

# DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

**File Number** DP16-0074 & DVP16-0075  
**Issued To:** Boardwalk Housing Corp., Inc. No. BC1030251  
**Site Address:** 925 Leon Ave  
**Legal Description:** Lot A, District Lot 138, ODYD, Plan EPP54864  
**Zoning Classification:** RM6 - High Rise Apartment Housing  
**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 and Development Variance Permit No. DP16-0074 & DVP16-0075 for Lot A, District Lot 138, ODYD, Plan EPP54864, located at 925 Leon Ave, Kelowna, BC 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 the variance to the following section Zoning Bylaw No. 8000 be granted subject to general conformance with the drawings (Schedule "A", "B", & "C") attached to DP16-0074 & DVP16-0075:

Section 13.12.6 (b) Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% to 83.4%.

Section 13.12.6 (d) Development Regulations

To vary the minimum front yard (west) setback from 6.0m to 2.9m.

Section 13.12.6 (e) Development Regulations

To vary the minimum flanking yard (south) setback from 6.0m to 3.3m.

Section 6.10 Setback from Provincial Highways

To vary the minimum setback from 4.5m to a Provincial Highway to 3.3m to a Provincial Highway.

Section 13.12.6 (f) Development Regulations

To vary the minimum rear yard (east) setback from 9.0m to 2.2m.

Section 8.1.14 Tandem Parking

To vary the number of parking spaces that may be configured in tandem from 0 to 8 parking stalls.

Section 8.1.11 (b) Size and Ratio Parking

To vary the minimum portion of full sized parking spaces from 50% to 45% and to vary the maximum portion of medium sized parking spaces from 40% to 46.5%.

## 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 \$\_\_\_\_\_ OR
- b) A Certified Cheque in the amount of \$ 105,366.88 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.

**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.
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**5. APPROVALS**

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

Ryan Smith, Community Planning Department Manager Community Planning & Real Estate	Date
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**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 5, 2016  
**File No.:** DP16-0074

**To:** Community Planning (AC)

**From:** Development Engineering Manager(SM)

**Subject:** 925 Leon Ave

Multi Family Development

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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. 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) The proposed development lots are currently serviced with small diameter services... Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new water service and the disconnection of the small existing services.
2. Sanitary Sewer
  - a) Our records indicate the proposed development lots are connected with 100mm diameter sewer services. 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 and must tie into a manhole. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.
3. 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.

4. Road Improvements

- a) Ethel Street fronting this development site has been urbanized as part of the Ethel Street ATC project completed by the City of Kelowna. The boulevard will require street trees complete with irrigation for the site irrigation system.
- b) Leon Avenue fronting this development site must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c) Harvey Avenue fronting this development is urbanized although the existing driveway and curb letdown should be removed and replaced with new barrier curb, sidewalk and boulevard as required.
- d) Walkway on the east side of this development is to be constructed to a 3.5m width based on standard SS-R2.

5. Subdivision Requirements

- a) If any road dedication or closer affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication or closer must be incorporated in the construction drawings submitted to the City's Development Manager.
- b) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Electric Power and Telecommunication Services

- a) All proposed distribution and 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. Geotechnical Report

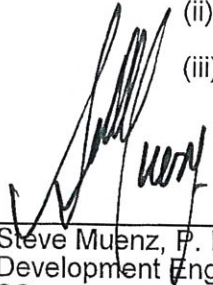
As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- a) Area ground water characteristics, including water sources on the site.
- b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- e) Additional geotechnical survey may be necessary for building foundations, etc.

10. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Driveway access to the site will not be permitted from Harvey Ave or Ethel Street. One access from Leon Ave is permitted.
- (ii) An MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (iii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.



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Steve Muenz, P. Eng.  
Development Engineering Manager  
SS

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 5, 2016  
**File No.:** DVP16-0075  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** 925 Leon Ave

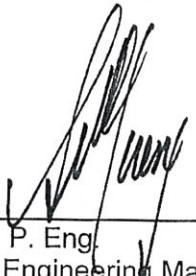
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Development Engineering comments and requirements regarding this development variance permit application are as follows:

This development variance permit application to vary;

