

# DISTRICT OF SAANICH

DPR01052

## DEVELOPMENT PERMIT

**To:** 1416816 BC LTD., INC.NO. BC1416816  
1151 32<sup>ND</sup> Avenue W  
Vancouver BC V6H 2H8

*(herein called "the Owner")*

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

**Lots 1 & 2, Section 44, Victoria District, Plan 31151**

**3861 & 3861A Cadboro Bay Road**

*(herein called "the lands")*

3. This Development Permit further regulates the development of the lands as follows:
  - (a) By varying the provisions of the Zoning Bylaw, 2003, Section 530.4(a) to permit a 6.4 m separation between buildings and the centre of living room windows (15 m required).
  - (b) By varying the provisions of the Zoning Bylaw, 2003, Section 530.4(b) to permit a 6.4 m separation between buildings and the centre of windows of habitable rooms other than living rooms (12 m required).
  - (c) By varying the provisions of the Zoning Bylaw, 2003, Section 530.5(a)(i) to permit buildings to be sited 3.6 m from a lot line that abuts a street (4 m required).
  - (d) By varying the provisions of the Zoning Bylaw, 2003, Section 7.4(a) to permit the attached housing development to be constructed with 2 Visitor Parking spaces (4 spaces required).

- (e) By requiring the buildings and lands to be constructed and developed in accordance with the Architectural Plans prepared by Ankenman Marchand Architects received on October 16, 2024; Landscape Plans prepared by Lombard North Group (BC) Inc. received on October 16, 2024; and the Civil Engineering Plans prepared by JE Anderson & Associates received on October 16, 2024; copies of which are attached to and form part of this permit.
- 4. The Owner shall substantially start construction with respect to the development within 24 months from the date of issuance of the permit, in default of which the permit will lapse and will be of no further force or effect.
  - 5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
  - 6.
    - (a) Prior to issuance of a Building Permit, the Owner shall provide to the Municipality security by cash, certified cheque, or an irrevocable letter of credit in the amount of \$96,066 to guarantee the performance of the requirements of this Permit respecting landscaping.
    - (b) A Landscape Architect registered with the British Columbia Society of Landscape Architects must be retained for the duration of the project until the landscaping security has been released. Written letters of assurance must be provided at appropriate intervals declaring the registered Landscape Architect, assuring that the landscape work is done in accordance with the approved Landscape Plan, and indicating a final site inspection confirming substantial compliance with the approved Landscape Plan (BCSLA Schedules L-1, L-2, and L-3).
    - (c) All landscaping must be served by an automatic underground irrigation system.
    - (d) The owner must obtain from the contractor a minimum one-year warranty on landscaping works, and the warranty must be transferable to subsequent owners of the property within the warranty period. The warranty must include provision for a further one-year warranty on materials planted to replace failed plant materials.
    - (e) Any protective fencing of trees or covenant areas must be constructed, installed and signed according to the specifications in Appendix X.
    - (f) No site activity shall take place prior to the installation of any required tree of covenant fencing and the posting of "WARNING – Habitat Protection Area" signs. The applicant must submit to the Planning Department a photograph(s) showing the installed fencing and signs. Damage to, or moving of, any protective fencing will result in an immediate stop work order and constitute a \$1,000 penalty.
    - (g) The landscaping requirements of this Permit shall be completed within four months of the date of issuance of the Certificate of Occupancy for the development, in default of which the Municipality may enter upon the lands, through its employees or agents, and complete, correct or repair the landscaping works at the cost of the Owner and may apply the security, interest at the rate payable by the Municipality for prepaid taxes.

- (h) In the event that any tree identified for retention is destroyed, removed or fatally injured, a replacement tree shall be planted in the same location by the Owner in accordance with the replacement guidelines as specified within the Saanich Tree and Vegetation Retention, Relocation, and Replacement Guidelines. The replacement tree shall be planted within 30 days of notice from the Municipality in default of which the Municipality may enter upon the lands and carry out the works and may apply the security provided herein in payment of the cost of the works. For the purpose of this section, existing trees identified for retention and new trees planted in accordance with the Landscape Plan attached to and forming part of this permit shall be deemed to be "trees to be retained".
7. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or, in the Director's absence, the Manager of Current Planning.
8. Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
- (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw, 2003.
  - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with Director of Planning or, in the Director's absence, the Manager of Current Planning.
  - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
  - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the Landscape Plans forming part of this Permit.
9. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors, and assigns as the case may be or their successors in title to the land.
10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

\_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_  
 ISSUED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
 Corporate Officer

## APPENDIX X

### PROTECTIVE FENCING FOR TREES AND COVENANT AREAS

Protective fencing around trees and covenant areas is an important requirement in eliminating or minimizing damage to habitat in a development site.

