



Development Permit & Development Variance Permit DP21-0155/DVP21-0272

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

2339 – 2397 Hwy 97N

and legally known as

Lot A, District Lot 126 & 532, ODYD Plan 40108

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

490 unit residential and commercial mixed use development

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

Date of Council Decision

Decision By: COUNCIL

Issued Date:

Development Permit Area: Comprehensive Development Permit Area

This permit will not be valid if development has not commenced by June, 2022.

Existing Zone: C4 – Urban Centre Commercial (Retail Liquor Sales/Retail Cannabis Sales)

Future Land Use Designation: UC – Urban Centre

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: Dilworth Shopping Centre Ltd.

Applicant: Peterson Developments Inc.

Terry Barton
Development Planning Department Manager

_____ Date

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

- 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"; and
- 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.

with variances to the following section of Zoning Bylaw No. 8000:

Section 14.4.6(a): C4 – Urban Centre Commercial - Other Regulations

To decrease the minimum commercial space on the first floor fronting an arterial road from 90% to 16.3%.

This Development 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 own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$ 4,753,595.00**

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.

5. 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 CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

DRAFT



FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES

Chapter 2 - The Design Foundations: apply to all projects and provide the overarching principles for supporting creativity, innovation and design excellence in Kelowna.

- Facilitate Active Mobility
- Use Placemaking to Strengthen Neighbourhood Identity
- Create Lively and Attractive Streets & Public Spaces
- Design Buildings to the Human Scale
- Strive for Design Excellence

The General Residential and Mixed Use Guidelines: provide the key guidelines that all residential and mixed use projects should strive to achieve to support the Design Foundations.

- The General Guidelines are supplement by typology-specific guidelines (e.g., Townhouses & Infill on page 18-19, High-Rise Residential and Mixed-Use on page 18-42), which provide additional guidance about form and character.

Chapter 2 - Design Foundations

Apply To All Projects

Page 18-8

Section 2.1 - General Residential and Mixed Use Design Guidelines

Page 18-9

Section 2.2 - Achieving High Performance

Page 18-17

Chapter 3
Townhouses & Infill
Page 18-19

Chapter 4
Low & Mid-Rise
Residential &
Mixed Use
Page 18-34

Chapter 5
High-Rise
Residential &
Mixed Use
Page 18-42

*Note: Refer to the Design Foundations and the Guidelines associated with the specific building typology.

FORM & CHARACTER - DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
CHAPTER 4.0: LOW & MID-RISE RESIDENTIAL & MIXED USE						
4.1 Guidelines						
4.1.1 Relationship to the Street						
Lobby area and main building entrance is clearly visible from the fronting street and sidewalk.					✓	
Wherever possible, blank walls at grade are not encouraged.						✓
Enclosed parking garages are located away from street frontages or public open space.						✓
Ground oriented units with entries or glazing have been provided to avoid the blank/dead frontage along the street.					✓	
When unavoidable, blank walls have been screened with landscaping or have been incorporated with a patio/café or special materials have been provided to make them visually interesting.	✓					
Commercial & Mixed-use Buildings						
Proposed built form has a continuous active and transparent retail frontage at grade and provides a visual connection between the public and private realm.					✓	
Buildings have been sited using a common 'build to' line at or near the front property line to maintain a continuous street frontage. Some variation (1-3m maximum) can be accommodated in ground level set backs to support pedestrian and retail activity by, for example, incorporating a recessed entryway, small entry plaza, or sidewalk café.					✓	
Frequent entrances (every 15 m maximum) into commercial street frontages have been incorporated to create punctuation and rhythm along the street, visual interest, and support pedestrian activity.						
Residential and Mixed-use Buildings						
Residential buildings at the ground floor have a set back between 3-5m from the property line to create a semi-private entry or transition zone to individual units and to allow for an elevated front entryway or raised patio.					✓	
A maximum 1.2m desired height (e.g., 5-6 steps) for front entryways has been provided. Where the water table requires this to be higher, in these cases, larger patio has been provided and parking has been screened with ramps, stairs, and landscaping.					✓	
Ground floor units accessible from the fronting street or public open spaces have been provided with individual entrances.						✓

