



District of West Vancouver

PROPOSED

Development Permit No. 15-037

Current Owner: SEWELL'S LIMITED

This Development Permit applies to:

Civic Address: 6695 Nelson Avenue

Legal Description: 014-051-061
BLOCK 30 DISTRICT LOT 430 PLAN 2103

and

024-591-149
PARCEL C DISTRICT LOTS 430 AND 3840 GROUP 1 NEW
WESTMINSTER DISTRICT PLAN LMP43225

(the 'Lands')

1.0 This Development Permit:

- (a) imposes requirements and conditions for the development of the Lands, which are designated by the Official Community Plan as the Sewell's Landing Horseshoe Bay Development Permit Area to promote the siting and design of mixed commercial development at Sewell's Landing in Horseshoe Bay that reflects a West Coast village stepping from the hillside to the ocean, creates community connections to the Village of Horseshoe Bay by expanding public access to the waterfront, and creates an attractive public realm, and subject to Guidelines BF- C10 specified in the Official Community Plan; and
- (b) is issued subject to the Owner's compliance with all of the Bylaws of the District applicable to the Lands, except as varied or supplemented by this Permit.

2.0 The following requirements and conditions shall apply to the Lands:

- 2.1 Building, structures, on-site parking, driveways and site development shall take place in accordance with the attached Schedule A.
- 2.2 Sprinklers must be installed in all areas as required under the Fire Protection and Emergency Response Bylaw No. 4366, 2004.
- 2.3 No wood burning fireplaces shall be installed, constructed or otherwise permitted on the Lands or in any building on the lands.
- 2.4 On-site landscaping shall be installed at the cost of the Owner in accordance with the attached Schedule A.
- 2.5 Sustainability measures and commitments shall take place in accordance with the attached Schedule A.

- 2.6 All balconies decks and patios are to remain fully open and unenclosed and the weather wall must remain intact.
- 2.7 Where provided for on Schedule A, balconies, decks and patios may be provided with external glass weather protection devices, but in any case the weather wall must remain intact.

3.0 Prior to commencing site work or Building Permit issuance, whichever occurs first, the Owner must:

- 3.1 Provide and implement a plan for traffic management during construction to the satisfaction of the District's Manager of Development Engineering.
- 3.2 Install tree, vegetation and/or hedge protection measures as required to the satisfaction of the District's Environmental Protection Officer.
- 3.3 Submit a "Sediment and Erosion Plan" to the District's Environmental Protection Officer for approval, which the Owner shall comply with and be responsible for maintaining, repairing and implementing the sediment control measures.

4.0 Prior to Building Permit issuance:

- 4.1 Provide engineering civil drawings detailing works, including but not limited to:
 - (a) storm water management measures;
 - (b) site service connections;
 - (c) new boulevard plan along the frontage of the site including curbs, sidewalk and grading plan; and
 - (d) repaving along the frontage of the Lands,which must be submitted for acceptance, and security provided for the due and property completion of the engineering works, all to the satisfaction of the District's Manager of Development Engineering.

5.0 Security for Landscaping

- 5.1 Prior to building permit issuance, security for the due and proper completion of the landscaping set forth in section 2.4 of this Development Permit (the "Landscaping Works") shall be provided in the amount of \$250,000 (the "Landscape Deposit") to the District in the form of cash or unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union.
- 5.2 Release of the Landscape Deposit:
 - (a) Following installation of the Landscaping Works and upon receipt of a certified letter or report by a Landscape Architect in good standing with the British Columbia Society of Landscape Architects to the District stating that:
 - a. the Landscaping Works have been installed substantially in accordance with Schedule A; and

- b. any variations that may have been undertaken to the Landscaping Works are clearly identified, including but not limited to:
 - i. any adjustments to retaining walls,
 - ii. changes to the mixture or sizes of any plant materials or trees,
 - iii. completion of any off-site or boulevard works,
 - iv. any areas that received alternative treatment,
 - v. any paving changes, or
 - vi. any other additional or omitted plantings or alterations,

together with a clear rationale and explanation thereof and stating

- c. that a final review with the landscape contractor or consultant of record has been completed, including provision of the date when this final review was completed on,
- d. whether there are any outstanding Landscape Works which are outstanding or which need attention, and
- e. notwithstanding outstanding works in 5.2(a)(d) above, that the Landscaping Works are complete,

then District will release 75% of the initial value of the Landscape Deposit. The remaining 25% of the initial value of the Landscape Deposit shall be retained by the District as a warranty deposit (the "Warranty Deposit") to ensure successful installation of the Landscaping Works.

- (b) After a one-year period following certification that the Landscaping Works have been completed, and upon final certification by a Landscape Architect in good standing with the British Columbia Society of Landscape Architects that the Landscaping Works are successful, the District will release the Warranty Deposit.

5.3 Additional Landscape Security

- (a) No occupancy shall be issued nor will any other final approvals be given for any individual building site identified as a "Parcel" on attached Schedule B, until:
 - a. all of the Landscaping Works are completed, or
 - b. the Owner provides security in addition to and separate from the Landscape Deposit, and in the amount of 110% of the value of the uncompleted Landscaping Works for that specific Parcel only (the "Additional Security Deposit") for the due and proper completion of the uncompleted or deficient Landscape Works for that specific Parcel only, as determined and certified by the consultant of record; and
 - c. the Additional Security Deposit will be released upon final certification by a Landscape Architect in good standing with

the British Columbia Society of Landscape Architects following certification that all of the Landscaping Works on the Parcel have been completed.

