



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, May 14, 2024
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Ron Cannan*, Maxine DeHart, Charlie Hodge, Mohini Singh*, Luke Stack, Rick Webber and Loyal Wooldridge
Members Absent	Councillor Gord Lovegrove
Staff Present	City Manager, Doug Gilchrist; City Clerk, Laura Bentley; Deputy City Clerk, Michael Jud; Divisional Director, Planning, Climate Sustainability and Development Services, Ryan Smith; Development Planning Department Manager, Nola Kilmartin; Long Range Policy Planning Manager, Robert Miles; Planner Specialist, Adam Cseke; Planner II, Tyler Caswell; 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 4:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT the Minutes of the Public Hearing and Regular Meeting of April 9, 2024 be confirmed as circulated.

Carried

4. Call to Order the Regular Meeting

5. Liquor License Application Reports

5.1 **START TIME 4:00 PM - Pandosy St 1630 - LL24-0003 - 1384597 B.C. Ltd., Inc.No. BC1384597**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Carmen McKeage, Ricco Room, Applicant, Online

- Took over ownership more than a year ago and operate within the existing licence hours approved.
- It is a food focused operation, with both a lounge and restaurant space.
- Looking to maintain a liquor primary.
- Spoke to losing revenue due to not being able to compete with like concepts given the limited hours.

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.

Councillor Cannan joined the meeting at 4:08 p.m.

No one Online or in the Gallery came forward.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

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 Taylorr Gramlich for a Liquor Primary License amendment for Strata Lot 1 District Lot 139 ODYD Strata Plan KAS3411 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 1630 Pandosy St, Kelowna, BC for the following reasons:
 - Proposed structural changes are compliant with Council Policy 359 and RCMP do not have concerns with the proposed changes.
2. Council's comments on Liquor Control and Licensing Branch's (LCLB) prescribed considerations are as follows:
 - The potential for noise if the application is approved:
The potential impact for noise is minimal as the outdoor patio hours will be consistent with Bernard Ave Patio Program.
 - The impact on the community if the application is approved:
The potential for negative impacts is minimal as the area is primarily commercial uses and there are no large occupancy liquor establishments in close proximity.
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

6. Development Permit and Development Variance Permit Reports

6.1 START TIME 4:00 PM - Barber Rd 135 - BL12514 (TA22-0018) - ASI Barber Road GP Inc., Inc.No. A0122606

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12514 be amended at 3rd reading by deleting the Legal Description that reads:

"LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372
LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229
LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229"

And replacing it with:

"Lot A Section 22 Township 26 ODYD Plan EPP124267 Except Plan EPP134976";

AND THAT Bylaw No. 12514 be amended at 3rd reading by deleting the Civic Address that reads "765 HWY 33 W 135 Barber Rd 155 Barber Rd" and replacing it with "135 Barber Rd";

AND THAT Bylaw No. 12514 be amended at 3rd reading by deleting the title that reads "135, 155 Barber Road & 765 HWY 33 W" and replacing it with "135 Barber Road";

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12514, as amended, be adopted.

Carried

6.2 START TIME 4:00 PM - Barber Rd 135 - BL12618 (Z23-0049) - ASI Barber Road GP Inc., Inc.No. A0122606

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12618 be amended at third reading by deleting the Legal Description that reads:

"Lot A Section 22 Township 26 ODYD Plan EPP124267"

And replacing it with:

"Lot A Section 22 Township 26 ODYD Plan EPP124267 Except Plan EPP134976"

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12618 as amended, be adopted.

Carried

6.3 START TIME 4:00 PM - Barber Rd 135 - DP22-0225 DVP22-0226 - ASI BARBER ROAD GP INC, INC NO A0122606

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Councillor Singh joined the meeting at 4:14 p.m.

Kim McKechnie, Applicant's Agent

- Spoke to zero variances.
- Stepback was added to the Zoning Bylaw partway through 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 Online or in the Gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Zoning Bylaw Text Amending Bylaw No. 12514 be amended at third reading to revise the legal description of the subject property from LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372, LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 and LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 to LOT A SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP124267 EXCEPT PLAN EPP134976;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 12514 and Rezoning Bylaw No. 12618 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0225 and Development Variance Permit No. DVP22-0226 for LOT A SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP124267, located at 135 Barber 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedules "A" and "B":

Section 14.11: Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations (UC4r)

To vary the required minimum building stepback from the front yard from 3.0 m required to 0.0 m proposed.

Section 14.11: Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations (UC4r)

To vary the required minimum building setback from the flanking side yard from 3.0 m required to 0.0 m 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 FURTHER THAT the Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7. Termination

The meeting was declared terminated at 4:19 p.m.

The meeting recessed at 4:19 p.m.

The meeting reconvened at 4:26 p.m.

8. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:26 p.m.

9. Individual Bylaw Submissions

9.1 START TIME 4:00 PM - Multiple Addresses - OCP23-0009 (BL12595) - City of Kelowna

Staff:

– Displayed a PowerPoint Presentation summarizing the amendments.

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.

10. Termination

The Hearing was declared terminated at 4:30 p.m.

11. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:30 p.m.

12. Bylaws Considered at Public Hearing

12.1 START TIME 4:00 PM - Multiple Addresses - BL12595 (OCP23-0009) - City of Kelowna

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Bylaw No. 12595 be read a second and third time and be adopted.

Carried

13. Termination

The meeting was declared terminated at 4:31 p.m.

14. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:31 p.m.

15. Individual Bylaw Submissions

15.1 START TIME 4:30 PM - Pandosy and Rutland Building Heights Maps - BL12621 (OCP24-0001) - City of Kelowna

Mayor Dyas declared a conflict due to owning properties in the South Pandosy area and left the meeting at 4:32 p.m.

Deputy Mayor Ron Cannan took over chairing the meeting.

Staff:

- Displayed a PowerPoint Presentation summarizing the amendments.

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:

Barry Jessup, Abbott St.

- Represents FRAHCAS.
- Comments based on the agenda published on May 4, 2024.
- Spoke to collection of over 800 concerned citizen signatures.
- Spoke to the public petition with support for the heritage conservation area.
- Opposed the plan to diminish exiting heritage guidelines.
- Requested that the culture and historical value of the area be protected.
- Requested the existing footprint of the Heritage Conservation Area (HCA) be maintained.
- Suggested reinstating the Heritage Advisory Committee that was in place prior to the pandemic.
- Recommend future hearings be held well in advance.

Peter Chataway, Cadder Ave

- Commented on the hospital TOA that affects the Heritage Conservation Area.

Staff:

- Responded to questions from Council.

There were no further comments.

16. Termination

The Hearing was declared terminated at 4:48 p.m.

17. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:48 p.m.

18. Bylaws Considered at Public Hearing

18.1 START TIME 4:30 PM - Pandosy and Rutland Building Heights Maps - BL12621 (OCP24-0001) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Bylaw No. 12621 be read a second and third time and be adopted.

Carried

19. Termination

The meeting was declared terminated at 4:49 p.m.

Mayor Dyas returned to the meeting and resumed chairing at 4:50 p.m.

20. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:50 p.m.

21. Individual Bylaw Submissions

21.1 START TIME 4:30 PM - Small-Scale Multi-Unit Housing and Transit Oriented Areas Alignment - OCP24-0005 (BL12649) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the amendments.

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:

Barry Jessop, Abbott St.

- Represents FRAHCAS.
- Spoke to the need to ensure preservation of Kelowna's Heritage Conservation Area (HCA).
- New designation appears to reduce the HCA by 25%.
- No longer requiring HAP guidelines within TOA.
- Encouraged by Heritage Review presented to Council May 13, 2024.
- Spoke to provincial heritage mandates.
- Requested more public input take place.
- Requested the Heritage Advisory Committee be reinstated.
- Offered assistance in updating the heritage guidelines.
- Maintain the existing footprint of the HCA and not diminish the preservation of heritage in the community.
- Consistency of enforcement in guidelines.

Janette Mergens, Abbott St.

- Lives in the HCA.
- Concerned with previous developments, including apartment building on Royal Avenue.
- Four-unit developments in this area won't be affordable housing.
- Spoke to the disbandment of the Heritage Advisory Committee and interest in bringing it back.
- Consider trading density traded with other areas to protect the HCA.

George Mapson, Cadder Ave

- Spoke to the hospital exchange and confusion of designation of areas.
- Would like clarity on why the hospital TOA is designated.
- Spoke to the provincial designation listing Rutland and Okanagan College only as transit exchanges, and does not include the hospital.
- Hospital is a bus stop, not a transit station.
- No previous public input.

Gerry Fee, Cadder Ave

- Lives in the HCA and is concerned with preserving the it.
- Height and density would negatively impact area.
- Speaks to the history of Kelowna and a fascinating and well used area.
- Requested the City ask the Province to not implement on the requirements and to request an exemption.

Russell Smith, Cadder Ave

- Agrees with the other speakers.
- Interacts with members of the public who enjoy the area.
- Concerned the planned amendments will destroy the area.
- Concerned with additional transit exchange areas.

Penny Pearson, Glenwood Ave

- Does not live in HCA.
- No concerns with amendments except as they relate to the heritage district.
- Concerned changes are being rushed.
- Province states the OCP does not have to be in conformity until December 31, 2025.
- Requested a complete review of the heritage registry.
- Requested staff consult with associations so there is a more broad-based consultation on future plans.
- Can fit into the HCA with proper and strict guidelines.

Don Henderson, Cameron Ave

- Does not live in HCA.
- Agrees with other speakers and enjoys the HCA.
- Referenced European cities and Bend, OR heritage areas.
- Does not want to have to go elsewhere to experience heritage.
- Spoke to better protection of the Heritage Conservation Area of Kelowna.

Erica Bell-Lowther, Abbott St.

- Family has lived in the conservation area for 52 years.
- Saw decline in 1970s and 1980s with hospital expansion.
- Change in 1990s with designation of HCA and establishment of Heritage Advisory Committee Commitment to heritage and preserving homes.
- Spoke to the love for the area.
- Spoke to seeing huge changes in the area over the years.
- Mom was a founding member of KSAN.
- Spoke to HCA approved in the mid-nineties.
- Concerned and opposed to the proposal to diminish the HCA by 25 percent.
- Support previous speakers.
- Spoke to the Heritage Advisory Committee being disbanded and the negative impact.
- Spoke to the mature trees in the heritage area and the area being a jewel for the community.
- Six storey TOA should not be expanded into HCA.

Grant Billick, Cadder Ave

- Spoke to building houses on Cadder Avenue and later retiring in the area.
- Spoke to the improvements to the neighbourhood over the years. Concerned that six stories are not going to improve the neighbourhood.
- Understands commercialization in the area is also being proposed and is not in support.

Jan Murphy, KSAN, Bernard Ave

- Represents KSAN.
- Opposed to reducing the HCA by 25% within the hospital TOA.
- Encourage Council to strengthen preservation of buildings and natural heritage.
- Requested the Heritage Advisory Committee be reestablished.
- Lives in HCA.

The meeting recessed at 5:41 p.m.

The meeting reconvened at 5:51 p.m.

Sherry Fieldhouse, Cadder Ave

- Spoke to the area growing to a beautiful area and moving there 10 years ago.
- Seen positive change in area.
- Concerned about what might happen to the area with more development and congestion.
- Spoke to the back of her property and the potential for the adjacent lot to be a 6 storey building.

Jonathan Douglas, Coronation Ave

- Requested changes in how addressing is done, as there are challenges locating addresses off the lanes.
- Canada Post can't find address.

Ben Harris, Pimickle Rd.

- Spoke to housing affordability not detracting from the character of the neighbourhood.
- Heard from homeowners, not yet from young people who aren't homeowners.
- Spoke to affordability and concern regarding the ability to purchase a house into the community.
- Spoke to densifying neighbourhoods across the community including the heritage conservation area.
- Affordability crisis caused by lack of housing supply.
- Uses the Abbott St active transportation corridor.
- Housing affordability does not need to detract from neighbourhood character.
- Need good direction on how to make buildings fit into the area.
- More density gives hope on affordability to live and own a home here.

Pat Munro, Cadder Ave

- Spoke to the HCA being 1% of the total land area of Kelowna.
- Spoke to tourism draw of the HCA.
- Spoke to visitors stopping to read the heritage designation sign.
- Spoke to not rushing any decisions as there is time to make a decision until end of 2025.
- Requested the City stand up to the Province.

Derek Plosemus, Long St.

- Sent correspondence outlining their concerns.
- Concerned with the size of the change and the lack of public input.
- No urban planning sense to six storey buildings in an established HCA.
- Do more to preserve the area.

Peter Chataway, Cadder Ave

- Requested a delay in the transit area decision.
- The decision being made will lead to the demise of the HCA.
- Development guidelines should be conservation guidelines versus being development oriented.
- Has lived in the area since 1991.
- New development makes the area less attractive, not in keeping with form and character.
- Give additional tools like HAP required for homes on the Heritage Register.
- Reinstate Heritage Advisory Committee.
- Implement conservation covenants and other tools to protect, not incentivize development.

Susan Ames, Abbott St.

- Affordable housing is not being built in Kelowna.
- Spoke to the HCA representing less than 1% of the entire area of the community.
- Heritage district is like Bernard with houses that are commercial uses.
- Spoke to the Provincial requirement not supporting affordability in the HCA.
- Concerned about commercial and institutional uses in a residential HCA.
- Spoke to transit hub at the hospital.
- Need to make sure that the new builds follow the guidelines of the HCA.
- TOA should not extend into HCA.
- One option for land use is commercial and institutional, don't want this in HCA.

Brenda Rusnak, Park Ave

- Spoke to building a house in the HCA and going through the HAP process.
- Does not see the area being able to embrace affordable housing.
- Spoke to wanting more clarity on density transfer.
- Concerned with the lack of public consultation.
- Spoke to the City online survey with over 40% of respondents not living in the HCA.
- Requested Council stand up to the Province.

Staff:

- Responded to questions from Council.

There were no further comments.

22. Termination

The Hearing was declared terminated at 7:02 p.m.

23. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 7:02 p.m.

24. Bylaws Considered at Public Hearing

24.1 START TIME 4:30 PM - Small-Scale Multi-Unit Housing and Transit Oriented Areas - BL12649 (OCP24-0005) - City of Kelowna

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Bylaw No. 12649 be read a second and third time and be adopted.

Carried
Councillor Cannan - Opposed

25. Bylaws for Adoption (Non-Development Related)

25.1 BL12641 - Annual Tax Rate Bylaw, 2024

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12641 be adopted.

Carried

26. Termination

The meeting was declared terminated at 7:30 p.m.

Mayor Dyas

lb/cm

City Clerk