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
Buildings are sited and oriented so that windows and balconies are overlooking public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences.					✓	
4.1.2 Scale and Massing						
Proposed residential building façade has a length of 60m (40m length is preferred).						✓
Buildings over 40m in length are incorporating significant horizontal and vertical breaks in façade.					✓	
Commercial building facades are incorporating significant break at approximately 35m intervals.					✓	
Proposed residential building has a maximum width of 24m.						✓
4.1.3 Site Planning						
On sloping sites, building floor levels are following the natural grade and avoiding the blank wall situation.	✓					
Buildings are sited to be parallel to the street and have a distinct front-to-back orientation to public street and open spaces and to rear yards, parking, and/or interior courtyards.					✓	
Building sides that are interfacing with streets, mid-block connections, and other open spaces (building fronts) are positively framing and activating streets and open spaces and supporting pedestrian activity.						✓
Larger buildings are broken up with mid-block connections which have public accessibility wherever possible.						✓
Ground floors adjacent to mid block connections have entrances and windows facing the mid block connection.						✓
4.1.4 Site Servicing, Access, and Parking						
Vehicular access is provided from the lane.	✓					
Where there is no lane, and where the re-introduction of a lane is difficult or not possible, access is provided from the street, provided: <ul style="list-style-type: none"> • Access is from a secondary street, where possible, or from the long face of the block; • Impacts on pedestrians and the streetscape is minimized; and, • There is no more than one curb cut per property. 					✓	
Above grade structure parking should only be provided in instances where the site or high water table does not allow for other parking forms.						✓

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
<p>When parking cannot be located underground due to the high water table and is to be provided above ground, screen the parking structure from public view as follows:</p> <ul style="list-style-type: none"> On portions of the building that front a retail or main street, line the above ground parking with active retail frontage; On portions of the building that front onto non-retail streets, line the above ground parking with an active residential frontage, such as ground oriented townhouse units; When active frontages are not able to be accommodated, screen parking structures by using architectural or landscaped screening elements; On corner sites, screen the parking structure from public view on both fronting streets using the appropriate strategy listed above. 	✓					
<p>Buildings with ground floor residential may integrate half-storey underground parking to a maximum of 1.2m above grade, with the following considerations:</p> <ul style="list-style-type: none"> Semi-private spaces should be located above to soften the edge and be at a comfortable distance from street activity; and Where conditions such as the high water table do not allow for this condition, up to 2m is permitted, provided that entryways, stairs, landscaped terraces, and patios are integrated and that blank walls and barriers to accessibility are minimized. 					✓	
4.1.5 Publicly Accessible and Private Open Spaces						
Publicly accessible private spaces (e.g., private courtyards accessible and available to the public) have been integrated with public open areas to create seamless, contiguous spaces.					✓	
Semi-private open spaces have been located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.					✓	
<p>Outdoor Amenity Areas: design plazas and parks to:</p> <ul style="list-style-type: none"> Contain 'three edges' (e.g., building frontage on three sides) where possible and be sized to accommodate a variety of activities; Be animated with active uses at the ground level; and, Be located in sunny, south facing areas. 					✓	
<p>Internal courtyard design provides:</p> <ul style="list-style-type: none"> amenities such as play areas, barbecues, and outdoor seating where appropriate. a balance of hardscape and softscape areas to meet the specific needs of surrounding residents and/or users. 						✓
Mid-block connections design includes active frontages, seating, and landscaping.						✓

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying & 5 is highly complying)	N/A	1	2	3	4	5
Rooftop Amenity Spaces						
<p>Shared rooftop amenity spaces (such as outdoor recreation space and rooftop gardens on the top of a parkade) are designed to be accessible to residents and to ensure a balance of amenity and privacy by:</p> <ul style="list-style-type: none"> • Limiting sight lines from overlooking residential units to outdoor amenity space areas through the use of pergolas or covered areas where privacy is desired; and • Controlling sight lines from the outdoor amenity space into adjacent or nearby residential units. 	✓					
<p>Reduce the heat island effect by including plants or designing a green roof, with the following considerations:</p> <ul style="list-style-type: none"> • Secure trees and tall shrubs to the roof deck; and • Ensure soil depths and types are appropriate for proposed plants and ensure drainage is accommodated. 	✓					
4.1.6 Building Articulation, Features & Materials						
<p>Articulate building facades into intervals that are a maximum of 15m wide for mixed-use buildings and 20m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance (see 2.2.1), and include:</p> <ul style="list-style-type: none"> • Façade Modulation – stepping back or extending forward a portion of the façade to create a series of intervals in the facade; • Repeating window patterns at intervals that correspond to extensions and step backs (articulation) in the building facade; • Providing a porch, patio, deck, or covered entry for each interval; • Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance; • Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval; • Changing the materials with the change in building plane; and • Provide a lighting fixture, trellis, tree, or other landscape feature within each interval. 					✓	
<p>Break up the building mass by incorporating elements that define a building's base, middle and top.</p>			✓			
<p>Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors.</p>				✓		
<p>Articulate the facade using design elements that are inherent to the building as opposed to being decorative. For example, create depth in building facades by recessing window frames or partially recessing balconies to allow shadows to add detail and variety as a byproduct of massing.</p>				✓		

