



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, July 26, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge
Members participating Remotely	Councillor Ryan Donn*
Members Absent	Councillor Gail Given
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Real Estate Department Manager, Johannes Saufferer*; Development Planning Department Manager, Terry Barton; General Manager, Infrastructure, Mac Logan; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:33 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro610/22/07/26 THAT the Minutes of the Public Hearing and Regular Meeting of July 12, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 7:00 PM - Finns Rd 663-671 - LL22-0005 - Su-Mar Investments Ltd., Inc.No. 154934

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

-Present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Lisa Simone, Babke Rd

-In support of the application.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro611/22/07/26 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Brandon Loughery for a liquor primary license for Lot 1 Section 34 Township 26 ODYD Plan 42743, located at 663-671 Finns Rd, Kelowna, BC for the following reasons:
 - o The expansion of outdoor patio area is perceived to have a minimal impact on the community and surrounding properties.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

The potential for noise if the application is approved:

The potential for noise is minimal and would be compatible with the surrounding community as the immediate neighbourhood is mainly industrial and agriculture.

- o The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal as this is an expansion to the service area of an existing Liquor Primary Establishment while decreasing the overall occupancy.

3. 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

4.2 START TIME 7:00 PM - Vaughan Ave 109-889 - LL22-0010 -1568447 Alberta Ltd., Inc.No. A0093042

Moved By Councillor Wooldridge/ Seconded By Councillor DeHart

Ro612/22/07/26 THAT the application be deferred to the next meeting.

Carried

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 7:00 PM - Doyle Ave 350 - BL12286 (Z21-0061) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Sieben

R0613/22/07/26 THAT Bylaw No. 12286 be adopted.

Carried

5.2 START TIME 7:00 PM - Doyle Ave 350 - Land Disposition Summary

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0614/22/07/26 THAT Council receives, for information, the report from Real Estate department dated July 26, 2022, with respect to a summary of the long-term lease and redevelopment opportunity associated with 350 Doyle Avenue;

AND THAT, in the event Council approves DP21-0136 and DVP21-0137, Council authorizes Staff to amend any legal agreements associated with the long-term lease of 350 Doyle Avenue as required to issue the permits associated with DP21-0136 and DVP21-0137.

Carried

5.3 START TIME 7:00 PM - Doyle Ave 350 - DP21-0136 DVP21-0137 - City of Kelowna

Staff:

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

Greg Appelt, Lakeshore Applicant and Jean Guy Beliveau, Architect

-Displayed a PowerPoint presentation outlining the application.

-Spoke to the public consultation process.

-Spoke to the rental market and the need for more units.

-Spoke to 10% of units being affordable not to exceed the standard measure of 30% of household income towards rent.

-Spoke to the parking being provided.

-Spoke to the height and floor plate variances being sought.

-Spoke to bicycle parking.

-Spoke to the form and character of the building.

-Spoke to the views from the building.

-Spoke to the the concept plan for the Kelowna Art Walk extension having extensive public engagement.

-Displayed a video showing the intended look of the art walk extension.

-Responded to questions from Council.

City Clerk:

-Recommended Council add a resolution requiring an Affordable Housing Bylaw be adopted and registered on title prior to issuance of the Development Permit and Development Variance Permit.

-The details on the unit allocation would be in the bylaw.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Lisa Simone, Babke Rd

-Opposed to the application.

-Concerned about process and making the bidding process equal.

-Concerned with only 10% being affordable

Hal Vatney, Ellis St

- Concerned with the bidding process being fair with the increase in storeys.
 - In opposition to the variances.
- Consider the cancellation of the process as the application is substantially different.

Kate Cartier, Carley Dr

- Second year student looking for a place to live.
- Concerned with housing affordability and the need for student housing.
- Supports the application.

Lane Merryfield, Sunset Dr

- Spoke about the Innovation Centre.
- Spoke to the petition from the tech community in the immediate area at the Innovation Centre amenities. There were several interactions with the applicant and corresponding changes to the design.
- Supportive of the application.

Student

- Supportive of the application.
- Spoke to the need for more student housing.

Makayla Gough, Sherwood Rd, participating remotely

- Supports the development
- Spoke to the difficulty in finding affordable rental housing.
- Spoke to their music career as a professional artist.

Raghwa Gopal, Abbotview Dr, participating remotely

- Supports the application.
- Spoke to the tech sector and the benefits to the community.
- Spoke to the Innovation Centre and the role it has played in the tech sectors growth.
- Spoke to the Innovation Centre being a community hub for the tech sector.

Trevor Butler, Campus Ct, participating remotely

- Supports the development.
- Spoke to the Innovation Centre and the impact it has on the community.
- Spoke to the Halifax public library in comparison on the impact to the community.
- Innovation Centre is a key space for the community.

Brad Huston, Rutland

- Spoke to the Innovation Centre being a beacon for technology in the community.
- Spoke to the opportunity to create a hub with synergies and the need for more student housing.

Blake Roberts, Denali Dr

- Raised concern with the change in height as it seems to be driven by the innovation Centre concerns.

Les Bellamy, Ellis St

- Opposed to the height of the proposed development.
- Concerned with the height not fitting with the surrounding six storey buildings.
- Proposal contradicts the OCP.
- Concerned with the RFP process.
- Asked Council to either defeat or defer the application.

Jackson Hicks, Viewcrest Ct

- Spoke to the need for student housing.
- Supports the application.

Honour Jones, Quebec St

- Supports the application.

-Spoke to the need for more affordable student housing

Grace Driver, Greystoke Rd

- Spoke to the need for affordable student housing.
- Project is in a good location.
- Supportive of the application.

