

City of Kelowna

Regular Council Meeting

AGENDA



Monday, March 30, 2020

9:00 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

Pages

1. Call to Order

2. Confirmation of Minutes

3 - 22

AM Meeting - March 23, 2020

PM Meeting - March 23, 2020

Public Hearing - March 17, 2020

Regular Meeting - March 17, 2020

3. Bylaws for Adoption (Non-Development Related)

3.1 BL12004 - Water Bylaw No. 10480 Amendment No. 11

23 - 23

To adopt Bylaw No. 12004 in order to amend Water Bylaw No. 10480.

3.2 BL12018 - Amendment No. 6 to Development Applications Procedures Bylaw No. 10540

24 - 25

To adopt Bylaw No. 12018 in order to amend Development Applications Procedures Bylaw No. 10540.

3.3 BL12019 - Amendment No. 1 to Delegation of Authority to Enter Into Leases and Licenses of Occupation Bylaw No. 11250

26 - 27

To adopt Bylaw No. 12019 in order to amend the Delegation of Authority to Enter Into Leases and Licenses of Occupation Bylaw No. 11250.

4. Resolution Closing the Meeting to the Public

THAT this meeting be closed to the public pursuant to Section 90(1) (c) and (i) of the Community Charter for Council to deal with matters relating to the following:

- Employee Relations
- Legal Advice

5. Adjourn to Closed Session
6. Reconvene to Open Session
7. Issues Arising from Correspondence & Community Concerns
 - 7.1 Mayor Basran, re: Issues Arising from Correspondence
8. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, March 23, 2020
 Location: Knox Mountain Meeting Room (#4A)
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given; Mohini Singh and Luke Stack

Members Participating Remotely Councillors Ryan Donn*, Charlie Hodge, Brad Sieben* and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:05 a.m.

2. Confirmation of Minutes

Moved By Councillor Stack/Seconded By Councillor DeHart

R0239/20/03/23 THAT the Minutes of the Regular AM Meeting of March 16, 2020 be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor Singh/Seconded By Councillor Stack

R0240/20/03/23 THAT this meeting be closed to the public pursuant to Section 90(1) (c), (e) and (i) and Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

- Labour Relations
- Acquisition of Land or Improvements
- Legal Advice
- Confidential Information from the Province

Carried

4. **Adjourn to Closed Session**

The meeting adjourned to a closed session at 9:05 a.m.

5. **Reconvene to Open Session**

The meeting reconvened to an open session at 11:48 a.m.

6. **Issues Arising from Correspondence & Community Concerns**

There were no issues arising.

7. **Termination**

The meeting was declared terminated at 11:48 a.m.

Mayor Basran

/sf/acm



City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Monday, March 23, 2020
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh and Luke Stack

Members Participating Remotely Councillors Ryan Donn, Charlie Hodge, Brad Sieben* and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Deputy City Clerk, Laura Bentley; Director, Planning & Development Services, Ryan Smith*; Utility Services Manager, Kevin Van Vliet*; Sport & Event Services Manager, Doug Nicholas*; Divisional Director, Financial Services, Genelle Davidson*; Budget Supervisor, Melanie Antunes*; Real Estate Department Manager, Johannes Saufferer*; Divisional Director, Partnership & Investments, Derek Edstrom*; Parking Services Manager, Dave Duncan*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:40 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.

Mayor Basran read from a statement acknowledging the passing of former Mayor James Stuart and highlighted some of his many accomplishments and provided condolences to his family.

2. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Stack

R0241/20/03/23 THAT the Minutes of the Regular Meetings of March 16, 2020 be confirmed as circulated.

Carried

2.1 Deputy City Clerk, re: Bylaw Amendment Changes to Delegate Council Decisions

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed bylaw changes.