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
Incorporate distinct architectural treatments for corner sites and highly visible buildings such as varying the roofline (<i>See Figure 41</i>), articulating the facade, adding pedestrian space, increasing the number and size of windows, and adding awnings and canopies.					✓	
Weather Protection						
Provide weather protection (e.g. awnings, canopies, overhangs, etc.) along all commercial streets and plazas (<i>See Figure 42</i>), with particular attention to the following locations: <ul style="list-style-type: none"> • Primary building entrances, • Adjacent to bus zones and street corners where people wait for traffic lights; • Over store fronts and display windows; and • Any other areas where significant waiting or browsing by people occurs. 				✓		
Architecturally-integrate awnings, canopies, and overhangs to the building and incorporate architectural design features of buildings from which they are supported.				✓		
Place and locate awnings and canopies to reflect the building's architecture and fenestration pattern.				✓		
Place awnings and canopies to balance weather protection with daylight penetration. Avoid continuous opaque canopies that run the full length				✓		

ATTACHMENT C

This forms part of application
DP21-0155

Planner
Initials **WM**



DILWORTH CENTRE

#2339 HIGHWAY 97N
KELOWNA, BC
V1X 4H9

Applicant Name & Consultant List

OWNER
Peterson



CIVIL ENGINEER
APLIN MARTIN

PLANNER & ARCHITECT
IBI

LANDSCAPE ARCHITECT
loci



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TRS RESPONSE PACKAGE - FEBRUARY 2, 2022

Project No: 133304

Design Rationale

Density

The C4 zone permits a baseline mixed use density of 1.3 FAR. An additional 0.2 FAR density bonus is available for projects where parking is provided beneath habitable space. Residential parking for both phases of the Dilworth Mall Redevelopment is proposed entirely below grade to maximize private open space at grade. The proposed project provides for 1.7 FAR across both phases.

Phasing Plan

Phase 1 includes buildings 1A and 1B, the new internal street, and the revitalization and extension of the existing internal street 1 into a residential feeling street lined with trees and boulevards. The new internal street running East to West will be built in phase 1 and provide access to underground parking for both phases. Approximately 5,000 sq. ft. of indoor amenity space is included in Phase 1, as well as the northern retail anchor space and adjacent public plaza. The public green space at the end of the new internal road is also in this phase.

The private internal street is lined with townhouse stoops and lobby entries to maintain an active street realm. These uses signal the transition to a more residential focus. The scale, frontage, and setbacks of the new buildings along with the boulevard treatment of the streets will indicate to drivers that pedestrians and cyclists are prioritized in this area, and to reduce their speed as they come off from the highway onto a multi-modal shared street.

Internal road circulation will be kept flowing as long as possible during construction, with only necessary closures to the western entrance to Dilworth Centre. The public green space at the end of the new internal road is also in this phase.

Phase 2 will include the new proposed connection through to Baron Road as well as the public plaza at this intersection. of the existing internal road. Phase two will deliver approximately 3,000 sq.ft. of indoor amenity space and a further 10,000sq.ft. of retail at Baron Road.



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SEAL		
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PROJECT		
DILWORTH CENTRE #2330 HIGHWAY 97N KELOWNA, BC V1X 4H9		
PROJECT NO.		
133304		
DRAWN BY:	CHECKED BY:	
Author	LJM	
PROJECT MGR:	APPROVED BY:	
NG	Approver	
SHEET TITLE		
DESIGN RATIONALE		
SHEET NUMBER		ISSUE
A0.01B- PH1		A

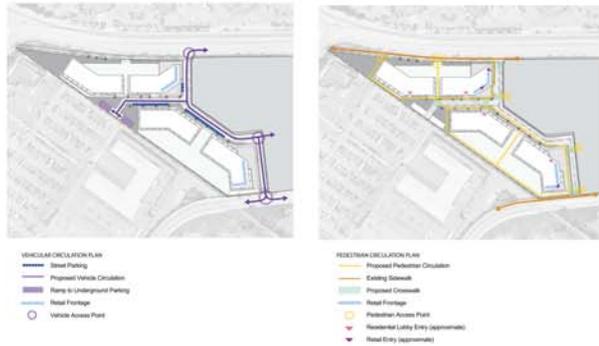
Design Rationale

Urban Design

The Dilworth Centre Redevelopment Phases 1 and 2 proposes a robust urban design strategy to respond to the City of Kelowna's Urban Design DP Guidelines, and improve safety and experience for all users on the site. The two key elements that will improve the public realm are the redesign of the circulation network including road and walkways, and the introduction of public and semi-public open space amenities.

