

Heritage Alteration Permit

HAP23-0015

ATTACHMENT A

This forms part of application
HAP23-0015


City of Kelowna
COMMUNITY PLANNING

Planner Initials TA



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

2124 Pandosy St

and legally known as

LOT 1 DL 14 ODYD PLAN EPP129773

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

Townhouse Housing

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

Date of Council Approval: **October 8, 2024**

Development Permit Area: Heritage Conservation Area

Existing Zone: MF4 – Transit Oriented Areas Zone

Future Land Use Designation: C-HTH – Core Area – Health District

This Heritage Alteration Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

This is NOT a Building Permit.

In addition to your Heritage Alteration 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: Necessary Homes Ltd Inc No BC0850280

Applicant: David Sargent, Necessary Homes Ltd Inc No BC0850280

Nola Kilmartin
Development Planning Department Manager
Planning & Development Services

Date of Issuance

1. SCOPE OF APPROVAL

This Heritage Alteration 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 Heritage Alteration 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 Heritage Alteration 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

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP23-0015 for LOT 1 DL 14 ODYD PLAN EPP129773 located at 2124 Pandosy St, Kelowna, BC, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 8.2.7.b. Footnote 3: Ratio of Parking Space Sizes

To vary that all parking spaces that are configured in tandem must be regular sized vehicle parking spaces to permit five small sized vehicle parking spaces proposed;

Section 13.5: MF1 – Infill Housing Development Regulations

To vary the maximum gross floor area of a third storey relative to the second storey from 70% required to 87% proposed;

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 owner of the day. Should the Developer carry out the development as per the conditions of this permit, the security shall be returned to the Developer or his or her designate following proof of Substantial Compliance as defined in Bylaw No. 12310. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** certified cheque **OR** a Surety Bond in the amount of **\$55,312.50**

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.

4. 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