



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, May 6, 2019 Council Chamber
Location:	City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Suburban and Rural Planning Manager, Dean Strachan*; Community Planning Supervisor, Laura Bentley*; Planner Specialist, Wesley Miles*; Planner, Lydia Korolchuk*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Development Services Director, Mo Bayat*; Divisional Director, Infrastructure, Alan Newcombe*; Sustainability Coordinator, Tracy Guidi*; Sustainability Coordinator, Michelle Kam*; Integrated Transportation Department Manager, Rafael Villarreal*; Active Transportation Coordinator, Matt Worona*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:36 p.m..

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R464/19/05/06 THAT the Minutes of the Regular Meetings of April 29, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Short-Term Rental Accommodation in Secondary Suites and Carriage Houses

Councillor DeHart declared a conflict of interest as it is in direct competition with her hotel employer and departed the meeting at 1:37 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R465/19/05/06 THAT Zoning Bylaw Text Amendment Application No. TA19-0011 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated May 6, 2019 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.2 TA19-0011 - Short Term Rental Accommodations (Secondary Suites and Carriage Houses)

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R466/19/05/06 THAT Bylaw No. 11820 be read a first time.

Carried

Councillor DeHart rejoined the meeting at 2:04 p.m.

3.3 Union Rd 1550, OCP18-0014 Z18-0070 - Glenwest Properties Ltd.,Inc.No.CO889227

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

R467/19/05/06 THAT Official Community Plan Map Amendment Application No. OCP18-0004 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for portions of Lot 4 Section 9 Township 23 ODYD Plan KAP86750 located at 1550 Union Road, Kelowna, BC from the COMM – Commercial and MRM – Multiple Unit Residential (Medium Density) designation to the MRL – Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report from the Community Planning Department dated May 6th, 2019 be considered by Council;

THAT Rezoning Application No. Z18-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications for portions of Lot 4 Section 9 Township 23 ODYD Plan KAP86750 located at 1550 Union Road, Kelowna, BC from the RM2 – Low Density Row Housing, RM5 – Medium Density Multiple Housing and P3 – Parks and Open Space zones to RM3 – Low Density Multiple Housing, as shown on Map "B" attached to the Report from the Community Planning Department dated May 6th, 2019 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated May 6th, 2019;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

Carried

3.4 Union Rd 1550, OCP18-0014 (BL11824) - Glenwest Properties Ltd., Inc. No.CO889227

Moved By Councillor Given/Seconded By Councillor Wooldridge

R468/19/05/06 THAT Bylaw No. 11824 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.5 Union Rd 1550, Z18-0070 (BL11825) - Glenwest Properties Ltd., Inc.No.CO889227

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R469/19/05/06 THAT Bylaw No. 11825 be read a first time.

Carried

3.6 West Ave 454-464, OCP18-0021 and Z18-0118 - West Avenue - Mission Group Rentals Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R470/19/05/06 THAT Official Community Plan Map Amendment Application No. OCP18-0021 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Amended Lot 3 (DD 138121F) and Amended Lot 4 (DD 138122F) District Lot 14 ODYD Plan 3056, located at 454 and 464 West Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRX – Mixed Use (Residential/Commercial) designation, be considered by Council;

AND THAT the Official Community Plan Future Land Use Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated May 6, 2019;

THAT Rezoning Application No. Z18-0118 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Amended Lot 3 (DD 138121F) and Amended Lot 4 (DD 138122F) District Lot 14 ODYD Plan 3056, located at 454 and 464 West Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing and the RU1 – Large Lot Housing zones to the C4 – Urban Centre Commercial zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated May 6, 2019;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to the Applicant registering on title a Section 219 Covenant (to restrict commercial uses to the main floor and that the remainder of the building be residential uses);

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject properties.

Carried

3.7 West Ave 454-464, OCP18-0021 (BL11826) - West Avenue - Mission Group Rentals Ltd

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R471/19/05/06 THAT Bylaw No. 11826 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.8 West Ave 454-464, Z18-0118 (BL11827) - West Avenue - Mission Group Rentals Ltd

Moved By Councillor Wooldridge/Seconded By Councillor Given

R472/19/05/06 THAT Bylaw No. 11827 be read a first time.

Carried

3.9 Airport Way 5505-5507, Z19-0034 - Midwest Ventures Ltd Inc No BC0046021

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R473/19/05/06 THAT Rezoning Application No. Z19-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 14 Township 23 Osoyoos Division Yale District Plan EPP23036, located at 5505-5507 Airport Way, Kelowna, BC from the C9 – Tourist Commercial zone and from the CD15 – Airport Business Park to the Cgrcs – Tourist Commercial (Retail Cannabis Sales) zone as shown on Map "A" attached to the Report from the Community Planning Department dated May 6, 2019, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they

support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.10 Airport Way 5505-5507, Z19-0034 (BL11828) - Midwest Ventures Ltd Inc No BC0046021

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R474/19/05/06 THAT Bylaw No. 11828 be read a first time.

