



## City of Kelowna

### Public Hearing

### Minutes

Date: Tuesday, July 31, 2018  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart\*, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Council Members Absent: Councillor Ryan Donn

Staff Present: City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning and Strategic Investments, Derek Edstrom; Urban Planning Manager, Terry Barton; Suburban and Rural Planning Manager, Dean Strachan\*; Planner Specialist, Adam Cseke; Policy & Planning Department Manager, Danielle Noble-Brandt\*; Sustainability Coordinator, Tracy Guidi\*; and Acting Legislative Services Supervisor, Sandi Horning

(\* denotes partial attendance)

#### 1. Call to Order

Mayor Basran called the Hearing to order at 6:01 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. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on July 17, 2018 and by being placed in the Daily Courier issues of Friday, July 20, 2018 and Wednesday, July 25, 2018, and by sending out or otherwise delivering 551 statutory notices to the owners and occupiers of surrounding properties on Tuesday, July 17, 2018.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

## 3. Individual Bylaw Submissions

### 3.1 Lakeshore Rd 5165, Z18-0036 (BL11634) - Kenneth & Darlene Therrien

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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 of Council. No one came forward. There were no further comments.

### 3.2 Francis Ave 615, Z18-0058 (BL11635) - John Thomas Hodges

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

#### Letter of Concern

Jim & Beryl Cooke, Francis Ave

Birte Decloux, Urban Options Planning & Permits, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning application.
- Spoke to the application within the neighbourhood context.
- Spoke to the neighbour's concerns.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward. There were no further comments.

### 3.3 Pacific Ave 1211, 1221-1223, 1237 & 1239 and Pasnak St 1929 & 1933, Z18-0026 (BL11636) - Pacific Pasnak Holdings Ltd., Inc. No. BC1051633

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern**

Patrick Bailey, Pacific Ave  
Betty Geddes, Paskin St  
Kenneth P. Capps, Casorso Rd

**Jesse Alexander, New Town Architecture & Engineering, Applicant's Representative**

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning.
- Spoke to the application within the neighbourhood context.
- Spoke to the form and character of the development and the rationale for the requested variances.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward. There were no further comments.

**3.4 Badke Rd 905-907, Bryden Rd 155 & Hwy 33 W 970, OCP18-0007 (BL11638), Z18-0027 (BL11639) - Kelowna Christian Centre Society**

Staff:

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

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern**

Kenneth P. Capps, Casorso Rd

**Jesse Alexander, New Town Architecture & Engineering, Applicant's Representative**

- Displayed a PowerPoint presentation summarizing the rationale for the requested rezoning.
- Spoke to the application within the neighbourhood context.
- Spoke to the form and character of the development and the rationale for the requested variances.
- Responded to questions from Council

**Pastor David Kalamen, Founding Pastor, Kelowna Christian Centre**

- Provided background information regarding the Kelowna Christian Centre.
- Spoke to the rationale behind the application and the need for a new school.
- Responded to questions from Council.

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

**Lisa Simone, Badke Road**

- Opposed to the application.
- Believes that the proposed height is in the wrong area of the neighbourhood.
- Raised concerns regarding the underground stream in the area and commented on how it has impacted structures on Badke Road.

- Expressed a concern that this development will impact the underground water flows resulting in additional shifts to structures in the area.
- Expressed a concern with traffic impacts on the area.
- Expressed a concern with the additional traffic to and from the site.

Andrew Stanley, Bryden Road

- Expressed a concern with traffic in the area as there is already traffic congestion as a result of the Highway 33 intersection and the school.
- Expressed a concern with the lack of sidewalks in the area.
- Noted that the traffic count was conducted during the summer which doesn't account for school traffic.
- Expressed a concern with pedestrian safety.

Sheila Johnston, Badke Road

- Expressed a concern with the lack of parking in the area, particularly during church and school days.
- Expressed a concern with the water flow issues identified by the previous speaker and the impact it may have on her financially. She has already spent a lot of money fixing her foundation as a result of the groundwater issues.
- Expressed a concern with the requested height variance.