Moved By Councillor Given/Seconded By Councillor Stack

R0242/20/03/23 THAT Council receives, for information, the verbal report from the Deputy City Clerk dated March 23, 2020 regarding temporary delegations of authority and process changes;

THAT Bylaw No. 12018, being Amendment No. 6 to Development Applications Procedures Bylaw No. 10540, be forwarded for reading consideration;

AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;

AND THAT Council direct staff to opt out of providing local government input on liquor licence applications;

AND THAT Council suspend the duties and meetings of the Agricultural Advisory Committee, Airport Advisory Committee, and Heritage Advisory Committee and direct staff to proceed with processing applications without consideration by the relevant committee;

AND THAT Council, with regard to Council Policy No. 367, waives the direction for applicants to have face-to-face interactions with neighbours and waives the requirement for applicants to hold in-person public information sessions;

AND THAT Bylaw No. 12019, being Amendment No. 1 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250, be forwarded for reading consideration;

AND THAT the City Manager and Divisional Director of Partnership and Investments be authorized to access reserve funds and make necessary budget amendments for the transactions referred to in Bylaw No. 12019;

AND FURTHER THAT the above-noted resolutions be in effect until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is later.

Carried

2.2 BL12018 – Amendment No. 6 to Development Application Procedures Bylaw No. 10540

Moved By Councillor Given/Seconded By Councillor Singh

R0243/20/03/23 To give Bylaw No. 12018 first, second and third readings.

Carried

2.3 BL12019 – Amendment No. 1 Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

Moved By Councillor DeHart/Seconded By Councillor Stack

R0244/20/03/23 To give Bylaw No. 12019 first, second and third readings.

Carried

3. Development Application Reports & Related Bylaws

3.1 Dunster Road 3183, A19-0013 - Gian and Kuldip Jaswall

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Stack

R0245/20/03/23 THAT Agricultural Land Reserve Appeal No. A19-0013 for North ½ of South ½ of Lot 5 shown on Plan B1156, Section 15, Township 26 ODYD Plan 187, located at 3183 Dunster Road, Kelowna for a non-adhering residential use in the Agricultural Land Reserve pursuant to Section 20.1 of the Agricultural Land Commission Act, be supported by Council;

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried
Councillor Hodge - Opposed

3.2 DeHart Road 644 - Z17-0097 (BL11533) - Ricardo Trumper and Patricia Tomic

Staff:

- Advised that the Applicant asked for a rescindment.

Moved By Councillor Singh/Seconded By Councillor Given

R0246/20/03/23 THAT Council receives, for information, the Report from the Development Planning Department dated March 23, 2020 with respect to Rezoning Application No. Z17-0097 for Lot 1 District Lot 358 ODYD Plan 39262 located on DeHart Road, Kelowna, B.C;

AND THAT Bylaw No. 11533 be forwarded for rescindment consideration and the file be closed.

Carried

3.3 DeHart Road 644, BL11533 (Z17-0097) - Ricardo Trumper and Patricia Tomic

Moved By Councillor Singh/Seconded By Councillor Given

R0247/20/03/23 THAT first, second and third readings given to Bylaw No. 11533 be rescinded;

AND THAT the file for Rezoning Application Z17-0097, for the property location at 644 DeHart Road be closed.

Carried

3.4 Gordon Dr 1171-1199 - TA19-0021 (BL12005) - Manhattan Properties Ltd., Inc No. 21606

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Stack

R0248/20/03/23 THAT Zoning Bylaw Text Amendment Application No. TA19-0021 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated March 23, 2020 for Lot A Section 30 Township 26 Osoyoos Division Yale District Plan KAP75328 Except Plan KAP87231 located at 1171-1199 Gordon Drive, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Development Planning Department dated March 23, 2020.

Carried

3.5 Gordon Dr 1171-1199, BL12005 (TA19-0021) - Manhattan Properties Ltd., Inc No. 21606

Moved By Councillor Given/Seconded By Councillor Singh

R0249/20/03/23 THAT Bylaw No. 12005 be read a first time.

Carried

3.6 Fordham Rd 4628, Z20-0005 (BL12006) - Jason Witt

Staff:

- Displayed a PowerPoint Presentation summarizing the application

Moved By Councillor DeHart/Seconded By Councillor Singh

R0250/20/03/23 THAT Rezoning Application No. Z20-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 357 SDYD Plan 19646, located at 4628 Fordham Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the Ru6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw waive a Public Hearing;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 23, 2020.

Carried

3.7 Fordham Rd 4628, BL12006 (Z20-0005) - Jason Witt

Moved By Councillor Given/Seconded By Councillor Singh

R0251/20/03/23 THAT Bylaw No. 12006 be read a first time.