Prior to any activities taking place on a development site, the applicant must submit a photo showing installed fencing and “WARNING – Habitat Protection Area” signs to the Planning Department.

#### **Specifications:**

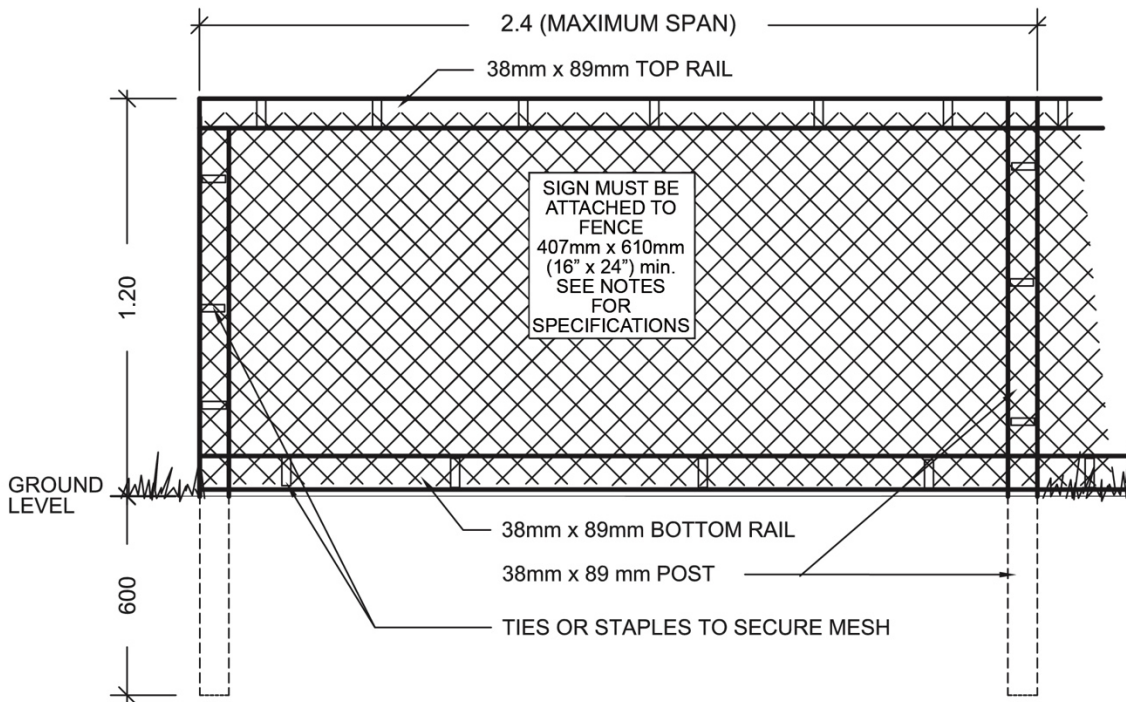
- Must be constructed using 2” by 4” wood framing and supports, or modular metal fencing
- Robust and solidly staked in the ground
- Snow fencing to be affixed to the frame using zip-ties or galvanized staples
- Must have a “WARNING – HABITAT PROTECTION AREA” sign affixed on every fence face or at least every 10 linear metres



Note: Damage to, or moving of, protective fencing will result in a stop work order and a \$1,000 penalty.



**Schedule "C"**  
**TREE PROTECTION FENCING**



**Tree Protection Fencing Specifications:**

1. The fence will be constructed using 38 x 89 mm (2" x 4") wood frame:
  - Top, Bottom and Posts. \*
  - Use orange snow fencing mesh and secure to the wood frame with "zip" ties or galvanized staples.
2. Attach a sign with minimum size of 407 mm x 610 mm (16" x 24") with the following wording:
  - **DO NOT ENTER** - Tree Protection Zone (For retained trees) or;
  - **DO NOT ENTER** - Future Tree Planting Zone (For tree planting sites)

This sign must be affixed on every fence face or at least every 10 linear metres.

\* In rocky areas, metal posts (t-bar or rebar) drilled into rock will be accepted.

DATE: November 2019  
SCALE: N.T.S.