Jesse Alexander, New Town Architecture & Engineering, Applicant's Representative

- The developer is actively working on obtaining a geotechnical report to address the groundwater concerns in the area.
- Advised that the Ministry of Transportation and Infrastructure has not raised any concerns with the capacity of the Highway 33 and Bryden Road intersection.
- Believes there is adequate parking available and noted that the existing locations are being restructured to expand capacity.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

**3.5 Hawes Ct 526, Z18-0032 (BL11640) - David Nicholds**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Support**

Derek Hyde, Treadgold Crt

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 of Council.

Gallery:

Todd Penkala, Hawes Court

- Doesn't have an issue with the development.
- Noted that there is an access easement through the subject property which allows him to access the bottom portion of his property and expressed a concern that this development could impact his access.
- His property is greatly impacted by the development and wants assurances that access to his property is maintained.
- Wants to ensure his property interests and values are maintained and does not want to incur any additional legal fees.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

### **3.6 Updating the Official Community Plan's GHG Targets, OCP18-0016 (BL11643) - City of Kelowna**

Staff:

- Spoke to the legislative requirements and provided the rationale for amending the Official Community Plan to update the targets.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward. There were no further comments.

### **3.7 Cedar Ave 414 & 420 Z18-0021 (BL11644) - Albert Wisestock**

Staff:

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

The City Clerk advised that the following correspondence was received:

#### **Letters of Opposition and Concern**

Colin & Lynn Banfield, Pandosy St  
 Michael & Annalee LeFeuvre, Groves Ave  
 Cliff Andrusko, Cedar Ave  
 Kenneth P. Cappos, Casorso Rd  
 Pandosy Village Business Association, Richter St  
 Jack & Carol Campos, Newsom Ave

### Letters of Support

Andre Comeau, Meikle Ave  
 Campbell Ingle, Raymer Ave  
 Patricia Oliveira, Raymer Ave  
 Francisco Merinero – Hector's Casa, Pandosy St  
 Ray Balank, Meikle Ave  
 Scott Fader, Richter St  
 Mike Bishop, Meikle Ave  
 Bob Bishop, Meikle Ave  
 Kay Moldovan, Walnut St  
 Ken Moldovan, Walnut St  
 Roger Gabel, Abbott St  
 KLO Neighbourhood Association, Abbott St

### Keith Funk, New Town Architecture & Engineering, Applicant's Representative

- Displayed a PowerPoint presentation summarizing the rationale for the rezoning application.
- Spoke to the application with the neighbourhood context.
- Spoke to the rationale behind the design and the height.

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

Gallery:

### Amanda, Works on Cedar Ave, Lives on Harbour Rd

- Expressed a concern regarding parking.

### Milan Boric, Abbott Street

- Not opposed to the rezoning or the development; Opposed to the height variance.
- Expressed a concern with parking in the area.

### Cindy Loo, KLO Road

- Supports the rezoning.
- The City needs more housing stock, particularly in this area.

### Brent Basil, Patterson Avenue

- Expressed concerns regarding the location of the proposed development.
- Expressed a concern with traffic impacts.
- Expressed a concern with parking.
- Expressed a concern with how this will impact public transit in the area as it is already at capacity.

### Robert Moor, Mason Avenue

- Supports increasing density, but does not support the proposed rezoning.
- Questioned whether the development will fit into the neighbourhood.
- Believes that the value to the owner is much greater than the value to the community.
- Does not support the C4 zone due to the potential permitted uses.
- Responded to questions from Council.

Paul Clark, Co-Chair of the KLO Neighbourhood Association

- In favour of the rezoning with some major concerns.
- Would like to see a Pandosy Neighbourhood Plan implemented in order to put these types of applications into an area context. Would like the area to be rezoned for C4 with some guidelines for character and livability.
- Would like the City to develop Cedar Ave Park and spoke to the Memorandum of Understanding the Association proposed.
- Concerned that there is a lack of funding for development of parks in the area.

Joyce McDonald, Cedar Avenue

- Expressed a concern with the lack of an urban plan for the area.
- Believes that Newsom Avenue is already congested with traffic.
- Does not want a repeat of SOPA Square.

Michael Neil, Watt Road

- Has lived in the area for 23 years.
- Fully supportive of the project.
- Expressed a concern with the lack of development of parkland in the area due to the lack of funding.
- Believes the City needs to raise funds to develop parks through the development/redevelopment process.
- Responded to questions from Council.

Robert Stupka, Scott Road

- Spoke to the infrastructure deficit in the City as identified in a Report to Council a few weeks ago.
- Made comments on growth and amenities and encouraged Council to have developers pay for area amenities.
- Noted there are different principle uses in the C4 zone and expressed a concern with those uses should this project not come to fruition.
- The requested variances do not provide a benefit to the community.
- Responded to questions from Council.
- Confirmed he is supportive of the rezoning for this project only.

Representative of 0965534 BC Ltd., Timberline Road

- Owns 417 Cedar Ave.
- Supportive of the rezoning.
- The project will add to the quality of life in the area and would bring immediate improvements such as sidewalks.

Staff:

- Responded to questions from Council.

There were no further comments.

**3.8 St Paul St, 1471, Z18-0002 (BL11646) - Mission Group Holdings Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern:**

Amanda Poon, Ethel St  
Lori Renwick, St. Paul St  
Peter Kerr, Gordon Dr  
Kelly Hutchinson, Glen Park Dr  
Kenneth P. Cappos, Casorso Rd  
BCGEU, Canada Way, Burnaby, BC

**Luke Turri, Mission Group Holdings Ltd., Applicant's Representative**

- Commented that Staff has summarized the proposed rezoning application accurately.
- Provided the rationale for the proposed rezoning.
- Spoke to the short term rental issues raised in the community over the past two weeks.
- The Mission Group did include short term rentals in some of its marketing materials and will make it clear that these regulations are currently under review by the City.

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

Gallery:

**Win, Pemberton Road, on behalf of the BCGEU**

- Read the letter on behalf of the BCGEU that had been circulated to Council as part of the Public Hearing correspondence.

**Dianne Varga, Lake Avenue**

- Displayed images on the ELMO
- Opposed to the rezoning application.
- Opposed to short term rentals.
- Spoke to the general Zoning Bylaw and its failure when it comes to regulating short term rentals.

**Amanda Poon, Ethel Street**

- Opposed to the rezoning application if the prime usage is for a short-term rental type hotel.
- Made comments based on the submitted correspondence.
- Questioned whether the C7 zone is the appropriate zone for this project.
- Responded to questions from Council.

**Marty Enns, Leon Avenue**

- Opposed to the rezoning.
- Made comments on affordability and the impact of short term rentals.
- There is a need for both rental and home ownership affordability.

**Christine Mettle, Lindahl Street**

- Opposed to the rezoning.
- Does not like the ability to allow for short-term rentals as the C7 zone would allow the property to be turned into short term rentals.



- Made comment on a McGill University study that determined short term rental impacts vacancy rates and rents negatively.
- Responded to questions from Council.

Robert Stupka, Scott Road

- Expressed a concern with allowing short term rentals and their impact on real estate costs.
- Responded to questions from Council.

Andrea Hess, Wyndam Crescent

- Opposed to the rezoning.
- Opposed to short term rentals.
- Believes new developments need to be for local people to live in.

Dianne Varga, Lake Avenue

- Provided further comments regarding her opposition to short-term rentals.

Luke Turri, Mission Group Holdings Ltd., Applicant's Representative

- Made reference to the passion displayed during the Public Hearing, particularly regarding short term rental regulation development.
- Responded to the concerns raised by the intervenors regarding short-term rentals.
- The project viability does not depend on the ability to provide short-term rentals.
- The Mission Group wants to build homes for residents and is not specifically designing the project as a short-term rental. The focus of this project is on making units livable for the downtown.
- Believes the C7 zoning is the correct zoning for the property.
- Responded to questions from Council.

City Clerk:

- Made comment on section 528 of the *Local Government Act* and spoke in general terms on how non-conforming status is determined when zoning regulations are amended.

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 9:23 p.m.

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Mayor Basran

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City Clerk

/slh