Carried

3.8 Leon Ave 815-831, OCP20-0001 (BL12007) and Z20-0001 (BL12008) - 1409493 Alberta Inc., Inc. No. 2014094938

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0252/20/03/23 THAT Official Community Plan Map Amendment Application No. OCP20-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing

the Future Land Use designation of Lot A District Lot 138 ODYD Plan EPP78759, located at 815-831 Leon Ave., Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by Council;

AND THAT the Official Community Plan 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 March 23, 2020;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw 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 March 23, 2020.

AND THAT Rezoning Application No. Z20-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 138 ODYD Plan EPP78759, located at 815-831 Leon Ave., Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing 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 Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT final adoption of the Rezoning Bylaw 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 March 23, 2020;

AND 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;

AND FURTHER THAT a covenant be placed on Title limiting development to 6 ½ storeys and 24m in height.

Carried

3.9 Leon Ave 815-831, BL12007 (OCP20-0001) - 1409493 Alberta Inc., Inc.No. 2014094938

Moved By Councillor Singh/Seconded By Councillor Given

R0253/20/03/23 THAT Bylaw No. 12007 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

3.10 Leon Ave 815-831, BL12008 (Z20-0001) - 1409493 Alberta Inc., Inc. No. 2014094938

Moved By Councillor Singh/Seconded By Councillor Given

R0254/20/03/23 THAT Bylaw No. 12008 be read a first time.

Carried

3.11 Rutland Rd N 1354 BL11723 (Z18-0097) Extension Request

Staff:

- Provided rationale for the extension request.

Moved By Councillor DeHart/Seconded By Councillor Donn

R0255/20/03/23 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 11723, for Lot 1 Section 35 Township 26 ODYD Plan 14663, located at 1354 Rutland Road North be extended from January 15, 2020 to January 15, 2021.

AND THAT Council directs Staff to not accept any further extension requests.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Holland Rd 3010, Z18-0010 (BL11620) - Scott and Chandra Payer & John and Alexandra Woodfield

Moved By Councillor Given/Seconded By Councillor Singh

R0256/20/03/23 THAT Bylaw No. 11620 be adopted.

Carried

4.2 Fisher Road 1929, BL11931 (Z19-0101) - B.H.K.T. Holdings Ltd., Inc. No. BC0751350 and Sukhdev Gill

Moved By Councillor Stack/Seconded By Councillor DeHart

R0257/20/03/23 THAT Bylaw No. 11931 be adopted.

Carried

Councillor Sieben declared a conflict of interest for Item 4.3 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 2:14 p.m.

4.3 Yates Rd 538, BL11991 (Z19-0140) - Carolco Developments Ltd. Inc. No. B0291464

Moved By Councillor DeHart/Seconded By Councillor Stack

R0258/20/03/23 THAT Bylaw No. 11991 be adopted.

Carried

Councillor Sieben rejoined the meeting at 2:15 p.m.

4.4 Clement Ave 816, BL11993 (TA19-0022) - PC Urban Clement Holdings Ltd. Inc. No. BC110007

Moved By Councillor DeHart/Seconded By Councillor Stack

R0259/20/03/23 THAT Bylaw No. 11993 be adopted.

Carried

4.5 Spiers Rd, 3652 BL12003 (HD20-0001) - Request for Heritage Designation - Sue Haley

Moved By Councillor Stack/Seconded By Councillor DeHart

R0260/20/03/23 THAT Bylaw No. 12003 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Water Regulation Bylaw Update

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed amendments to the Water Regulation Bylaw and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Sieben

R0261/20/03/23 THAT Council receives for information the report from the Utility Services Department dated March 23, 2020, regarding water rate adjustments;

AND THAT Bylaw No. 12004, being amendment No. 10 to Water Regulation Bylaw 10480 be forwarded to Council for reading consideration.

Carried

5.2 BL12004 - Water Bylaw No. 10480 Amendment No. 11

Moved By Councillor DeHart/Seconded By Councillor Stack

R0262/20/03/23 THAT Bylaw No. 12004 be read a first, second and third time.

Carried

5.3 2019 Kelowna 55+ BC Games – Legacy Program

Staff:

- Provided an overview of the proposed usage of the 2019 Kelowna 55+ BC Games legacy funds.

