

DEVELOPMENT PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP16-0079

Issued To: Bricks & Mortar Holdings LTD., INC.No. BC1059117
Site Address: 451- 455 Lawrence Avenue
Legal Description: Lot 9 Block 8 District Lot 139 ODYD Plan 462
Zoning Classification: C7 - Central Business Commercial
Development Permit Area: Revitaization DP Area

SCOPE OF APPROVAL

This 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 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 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.

1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0079 for Lot 9 Block 8 District Lot 139 ODYD Plan 462, located at 451-455 Lawrence Avenue, Kelowna, BC to allow the construction of a commercial building be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

2. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$60,471.25 OR
- b) A Certified Cheque in the amount of \$60,471.25 OR
- c) An Irrevocable Letter of Credit in the amount of \$60,471.25 .

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.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner / Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2016.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.

CITY OF KELOWNA
MEMORANDUM

Date: May 2, 2016
File No.: DP16-0079
To: Community Planning (LK)
From: Development Engineering Manager
Subject: 451-455 Lawrence Ave Commercial Development

Development Engineering has the following comments and requirements associated with these applications. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. General
 - a) Provide easements as may be required.
2. Domestic Water and Fire Protection
 - a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
 - b) It is apparent that the existing 150mm diameter watermain within Lawrence Avenue is substandard and may not support this development. The applicant, at his cost, will arrange for upgrading of watermain if necessary and the installation of one new larger water service.
 - c) The proposed development site is currently serviced with a 13mm service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new water service.
3. Sanitary Sewer
 - a) Our records indicate that this proposed development site is connected with a 100mm diameter sewer service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing service and the installation of one new larger service if necessary.
4. Storm Drainage
 - (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

- b) On site storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

5. Road Improvements

- a) Lawrence Ave fronting this development site is urbanized but the existing curb, sidewalk and street light is in a deteriorated state. The upgrades will require curb, gutter, sidewalk and street light removal and reconstruction, boulevard streetscape as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

6. Electric Power and Telecommunication Services

- a) All proposed service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing utilities, where necessary.

7. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

8. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

9. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Indicate on the site, the locations of garbage and recycle bins.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

