 2023, Rev. 2, "Issued for Development Permit", Project No. 20-3099, attached as Schedule "B";
 - Landscaping to be provided on the land in general accordance with **Landscape Drawings**, prepared by van der Zal + Associates, Drawing No. L-00, L-01A-L01C, L-02, L-03A-L03C, LS-01-LS-03, LD-01-LD-04, dated August 21, 2023, attached as Schedule "C";

- Construction activities to be in accordance with the **Environmental Assessment Reports**, prepared by Makonis Consulting Ltd., dated June 2021, attached as Schedule “E”, including but not limited to:
 - i. Bird nest surveys must be done in advance of clearing of trees between March 15 and August 15, and in accordance with the *Migratory Birds Act* and any other provincial and federal regulations;
 - ii. Spoil piles left for longer than two weeks are to be tarped;
 - iii. Spill-containment kits will be on site and on each equipment/machine; and
 - iv. Work site will be maintained in clean state. Oil containers, cans, grease tubes, rags, etc. and any other materials packaging will be removed from the work area to an approved disposal location immediately on completion of the servicing job.

- All construction activities and associated mitigation measures to be conducted on the land be in general accordance with the **Geotechnical Report**, dated February 8, 2021, and Geotechnical Memo, dated July 8, 2021, prepared by Interior Testing Services Ltd, attached as Schedule “F”, and the **Construction Management Plan**, prepared by Gatehouse Developments Inc., dated September 2, 2020, attached as Schedule “G”, including but not limited to:
 - i. Rock slopes to be finished no steeper than 0.5(H):1(V) and scaled to remove loose particles at the rock face.
 - ii. 3 m clearing of overburden above the top of the rock cuts with chain link fencing installed above the rock cut.
 - iii. With rock slopes less than 2.5 m in height, a catchment buffer is not required, however where rock cuts are 2.5 m to 6 m in height, provide a 1.5 m wide catchment buffer area.
 - iv. Foundations to be set below and behind a conventional 2H:1V plane projected up from the toe of a downhill slope.
 - v. Finished grades should be sloped away from the building in order to minimize infiltration of water into the backfill zone. Foundations to be set below and behind a conventional 2H:1V plane projected up from the toe of a downhill slope.
 - vi. ITSL should be called to review the stripped subgrade prior to placing new grading fills, as well as during fill placement to carry out periodic field density testing.

- The following **variances to Zoning Bylaw No. 0265** are included as part of this Development Permit, in accordance with the Site Plan attached as Schedule “A”, and Civil Package, attached as Schedule “B”:
 - i. S.10.11.4(g)(i) – Reduce the minimum required front parcel boundary setback (Sundance Drive) from 6.0 m to 4.0 m (varies);
 - ii. S.10.11.5(g)iii – Reduce the minimum required interior parcel boundary setback from 4.5 m to 3.5 m;
 - iii. S.10.11.5(g)ii – Reduce the minimum required rear parcel boundary setback from 7.5 m to 5.97 m (varies);

- iv. S.4.3.2(b) – Reduce the minimum required distance between the parking and loading spaces from the front parcel boundary (Sundance Drive) from 3.0 m from 0.0 m (varies);
 - v. S.4.10.1(a) – Reduce the minimum required number of loading spaces from four to two space(s);
 - vi. S.4.10.2(a) – Reduce the minimum required dimensions of a loading space from 3.0 m x 9.0 m to 2.89 m to 9.0 m; and
 - vii. S.3.14.1 – Increase the maximum height of three retaining walls from 2.5 m to 3.5 m.
 - viii. S.4.4.3(ii)(b) – Increase the width of driveway crossing at the property line from a maximum 7.0 m to 9.4 m (varies).
4. As a condition of the issuance of this Permit, the property owner shall deposit 125% of the cost estimate for the **Landscaping (\$400,080.90)** as performance security to ensure installation of the required landscape plantings, in accordance with the City's Development Application Procedures Bylaw No. 0260 and Schedule "D".
5. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of the Permit within the time provided, the City of West Kelowna may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out below, the security shall be returned to the Permittee. There is filed accordingly:
6. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof. Should any changes be required to this permit, please ensure that you obtain written approval from City of West Kelowna prior to making any changes.
7. If this Development Permit has not been issued within one year from approval, Development Permit DP 22-26 shall be deemed to have been refused and the file will be closed.
8. **This Permit is not a Building Permit.**
9. **This is not a Municipal Highways Permit.**
10. As a condition of the issuance of this Permit, any works proposed within the access easement or adjacent private property must be approved by the affected easement holder(s) or landowner(s), to the satisfaction of the city.
11. All archaeological sites in B.C. are protected under the Heritage Conservation Act. This applies to whether sites are located on public or private land and whether the site is known or unknown. If you think you have uncovered an archaeological site during a building project or renovation, please do not disturb the site further and call B.C.'s Archaeology Branch immediately at (250) 953-3334. Branch archaeologists will review your project plans and make recommendations to manage site impacts and secure the required permitting.

12. Subject to the terms of the permit, where the holder of a permit issued under the *Local Government Act* does not substantially commence any construction with respect to which the permit was issued within one year after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION NO. **CXXX/XX** PASSED BY THE MUNICIPAL COUNCIL ON _____, 2023.

Signed on _____

Corporate Officer

I hereby confirm that I have read and agree with the conditions of Development Permit DP 22-26 with Variances and will ensure that copies of the Permit will be provided to onsite personnel at time of construction.

Signed on _____

Property Owner or Agent

ISSUED on _____

Schedules:

- A. Architectural submission by DiStefano Jaud Architecture, Drawing No. A1.0-1.2, A2.1-2.3, A3.1-3.3, & 3.4, Rev. 3, dated April 17, 2023, and Drawings 2.4-2.7, A3.3, & A3.5-3.7, Rev. 2, dated February 24, 2023.
- B. Civil drawings, prepared by Aplin & Martin Consultants Ltd., Drawing Package prepared August 22, 2023, Rev. 2, Issued for Development Permit, Project No. 20-3099.
- C. Landscape Plan, prepared by van der Zal + Associates, Drawing No. L-00, L-01A-LO1C, L-02, L-03A-L03C, LS-01-LS-03, LD-01-LD-04, Rev. 9, dated August 21, 2023.
- D. Landscape Estimate, prepared van der Zal + Associates, dated May 5, 2023, Project File Reference 2021-128.
- E. Environmental Reports, prepared by Makonis Consulting Ltd., dated June 2021.
- F. Geotechnical report, dated February 8, 2021, and Geotechnical Memo dated, July 8, 2021, prepared by Interior Testing Services Ltd.
- G. Construction management plan, prepared by Kyle Weiher, Senior Project Manager, Gatehouse Construction Inc., no date.