Moved By Councillor Donn/Seconded By Councillor Hodge

R0263/20/03/23 THAT Council approves the 2019 Kelowna 55+ BC Games – Legacy Program, as outlined in the Report from the Sport & Event Services Department dated March 23, 2020;

AND THAT the 2020 Financial Plan be amended to include the receipt of \$30,000, from the Kelowna 55+ BC Games Society, as part of the City's Event Hosting Grant Program budget.

Carried

5.4 2020 Financial Plan - Carryover Budget

Staff:

- Displayed a PowerPoint Presentation summarizing the Carryover Budget in the 2020 Financial Plan and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R0264/20/03/23 THAT the 2020 Financial Plan be increased by \$7,271,130 to provide for operating carryover projects and \$119,054,170 for capital carryover projects as summarized in Financial Plan Volume 2.

Carried

5.5 Temporary Parking Changes

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed temporary parking changes due to COVID-19 and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0265/20/03/23 THAT Council receives, for information, the report from Parking Services, dated March 23, 2020, with respect to temporary changes to parking operations;

AND THAT Council directs staff, until May 31, 2020, to permit any vehicle parking in an on-street pay parking stall within the Downtown or South Pandosy Urban Centres to do so without being required to make the payment as indicated in Traffic Bylaw No. 8120;

AND THAT Council directs staff to offer a one-month deferral of monthly permit fees, for April 2020 or May 2020, at the request of any existing monthly permit holder not using their permit due to self-isolation, quarantine or working remotely and to waive the 30-day notice requirement for cancellation;

AND FURTHER THAT Council authorizes the Department Manager, Real Estate or Manager, Parking Services to make time sensitive or emergent parking modifications, until May 31, 2020, as/if required to support the pandemic response.

Carried

6. Mayor and Councillor Items

Councillor Donn:

- Acknowledged appreciation to the community for paying attention to and practicing social distancing.

Mayor Basran:

- Confirmed that the April 7, 2020 Public Hearing was cancelled and that Council will meet next Monday.

7. Termination

This meeting was declared terminated at 2:50 p.m.

Mayor Basran

/acm

City Clerk



City of Kelowna

Public Hearing

Minutes

Date: Tuesday, March 17, 2020

Location: Council Chamber
City Hall, 1435 Water Street

Members Present: Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Brad Sieben*, Mohini Singh and Luke Stack

Members Absent: Councillors Ryan Donn, Charlie Hodge and Loyal Wooldridge

Staff Present: City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Legislative Coordinator (Confidential), Clint McKenzie

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:05 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. Individual Bylaw Submissions

2.1 Yates Rd 538, Z19-0140 (BL11991) - Carolco Developments Ltd., Inc. No. BC0291464

Councillor Sieben declared a conflict of interest for Item 2.1 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 6:09 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

Councillor Sieben rejoined the meeting at 6:11 p.m.

2.2 Fenwick Rd 2840, Z19-0061 (BL11992) - Odermatt Otto, Odermatt Paul

Staff:

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

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.

2.3 Clement Ave 816, TA19-0022 (BL11993) - PC Urban Clement Holdings LTD., Inc. No. BC1100007

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk stated applicant not present due to company freeze on travel.

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.

2.4 McCurdy Rd 925-929, LUC20-0001 (BL11994) and Z19-0132 (BL11995) - NT Properties Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application

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.

2.5 Alsgard St, McCurdy Rd, Leathead Rd - LUCT20-0001 (BL11996), Z20-0004 (BL11997) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

2.6 Primrose Rd 435, Z19-0142 (BL11998) - Shaida Langley

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk stated the applicant was unable to attend.

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.

2.7 Francis Ave 460, Z19-0138 (BL11999) - John Hodges

Staff:

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

John Hodges, Speer St, Applicant:

- Confirmed trees are being retained.
- 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.

2.8 Rental Sub-Zones Text Amendment No. TA20-0007 (BL11988)

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

2.9 Harvey Ave 969, OCP19-0009 (BL11989) and Z19-0119 (BL11990) - The Evangel Family Rental Housing Society

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Brandon Dobroskay, West Kelowna, Applicant:

- Displayed a PowerPoint presentation.
- Reviewed the site plan
- Spoke to the parking variances.

- 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.

Gallery:

Amanda Hayward, Harvey Ave:

- Opposed to the application.
- Raised concerns with parking and access in neighbouring building.
- Concerned about alley safety

Ted Ryan, Westbank, Applicant:

- Spoke to points raised by speaker.
- Responded to questions from Council.