Mackenzie Carrol, Del Monte Ct

- Supportive of the application.
- Spoke to need for more affordable housing

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro615/22/07/26 THAT that Council continue the meeting past 11 p.m.

Carried

Diane Campney, Ellis St

- Opposed to the development due to the RFP process followed.
- Concerned with the height variance.
- Raised doubts of the affordability of the project.
- In support of the design.

Ben Kriebishin, Arbourdrew Dr

- Supports the application.
- Concerned about the lack of affordable student housing.
- Believes it is a good location for such a development.

Saul Goodman, participating remotely

Not able to speak as their microphone is not working.

Geoff Keen, Lake Country

- Supportive of the application and congratulated UBCO.
- Spoke to the tech sector and impact on the community.
- Spoke to the Innovation Centre and impact on the community.

Felix Jones

- Commented on the difficulty to find affordable housing.
- Supportive of the development and the impact on the community.

Linn MacFarlane, Alternator Gallery, Artistic Director, Tulameen Ct

- Spoke to the innovative partnership.
- Supportive of the application.

Max Mandledrome, Ellis St

- Opposed to the application.
- Raised doubts on the number of affordable units.
- Opposed to the height variance.

Brett Mark, Lekie Ct

- Supportive of the application.
- Any addition to the rental pool is positive.
- Supportive of the arts component.

Roman Woods, Lambert Ave

- Supportive of the application and the affordable housing.

Applicant in response

- There will be 26 units of affordable housing.
- Spoke to the extensive public consultation.

-Spoke to the number of units decreasing with the new design.

Staff responded to questions from Council.

City Manager:

-Made comments on the land disposition process.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

Ro616/22/07/26 THAT final adoption of Rezoning Bylaw No. 12286 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0136 for Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954, located at 350 Doyle Ave, 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. DVP21-0137 for Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954, located at 350 Doyle Ave, Kelowna, BC;

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

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

To vary the maximum allowable height from 40.0 m / 13 storeys permitted to 81.9 m / 25 storeys proposed.

Section 14.7.6(h): C7 – Central Business Commercial Civic Precinct Development Regulations

To vary the minimum separation distance where adjacent buildings are above 22.0 m in height on the same block from 25.0 m required to 13.9 m proposed.

Section 14.7.6(i): C7 – Central Business Commercial Civic Precinct Development Regulations

To vary the maximum tower floor plate situated above 9.0 m in height but below 22.0 m in height from 1,221.0 m² permitted to 2,105 m² proposed.

Section 14.7.6(j): C7 – Central Business Commercial Civic Precinct Development Regulations

To vary the maximum tower floor plate above 22.0 m in height from 676.0 m² permitted to 803 m² proposed.

Table 8.5: Section 8 – Parking and Loading - Off-Street Bicycle Parking

To vary the minimum short-term bicycle parking from 72 required to 10 stalls proposed.

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

AND 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.

AND FURTHER THAT a Housing Agreement Bylaw be adopted and registered on title prior to issuance of the Development Permit and Development Variance Permit.

Carried
Councillors Hodge & Singh - Opposed

5.4 START TIME 8:00 PM - Wardlaw Ave 640 - BL12345 (Z21-0077) - Innascore Developments Inc., Inc. No. BC1161787

Moved by Councillor Sieben/Seconded By Councillor Singh

Ro617/22/07/26 THAT the application be deferred to the August 9, 2022 meeting.

Carried

5.5 START TIME 8:00 PM - Wardlaw Ave 640 - DP21-0190 DVP21-0191 - Innascore Development INC., INC.NO. BC1161787

Moved by Councillor Sieben/Seconded By Councillor Singh

Ro618/22/07/26 THAT the application be deferred to the August 9, 2022 meeting.

Carried

Councillor Donn disconnected from the meeting at 12:09 p.m.

5.6 START TIME 8:00 PM - Raymer Ave 1150 - DVP22-0061 - Robert Clerke and Donna Clerke

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

-Present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

Ro619/22/07/26 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0061 for Lot 2 District Lot 135 ODYD Plan 10079, located at 1150 Raymer Avenue, Kelowna, BC;

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

Section 6.5.3(a): Accessory Buildings in Residential Zones Development Regulations

To vary the maximum site coverage for accessory buildings from 14% with a footprint 90 m² permitted to 7.66% with a footprint 106.84 m² 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

5.7 START TIME 8:00 PM - Abbott St 2735-2757 - DVP22-0071 - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options, Applicant's Agent

- Displayed a PowerPoint presentation outlining the variance application.
- Provided the rationale for the variance and the reasons for the discrepancy in landscape plans.
- Spoke to the finishing to the parking pad. Confirmed no trees will be lost.
- Reviewed the site lines and safety.
- Provided comments on and responded to staff concerns.
- Confirmed the support of the neighbouring properties.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Hodge

Ro620/22/07/26 THAT Council authorize the issuance of Development Variance Permit No. DVP22-0071 from properties identified in 'Schedule A', located at 2735 – 2757 Abbott St, Kelowna, BC

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

Section 8.2.3 – General Provisions and Development Standards:

To vary the parking stall setback requirement from the required 1.5 metre setback to 0.52 metres

Section 7.6.1(c) Minimum Landscape Buffers

To vary a portion of the minimum landscape buffer requirement of 3.0m to 0.0m.

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

6. Reminders

There were no reminders.

7. Termination

The meeting was declared terminated at 12:26 a.m.

Mayor Basran

sf/cm

City Clerk