The new road and pedestrian connection plan, parking strategy, public realm and greening strategy, land use mix and urban form. As this site will see a major transformation from a suburban-style low rise commercial "strip-mall" lot into a compact, human-scaled, mixed use neighbourhood.

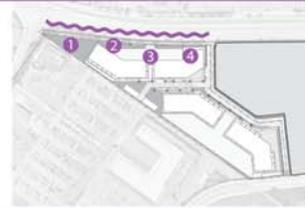
Circulation Plans



Animate Okanagan Highway

Improvements along the Highway frontage to make the space human scaled and animated.

- 1 Pocket park with dog run and half court amenities.
- 2 Large setbacks and green buffer for residential use above grade along Okanagan Highway.
- 3 Indoor and outdoor amenity space along the north property line.
- 4 Retail at the north-east corner fronted by a retail anchor and public plaza.



Animate Internal Street

High-quality residential boulevard connects north-south across the site.

- 1 Landscape improvements and tree rows to create a boulevard feel along the internal street.
- 2 Townhouses lining the quiet internal street introduce doorways for activity and eyes on the street.
- 3 Retail and retail plazas at the south and north corners anchoring the street.



Open Space

Public and semi-public soft and hardscaped outdoor spaces.

- Semi-public amenity decks.
- Public retail anchor space
- Public pocket parks
- ~ Landscape privacy and noise buffer along edges



Convenient Access from Surrounding Streets

Safe, welcoming, convenient access points on the north and south sides of the site.

Minimal curb cuts to the surrounding streets for consolidated, safe and convenient access into the site from the Okanagan Highway to the north and Baron Road to the south. This north-south connection creates a finer grained urban block.



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ISSUES	No.	DESCRIPTION	DATE
A	1	TRRS RESPONSE PACKAGE	2022.02.02

KEYPLAN

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PROJECT
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PROJECT NO:
133304

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CHECKED BY:
LM

PROJECT MGR:
NG

APPROVED BY:
Approver

SHEET TITLE
DESIGN RATIONALE

SHEET NUMBER
A0.01C- PH1

ISSUE
A

Design Precedents



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SEAL

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SHEET NUMBER
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 ISSUE
A

Design Precedents



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PROJECT NO:
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SHEET TITLE
DESIGN PRECEDENTS

SHEET NUMBER A0.02B- PH1	ISSUE A
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DILWORTH CENTRE

Applicant Name & Consultant List

OWNER:

Peterson

MUNICIPALITY:



PLANNER & ARCHITECT:



CIVIL ENGINEER:



LANDSCAPE ARCHITECT:



TRANSPORTATION:



**#2339 HIGHWAY 97N
KELOWNA, BC
V1X 4H9**



Sheet List- PHASE 2- DP

07.1 Development Permit	
A0.01A- PH2	DESIGN RATIONALE
A0.01B- PH2	DESIGN RATIONALE
A0.01C- PH 2	DESIGN RATIONALE
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TRS RESPONSE PACKAGE - FEBRUARY 2, 2022

Project No: 133304



2022-03-29

Design Rationale - Phase 2

Peterson Group developments has submitted to the City of Kelowna a Master Plan of Development (MDP) application for the approximately 1.9 ha western portion of the “Dilworth Centre” site at 2339 Highway 97. The larger MDP proposes four six-storey buildings built over two phases of construction.

The Dilworth Centre re-development is envisioned as a vibrant, complete, mixed-use community in Midtown Kelowna. Improvements to the streetscape, landscape, block structure and public amenities, as well as the introduction of new building forms to the area, will enhance this location as a convenient, desirable, beautiful place to live, work, shop, and play.

Together, both phases will provide a total of 490 residential units in townhouse and apartment forms, ranging from studio to three bedrooms. 15,000 sq. ft. of retail, and an additional 8,000 sq. ft. of indoor amenity space.

