



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCES
DP 20-09

To: Farkas Developments
 2104 Shelby Crescent
 West Kelowna, BC, V4T 3B1

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 38 District Lot 2044 ODYD Plan KAP90501 (3404 Sundance Drive)

3. This Permit allows the construction of 35 townhouse contained in 10 buildings and five (5) phases, within a **Multiple Family and Intensive Residential (DPA 3), Hillside (DPA 4), and Sensitive Terrestrial Ecosystem (DPA 5) Development Permit Areas**, subject to the following conditions and related Schedules:
 - The siting and phasing of buildings are to be in accordance **site plan and phasing plan** submitted prepared by West Coast Designs, dated September 11, 2020 and 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 West Coast Designs Inc., dated July 22, 2020, attached as Schedule "B";
 - The dimensions and siting of the structures to be constructed on the land be in accordance with **Civil Engineering Drawings** (site servicing and grading plans, site drainage, erosion and sediment control plan, lane plan/profile, retaining wall plan/profile, vehicle turning plan), package dated July 31, 2020, prepared by Stantec Consultants Ltd., attached as Schedule "C";
 - The landscaping to be provided on the land be in accordance with **Landscape Drawings**, No. L-101 and L-102, prepared by Stantec Consultants Ltd., dated March 6, 2020, attached as Schedule "D";
 - All construction activities to be conducted on the land be in general accordance with the **Geotechnical Report**, dated April 23, 2020, and Memo, dated September 15, 2020, prepared by Interior Testing Services Ltd., attached as Schedule "D", and the **Construction Management Plan**, prepared Ensign Bros. Enterprises Ltd., dated September 2, 2020, attached as Schedule "F", including:
 - i. Rock slopes to be finished no steeper than 0.5H:1V and scaled to remove loose particle at the rock face.
 - ii. Conduct smooth wall controlled blasting techniques (pre-splitting) and scaling as minimum slope and stabilization techniques.

- iii. 3 m clearing of overburden above the top of the rock cuts with chain link fencing installed above the rock cut.
 - iv. With rock slopes less than 2.5 m in height, a catchment buffer is not required, however include of a 2 m wide walking path with signage warning of rock fall hazard.
 - v. Foundations to be set below and behind a conventional 2H:1V plane projected up from the toe of a downhill slope
 - vi. Trench cuts in natural soils to have 0.75H:1V cut for slopes up to roughly 3 m in height.
- Construction activities be in accordance with the **Environmental Assessment Reports**, prepared by Makonis Consulting Ltd., dated May 2016 and March 2020, including:
 - i. No clearing of trees between March 15 and August 15, as per *Migratory Birds Act*,
 - ii. Trails to be minimized to 1.5 m in width, constructed of previous materials, and not impact trees.
 - iii. Natural restoration of the small cut bank of 356 m².
 - iv. Soil Piles left longer than two (2) weeks to be tarped and seeded with an approved, weed-free seed
 - v. Spill containment kits will be on site during all activity.
 - vi. The worksite is to be maintained in a clean state. Oil containers, cans, grease tubes, rags, etc. and any other materials or packaging will be removed from the work area to an approved disposal location immediately on completion of the servicing job.
 - vii. Environmental monitoring must be retained to ensure compliance with the measures in the report.
 - The following **variances to Zoning Bylaw No. 0154** are included as part of this Development Permit:
 - i. Reduce the minimum setback to the rear parcel boundary from 7.5 m to 6.27 m, in accordance with Schedule "A" (S.10.10.5(g).2);
 - ii. Reduce the required number of loading spaces from three (3) to one (1) (S.4.10);
 - iii. Increase the maximum building height (units 19-35) from 12.0 m to 13.23 m, in accordance with Schedule "C" (S.10.10.5(f));
 - iv. Increase the maximum number of storeys (units 19-35) from three (3) to four (4), in accordance with Schedule "B" (S.10.10.5(f));
 - v. Increase the maximum height of a retaining wall from 2.5 m to 5.26 m, in accordance with Schedule "C" (S.3.12.1)
4. As a condition of the issuance of this Permit, the property owner shall deposit 125% of the cost estimate for the **Phase 1 Landscaping (\$171,893.00)** 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. As a condition for issuance of any Building Permit for structures within a subsequent phase, the applicant shall submit the corresponding landscape security in accordance with Schedule "D" as follows:

- **Phase 2:** \$28,118.00
- **Phase 3:** \$28,118.00
- **Phase 4:** \$37,493.00
- **Phase 5:** \$46,868.00

6. 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:

7. 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.

8. If this Development Permit has not been issued within one year from approval, Development Permit DP 20-09 shall be deemed to have been refused and the file will be closed.

9. **This Permit is not a Building Permit.**

10. 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. C090/20 PASSED BY THE MUNICIPAL COUNCIL ON _____, 2020.

Signed on _____

City Clerk

I hereby confirm that I have read and agree with the conditions of Development Permit DP 20-09 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. Site plan and phasing plan, prepared by West Coast Designs, dated September 11, 2020.
- B. Architectural submission by West Coast Designs, drawing number A2.04, A3.01, A3.02, A3.03, and A3.04, dated July 22, 2020.
- C. Civil drawings, prepared by Stantec Consultants Inc., drawings package dated July 31, 2020.
- D. Landscape submission (landscape Plan and Bonding Letter) by Stantec Consultants Inc., dated March 6, 2020.
- E. Geotechnical report, dated April 23, 2020, and Geotechnical memo dated, September 15, 2020, prepared by Interior Testing Services Ltd.
- F. Construction management plan, prepared by Ensign Bros. Enterprises Ltd., dated September 2, 2020.
- G. Environmental reports, prepared by Makonis Consulting Ltd., dated May 2016 and March 2020.

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