



## City of Kelowna Public Hearing Minutes

Date:	Tuesday, May 21, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Ryan Donn
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Urban Planning Manager, Terry Barton; Community Planning Supervisor, Laura Bentley; Suburban and Rural Planning Manager, Dean Strachan; Planner Specialist, Adam Cseke*; Business License Manager, Greg Wise; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on Tuesday, May 7, 2019 and by being placed in the Kelowna Daily Courier issues on Friday, May 10 and Wednesday, May 15 and by sending out or otherwise mailing 992 statutory notices to the owners and occupiers of surrounding properties on Tuesday, May 7, 2019.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

Mayor advised that an item for properties at 464 and 454 West Avenue was deferred by the Applicant and will be heard at the June 4th Public Hearing.

### 3. Individual Bylaw Submissions

#### 3.1 Clement Ave 1049, Z19-0045 (BL11814) - Gurpreet Pannu

Staff:

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

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

#### 3.2 Bach Rd 140, Rutland Rd N 615 & 625, OCP19-0001 Z19-0039 TA19-0002 (BL11815, BL11819, BL11821) - Bharosa Developments Ltd. Inc. No. BC117705

Mayor Basran:

- Advised that the Text Amendment would be heard prior to the OCP and Rezoning application.

Staff:

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

Staff:

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

The City Clerk advised that no correspondence was received.

Kevin Edgecomb, KLO Road, Applicant

- Spoke to the four other Sole projects the team has developed with the goal of creating attainable projects in great locations.
- Believes that Sole in Rutland will be a great addition and the architecture speaks well.
- Believes that the density requested and the project itself will fit in well with the neighbourhood.
- There is some significant open space on the ground level; site coverage well within requirements.
- Believes that this location being the corridor to UBC-O and the Rutland Town Centre is a great spot for density.
- Spoke to the types of commercial tenants envisioned.
- Working with engineering staff with respect to access to and from the site.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

**3.3 Lakeshore Rd 4119, Z19-0046 (BL11816) - Whitworth Holdings Ltd., Inc. No. BC1059455**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

John Meiklejohn, Ellis Street, Applicant

- Displayed a PowerPoint Presentation, re: 4119 Lakeshore Stack Townhouse
- Displayed aerial views from the north and south of other existing multi-family developments in the immediate area.
- Referred to a letter of support from a neighbouring property immediately to the north.
- Displayed a Landscape Plan identifying trees and screen planting.
- Spoke to colours and materials to be used.
- Spoke to the rationale for two development permit variances; landscape buffer and setback to balcony that will be requested.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

**3.4 Kirschner Rd 1977, Z19-0023 (BL11817) - Lambert and Paul Construction Ltd, Inc. No 80191**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Support:**

Quinn Bailey – Submitted 13 form letters of support

Quinn Bailey, Rutland Road North

- Representing the applicant for the proposed cannabis retail store on Kirschner Road.
- Made comment on Zen Canna successful cannabis retail operators in other communities.
- Worked hard to contact all neighbours in the Landmark area; spoke with 56 businesses regarding concerns and was pleased with the feedback that was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

**3.5 Ethel St 1675 & 1685, TA19-0006 (BL11818) - Petel Properties Inc., Inc. No. A0069509**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern:**

TJ Roberts, Leon Avenue  
 Albert Chow, Leon Avenue  
 Charles & Marilyn Spence, Leon Avenue  
 Carol Bruineman, Leon Avenue  
 Rebecca Troock, Leon Avenue  
 John and Lila Mandziuk, Leon Avenue  
 Lynn McLeod, Leon Avenue  
 Terry and Val, Leon Avenue  
 Dr. Mary Chin, Leon Avenue  
 Dylan Schumacher, Leon Avenue  
 Dorice Cormier, Leon Avenue  
 Brenda Dillman, Leon Avenue  
 Kurtis Knuth, Leon Avenue

Kim McCechney, Applicant Representative

- Advised that the owner was unable to attend due to a family emergency.
- Spoke to garbage and parking concerns that were raised in correspondence and commented that those concerns may be an issue for the Strata and Property Manager.
- Available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Brenda Dillman, Leon Avenue

- Speaking on behalf of the Cambridge House Strata Council.
- Opposed to this application.
- Referenced correspondence submitted in March 2019.
- Believes this application will compound significant parking challenges and will increase waste collection operation challenges.
- Advised that the development was to provide 28 visitor parking stalls and there are only 8 with 1 handicap stall that is completely inadequate.
- Raised concerns with retail use in the building; would negatively impact parking, garbage and recycling.
- Responded to questions from Council.

Jay Dallamore, Aberdeen Street

- Owns a unit in Cambridge House but does not reside there.
- Raised concern with the term "general" in the bylaw and with potential retail uses that are not in keeping with the neighbourhood.
- Raised concern that the secured parking on site is not so secured.
- Believes the developer needs to address many concerns before they proceed with this application.
- Opposed to this application.