There were no further comments.

2.10 Uplands Dr 368, Z19-0141 (BL12002) - Nicole Gosselin

Staff:

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

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.

2.11 Spiers Rd, 3652 HD20-0001 (BL12003) - Request for Heritage Designation - Sue Haley

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not present.

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. Termination

The Hearing was declared terminated at 6:42 p.m.

Mayor Basran
/cm/rvh

City Clerk



City of Kelowna Regular Meeting Minutes

Date: Tuesday, March 17, 2020
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh, Brad Sieben* and Luke Stack

Members Absent Councillor Ryan Donn, Charlie Hodge and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning and Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Legislative Coordinator (Confidential), Clint McKenzie

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:50 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Sieben

R0220/20/03/17 THAT the Minutes of the Public Hearing and Regular Meeting of February 25, 2020 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Yates Rd 538, BL11991 (Z19-0140) - Carolco Developments Ltd. Inc. No. B0291464

Councillor Sieben declared a conflict of interest for Item 4.1 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 6:52 p.m.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0221/20/03/17 THAT Bylaw No. 11991 be read a second and third time.

Carried

Councillor Sieben rejoined the meeting at 6:54 p.m.

4.2 Fenwick Rd 2840, BL11992 (Z19-0061) - Odermatt Otto, Odermatt Paul

Moved By Councillor DeHart/Seconded By Councillor Stack

R0222/20/03/17 THAT Bylaw No. 11992 be read a second and third time.

Carried

4.3 Clement Ave 816, BL11993 (TA19-0022) - PC Urban Clement Holdings Ltd. Inc. No. BC110007

Moved By Councillor Stack/Seconded By Councillor DeHart

R0223/20/03/17 THAT Bylaw No. 11993 be read a second and third time.

Carried

4.4 McCurdy Rd 925-929, BL11994 (LUC20-0001) - NT Properties Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R0224/20/03/17 THAT Bylaw No. 11994 be read a second and third time.

Carried

4.5 McCurdy Rd 925-929, BL11995 (Z19-0132) - NT Properties Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0225/20/03/17 THAT Bylaw No. 11995 be read a second and third time.

Carried

4.6 Alsgard St, McCurdy Rd, Leathead Rd - BL11996 (LUCT20-0001) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Sieben

R0226/20/03/17 THAT Bylaw No. 11996 be read a second and third time.

Carried

4.7 Alsgard St, McCurdy Rd, Leathead Rd - BL11997 (Z20-0004) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0227/20/03/17 THAT Bylaw No. 11997 be read a second and third time.

Carried

4.8 Primrose Rd 435, BL11998 (Z19-0142) - Shaida Langley

Moved By Councillor Sieben/Seconded By Councillor Stack

R0228/20/03/17 THAT Bylaw No. 11998 be read a second and third time.

Carried

4.9 Francis Ave 460, BL11999 (Z19-0138) - John Hodges

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0229/20/03/17 THAT Bylaw No. 11999 be read a second and third time.

Carried

4.10 BL11988 (TA20-0007) - Rental Sub-Zones addition to Zoning Bylaw No. 8000

Moved By Councillor Singh/Seconded By Councillor Given

R0230/20/03/17 THAT Bylaw No. 11988 be read a second and third time.

Carried

4.11 Harvey Ave 969, BL11989 (OCP19-0009) - The Evangel Family Rental Housing Society Inc. No. 516918

Moved By Councillor Given/Seconded By Councillor Singh

R0231/20/03/17 THAT Bylaw No. 11989 be read a second and third time;

Carried

4.12 Harvey Ave 969, BL11990 (Z19-0119) - The Evangel Family Rental Housing Society Inc. No. 516918

Moved By Councillor Given/Seconded By Councillor Singh

R0232/20/03/17 THAT Bylaw No. 11990 be read a second and third time.

Carried

4.13 Uplands Dr 368, BL12002 (Z19-0141) - Nicole Gosselin

Moved By Councillor Singh/Seconded By Councillor Given

R0233/20/03/17 THAT Bylaw No. 12002 be read a second and third time.

Carried

4.14 Spiers Rd, 3652 BL12003 (HD20-0001) - Request for Heritage Designation - Sue Haley

Moved By Councillor Given/Seconded By Councillor Singh

R0234/20/03/17 THAT Bylaw No. 12003 be read a second and third time.