1. Number of parking stalls.
2. Site coverage.
3. Building setbacks – front and rear.

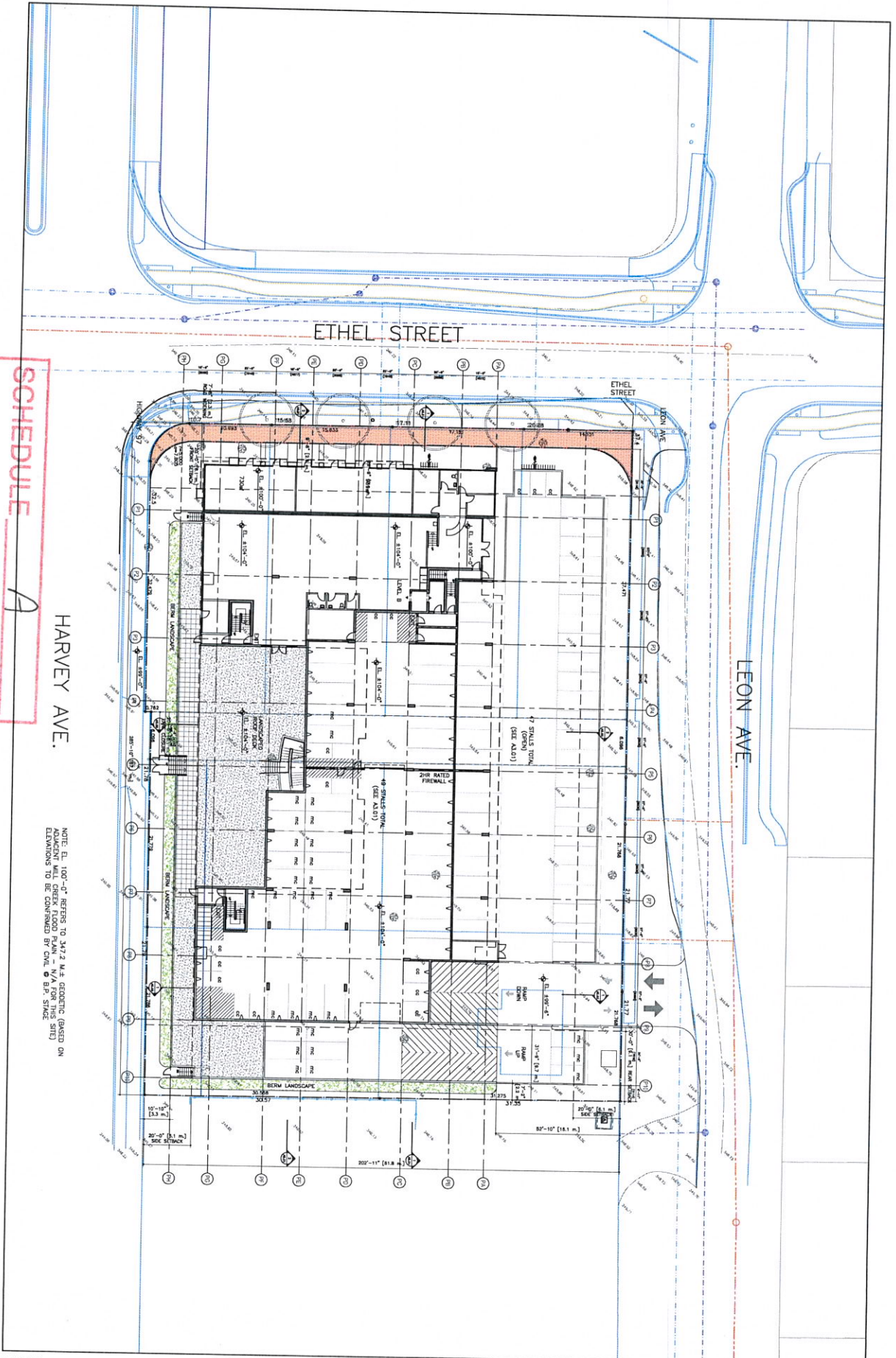
does not compromise any municipal services.

  
\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

SS







NOTE: E.L. 100'-0" REFERS TO 3/17.2 M.A. GEODETIC GRADED ON ADJACENT MILL CREEK FLOOD PLAN - N/A FOR THIS SITE) ELEVATIONS TO BE CONFIRMED BY CIVIL @ B.P. STAGE

**SCHEDULE** A

This forms part of development Permit # **DP16-00744**

HARVEY AVE.

ETHEL STREET

LEON AVE.

**SITE PLAN**

Scale: 1/16" = 1'-0"

DATE	DESCRIPTION
2016-04-21	REISSUED DP
2016-04-21	2016-04-21
2016-04-21	2016-04-21
2016-04-21	2016-04-21
2016-04-21	2016-04-21
2016-04-21	2016-04-21
2016-04-21	2016-04-21
2016-04-21	2016-04-21
2016-04-21	2016-04-21

**A2.01**

CAMBRIDGE HOUSE  
5-STORY - 192 UNITS  
DEVELOPMENT

1800 ETHEL STREET, WILMINGTON, DE

Project No. 1800 ETHEL STREET, WILMINGTON, DE

Client: MEIKLEJOHN ARCHITECTS, INC.

Architect: MEIKLEJOHN ARCHITECTS, INC.

Scale: 1/16" = 1'-0"

Date: 2016-04-21

Drawn by: [Name]

Checked by: [Name]

Approved by: [Name]

