



City of Kelowna Regular Meeting Minutes

Date: Tuesday, July 14, 2020
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Mohini Singh, Brad Sieben, Luke Stack and Loyal Wooldridge

Members Participating Remotely Councillor Charlie Hodge

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

1. Call to Order

Mayor Basran called the meeting to order at 8:34 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

(Ro471/20/07/14) THAT the Minutes of the Public Hearing and Regular Meeting of June 23, 2020 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 **START TIME - 8:00 PM - Edith Gay Rd 440 - BL11496 (Z17-0030) - Jaspal K. Dhaliwal, Avneet K. Dhaliwal, Gurpal S. Dhaliwal and Gagandip K. Dhaliwal**

Moved By Councillor Given/Seconded By Councillor Singh

(Ro472/20/07/14) THAT Bylaw No. 11496 be adopted.

Carried

4.2 START TIME - 8:00 PM - Edith Gay Rd 440 - DVP17-0072 - Jaspal S. Dhaliwal, Avneet K. Dhaliwal, Gurpal S. Dhaliwal and Gagandip K. Dhaliwal

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.

Gallery:

Jeff Spagnol, Friesen Road

- Concerned with location of the new house and how close it will be to the property line.
- Wanted clarification on type of dwellings proposed for the property, whether single family or duplex.

Jaspal Dhaliwal, Applicant:

- Responded to questions from Council.
- Confirmed setbacks will follow Zoning Bylaw.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0473/20/07/14) THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0072 for Lot 10 Section 35 Township 26 Osoyoos Division Yale District Plan 18660, located at 440 Edith Gay Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule A:

Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 2.04 m proposed.

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

Carried

4.3 START TIME - 8:00 PM - Abbott St 2700, DVP20-0129 - Tom Mauro and Debra Mauro

Staff:

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

Debra and Tom Mauro, Applicant:

- Spoke to the variance request.
- Described background of designing a new house and options for the variance application.
- Indicated the intent to building single storey house.
- Spoke to meeting and working with adjacent neighbours about the application.

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

Gallery:

De G Zhang, Abbott Street:

- Concerned about variance.

Birte Decloux, Urban Options Planning:

- Speaking on behalf of Mr. Zhang.
- Displayed a PowerPoint presentation with images showing sightline impacts.
- Outlined background of conversations with applicant and different sightline impacts.
- Responded to questions from Council.

Mike Flatters, Abbott Street:

- Structures being pushed toward Abbott Street takes away from landscaping and greenspace along Abbott.

Tom Mauro, Applicant:

- Clarified from corner of house to neighbouring house is 27 degrees.
- Stated some of neighbour's house will be seen if build back to required sightline.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Stack

(Ro474/20/07/14) THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0129 for Lot 4, District Lot 14, Osoyoos Division Yale District, Plan 14499, located at 2700 Abbott Street, Kelowna, BC;

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

Section 6.11.1: General Development Regulations - Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 43.5 degrees proposed along the north side;

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

Carried

4.4 START TIME - 8:30 PM - Cawston Ave 660 - BL11982 (OCP20-0002) - 650 Developments Inc., Inc. No. BC1145287

Moved By Councillor Singh/Seconded By Councillor Given

(Ro475/20/07/14) THAT Bylaw No. 11982 be amended at third reading by deleting the legal description that read:

- "The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District lot 139 ODYD Plan KAP68057; Lot 16 District lot 139 ODYD Plan 1037; The South ½ of Lot 15 District lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502"

And replacing it with:

- "Lot 1 District Lot 139 ODYD Plan EPP99969"

And by deleting from the title:

"640, 650 Cawston Avenue & 1284-1292 Richter Street"

And replacing it with:

"66o Cawston Avenue"

(Ro476/20/07/14) AND THAT Bylaw No. 11982 as amended be adopted.