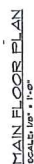
DEVELOPMENT PERMIT GUIDELINES

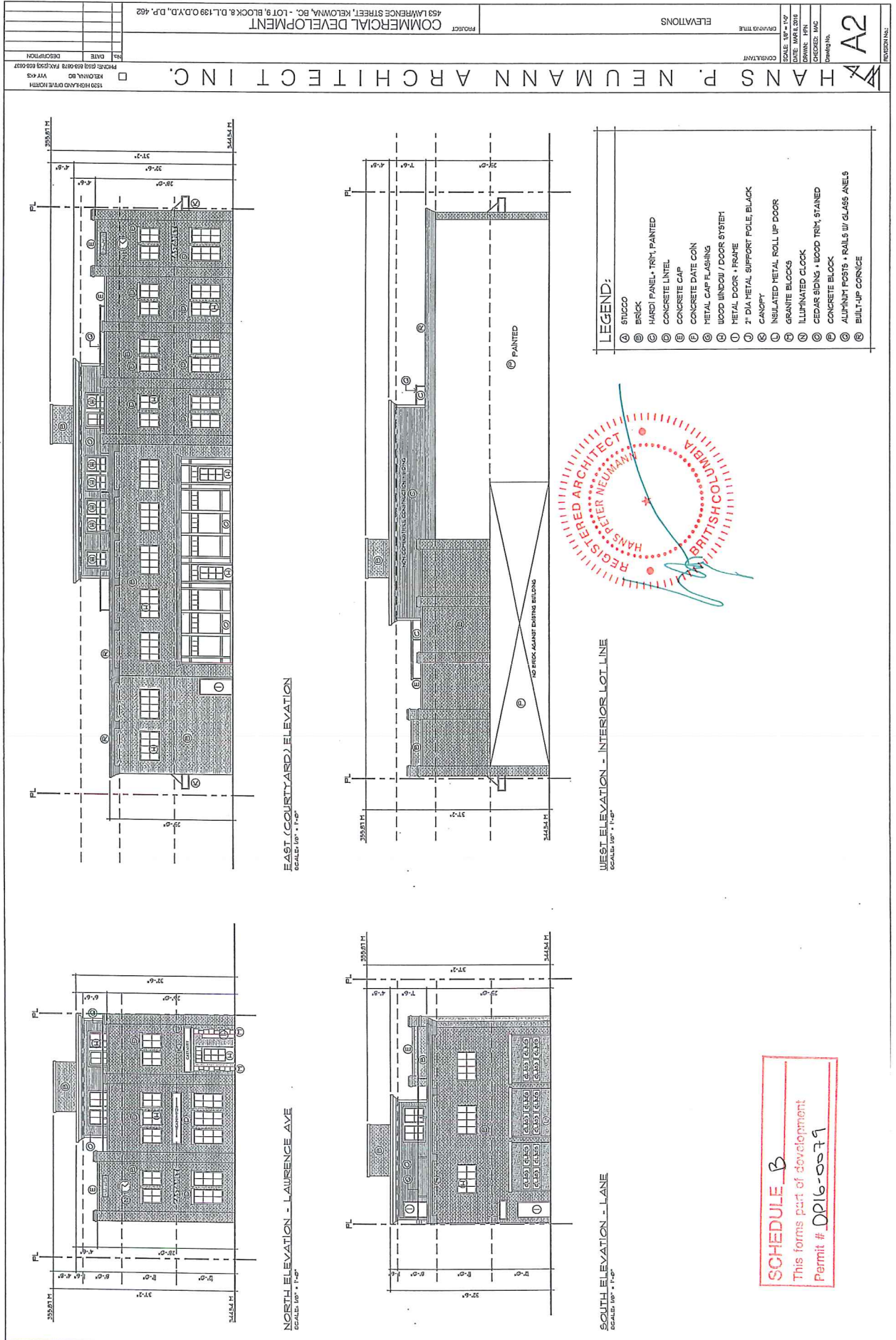
Revitalization Development Permit Area

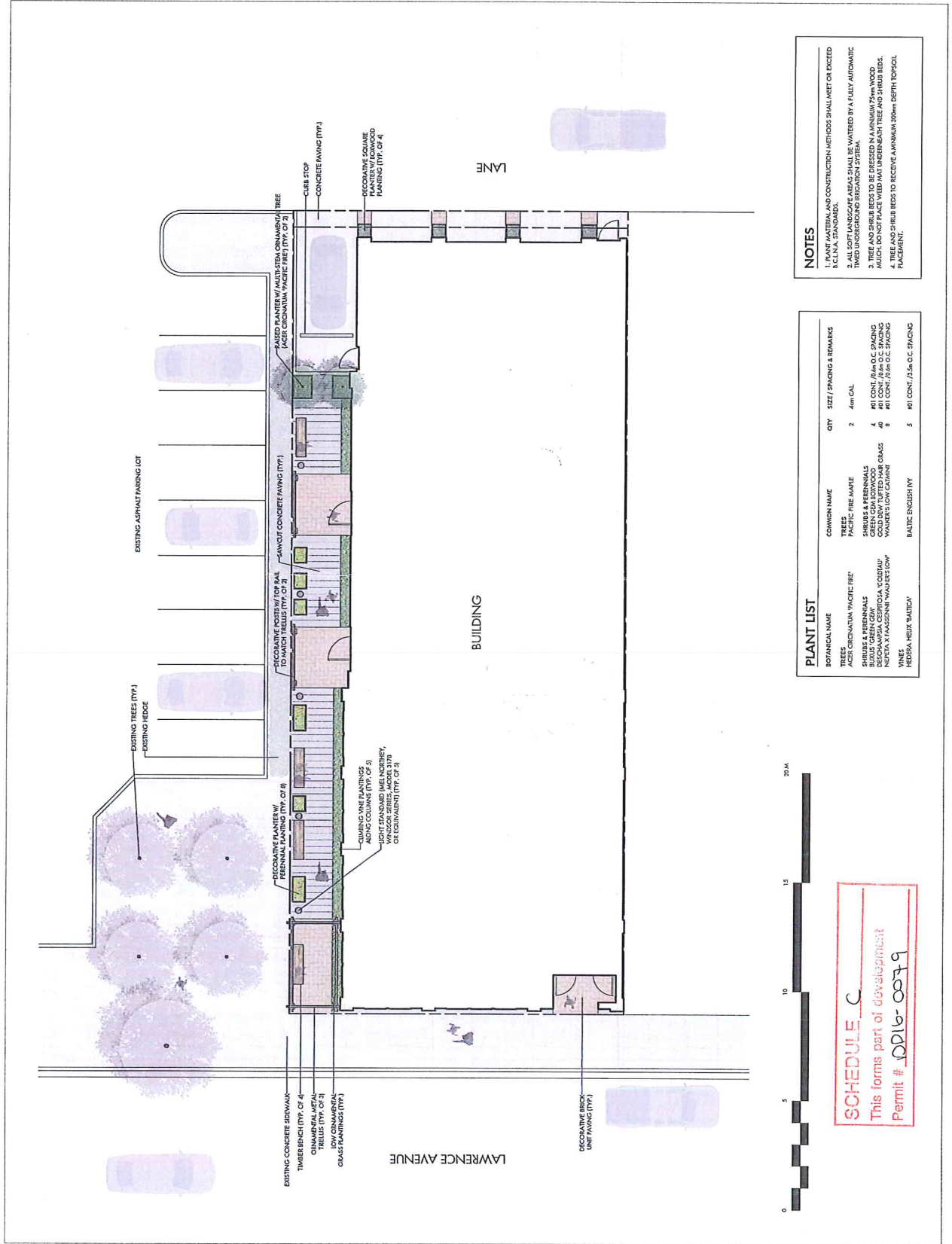
Consideration has been given to the following guidelines as identified in Section 14.B. of the City of Kelowna Official Community Plan relating to Revitalization Development Permit Areas:

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Do developments adjacent to non-revitalization areas create an appropriate transition?	✓		
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?	✓		
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?	✓		
Building Design			
Are architectural elements aligned from one building to the next?			✓
Are the effects of shadowing on public areas mitigated?	✓		
Are doors or windows incorporated into at least 75% of street frontage?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are windows, entrances, balconies and other building elements oriented towards surrounding points of interest and activity?	✓		
Are architectural elements such as atriums, grand entries and large ground-level windows used to reveal active interior spaces?	✓		
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?	✓		
For multiple unit residential projects, is ground level access for first storey units provided?			✓
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are prohibited materials such as vinyl siding, reflective or non-vision glass, plastic, unpainted or unstained wood, and concrete block not used in the design?	✓		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?	✓		
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
View Corridors			
Are existing views preserved and enhanced?	✓		
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade treatments?	✓		

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are garage doors integrated into the overall building design?	✓		
Are pedestrian entrances more prominent features than garage doors and vehicle entrances?	✓		
Is surface parking located to the rear of the building or interior of the block?			✓
Are truck loading zones and waste storage areas screened from public view?	✓		
Do parking lots have one shade tree per four parking stalls?			✓
Are pedestrian connections provided within and between parking lots?			✓
Are driving, parking, pedestrian and cycling areas distinguished through changes in colour or pattern of paving materials?	✓		
Signage			
Is signage design consistent with the appearance and scale of the building?	✓		
Are corporate logos on signs complimentary to the overall building character?	✓		
Is signage lighting minimized?	✓		
Public Art			
Is public art incorporated into the project?		✓	
Downtown Considerations			
Does the proposal maintain and extend the traditional block pattern?	✓		
Is the street façade articulated in a vertical rhythm that is consistent with the traditional street pattern?	✓		
Are windows set back from the building face and do they include headers and sills?	✓		
Are windows at street level kept low for displays of retail goods and for high visibility into interior spaces?	✓		
Is the height of upper floor windows at least 1.5 times their width?	✓		
Are building materials and colours consistent with other prominent Downtown buildings, preferably brick or cut stone?	✓		
Is signage appropriate to the neighborhood and not internally lit or neon?	✓		









BRICK: MUTUAL MATERIALS

"CASTLE GRAY" SMOOTH



BRICK: MUTUAL MATERIALS

"IMPERIAL RED" SMOOTH



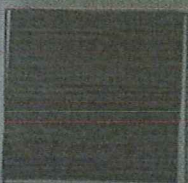
WINDOWS:

WOOD "MEDIUM WALNUT" STAIN



WINDOWS:

WOOD "GOLDEN BROWN" STAIN



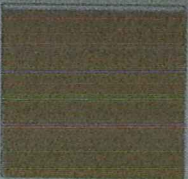
CEDAR SIDING:

"AGED CEDAR" (GREYISH)



CONCRETE SILLS:

"NATURAL" CONCRETE



CROWN MOULD/ CORNICE:

BENJAMIN MOORE "JACKSON TAN" HC46

SCHEDULE B
This forms part of development
Permit # 0016-0079



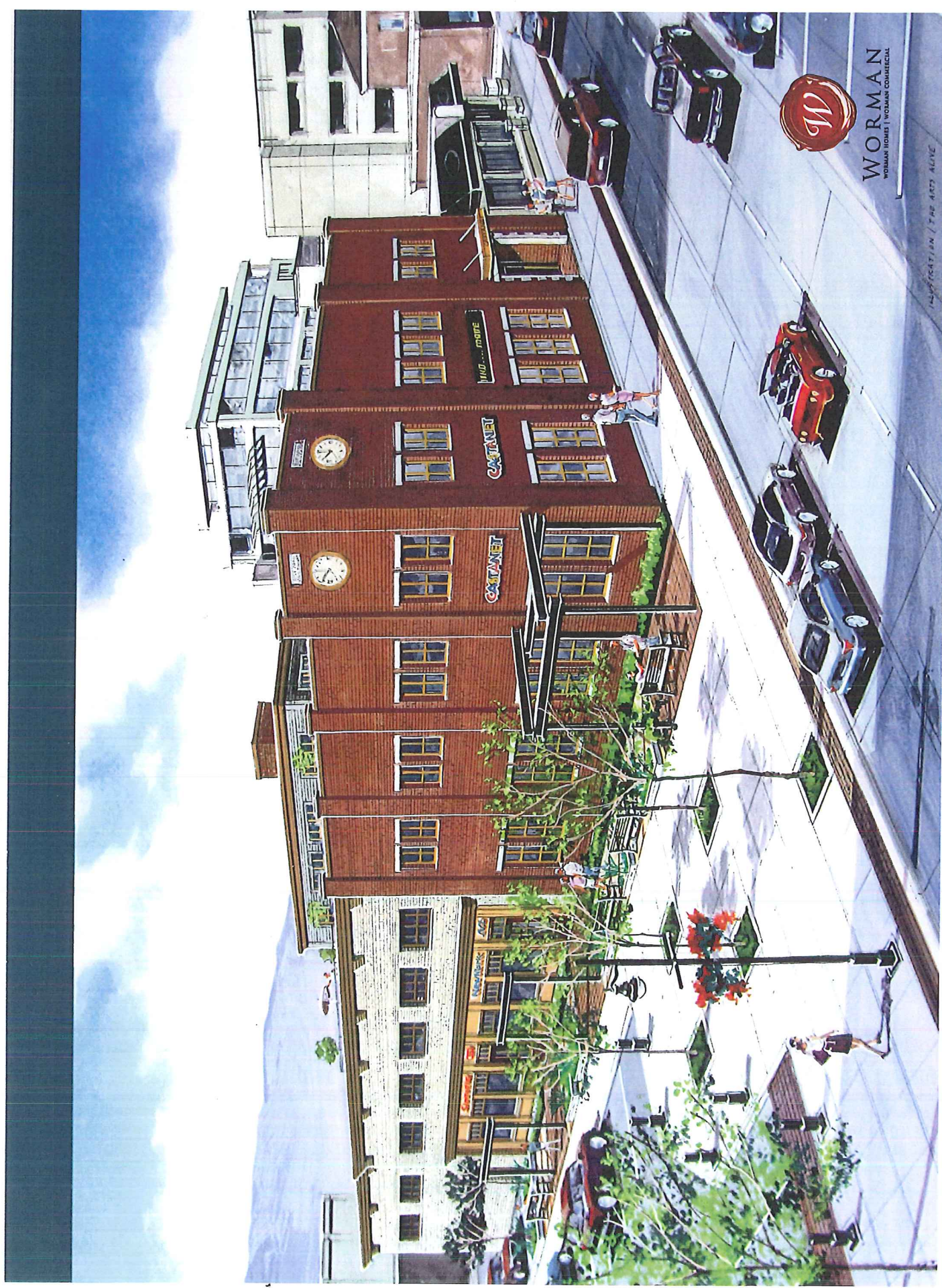
WORMAN
WORMAN HOMES | WORMAN COMMERCIAL

EXTERIOR FINISHES

455 LAWRENCE AVENUE, KELOWNA, BC

PROJECT NO: 455

MARCH 7, 2016



455 LAWRENCE AVENUE | Kelowna, BC

Worman Homes | Worman Commercial