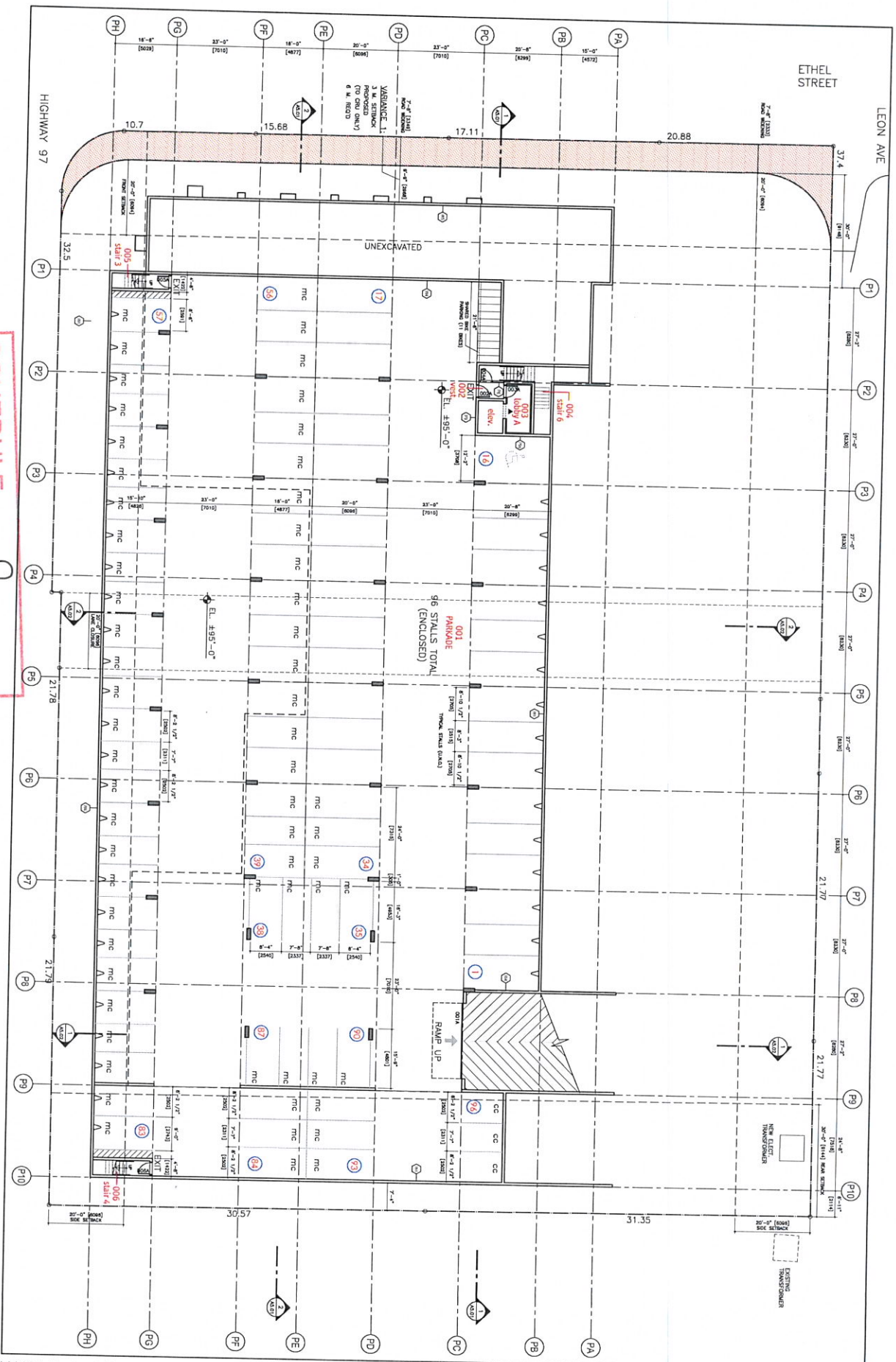


2016-04-21  
REISSUED DP



**m+a**  
MEIKLEJOHN ARCHITECTS, INC.

301 S. KIRBY STREET  
WILMINGTON, DE 19804  
TEL: 302.441.1111  
WWW.MEIKLEJOHN.COM



**SCHEDULE A**  
 This forms part of development  
 Permit # **DP16-0074**

NO.	DATE	DESCRIPTION
1	2016-04-21	ISSUED FOR PERMIT
2	2016-04-21	ISSUED FOR PERMIT
3	2016-04-21	ISSUED FOR PERMIT
4	2016-04-21	ISSUED FOR PERMIT

**A3.00**  
 LEVEL "A" PARKADE  
 FLOOR PLAN  
 Scale: 1" = 10'  
 1588 ETHEL STREET, KILGOMRAH  
 CAMBRIDGE HOUSE  
 5-STORY - 192 UNITS  
 DEVELOPMENT  
 MEKLEJOHN ARCHITECTS INC.

2016-04-21  
 REISSUED DP  
 2016-04-21  
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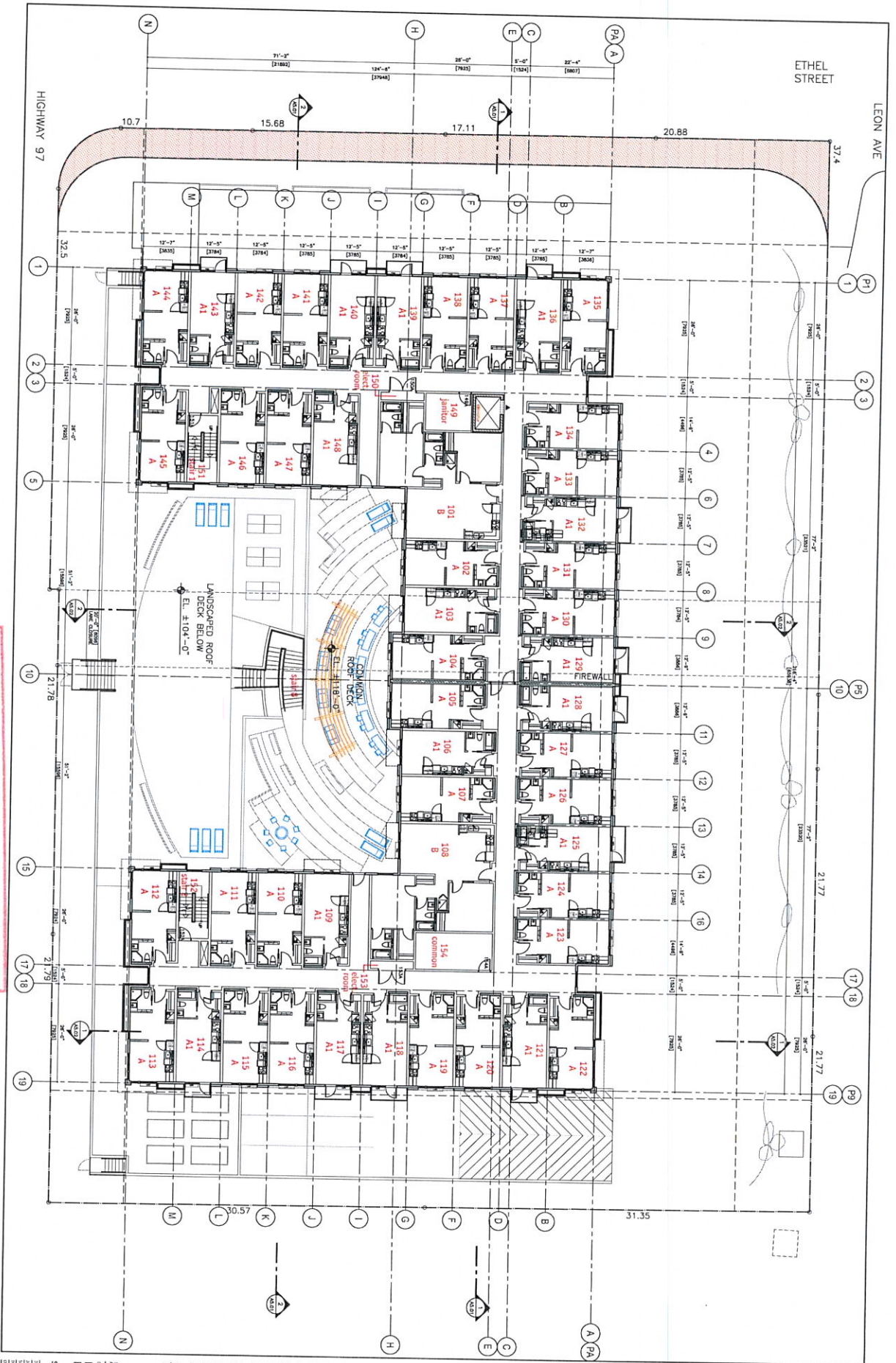
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 REISSUED DP





