## CITY OF KELOWNA

## MEMORANDUM

Date: $\quad$ May 2, 2017
File No.: DP14-0204-02
To: Urban Planning (AC)
From: Development Engineer Manager (SM)
Subject: 205 Lougheed Road, Lot A, plan KAP84518, Sec. 2, Twp. 23, ODYD.
The Development Engineering Branch comments and requirements regarding this application for a development Permit are as follows:

## 1. General.

a) Existing easement of 5.0 m on Hollywood Road will not be required.
b) 205 Lougheed must be graded to property line on full frontage of ultimate Hollywood road.
c) West 205 Lougheed Rd access to development must be built to ultimate section to entrance of Development. Curb, gutter, sidewalk, boulevard and one lane SS-R3 urban standard.
2.. On-site related issues.


## DEVELOPMENT PERMIT

## APPROVED ISSUANCE OF DEVELOPMENT PERMIT (DP14-0204-01)

| Issued To: | Watermark Ventures Ltd. |
| :--- | :--- |
| Site Address: | 205 Lougheed Rd |
| Legal Description: | Lot A, Section 2, Township 23, ODYD, Plan KAP84518 |
| Zoning Classification: | CD25 - Light Industrial / Residential Mixed Use Zone |
| Development Permit Area: | COMPREHENSIVE DEVELOPMENT PERMIT 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. DP14-0204-01 for Lot A, Section 2, Township 23, ODYD, Plan KAP84518, located at 205 Lougheed Rd, Kelowna, BC to allow the construction of a mixed use development 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 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 $\$ \quad \$ 155,875 \quad$ OR
b) A Certified Cheque in the amount of $\$ \ldots \quad$ OR
c) An Irrevocable Letter of Credit in the amount of $\$$

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.

## 5. APPROVALS

Issued and approved by Council on the $\qquad$ day of $\qquad$ 2017.

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

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

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


| SCHED |
| :--- | :--- | :--- |
| This forms part of application |
| \# DP14-0204-01 |$\quad$| City of |
| :--- | :--- |


Kelowna

$m+m$ a
North Link mixed-use building
















SCHEDULE C

File: 12094
This forms part of application

## Attention: Mr.John Hertay - <br> Watermark Ventures Ltd.

## Re: NORTHLINK - LANDSCAPE DESIGN

Please find below, our preliminary soft landscape and irrigation cost estimate for NORTHLINK, based on the Landscape Concept Plans, prepared by CTQ Consultants Ltd.
North Link
Preliminary Landscape Cost Estimate

| Description | Units | Quantity | Unit Price | Amount |
| :--- | :---: | :---: | :---: | ---: |
|  |  |  |  |  |
|  |  |  |  |  |
| Trees - deciduous 75mm cal | Each | 56 | $\$$ | 500.00 |
|  |  |  |  | $28,000.00$ |
| Trees - coniferous 2.0m ht | Each | 33 | $\$$ | 350.00 |
|  |  |  | $\$$ | $11,550.00$ |
| Massed shrubs (inc 450mm topsoil \& mulch) | Square metre | 300 | $\$$ | 60.00 |
| Dryland grasss mix (inc 100mm topsoil) | Square metre | 4300 | $\$$ | 7.00 |
| Lawn boulevard (inc 100mm topsoil) | Square metre | 470 | $\$ 0,000.00$ |  |
| Irrigation | lump sum | 1 | $\$ 00000$ |  |
|  |  |  |  | 15.00 |

Total \$ 124,700.00

Should you have any questions regarding the foregoing, or require additional information, please contact the undersigned.


