ATTACHMENT A
This forms part of application
DP22-0035 DVP22-0036
City of
Kelowna
DEVELOPMENT PLANNING
Planner Initials TA

Development Permit &

Development Variance Permit

DP22-0035 & DVP22-0036

City of
Kelowna

This permit relates to land in the City of Kelowna municipally known as

802-812 Saucier Ave

and legally known as

LOT A DL 138 ODYD PLAN EPP127793

and permits the land to be used for the following development:

Apartment Housing Rental Only

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Approval:	**September 12, 2023**
Development Permit Area:	Multi-Family
Existing Zone:	MF3r – Apartment Housing Rental Only
Future Land Use Designation:	C-NHD – Core Area Neighbourhood

This Development Permit is valid for two (2) years <u>from the date of approval</u>, with no opportunity to extend.

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: WESTRICH SAUCIER DEVELOPMENTS BC LTD., INC.NO. BC1367262
Applicant: Jeff Shen

_____   _____

Terry Barton   Date of Issuance
Development Planning Department Manager
Planning & Development Services

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

THAT Council authorizes the issuance of Development Permit & Development Variance Permit No. DP22-0035 & DVP22-0036 for LOT A DL 138 ODYD PLAN EPP127793, located at 802-812 Saucier Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedules "A" & "B":

Section 13.5: MF3, Development Regulations
To vary the required maximum site coverage of all buildings from 65% required to 66% proposed;

Section 13.5: MF3, Development Regulations
To vary the minimum building stepback from front yard on Saucier Ave from 3.0 m required to 2.1 m;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development as per the conditions of this permit, the security shall be returned to the Developer or his or her designate following proof of Substantial Compliance as defined in Bylaw No. 12310. There is filed accordingly:

a) An Irrevocable Letter of Credit **OR** certified cheque **OR** a Surety Bond in the amount of **$276,180.00**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>.
Security shall <u>ONLY</u> be returned to the signatory of the
Landscape Agreement or their designates.