Charles Spence, Leon Avenue

- Opposed to this application.
- Raised concerns with traffic and lack of parking for tenants and visitors; tenants without a parking stall park on the street.
- Raised concern that there is no parking available for a retail store.
- Raised concern with garbage overflow.
- Raised concern with building security; 12 bicycles had been stolen in 6 months.
- Responded to questions from Council.

Kim McCechney, Applicant Representative, in Response

- Clarified that the retail unit is not owned by the developer.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

### **3.6 Short-Term Rental Accommodation in Secondary Suites and Carriage Houses (BL11820)**

Councillor DeHart declared a conflict of interest as the application is in direct competition with her hotel employer and she co-owns units on Sunset Drive and departed the meeting at 7:10 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Comment:**

Richard Newton, Quail Place

**Letters of Opposition and Concern:**

Hang Tran, Kelowna

Patrick and Robyn Gall, Kelowna

Stan Martindale, General Manager Ramada

Y. Pinder, Carriage Court

Thom Killingsworth, Chairman, Tourism Kelowna

Darren Schlamp, Development Manager, Argus Properties Ltd.

Richard Drinnan, Greene Road

Sandra Kinch, Kelowna

Angela Holmes, Kelowna

**Letters of Support:**

M. Shea, Kelowna

Melissa, Kelowna

Marilyn Strong, Kelowna

Edward Guy, Lake Avenue

Sue Moser, Kelowna

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

**Jeff Robinson, Chamber of Commerce**

- Supports this application.
- Believes this is a good example of sharing the economy and has a competitive advantage.
- People look for mainstream accommodation options and this application provides that.
- Supports the fairness with existing hotel operators; noted that hotels are key to the economy year round.
- Believes this application helps with housing affordability and attainability.
- Believes this application strikes an appropriate balance.

**Nick Aubin, Dougall Road South**

- In support of this application.
- A good aspect of this application is that it focuses on principle residences.
- Short term rentals allow the home owner to deal with troublesome tenants quickly and encourages long term rentals for non-principle properties.
- Thanked Council for their consideration of this application.

**Brooke Theis, Fuller Avenue**

- In support of this application.

- Has been a short term rental operator for four years.
- Spoke to the financial benefit of short term rentals.

#### Randy LaRue, Casorso Road

- Has been a landlord for 35 years in Kelowna.
- In attendance to support middle class landlords.
- Encouraged Council to offer incentives for home owners to provide legal rental units.

#### Joey Beltrano, Best Western Plus

- Opposed to this application.
- Believes this will negatively impact affordable rentals.
- Believes this application will have a negative impact on the hotel industry.
- Suggested amendments to the proposal; regulating and restricting the number of licenses; review the program after 1 year and not 2 years.
- Suggested tabling the motion until the fall in order to find a solution that works for all.
- Responded to questions from Council.

#### Resident, Stockwell Avenue

- Works at the Okanagan College and see's the impacts to student's trying to find rentals especially during the summer months.
- Not completely opposed to this application but concerned that there will be a loss of all long term rentals for students.

#### Patricia Fulton, Clifton Road North

- Spoke to the various rental uses of her property over the past few years.
- Believes she is not competing with a hotel as her accommodation offers an experience to renters that a hotel doesn't offer.
- In support of this application.
- Believes there is a need in Kelowna for this type of rental accommodation; not doing this for a lot of money but it provides flexibility.
- Responded to questions from Council.

#### Paula Stran, Leon Avenue

- Student at UBCO.
- Students rely on long term housing; raised concerns that this application will have negative impacts on housing affordability for students and others.
- Opposed to this application.
- Responded to questions from Council.

#### Sarah Ferguson, Sutherland Avenue

- Am a renter in this community and affordable housing is a concern.
- It's difficult to see how housing is being removed by Air B & B; the vacancy rate is low.
- Not speaking on behalf of students but renters with a concern for long term availability for families and low income individuals.
- Suggested that Council wait until vacancy rate is higher before implementing these changes.
- Responded to questions from Council.

#### Crystal St. Claire, Kelowna

- In support of this application.
- Spoke to personal challenges and that short term rentals helped with family finances.
- Short term rentals offer a more affordable and different alternative to hotels.
- Spoke to the negative issues with the Tenancy Act.

#### Romil Jain, Student Union President, UBCO

- Speaking on behalf of a majority of students and we are not against the sharing economy and tourism however this is not the right time to bring forward these amendments.
- Spoke to the low vacancy rate and how difficult it is for students to find housing; students are facing high rental costs.

- If students cannot afford to live in this community, they will move away from Kelowna.
- Opposed to this application.

#### Resident, Black Mountain

- In support of this application.
- Raised concern that they have trouble finding renters for the summer months.
- Would gladly take a long term tenant if the rules were changed.
- Based on personal experiences does not believe there is a rental shortage.

#### Ian Sharp, Tamarack Drive

- In support of this application.
- Affordable housing is a mortgage issue and not only a rental issue.
- Renting to tenants helps with our mortgage.
- Would be able to rent to a student for 8 months and provide short term rentals for the four summer months.

#### Steve Chung, Ethel Street

- In support of this application.
- Spoke to negative experiences as a renter.

#### Dale Sivucha, Coates Avenue

- Opposed to this application.
- Spoke to the positive impacts that tourism has on the economy and believes the implementation of regulations would harm this.

