



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, July 11, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart*, Charlie Hodge, Gordon Lovegrove, Mohini Singh, Rick Webber and Loyal Wooldridge*
Members participating Remotely	Councillor Luke Stack
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith, Policy & Planning Department Manager, Danielle Noble-Brandt*; Long Range Policy Planning Manager, Robert Miles*; Current Planning Manager, Terry Barton*; Community Planning and Development Manager, Dean Strachan*; Development Engineering Manager, Nelson Chapman*; General Manager, Infrastructure, Mac Logan*; Planner Specialist, Trisa Atwood*; Legislative Technician, Natasha Beauchamp
Staff participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 3:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the Minutes of the Public Hearing and Regular Meeting of June 13, 2023 and June 20, 2023 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:02 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 3:00 PM - OCP22-0008 (BL12421) - Downtown Building Heights Mapping for Ellis Street Amendment - City of Kelowna

Councillor Wooldridge declared a conflict as he owns property in the subject area and left the meeting at 3:04 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk 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 came forward from the gallery or online.

Staff responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 3:32 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 3:32 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 3:00 PM - BL12421 (OCP22-0008) - Downtown Building Heights Mapping for Ellis Street Amendment - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12421 be read a second and third time and be adopted.

Defeated
Mayor Dyas, Councillors Cannan, Hodge, Lovegrove and Webber – Opposed

9. Termination

The meeting was declared terminated at 3:42 p.m.

10. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:42 p.m.

11. Individual Bylaw Submissions

11.1 START TIME 3:00 PM - OCP Amendment regarding Rental Conversion Policies - OCP23-0005 (BL12535) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk 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 came forward from the gallery or online.

There were no further comments.

12. Termination

The Hearing was declared terminated at 3:45 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 3:45 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 3:00 PM - OCP Amendment regarding Rental Conversion Policies - BL12535 (OCP23-0005) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12535 be read a second and third time and be adopted.

Carried

15. Termination

The meeting was declared terminated at 3:46 p.m.

16. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:46 p.m.

17. Individual Bylaw Submissions

17.1 START TIME 3:00 PM - Various Chapters and Policy Map Amendments - OCP23-0006 (BL12546) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk 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 came forward from the gallery or online.

There were no further comments.

18. Termination

The Hearing was declared terminated at 3:51 p.m.

19. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 3:51 p.m.

20. Bylaws Considered at Public Hearing

20.1 START TIME 3:00 PM - Various Chapters and Policy Map Amendments - BL12546 (OCP23-0006) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Cannan

THAT Bylaw No. 12546 be read a second and third time and be adopted.

Carried

21. Termination

The meeting was declared terminated at 3:51 p.m.

22. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:52 p.m.

23. Individual Bylaw Submissions

23.1 START TIME 3:00 PM - Lapointe Dr 6320 - TA23-0005 (BL12544) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk 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 came forward from the gallery or online.

There were no further comments.

24. Termination

The Hearing was declared terminated at 3:54 p.m.

25. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 3:54 p.m.

26. Bylaws Considered at Public Hearing

26.1 START TIME 3:00 PM - Lapointe Dr 6320 BL12544 (TA23-0005) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT Bylaw No. 12544 be read a second and third time.

Carried

27. Termination

The meeting was declared terminated at 3:54 p.m.

28. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:54 p.m.

29. Individual Bylaw Submissions

29.1 START TIME 3:20 PM - Benvoulin Road 2809 - OCP22-0010 (BL12520) Z22-0059 (BL12521) - Gurdwara Guru Amardas Darbar Sikh Society Inc.No. 50040725

Councillor Singh stated that contrary to concerns raised by some neighbours, she does not have a conflict of interest due to her religious faith .

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options and Planning, Applicant

- Displayed a PowerPoint presentation.
- Confirmed an updated letter of rationale removed showers and some of the other concerns raised by neighbours.
- Provided comments on the proposed development.
- Spoke to traffic studies undertaken to minimize neighbourhood impacts.
- Confirmed Temple wishes to be a good neighbour.

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

Gallery:

Kelly Paley, Director of Community Engagement, Bridge Youth and Family Services

- Provided comments on services offered by Bridge Services.
- Spoke to the partnership between the Bridge and Gurdwara.
- Supportive of the application.

Tarsem, Goraya, Dunster Rd.

- The subject property is not currently being farmed.
- Supportive of the application.

Resident, East Kelowna Rd.

- Ten year-old Student at the Gurdwara.
- Supportive of the application.
- Spoke to the need for a bigger assembly place and library.

Inderjit Dhial, Hollydell Rd.

- Supportive of the appointment.
- Congregation has outgrown their current space.
- Encouraged Council to approve the application.

Parnjit San (Phil Patera), no address provided

- Supportive of the application.
- Spoke to the first Gurdwara built on Rutland Road in 1982.
- Spoke to the need for more space.

Dhilon, Cilano Cr.

- Raised concern with the size of the Gurdwara.
- Made comments regarding on-site parking and potential agreements with nearby lots.
- Supportive of the application.
- Spoke to the increase in parking stall capacity.

Sana Gosegle, Student

- Spoke to the importance of the Gurdwara on their development.
- Supportive of the application.
- Spoke to not enough room for food and meal preparation.

Rojin Vahan, Goldfinch Pl.

- Supportive of the application.
- Addressed concerns regarding two events raised by the neighbourhood.
- Spoke to the confirmation of banning fireworks and future parades by the Gurdwara committee.

Harish V, Barnaby Rd.

- Supportive of the application.
- Spoke to the Gurdwara being instrumental in his mental health.

Indie Goraya, Dunster Rd.

- Supportive of the application.
- Spoke to the importance of nature in the Sikh sacred texts.
- Supportive of the location.

Terry Robertson, Como Rd.

- Referenced petition of opposition, submitted previously to Council.
- Concerned with traffic implications the development will bring to the neighbourhood.
- Application not supported by the OCP, and OCP should be respected.
- Respectfully opposed to the application.

Martina Suter, Fischer Rd

- Opposed to the application.
- Moved from Vancouver.
- Spoke to living near places of worship in Lower Mainland and spoke to negative traffic impacts.
- Asked Council to respect the OCP as people make land use decisions based on the OCP.

Heather Friesen, Cerise Rd

- Supportive of the application.
- Spoke to the traffic concerns as any place of worship create traffic implications.
- Supportive of the partnership between Bridges and the temple and their work in mental health.
- Spoke to the need for more community help with citizens.

Surinder Bopari, Treetop Rd.

- Supportive of the application.
- Spoke to the importance of the Gurdwara in their life.
- Need a larger facility and larger lot.

Wendy Howell, Fisher Rd.

- Opposed to the application.
- Issue is not whether more space is required, but rather whether this is an appropriate location for the temple.
- Raised concerns with traffic safety due to the speed which vehicles travel Benvoulin Road.
- Raised concerns with the traffic implications.

(Resident) Singh, Cowell Cr.

- Volunteer teacher at the Gurdwara.
- Congregation will come from all over the area, not just Rutland.
- Spoke to the need for a larger area for teaching the children.
- Supportive of the application.

Brian Pahl, Scenic Rd.

- Adjacent property owner.
- Raised concerns with traffic implications.
- Already difficult to turn onto Fisher Rd.
- Against the application at this location.

Brad Heinzman, Boyd Rd.

- Adjacent property owner.
- Raised concerns with impacts on his farm and animals.
- Concerned with impacts of fireworks on livestock.
- 8m buffer not sufficient between subject property and their farm.
- Raised concerns with traffic impacts.
- Opposed to the application.

Tanya Miles, Fisher Rd.

- Opposed to the application.
- Spoke to previous traffic calming initiatives and use of Fisher Rd as a cut through to the need for speed bumps on Fisher Road.
- Concerned with traffic and safety.

Megan Paul, Boyd Rd.

- Opposed to the application.
- Not the right location.
- Concerned with traffic implications.
- Raised concerns with safety implications.

Navjit Khun, Benson Law, Stetson St.

- Supports the application.
- Spoke to anticipated number of weddings that may be held on site, and that they won't be as disruptive as anticipated.
- Spoke to alcohol being prohibited at the Gurdwara.

Singh Khun Khun, Stetson Pl.

- Student at UBC and member of the Armed Forces.
- Spoke to how Sikh values have shaped them.
- Supportive of the application.
- Spoke to how a larger space allowing more younger members to the congregation is needed.

Resident, Ponds Ave

- In support of the application.
- Spoke to the need for larger learning and religious spaces.

Narinder Gosal, Fitzgerald Rd.

- Supportive of the application.
- Spoke to the importance of farming in their life.
- Spoke to Council having the ability to address community concerns.

Ryan Markewich, Leader Rd.

- Torn over this application.
- Doesn't see the connection between farming and this location for the Gurdwara.
- Raised concerns with traffic implications.
- Raised concern with lack of space to grow in future at this location.

Sandeep Singh, Kelowna St.

- Supportive of the application.
- Aware of traffic concerns raised by neighbours and has met with City staff and neighbours to address them.
- Right in and right out options will be implemented if the application is approved.

Malvinder Hoonjan, Water Birch Circle

- Supportive of the application.

David Miles, no address provided

- Raised concerns with traffic implications.
- Doubts right in and right out turning would work.
- Raised concerns with traffic safety implications.
- Not the right location for this land use.

Bernadette Casorso, Fisher Rd.

- Opposed to the application.
- Concerned with impacts on wildlife in the area.

- Spoke to the different species noted in the area who would be impacted by the development.

The meeting recessed at 5:52 p.m.

The meeting reconvened at 6:08 p.m.

Gurlinger Handal, no address provided

- Supportive of the application.
- Spoke to the need for more space to bring community and family together.
- Spoke to parking being available during the week.

Lawrence Obassy, KLO Rd.

- Opposed to the application.
- Raised concerns with the application.
- Commented that the proposed site is already too small.

Narinder Goyaya, Dunster Rd.

- Supports the application.
- Traffic concerns won't be as bad as imagined. Shuttles could also be used from parking lots available further away.
- They have not seen many animals in the area.
- Spoke to the need for youth to have a place.

Resident, Okanagan Way, Vernon

- Supports the application.
- Spoke to traffic safety being the responsibility of the drivers.

Alan Crozier Fischer Rd.

- Wondered if any studies were undertaken on the impacts to marsh lands in the area.
- Raised concerns with traffic implications and local speeding on Benvoulin.
- Opposed to the application.

Kiran Hundle, no address provided

- Supports the application.
- Spoke to the importance of the Gurdwara in their life.
- Spoke to the existing Gurdwara being too small for growing families including stroller and activity space for children.
- Spoke to the temple being a resource for the elderly population for such things as blood bank donations and flu vaccinations.
- Spoke to the need for a larger facility.
- Spoke to traffic concerns and safety.
- Spoke to the space being used by neighbourhood children.

Resident, Rutland

- Supportive of the application.

Rawinder Paul, Camelback Dr.

- Supportive of the application.
- Spoke to the beneficial communal aspects of the Gurdwara.
- Traffic impacts won't be as bad as claimed by opponents.

Dennis Miller, Boyd Rd.

- Opposed to the application.
- Benvoulin corridor should be protected for agriculture as per previous Council direction.
- Staff did not support the application.
- Site too small for their needs with insufficient on-site parking.
- Raised concerns with use of Gurdwara will be more than just on Sundays.
- Access to Boyd and Fisher the main issue for the neighbourhood.

- Protect the Benvoulin corridor for agriculture.

Resident, Ponds Ave.

- Spoke to other properties considered for the Gurdwara.
- Spoke to size of congregation, Gurdwara use and potential growth.
- Doesn't believe off site parking lots will be used much as they each have their own restrictions on use.

Manijh Guhr, Camelback Dr.

- Okanagan School of Business instructor and entrepreneur.
- Spoke to the community benefits of the Gurdwara.
- Supportive of the application.

Cassandra Heinzmen, Boyd Rd.

- Opposed to the application.
- Not questioning need for a new temple.
- Land use is the question before Council.

Applicant in Response:

- OCP amendment required for a new institutional use.
- Over 200 other sites considered.
- ALR locks in boundaries of the site on two sides.
- City traffic engineers are supportive.
- Confirmed no fireworks will be allowed.
- Confirmed right-in and right-out on Benvoulin.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

The City Clerk advised the Fire and Life Safety Bylaw prohibits the use of fireworks without a City permit.

There were no further comments.

30. Termination

The Hearing was declared terminated at 7:26 p.m.

31. Call to order the Regular Meeting

Mayor Dyas called the meeting to order at 7:26 p.m.

32. Bylaws Considered at Public Hearing

32.1 START TIME 3:20 PM - Benvoulin Rd 2809 - BL12520 (OCP22-0010) - Gurdwara Guru Amardas Darbar Sikh Society Inc.No. 50040725

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12520 be read a second and third time.

Carried
Councillors Cannan, Hodge and Stack - Opposed

32.2 START TIME 3:20 PM - Benvoulin Rd 2809 - BL12521 (Z22-0059) - Gurdwara Guru Amardas Darbar Sikh Society Inc.No. 50040725

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12521 be read a second and third time.

Carried
Councillor Cannan - Opposed

The meeting recessed at 7:57 p.m.

The meeting reconvened at 8:11 p.m.

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the meeting continue past 8:00 p.m.

Carried

Councillor DeHart declared a conflict of interest as they own property across the street and left the meeting at 8:13 p.m.

33. Development Permit and Development Variance Permit Reports

33.1 START TIME 5:45 PM - Ellis St 1070-1130 - DP21-0277 DVP21-0278 - Waterscapes Homes Ltd., Inc.No. BC0767408

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Lovegrove

THAT the meeting continue past 8:30 p.m.

Carried

Ward Ledingham Mccallister, Applicant

- Displayed a PowerPoint presentation.
- Spoke to the original development.
- Provided comments on form and character aspects of the proposed development.
- Spoke to design to mitigate wind impact and input of their wind consultant.
- Spoke to rationale for the requested variances.
- Showed a "flyby" animated video of the proposed development.

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

Bernard Dumont, Sunset Dr.

- Displayed a PowerPoint presentation.
- Showed different views of the proposed towers with respect to other downtown towers.
- Opposed to the five story podium.
- Raised concerns with impacts on views of existing Waterscape development.
- Application not in accordance with the OCP 2040.
- Spoke to the existing Waterscapes neighbourhood.
- Raised concerns with the wind tunnel effect.
- Opposed to the application.

Brad Cronic, Sunset Dr.

- Opposed to the application.
- Concerned with the increased traffic congestion and impact on infrastructure.

Joe Simpson, Turri Ave

- Concerned with application.
- Raised concerns with towers on top of podiums, and quoted bylaw regulations regarding podiums.
- Questioned whether podium meets Zoning Bylaw requirements.
- Opposed to the application.

Cathy Gibson, Sunset Dr.

- Displayed a PowerPoint presentation.
- Raised environmental concerns with high rise buildings on the living environment.
- Cited various academic and other studies on the negative impacts of tall buildings.
- Raised concerns on flooding and other environmental impacts.
- Opposed to the application.

Jim Nuffield, Strata Council EPS7397, Water St.

- Raised concerns with wind funnelling impacts on neighbouring buildings.
- Wanted to know if wind funnelling studies were completed and what the conclusions were for One Water Street.
- Request the applicant to inspect neighbouring buildings prior to construction.

Brenda Sbrossi, Sunset Dr.

- Opposed to the application.
- Referenced previous correspondence sent to Council.
- Displayed a PowerPoint presentation.
- Raised concerns with negative impacts on privacy and sunlight.
- Made comments on statements contained in the disclosure statement that said subject properties would have four story townhouses constructed on them.

Rick Walcer, Sunset Dr., participating remotely

- Opposed to the application.
- Spoke to the interface with the proposed development and his adjacent unit.
- Raised concerns with the impact of the podium and how to soften the impact on their building.

Resident, Sunset Dr.

- Disappointed with the change from town houses to towers.
- Raised concerns with impacts on infrastructure the towers would create.
- Raised concerns with traffic impacts and parking in the neighbourhood.

David Bulaze, Sunset Dr.

- Opposed to the application.
- Commented that four towers on the site won't work.
- Not the right thing to do.
- Proposed a maximum of two towers.

Nancy Grenow, One Water Street

- Supportive of previous speakers.
- Spoke to concerns with deck furniture and wind tunnel impacts.
- Spoke to the change in development from four storeys to high towers.
- Commented it is wrong to put towers where it was planned for townhouses.
- Opposed to the application.

Diane Georges, Sunset Dr.

- Concerned with the construction of four towers being too big for the area.
- Concerned with impacts on the environment and negative impacts on wildlife.
- Opposed to the application.

Heather Friesen, Cerise Rd.

- Tentatively supportive of the application.
- Amenity contribution would benefit many in the community.
- Spoke to having a community housing crisis.

John Devitt, Sunset Dr, participating remotely

- Spoke to the unknown impacts and lack of study regarding construction vibration. Too many unanswered questions to have the development go forward.
- Concerned with the lack of answers from applicant to Strata questions.
- Spoke to the traffic impact study.
- Opposed to the application.

Moved By Wooldridge/Seconded Councillor Singh

THAT the meeting continue past 9:00 p.m.

Carried

Applicant in Response:

- Responded to concerns raised.
- Spoke to the landscaping around the surrounding area.
- Confirmed that the Zoning Bylaw permits four towers.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Permit No. DP21-0277 & Development Variance Permit DVP21-0278 for Lot 2 District Lot 139 ODYD Plan KAP86331, located at 1070-1130 Ellis St, 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;
5. The applicant be required to make a payment into the Housing Opportunities Reserve Fund as established by Bylaw No. 8593 in accordance with Table 6.8.b. in Zoning Bylaw No. 12375;
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 THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:
 - a. **Section 9.11.1 Table 9.11 – Tall Building Regulations:** To vary the minimum building separation measured from the exterior face of the building from 30.0 m required to 27.0 m proposed internal to the subject property;
 - b. **Section 9.11.1 Table 9.11 – Tall Building Regulations:** To vary the maximum floor plate for Level 6 between 16.0 m and 23.0 m from 750 m² required to 1,846 m² proposed on south podium; 751 m² proposed on tower three; and 860 m² proposed on tower four;

- c. **Section 9.11.1 Table 9.11 – Tall Building Regulations:** To vary the tower setback above podium on the front building façade of tower two on the south podium from 3.0 m required to 0.0 m proposed;
- d. **Section 14.11 – Commercial and Urban Centre Zone Development Regulations:** To vary the minimum side yard setback above 16.0 m in height from 4.0 m required to 0.0 m proposed between 16.0 m and 16.6 m in height;

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
Councillors Cannan, Hodge and Lovegrove - Opposed

34. Reminders

There were no reminders.

35. Termination

The meeting was declared terminated at 10:45 p.m.

Mayor Dyas

sf/cm

City Clerk