IBI Group is please to submit on behalf of Peterson Group this Development Permit Application for Phase 2 of the Dilworth Mall MDP. The intent of this DP is to permit the redevelopment Phase 2, transforming a low density strip-mall retail corridor into a mixed use block with anchor commercial uses, ground-oriented townhouses and residential housing on levels two through six.

Phase 2 includes an extensively landscaped ground plane with a mixture of private amenities, public and semi-public spaces. The internal streets are lined with townhouse stoops and lobby entries to maintain an active street realm. The scale, frontage, and setbacks of the new building indicate to drivers that pedestrians and cyclists are prioritized in this area, and to reduce their speed as they come of from the highway onto a multi-modal shared street with residences above.



Location Plan



Western Elevation of Phase 2

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ISSUES		
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A	TRS RESPONSE PACKAGE	2022.02.02

KEYPLAN

CONSULTANTS

SEAL

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PROJECT
DILWORTH CENTRE
 #2339 HIGHWAY 97N
 KELOWNA, BC
 V1X 4H9

PROJECT NO:
133304

DRAWN BY: Author	CHECKED BY: LM
PROJECT MGR: NG	APPROVED BY: Approver

SHEET TITLE
DESIGN RATIONALE

SHEET NUMBER A0.01A- PH2	ISSUE A
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SCALE CHECK
1"=

BIM: 360/7133304 - Dilworth R2020/133304 - DilworthMall-Phase2_A-R2020.rvt

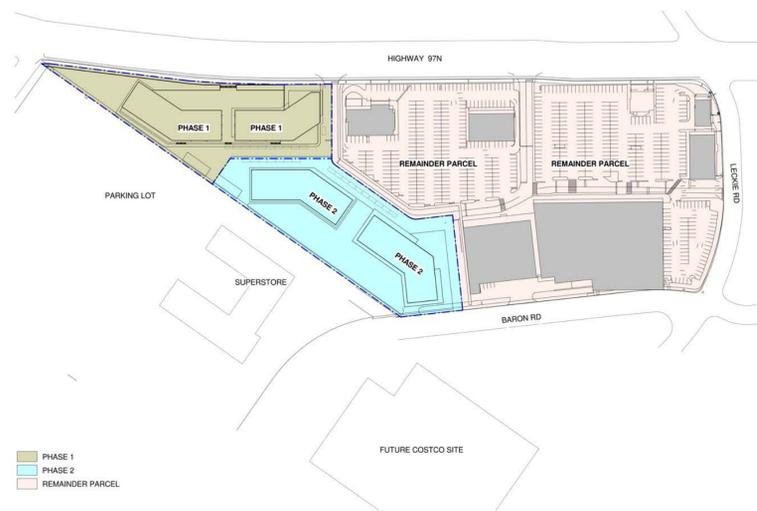
Design Rationale

Density

The C4 zone permits a baseline mixed use density of 1.3 FAR. An additional 0.2 FAR density bonus is available for projects where parking is provided beneath habitable space. Residential parking for both phases of the Dilworth Mall Redevelopment is proposed entirely below grade to maximize private open space at grade. The proposed project proposed 1.7 FAR across both phases.

Phasing Plan

Phase 2 includes buildings 2a and 2b, the revitalization of the existing internal street and a new vehicle and pedestrian connection to Baron Road. Approximately 3,000 sq. ft. of indoor amenity space is included in Phase 2, a south-west retail anchor space and adjacent public plaza. The anchor retail in Phase 2 provides a 100% commercial frontage along Baron Road.



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PROJECT MGR:
NG
APPROVED BY:
Approver

SHEET TITLE
DESIGN RATIONALE

SHEET NUMBER
A0.01B- PH2
ISSUE
A



VIEW A



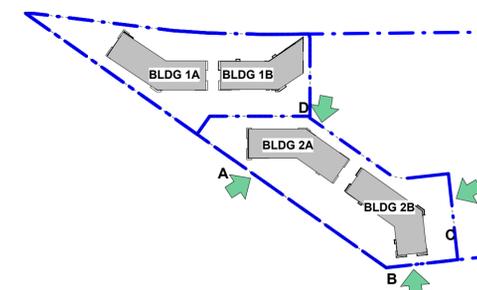
VIEW B



VIEW C



VIEW D



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SHEET TITLE
3D MASSING SKETCH- 2A & 2B

SHEET NUMBER A5.01- PH2	ISSUE A
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