#### Resident, Mountain Avenue

- In support of this application.
- Have used their secondary suite as a source of income for the family.
- Have had inquiries by students to rent their suite however they did not want a long term rental.
- Young families have rented their suite as they couldn't afford a hotel.

#### Ken Chung, Kelowna

- Long time landlord.
- Spoke to the constant request for short term rental.
- Will not provide a long term rental unless it's a fixed term.
- Believes it should be the homeowner's choice as to how they rent their homes.
- In support of this application.

#### Stan Martindale, Manager of Ramada Hotel, Harvey Avenue

- In support of current regulations.
- Opposed to this application.
- Raised concern with the impacts on rental housing stock.
- Made comment that hotel employees rely on stable long term rentals; they work and live in this community.
- Commented on the policy rationale for permitting suites and carriage homes when their use was introduced several years ago.

#### David Brown, Grenfell Court

- In support of this application.
- Spoke to the different types of persons he has rented his home to and their various reasons for renting short term.

#### Ali Poostizadah VP Campus Life UBCO Student Union

- Speaking on behalf of the Student Union.
- Spoke to the high number of students that do remain in Kelowna during the summer months.
- Made comment on the lack of student housing.
- Raised concern with the negative impacts on student housing affordability.
- Opposed to this application.

Cheryl Spelliscy, Sutherland Avenue

- In support of this application.
- Believes this application is not competing with the hotel industry; Kelowna should offer a variety of accommodation.
- Air B & B's support a different type of tourism dollars and provides a different experience than a hotel.

Jennifer Hight, Bluebird Road

- In support of this application.
- Raised issues of fairness between different housing tenures.
- The issues that hotels may have should not be resolved by private home owners.
- Short term rental operators also create jobs; personally hires multiple cleaning people.
- Spoke the challenges of being a homeowner and commented that some are a paycheck or rental fee away from failing to pay their mortgage.

Charlie Peete, Mountain Avenue

- In support of this application.
- Spoke to the stats on vacancy rates; illegal suites aren't counted in the vacancy rates.
- Believes the numerous upcoming developments will increase the vacancy rate.

Darren Schlamp, Argus Properties

- Opposed to this application.
- Raised concern with negative impacts on housing availability, housing prices, rents and long term rental housing supply.
- Referenced correspondence sent to Council including two studies by professors of the effects of Air B & B's.
- Expanding short term rentals to carriage homes and suites are at odds with Council's objectives with strategies such as Journey Home and the Healthy Housing strategy.

Terry Grunweld, Lake Avenue

- Spoke to positive experience of renting out properties as short term rentals.
- Believes hotels should stop building more hotels if there are too many rooms.
- In support of this application.

Resident, Quail Crescent

- In support of this application with a few amendments that would permit some non-resident short term rentals.

Stacy West, Oxford Avenue

- In support of this application.
- Uncertain as to what affordability means.

## Staff:

- Responded to questions from Council.

There were no further comments.

Councillor DeHart rejoined the meeting at 9:05 p.m.

**3.7 Union Rd 1550, OCP18-0014 Z18-0070 (BL11824, BL11825) - Glenwest Properties Ltd., Inc. No.CO889227**

## Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:



**Letters of Support:**

David Fowler, Hidden Hills Drive

**Russ Foster, Project Manager for Wilden**

- Made comment to staff's report covering all items.
- Advised that the completion of Union Road will include street trees.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

**Sherman Leung and Christopher Cane, Applicant**

- Displayed a PowerPoint Presentation, re: META Cannabis Supply Co.
- We are a best practices leader in delivering secure, safe, and responsible access to legal cannabis in Canada.
- META Cannabis Supply Co and Newleaf Cannabis has 24 store locations open nationwide.
- Spoke to retail strategy including maximizing Canadian retail store footprint; develop community relationships; leading staff and customer education; deliver innovative and functional retail design; safety and security in stores for staff and customers; Federal, Provincial and Municipal Regulatory.
- Spoke to the current and new META stores design.
- META stores offer a premium environment focused on education, inclusivity, health and wellness.
  - o Cannabis is sealed in packaging so there will be no odour
  - o There will be no consumption in stores
  - o No loitering
  - o No minors.
- Spoke to staff and security and noted there will be employee background checks; provincial cannabis sales accreditation; secure cannabis storage plus security by way of cameras and key cards.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

**3.9 Walker Rd 4480, Z18-0047 (BL11829) – Thomas A.M. Brown**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Support:**

Mike Brown, Walker Road – submitted 6 letters of support

**Petition of Support:**

Mike Brown, Walker Road – 17 signatures

**Mike Brown, Applicant**

- Provided a full presentation to Council 2 weeks ago and have the same presentation this evening.
- Canvassed the neighbourhood with a petition and received 17 signatures of support; provides unanimous support from neighbours fronting my property on Walker Road and Lakeland Crescent.
- Commented that there are also six letters of support on file that were submitted at the last presentation to Council two weeks ago.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the gallery came forward.

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 9:20 p.m.

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Mayor Basran

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City Clerk

/acm