Carried

3.11 Walker Rd 4480, Z18-0047 – Thomas A.M. Brown

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

R475/19/05/06 THAT Rezoning Bylaw No. 11829 be given first reading as approved by Council at the April 29, 2019 Regular PM Meeting.

Carried

3.12 Walker Rd 4480, Z18-0047 (BL11829) - Thomas A.M. Brown

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R476/19/05/06 THAT Bylaw No. 11829 be read a first time.

Carried

3.13 Main St 5300, DP18-0252 - 1129549 B.C. Ltd, Inc.No. BC1129549

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R477/19/05/06 THAT Council authorizes the issuance of Development Permit No. DP18-0252 for Lot A Section 23 Township 28 Similkameen Division Yale District Plan KAP80574, located at 5300 Main Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. 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 applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried
Councillor Hodge - Opposed

3.14 Ellis St 950, DP19-0047 - 1188666 B.C. Ltd., Inc. No. BC1188666

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

R478/19/05/06 THAT Council authorizes the issuance of Development Permit No. DP19-0047 for Lot 3 District Lot 139 ODYD Plan KAP68693, located at 950 Ellis Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. 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 Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated May 6, 2019;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried
Councillor Donn - Opposed

4. Bylaws for Adoption (Development Related)

4.1 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 (BL11762) - Multiple Owners

Moved By Councillor Given/Seconded By Councillor Wooldridge

R479/19/05/06 THAT Bylaw No. 11762 be adopted.

Carried

4.2 Bernard Ave 547-559, BL11775 (Z19-0005) - Salco Management Ltd, Inc. No. BC0744182

Councillor Sieben declared a conflict of interest as he provides insurance services for the applicant and departed the meeting at 2:35 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R480/19/05/06 THAT Bylaw No. 11775 be adopted.

Carried

Councillor Sieben returned to the meeting at 2:35 p.m.

4.3 Rutland Rd S 140-160, BL11779 (Z19-0026) - Canada West Realty Ltd, Inc. No. 71313

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R481/19/05/06 THAT Bylaw No. 11779 be adopted.

Carried

4.4 Springfield Rd 2121, BL11780 (Z19-0029) - 417414 BC Limited, Inc No 417414

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R482/19/05/06 THAT Bylaw No. 11780 be adopted.

Carried

4.5 Harvey Ave 1455-1475, BL11792 (Z19-0010) - 449048 British Columbia Ltd, 1145399

Moved By Councillor Stack/Seconded By Councillor DeHart

R483/19/05/06 THAT Bylaw No. 11792 be adopted.

Carried

4.6 Harvey Ave 2090, BL11793 (Z19-0008) - T 252 Enterprises Ltd Inc No BC1184462

Moved By Councillor DeHart/Seconded By Councillor Stack

R484/19/05/06 THAT Bylaw No. 11793 be adopted.

Carried

4.7 Commercial Frontage Amendment, BL11796 (TA19-0005) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R485/19/05/06 THAT Bylaw No. 11796 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Redefinition of City of Kelowna Boundary

Staff:

- Provided an overview of the redefinition of the City of Kelowna boundary adjacent to Kelowna International Airport and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

R486/19/05/06 THAT Council receive for information the report of the Senior Airport Finance and Corporate Services Manager dated May 6, 2019 with respect to the redefinition of the City of Kelowna boundary;

AND THAT the Mayor, on behalf of Council, forward a letter to the Regional District of Central Okanagan regarding a City of Kelowna boundary redefinition as outlined in the report of the Senior Airport Finance and Corporate Services Manager;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary for a City of Kelowna boundary redefinition.

Carried

5.2 Updated Energy Step Code Implementation Strategy

Staff:

- Displayed a PowerPoint Presentation summarizing the update to the Energy Step Code Implementation Strategy and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R487/19/05/06 THAT Council receives, for information, the Report from the Sustainability Coordinator dated May 6, 2019 with respect to the Updated Energy Step Code Implementation Strategy;

AND THAT Council endorse the compliance of all new Part 9 residential buildings to the BC Energy Step Code to satisfy the energy efficiency requirements of the British Columbia Building Code as follows:

- i. Effective December 1, 2019 – Step 1 Energy Step Code requirement
- ii. Effective June 1, 2021 – Step 3 Energy Step Code requirements

AND THAT Council direct staff to use up to a maximum of \$75,000 from the Permit Averaging Reserve Account to provide building permit rebates as follows:

- i. \$500 for engaging an energy advisor for modelling and final blower door test between May 20, 2019 and November 30, 2019
- ii. \$500 for Step 4 residential buildings between May 20, 2019 and May 31, 2021 to incent achieving higher steps of the Energy Step Code.
- iii. \$1,000 for Step 5 residential buildings or certified Passive House between May 20, 2019 and May 31, 2021 to incent achieving higher steps of the Energy Step Code

AND THAT Bylaw No. 11823, being Building Bylaw Amendment No. 13 be forwarded for reading consideration.

