

## DRAFT DEVELOPMENT PERMIT with Variances

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<b>Permit No:</b>	DP-2020-05
<b>Registered Owner:</b>	Cowichan Intercultural Society 321 St Julien Street, Duncan, BC, V9T 3S5
<b>Subject Property:</b>	<b>321 St Julien Street, and 331 St Julien Street</b>
<b>Description of Land:</b>	
PID:	001-192-574, and 001-192-591
Legal Description:	LOT 15, BLOCK 9, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN VIP1063, and LOT 16, BLOCK 9, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN VIP1063
<b>Proposal:</b>	REDUCTION OF REQUIRED PARKING TO INSTALL PLAYGROUND AND INSTALLATION OF A PERIMETER FENCE

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### Conditions of Permit:

1. This permit is issued subject to compliance with all relevant City of Duncan bylaws, except as specifically varied or supplemented by this Permit.
2. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').
3. The Lands and building which are subject to this Permit shall be developed strictly in accordance with the terms and conditions of this Permit and in accordance with the following schedules:  
**Schedule A: Subject Property Map**  
**Schedule B: Proposed Fence Plan**  
**Schedule C: Proposed Play Area Plan**
4. This Development Permit includes the following variances to *Zoning Bylaw No. 3166, 2017*:
  - a. To vary section 3.31.1 Minimum Off-Street Parking requirements for 321 St. Julien Street from 12 spaces to 7 spaces (2 spaces partially located on 331 St. Julien Street); and
  - b. To vary section 3.9.4 Fence Height regulations for 331 St. Julien Street:
    - i. To allow a fence to be constructed between the front face of the building and the parcel line; and
    - ii. To vary the maximum height for a fence in a front yard from 1.2 metres to 1.5 metres.
5. As a condition to reducing the off-street parking at 321 St Julien Street, the Cowichan Intercultural Society is required to register a covenant that will ensure access to the stated off-street parking via the driveway access on 331 St Julien, as per section 219 of the *Land Title Act*.

6. Pursuant to section 504(2) of the *Local Government Act*, this permit will lapse two years from the date of the Development Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.
7. This permit is not a Building Permit.
8. Further to condition 7, construction is considered to be substantially started when a valid Development Permit for the development has been issued and shall not have lapsed; and excavation or construction works associated with the development hereby approved must have commenced to the satisfaction of the Director of Development Services. Demolition does not constitute construction.
9. As a condition of the issuance of this Permit, Council requires a security, in an amount equal to 125% of the proposed landscaping costs, as authorized by Section 502 of the *Local Government Act*, to ensure that any conditions with respect to landscaping are satisfied or to ensure that no conditions of the Permit are being breached resulting in an unsafe condition of the Land.
10. Where any security is required by the City of Duncan, the security provided by the Permit holder in the amount is to be provided prior to Building Permit issuance.
11. Where the City of Duncan considers that:
  - a) *A condition in the Permit with respect to landscaping has not been satisfied, or*
  - b) *where, as a result of the contravention of a condition in a Permit, an unsafe condition has resulted.*

The City of Duncan may undertake and complete the works required to satisfy the landscaping condition or carry out any construction required to correct the unsafe condition, at the cost of the Permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the Permit holder.

12. Where the development authorized by this Permit has lapsed prior to commencement of any work pursuant to this Permit, the security shall be returned to the Permit holder.

**Date of Development Permit Approval/Issue by Council or its Delegate:**

This permit was approved and issued on **June 16, 2020**.

This permit expires on **June 16, 2022**.

The City of Duncan

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**Designated Municipal Officer**

**I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the City of Duncan has made no representations, covenants, warranties, guarantees, promises, or agreements (verbal or otherwise) with Cowichan Intercultural Society, other than those contained in this Permit.**

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**Owner/Agent (signature)**

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**Witness (signature)**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

**Advisory Comments**

The following comments are provided for information purposes only:

1. None