Carried
Councillor Hodge - Opposed

4.5 START TIME - 8:30 PM - Cawston Ave 66o - BL11984 (Z19-0126) - 65o Developments Inc., Inc. No. BC1145287

Moved By Councillor Given/Seconded By Councillor Singh

(Ro477/20/07/14) THAT Bylaw No. 11984 be amended at third reading by deleting the legal description that read:

- "The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District lot 139 ODYD Plan KAP68057; Lot 16 District lot 139 ODYD Plan 1037; The South ½ of Lot 15 District lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502"

And replacing it with:

- "Lot 1 District Lot 139 ODYD Plan EPP99969"

And by deleting from the title:

"640, 650 Cawston Avenue & 1284-1292 Richter Street"

And replacing it with:

"66o Cawston Avenue"

(Ro478/20/07/14) AND THAT Bylaw No. 11984 as amended be adopted.

Carried
Councillor Hodge - Opposed

4.6 START TIME 8:30 PM - Cawston Ave 66o - DP20-0007, DVP20-0008 - 65o Developments Inc., Inc. No. BC1145287

Staff:

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

Paul Pasutto, Innocept Real Estate Outsourcing Ltd, Applicant:

- Displayed a PowerPoint presentation with a fly through of downtown and the area around the proposed development.
- Reviewed the unit sizes and highlighted the addition of live/work spaces on the first floor.
- Responded to questions from Council.
- Discussed development options that were considered, particularly regarding height.

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

Gallery:

Tess Gauy, Coronation Avenue:

- Opposed to the development variances, particularly to height and parking.
- Referred to other developments in the area and the increasing height.
- Concerned with loss of greenspace in favour of large developments.
- Would like Council to consider existing community in the neighbourhood.

Ryan Hilton, Richter Street:

- Moved downtown for the community and to be in the downtown core.

- Opposed to this application.
- Concerned with height variance and loss of sun impacting property.
- Concerned with privacy and parking issues.
- Asking Council to uphold height and parking regulations.

Carol Secco, Richter Street:

- Opposed to this application.
- Development will take away sunlight from property.
- Concerned with parking and traffic for residents, visitors and commercial uses.
- Noted that garbage trucks cannot get through lane easily currently.

Megan Grey, Coronation Avenue:

- Opposed to this application.
- Concerned with increasing height and changing character of community.
- Feels parking is being taken away from current residents and guests.

Susan Keller, Coronation Avenue:

- Opposed to this application.
- Opposed to height variance because of impact to property and loss of sun.
- Lived in the area for over 35 years
- Concerned about parking space sizes and numbers being reduced.
- Concerned with future development of other properties.

Paul Pasutto, Innocept Real Estate Outsourcing Ltd, Applicant:

- In contact with neighbourhood throughout the development process, had not been contacted by neighbours with specific concerns.
- Referred to and displayed media articles about the application.
- Clarified information in the neighbourhood petition regarding parking and height variances.
- Provided details on the parking to be provided.
- Responded to questions from Council.

Staff:

- Staff responded to questions from Council.
- Displayed the building height map in the C7 zone.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

(R0478/20/07/14) THAT Council authorizes the issuance of Development Permit No. DP20-0007 and Development Variance Permit No. DVP20-0008 for Lot 1 District Lot 139 ODYD Plan EPP99969 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5(h)ii: C7 – Central Business Commercial, Development Regulations

To vary the minimum setback above 16.0m for a property line abutting another property from 4.0m required to 3.8m.

Section 14.7.5(g): C7 – Central Business Commercial, Development Regulations

To vary the requirement for a triangular setback for the first storey at the corner of an intersection from 4.5m required to 3.0m.

Section 14.7.5: C7 Map A – Downtown Building Heights Plan, Development Regulations

To vary the height on the portion of the building between Richter St. and the former laneway to the west of Richter St. (Road Plan 1037 EPP99502) from 15m permitted to 24m and 6 ½ storeys.

Table 8.2.7(b): Parking and Loading, Size and Ratio

To vary the ratio of regular size vehicle parking stalls from 50% required to 29%.

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

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

Carried
Councillor Hodge - Opposed

5. Reminders

Councillor Donn:

- Brought forward motion for tax exemption policy as it relates to non-profits.

Moved By Councillor Donn/Seconded By Councillor Sieben

(Ro479/20/07/14) THAT staff bring forward a report explaining the permissive tax exemption policy as it relates to non-profits.

Carried

6. Termination

The meeting was declared terminated at 10:29 pm

Mayor Basran

Deputy City Clerk

/cm