Carried

5. Liquor License Application Reports

5.1 Appaloosa Rd 1-3314, LL19-0034 - 1124770 B.C. Ltd., Inc. No. BC1124770

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

Moved By Councillor Sieben/Seconded By Councillor Given

R0235/20/03/17 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Wild Ambitions Brewing Inc. (Brewery), Strata Lot 66, Section 2, Township 23, ODYD, Strata Plan KAS2842 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 1-3314 Appaloosa Road, Kelowna, BC for a manufacturer lounge for the hours of 9:00AM to 11:00PM Monday to Sunday;

2. Council's comments on LCRB's prescribed considerations are as follows:

- a. The proximity of the establishment to other social or recreational facilities and public buildings:

The brewery (with person capacity less than 100 persons) is located within an industrial development near the corner of Appaloosa Road and Hollywood Road North and is not located beside another liquor primary establishment.

- b. The person capacity and hours of liquor service of the establishment:

The proposed person capacity is 30 persons inside. Proposed hours of operation will be from 9:00AM to 11:00Pm Monday to Sunday.

- c. The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:

The impact of noise on the surrounding community should be minimal as City Staff are recommending restrictions on amplified music as detailed in this report. The Brewery is located in an industrial area and will have minimal negative impact on traffic and parking, and the property is properly zoned.

- d. The impact on the community if the application is approved:

The potential for negative impact is considered to be minimal.

AND THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

6. Development Permit and Development Variance Permit Reports

6.1 Taylor Rd 235, BL11648 (Z17-0088) - 0725353 BC Ltd Inc No. BCo725353

Moved By Councillor Given/Seconded By Councillor Singh

R0236/20/03/17 THAT Bylaw No. 11648 be adopted.

Carried

6.2 Taylor Rd 235, DP17-0205 and DVP18-0110 - 1219204 B.C. Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Confirmed the mid peak of the roof meets zoning requirements.

The Applicant was not present.

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

Gallery:

Ty Wilkinson 219 Taylor Road:

- Opposed to the application.
- Too many units for the site.
- Lack of limited space.

Staff

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

R0237/20/03/17 THAT final adoption of Rezoning Bylaw No. 11648 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0205 for Lot A Section 22 Township 26 ODYD Plan EPP89943, located at 235 Taylor Rd, 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 authorizes the issuance of Development Variance Permit No. DVP18-0110 for Lot A Section 22 Township 26 ODYD Plan EPP89943, located at 235 Taylor Rd, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations

To vary the required minimum rear yard from 7.5 m required to 6.5 m proposed.

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

6.3 Water St 1659, DP19-0161 and DVP19-0162 - MJI Contracting

Staff:

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

Matthew Isabel, MJI Contracting, Applicant:

- Spoke to unique design of building.
- Spoke to alternate transportation on site.
- Petitioned the neighbours.
- Can secure 13 stalls in the Chapman Parkade, on wait list and anticipate these being available by the time building is ready for occupancy.
- Responded to snow loads on the property to the east and the snow load model being completed.
- 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.

Gallery:

Marion and Ted Grimwood, adjacent property owners:

- Opposed to the application.
- Referred to correspondence submitted previously.
- Opposed to the parking variance as applicant should be paying parking in lieu instead.
- Opposed to the number of variances.
- Raised concerns with snow load issue addressed in correspondence.
- Raised doubts whether applicant could secure parking by the time the building is occupied.

Matthew Isabel, MJI Contracting, Applicant:

- Confirmed consultant has been retained regarding snow load issues, and that neighbor is aware of this.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

R0238/20/03/17 THAT Council defer further consideration of DP19-0161 and DVP19-0162 for staff to undertake further investigation of parking options with the applicant.

Carried

Councillor Stack – Opposed

8. Termination

The meeting was declared terminated at 8:05 p.m.

Mayor Basran

City Clerk

/cm/rvh

CITY OF KELOWNA

BYLAW NO. 12004

Amendment No. 11 to Water Regulation Bylaw No. 10480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Water Regulation Bylaw No. 10480 be amended as follows:

1. THAT **SCHEDULE "B" Water Meter Fees and Service Charges**, be amended as follows:

Adding the following paragraph in its entirety that reads:

"The fee for a new or replacement 19mm (3/4 inch) non-potable irrigation service for customers that have access to the non-potable water system shall be \$500 in 2020. Beginning January 1, 2021 the fee for new 19 mm (3/4 inch) services will be the actual cost of supply and installation. Properties that have completed their private property work to connect to and use the new irrigation service on or before June 30, 2020 can request to have the \$500 fee credited to their utility billing account."

