

Subject Property: 107 Evans Street
Legal Description: LOT A, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN EPP119952
PID: 031-690-637
Property Owner: 1305250 B.C. Ltd.
Applicant: WestUrban Developments Ltd.
File Number: 3060-20-DP-2021-04
Proposal: 6-Storey, 137-Unit Mixed-Use Development

CONDITIONS OF PERMIT

General Conditions

1. This permit is issued subject to compliance with all City bylaws and provincial and federal laws.
2. This permit applies only to the subject property identified on this permit (the “Land”).

Authorized Development

3. The subject property must only be used and developed in accordance with this permit, including the following schedules:

SCHEDULE 1: Site Plan
SCHEDULE 2: Building Plans
SCHEDULE 3: Landscape Plan
SCHEDULE 4: Landscape Estimate
SCHEDULE 5: Geotechnical Assessment

Variances

4. This permit varies Section 5.3.1 of Zoning Bylaw No. 3166, 2017 by reducing the minimum front parcel line (Evans Street) setback from 1 m to 0 m.

Short-Term Bicycle Parking

5. A minimum of 60 short-term bicycle parking spaces must be provided in accordance with Sections 3.33.1 and 3.33.2 of Zoning Bylaw No. 3166, 2017.

Pad-Mounted Transformer

6. The proposed pad-mounted transformer must be covered in a decorative wrap in accordance with Section 3.23.3 of Zoning Bylaw No. 3166, 2017.

Geotechnical

7. The Land must be developed strictly in accordance with the Geotechnical Assessment in Schedule 5 of this permit.
8. A Section 219 *Land Title Act* covenant must be registered against the title of the Land prior to issuance of a building permit. The covenant must include the Geotechnical Assessment as a schedule and a save-harmless clause in favour of the City. The covenant must be consistent with the City's template covenant.

Energy Efficiency

9. The proposed building must be designed and constructed to meet Step 2 of the BC Energy Step Code.

Easement Release

10. Existing Easement EG16770 must be released from title prior to issuance of a building permit.

Road Dedication

11. A 2.7 m wide road dedication is required along the full length of the Evans Street frontage of the Land prior to issuance of a building permit.

Encroachment Agreement

12. The owner must enter into an encroachment agreement with the City prior to issuance of a building permit. The encroachment agreement will authorize the canopy, roof overhang, and roof support structure to encroach into the Evans Street road dedication, as shown on the Building Plans in Schedule 2 of this permit. The encroachment agreement will require the owner to maintain liability insurance with the City named as an additional insured party.

Offsite Works and Services

13. Offsite works and services along the Canada Avenue and Evans Street frontages of the Land will be determined at the building permit stage prior to issuance of a building permit. The design of offsite works and services is subject to approval by the Manager of Planning and Manager of Engineering. The design of the offsite works and services may result in amendments to the Site Plan and Landscape Plans in Schedules 1 and 3 of this permit, respectively.

Public Art

14. The owner must either include public art in the design of offsite works and services to be determined at the building permit stage or provide cash-in-lieu of public art to the City in the amount of \$1,000 prior to issuance of a building permit, to be used for public art elsewhere in the City.

Landscaping

15. The Landscape Estimate in Schedule 4 of this permit must be updated to include irrigation costs for the proposed Landscape Plan in Schedule 3 of this permit.
16. A landscape bond in the amount of 125% of the Landscape Estimate (updated to include irrigation costs) must be provided to the City prior to the issuance of a Building Permit. The landscape bond must be in the form of an irrevocable letter of credit.

Development Permit Issuance and Expiry

17. This permit will expire two years from the date of issuance unless construction, in accordance with the terms and conditions of this permit, has substantially started. Construction is considered to be substantially started when a valid building permit for the authorized development has been issued and remains valid, and excavation or construction works associated with the authorized development have commenced to the satisfaction of the Manager of Planning. Demolition does not constitute construction.

This permit was issued by Council on June 6, 2022.

This permit expires on June 6, 2024.

The City of Duncan

Corporate 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 the registered property owner, other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date