**SCHEDULE A**  
 This forms part of development  
 Permit # DP16-0074

DATE	DESCRIPTION
2016-04-21	REISSUED DP
2016-04-21	2016-04-21
2016-04-21	2016-04-21
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2016-04-21	2016-04-21

**A3.02**  
 LEVEL 1  
 FLOOR PLAN  
 Scale: 1"=10'  
 PROJECT: CAMBRIDGE HOUSE  
 5-STORY - 192 UNITS  
 DEVELOPMENT  
 1081 ETHEL STREET, WILTONMA  
 PROJECT NO. 1601

MEKLEJOHN ARCHITECTS INC.  
 2016-04-21  
 REISSUED DP

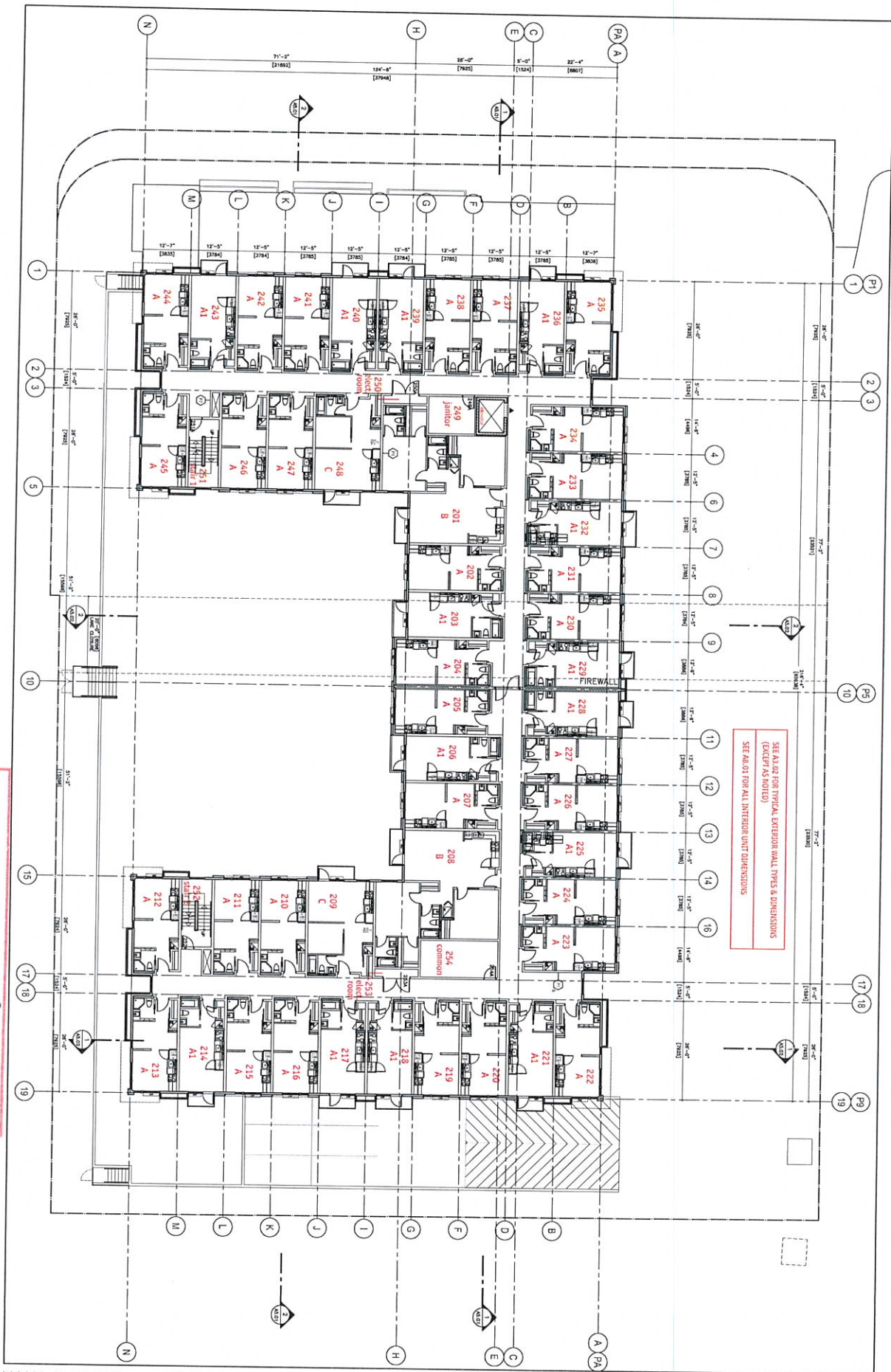
BOARDMAX  
 2016-04-21  
 REISSUED DP

MEKLEJOHN ARCHITECTS INC.  
 2016-04-21  
 REISSUED DP

MEKLEJOHN ARCHITECTS INC.  
 2016-04-21  
 REISSUED DP

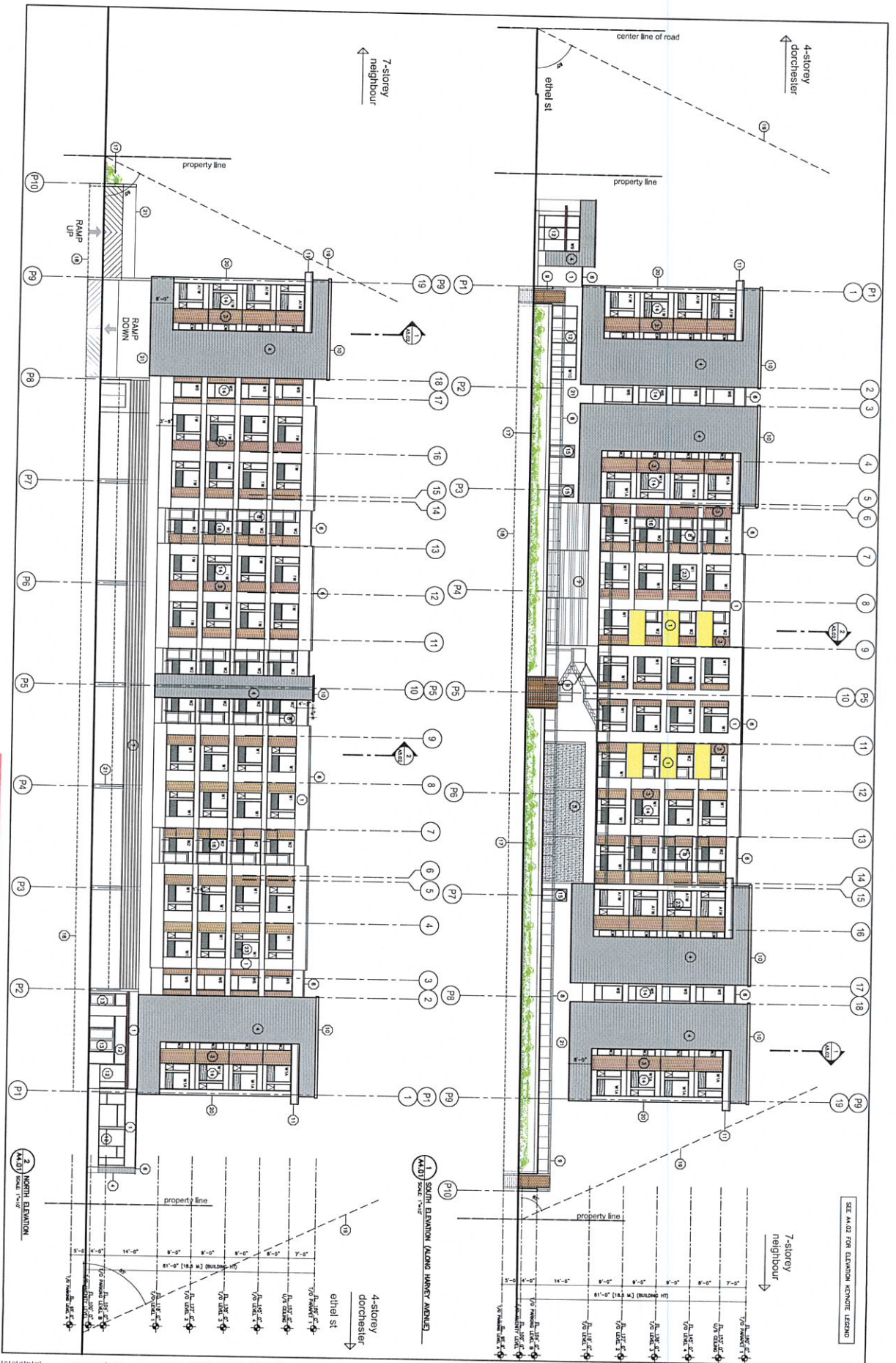
MEKLEJOHN ARCHITECTS INC.  
 2016-04-21  
 REISSUED DP

MEKLEJOHN ARCHITECTS INC.  
 2016-04-21  
 REISSUED DP



**SCHEDULE A**  
 This forms part of development  
 Permit # DPL6-0074

2016-04-21  
 REISSUED DP  
 MEIKLEJOHN ARCHITECTS INC.  
 CAMBRIDGE HOUSE  
 5-STORY - 192 UNITS  
 DEVELOPMENT  
 1463 TRINITY STREET, WESTON, MA  
 Scale: 1"=10'  
 LEVELS 2 TO 4  
 FLOOR PLAN  
 A3.03  
 MEIKLEJOHN ARCHITECTS INC.  
 100 STATE STREET, SUITE 200  
 WESTON, MA 02461  
 TEL: 781.326.1000  
 WWW.MEIKLEJOHN.COM



SEE A4.01 FOR ELEVATION KENNEDY LESION

2017 11/16/2017  
 MEKLEJOHN ARCHITECTS INC.  
 111 PARKWAY CENTER  
 SUITE 100  
 BOSTON, MA 02114  
 TEL: 617.552.1200  
 EMAIL: MEK@MEKJOHN.COM

**m+a**  
 MEKLEJOHN ARCHITECTS INC.

**2016-04-21**  
 REISSUED DP

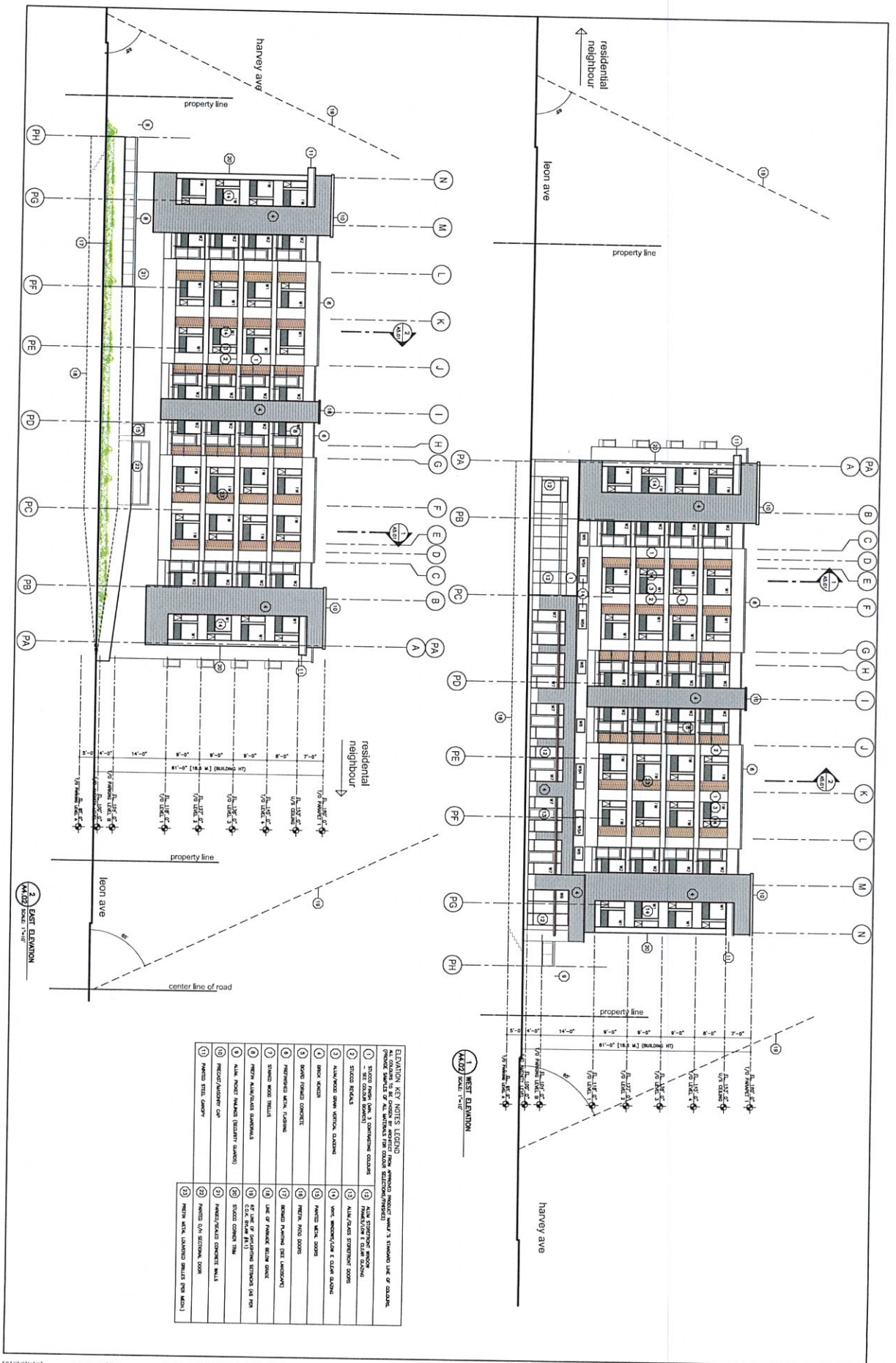


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**A4.01**  
 BUILDING  
 ELEVATIONS

**CAMBRIDGE HOUSE**  
 5-STORY - 192 UNITS  
 DEVELOPMENT  
 1400 ETHEL STREET, WILMINGTON  
 Project Name  
 Drawing Title  
 Drawing No.  
 Date  
 Scale  
 Author  
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**SCHEDULE B**  
 This forms part of development  
 Permit # DP16-0074

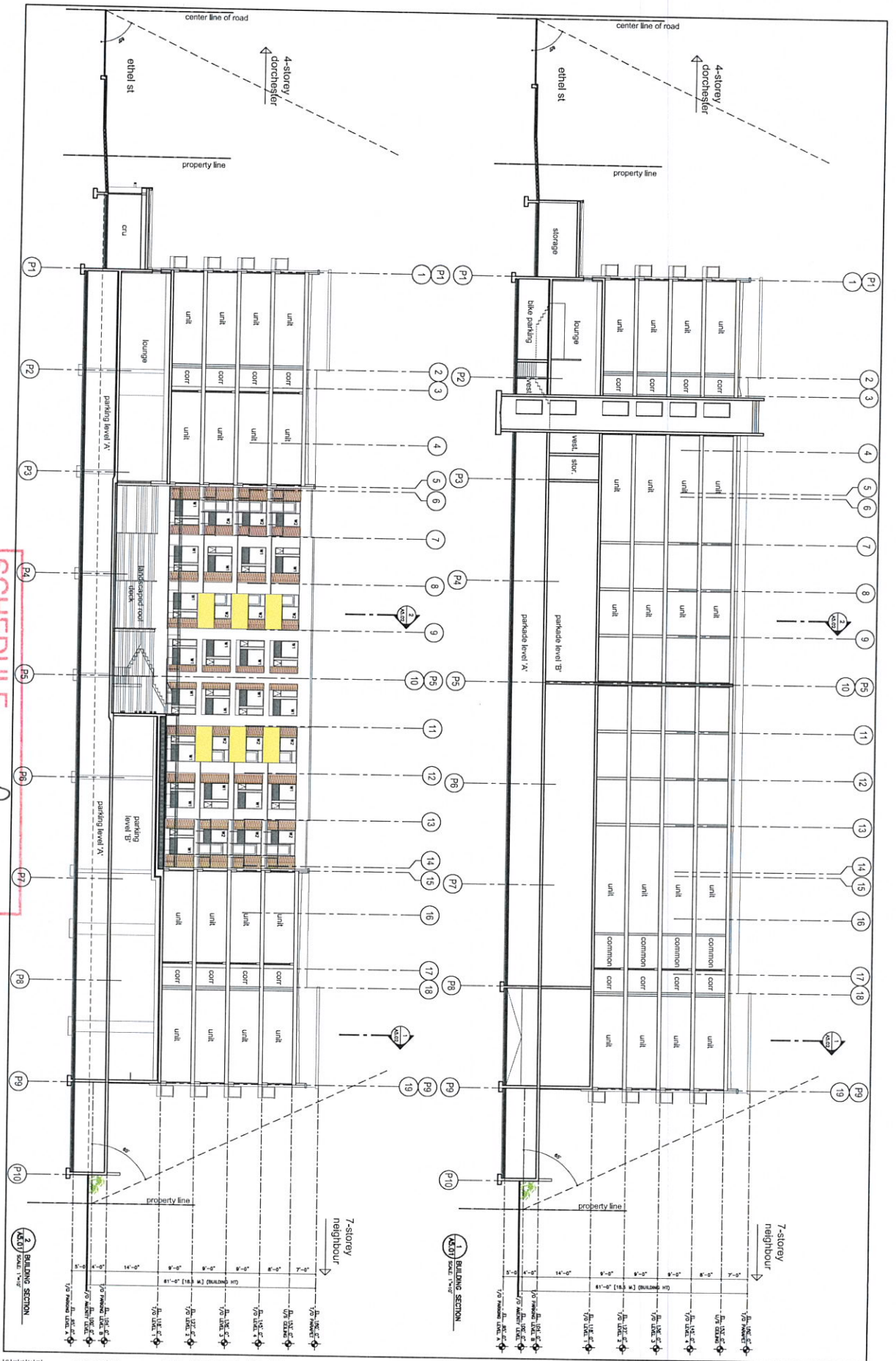


**ELEVATION KEY NOTES LEGEND**

1 STUCCO FINISH (SEE 3 CONSTRUCTION DETAILS)  
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**SCHEDULE B**

This forms part of development  
 Permit # DP16-0074



**SCHEDULE B**  
 This forms part of development  
 Permit # DP16-0074

**TABLE**

1. BUILDING SECTION

2. BUILDING SECTION

**MEKLEJOHN ARCHITECTS INC.**

2016-04-21

REISSUED DP

**gearworks**

2501 ETHEL STREET, ARLBOROUGH

**A5.01**

**CAMBRIDGE HOUSE**

**5-STORY - 192 UNITS**

**DEVELOPMENT**

2501 ETHEL STREET, ARLBOROUGH





m+m a



BOARDWALK  
HOUSING CORP

Cambridge Housing Development

view along harvey/ethel ave

april 21, 2016

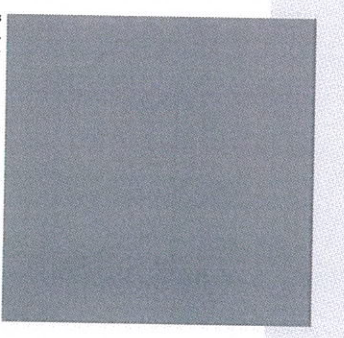
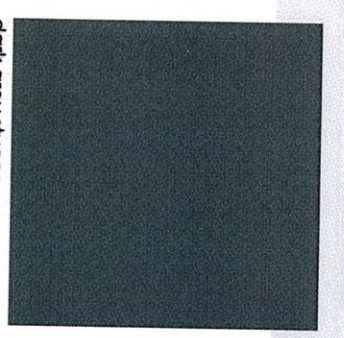
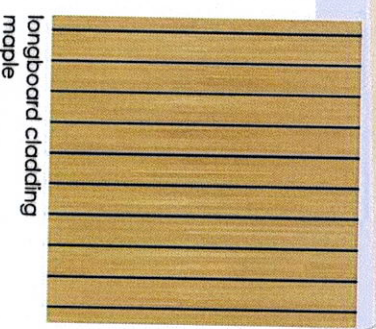
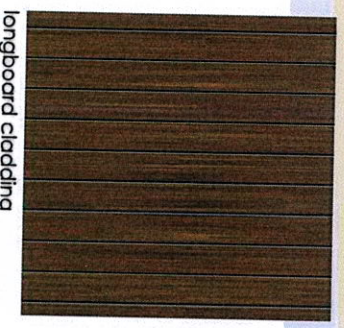
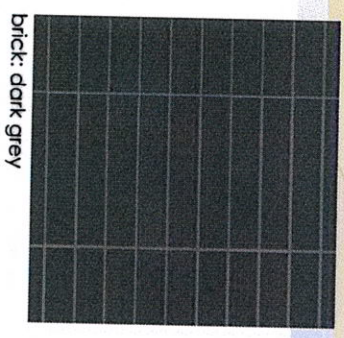
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SCHEDULE

B

This forms part of development

Permit # DP16-0074



m+m a



BOARDWALK HOUSING CORP

Cambridge Housing Development

view along leon st

feb 24, 2016

SCHEDULE B

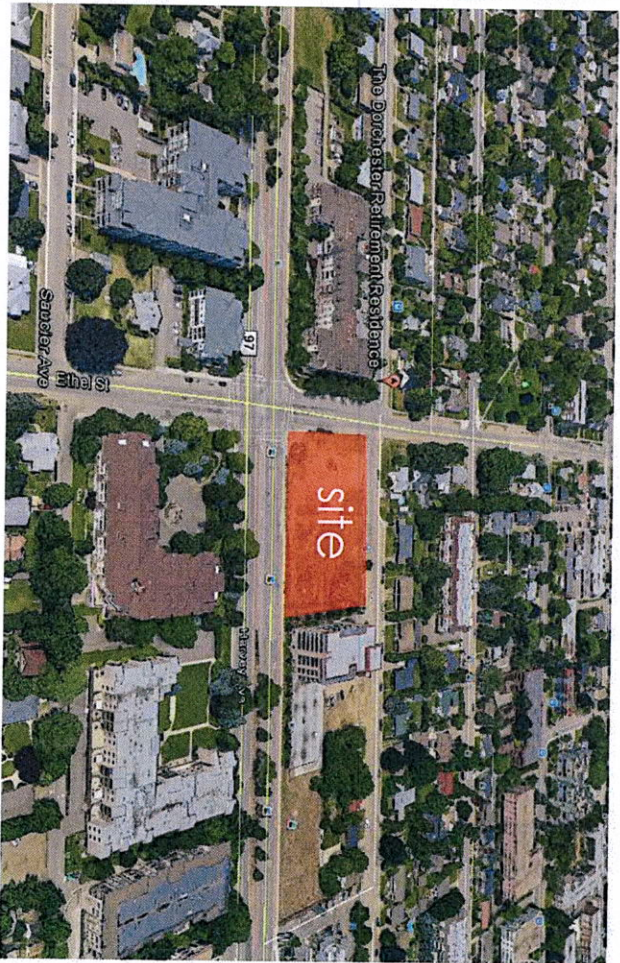
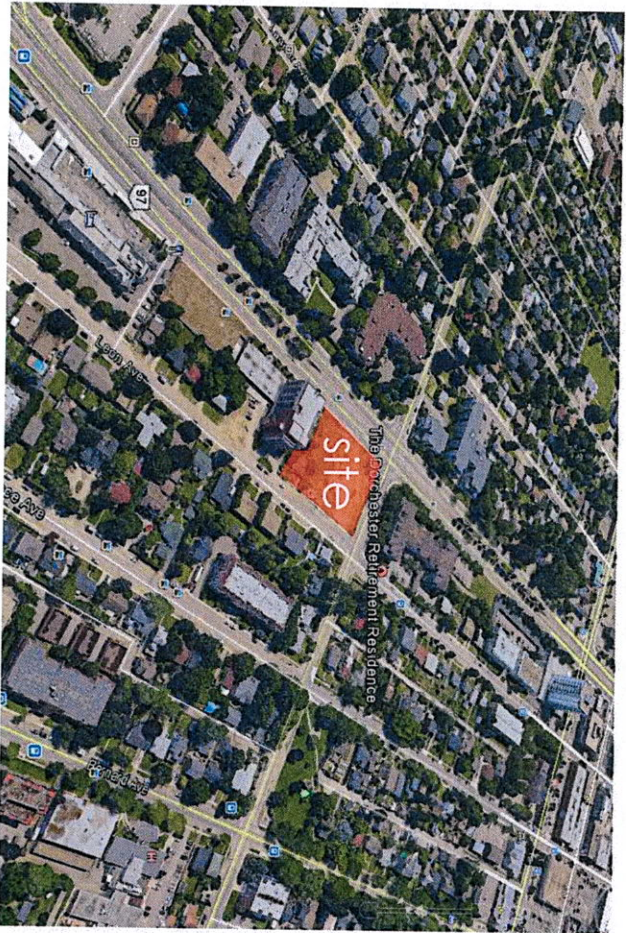
This forms part of development Permit # DP16-0074



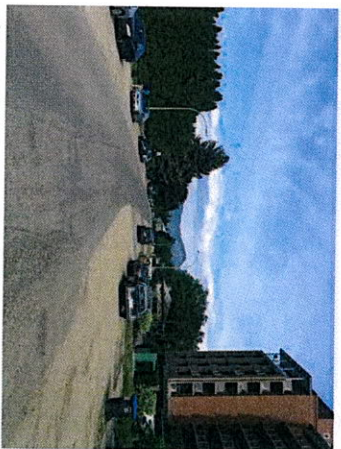
the dorchester



our site @ leon



site context



view along leon ave

m+m a

BOARDWALK HOUSING CORP.

Cambridge Housing Development

SCHEDULE A

This forms part of development

Permit # DP16-0074

feb 24, 2016

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**OUTLAND DESIGN**  
LANDSCAPE ARCHITECTURE

Feb. 24, 2016

**Ethel Leon Development**  
C/o Meiklejohn Architects Inc.  
233 Bernard Avenue  
Kelowna, BC V1Y 6N2  
Attn: Jim Meiklejohn

**Re: Proposed Ethel Leon Development – Preliminary Cost Estimate for Bonding**

Dear Jim:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Ethel Leon Development conceptual landscape plan dated 16.02.24;

- 1,013 square metres (10,904 square feet) of improvements = \$84,293.50

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA  
as per  
Outland Design Landscape Architecture