AND FURTHER THAT Council direct staff to consult with key stakeholders on Energy Step Code implementation for Part 3 buildings as outlined in the report of the Sustainability Coordinator, dated May 06, 2019.

Carried

5.3 BL11823 - Amendment No. 13 to Building Bylaw No. 7245

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R488/19/05/06 THAT Bylaw No. 11823 be read a first, second and third time.

Carried

5.4 Bikeshare Permit Program

Staff:

- Displayed a PowerPoint Presentation providing highlights of the Bikeshare Permit Program and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Stack

R489/19/05/06 THAT Council receives, for information, the report from the Transit and Programs Manager dated May 6, 2019 with respect to the Bikeshare Permit Program;

AND THAT Council approve the Bikeshare Permit Program for Bikeshare Operators as outlined in the report of the Transit and Programs Manager dated May 06, 2019;

AND THAT Council give reading consideration to Bylaw No. 11804 being Amendment No. 32 to the Consolidated Traffic By-Law No. 8120;

AND FURTHER THAT Council authorize the Mayor to forward a letter to the Honorable John Horgan M.L.A., Premier of British Columbia and Honorable Claire Trevena M.L.A., Minister of Transportation and Infrastructure, regarding an exemption from the Motor Vehicle Act, as attached to the report of the Transit and Programs Manager, dated May 06, 2019.

Carried

5.5 BL11804 - Amendment No. 32 to Traffic Bylaw No. 8120

Moved By Councillor Stack/Seconded By Councillor DeHart

R490/19/05/06 THAT Bylaw No. 11804 was read a first, second and third time.

Carried

5.6 190 Highway 33 East – Road Closure

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

R491/19/05/06 THAT Council receives, for information, the Report from the Manager, Real Estate Services dated May 06, 2019, recommending that Council adopt the proposed closure of a portion of road adjacent to 190 Highway 33 East;

AND THAT Bylaw No. 11729, being proposed road closure of a portion of road adjacent to 190 Highway 33 East, be given reading consideration.

Carried

5.7 A portion of 190 Highway 33 East, BL11729 - Road Closure Bylaw

Moved By Councillor Donn/Seconded By Councillor Sieben

R492/19/05/06 THAT Bylaw No. 11729 be read a first, second and third time.

Carried

6. Resolutions

6.1 Munson Pond Naturalization Project

Moved By Councillor Sieben/Seconded By Councillor Hodge

R493/19/05/06 THAT Council support the submission of the Munson Pond Naturalization Project for consideration of a 2019 UBCM Community Excellence Award.

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 BL11805 - Five Year Financial Plan 2019-2023

Moved By Councillor Donn/Seconded By Councillor Sieben

R494/19/05/06 THAT Bylaw No. 11805 be adopted.

Carried

7.2 BL11806 - Tax Structure Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Sieben

R495/19/05/06 THAT Bylaw No. 11806 be adopted.

Carried

7.3 BL11807 - Annual Tax Rates Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Sieben

R496/19/05/06 THAT Bylaw No. 11807 be adopted.

Carried

7.4 BL11808 - Development Cost Charge Reserve Fund Expenditure Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Sieben

R497/19/05/06 THAT Bylaw No. 11808 be adopted.

Carried

7.5 BL11809 - Sale of City Owned Land Reserve Fund Expenditure Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Sieben

R498/19/05/06 THAT Bylaw No. 11809 be adopted.

Carried

8. Mayor and Councillor Items

Councillor Given:

- Presented the award from Wood WORKS! for the Queensway Transit Station that the City received at SILGA.
- Spoke to her attendance at the SILGA Conference and commented on the significant amount of information received.
- Commented on presentations from various Ministries and noted that the Emergency Plan Act is being rewritten.

Councillor Wooldridge:

- Spoke to his attendance at the SILGA Conference and commented on the presentation by Joe Roberts.
- On behalf of the Mayor opened the Western Canada Addiction Forum last week.

Councillor Hodge:

- Spoke to his attendance at the SILGA Conference and commented on a presentation by the City's former City Manager.

Councillor DeHart:

- Commented on a new Irish Consulate in Vancouver and a representative who will be visiting Kelowna this week.
- On behalf of the Mayor, attended a ribbon ceremony for a new Lawyers office that only deals with Federal, Provincial and Municipal law.

Councillor Stack:

- Commented on the Pandosy Town Centre Plan that is still part of the City's plan; would like the plan to be available to Council.

Mayor Basran:

- Reminder that the Regional Transportation Plan Survey is now open from May 1 to May 21st.
- Reminder that the Bike to Work Week registration is open now and can register at gobybikebc.ca.

9. Termination

This meeting was declared terminated at 4:01 p.m.

Mayor Basran

Deputy City Clerk

/acm