5.4 In the event that the Landscaping Works are not completed as provided for in this Permit, the District may, at its option, enter upon, carry out and complete the Landscaping Works so as to satisfy the terms of the Development Permit, and recover the costs of doing so from the security deposited or recover any costs incurred over and above the amount of the security deposited, including the costs of administration and supervision.

6.0 This Development Permit lapses if the work authorized herein is not commenced within 24 months of the date this permit is issued.

In the event the Owner is delayed or interrupted or prevented from commencing or continuing the development by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the Owner, the time for the completion of the work shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that the commercial or financial circumstances of the Owner shall not be viewed as a cause beyond the control of the Owner.

THE COUNCIL OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON _____.

MAYOR

MUNICIPAL CLERK

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREED TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

Owner: Signature

Owner: Print Name above

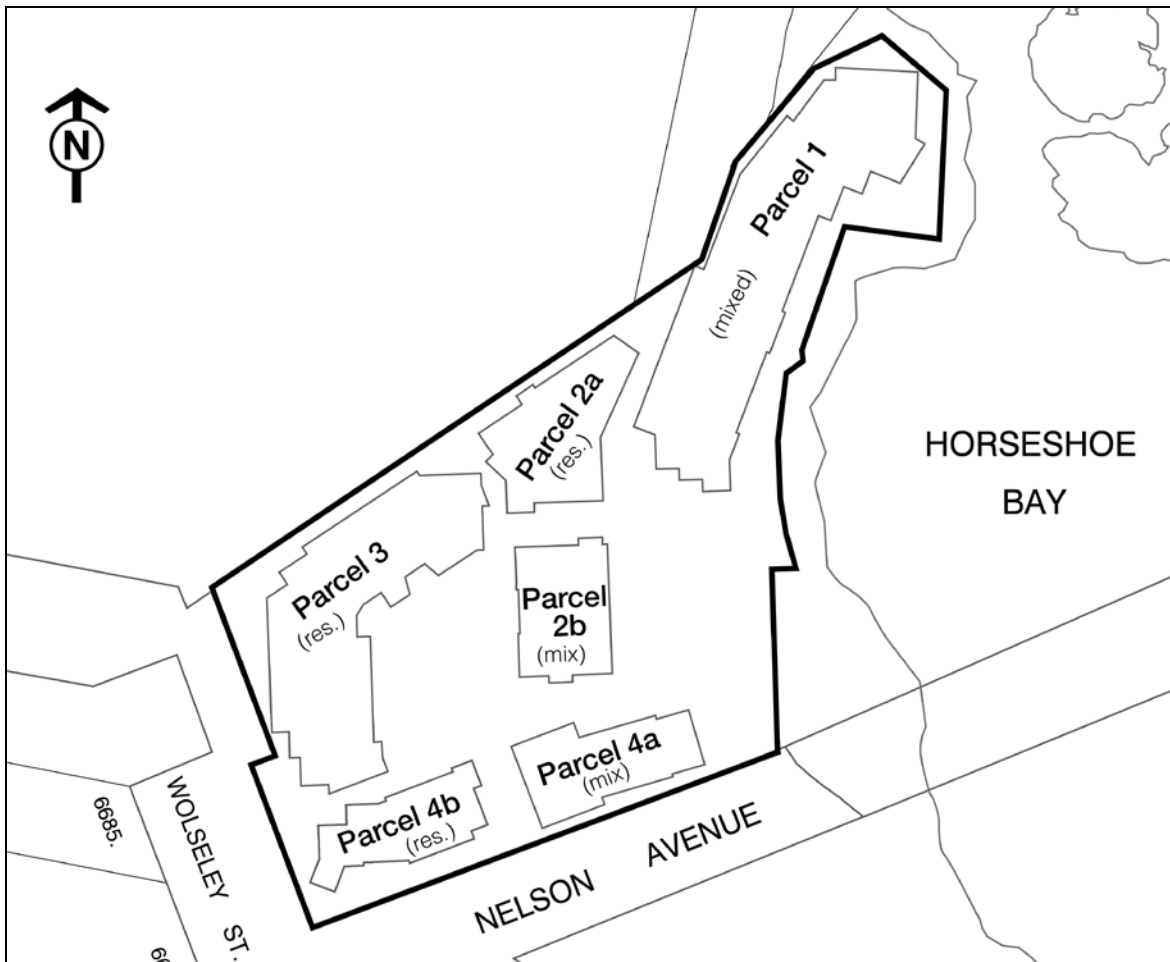
Date

FOR THE PURPOSES OF SECTION 6.0, THIS PERMIT IS ISSUED ON _____.

Schedules:

- A. Architectural plans, landscaping, sustainability initiatives and background reports (included as Parts A and B)
- B. Building sites (parcels)

SCHEDULE B BUILDING SITES (PARCELS)



Individual Building Sites (identified as Parcels):

- Parcel 1
- Parcel 2a
- Parcel 2b
- Parcel 3
- Parcel 4a
- Parcel 4b