2. This bylaw may be cited for all purposes as "Bylaw No.12004, being Amendment No. 11 to Water Regulation Bylaw No. 10480."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 23rd day of March, 2020.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12018

Amendment No. 6 to Development Applications Procedures Bylaw No. 10540

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Applications Procedures Bylaw No. 10540 be amended as follows:

1. THAT **Section 1 – Introduction, 1.4 Definitions, 1.4.1** be amended by:
 - a) Adding a new definition in its appropriate location for '**Divisional Director of Planning and Development Services**' that reads:

"Divisional Director of Planning and Development Services means the person appointed as such and includes selected designate(s);
2. AND THAT **Section 2 – General Provisions, 2.3 Delegation of Authority** be amended by adding in its appropriate location a new sub-section 2.3.6 **Temporary Delegation of Authority** that reads:

"2.3.6 Temporary Delegation of Authority

Pursuant to Section 154(1)(b) of the *Community Charter*, **Council** delegates to the **Divisional Director of Planning and Development Services**:

 - a) The powers of **Council** under section 490 of the *Local Government Act* to issue, to refuse and to amend **Development Permits** in respect of **Development Permit** areas established by an **Official Community Plan**, notwithstanding the restrictions on delegation identified in Schedule 3 of this bylaw;
 - b) The powers of **Council** to require that the applicant provide security for the purposes of section 502 of the *Local Government Act*, to establish the conditions of the permit, and to determine whether such requirements and conditions have been met;
 - c) The powers of **Council** under section 15(1) of the *Community Charter* to issue, to amend, and to set conditions for permits for the placement of dwellings for the accommodation of temporary farm workers, in accordance with the *Agricultural Land Commission Act* and Regulations, notwithstanding the restrictions on delegation identified in Schedule 9 of this bylaw; and
 - d) The powers of **Council** to extend, to a maximum of six (6) months, the deadline of a bylaw that has received third reading provided no previous extension requests have been made.

Until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is the later."
3. This bylaw may be cited for all purposes as "Bylaw No. 12018, being Amendment No. 6 to Development Applications Procedures Bylaw No. 10540."
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 23rd day of March, 2020.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW No. 12019

Amendment No. 1 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Delegation of Authority to Enter into Leases and Licences of Occupation No. 11250 be amended as follows:

1. THAT **Section 1 – Introduction, 1.2 Definitions, 1.2.1** be amended by:
 - a) Adding a new definition in its appropriate location for '**City Clerk**' that reads:

"City Clerk" means the individual appointed by Council as the officer assigned the responsibility of corporate administration of the City of Kelowna, or their lawful deputy."
 - b) Adding a new definition in its appropriate location for '**City Manager**' that reads:

"City Manager" means the individual appointed by Council as the City Manager or who holds the position of chief administrative officer of the City of Kelowna, or their lawful deputy."
 - c) Adding a new definition in its appropriate location for '**Divisional Director, Partnership and Investments**' that reads:

"Divisional Director, Partnership and Investments" means the person appointed as such and includes selected designate(s)."
2. AND THAT **Section 2 – Authorized Signatories for Specific Real Property Transactions** be amended by adding in its appropriate location new sub-sections 2.7 and 2.8 as follows:
 - "2.7 The **City Manager** and the **Divisional Director, Partnership and Investments** are authorized to approve on behalf of the **City**, transactions of up to a maximum of \$8,000,000 and the Mayor and **City Clerk** are authorized to execute contracts, agreements and other documents necessary or desirable to complete these transactions for projects approved by **Council** until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is later.
 - 2.8 The **Divisional Director, Partnership and Investments** is authorized to approve and execute on behalf of the **City**, transactions for general and project-based acquisitions and dispositions of property up to a maximum value of \$500,000 until May 30, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is the later."
3. This bylaw may be cited for all purposes as "Bylaw No. 12019, being Amendment No. 1 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250."
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 23rd day of March, 2020

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk