



City of Kelowna Regular Meeting Minutes

Date: Tuesday, June 23, 2020
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Luke Stack

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton*; Urban Planning & Development Policy Manager James Moore*; Environmental Coordinator, Jocelyn Black*; Planner Specialist, Aaron Thibeault*, Deputy City Clerk, Laura Bentley*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:24 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro494/20/06/23 THAT the Minutes of the Public Hearing and Regular Meeting of June 2, 2020 be confirmed as circulated.

Carried

4. Development Permit and Development Variance Permit Reports

4.1 START TIME - 7:00 PM - Leon Ave 815-831, BL12007 (OCP20-0001) - 1409493
Alberta Inc., Inc. No. 2014094938

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0495/20/06/23 THAT Bylaw No. 12007 be adopted.

Carried

4.2 START TIME - 7:00 PM - Leon Ave 815-831, BL12008 (Z20-0001) - 1409493 Alberta Inc., Inc. No. 2014094938

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0496/20/06/23 THAT Bylaw No. 12008 be adopted.

Carried

4.3 START TIME - 7:00 PM - Leon Ave 815 - DP20-0003 DVP20-0004 - 815 Leon Developments Ltd., Inc. No. BC1053909

Staff:

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

Corey Makus, 815 Leon Developments Ltd., Applicant

- Displayed a PowerPoint Presentation.
- Announced the name of their project "Akin" on Leon.
- Spoke to the wide variety of housing options the project will deliver.
- Spoke to smart solutions:
 - Have enrolled in the Fortis Commercial New Construction Incentive Program;
 - Providing extensive amenities; lifestyle spaces to extend the internal living areas of each home;
 - Providing 25 EV Charging Stations dedicated to residents and guest areas with the parkade;
 - Solar panels will also be applied to augment common area and EV energy consumption.
- Responded to questions from Council.

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

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0497/20/06/23 THAT final adoption of Official Community Plan Amending Bylaw No. 12007 and Rezoning Bylaw No. 12008 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0003 for Lot A District Lot 138 ODYD Plan EPP78759 located at 815 Leon Avenue, 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 car share program at the development be operated in accordance with the Agreement included as Schedule "D".
6. The applicant be required to post with the City a security deposit in the form of a "Letter of Credit" in the amount of \$165,000 to ensure the provision of a 3rd car share vehicle within 24 months of occupancy permit.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0004 for Lot A District Lot 138 ODYD Plan EPP78759 located at 815 Leon Avenue, Kelowna, BC;

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

Section 13.12.6(b): RM6 – High Rise Apartment Housing, Development Regulations

To vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 76%.

Section 13.12.6(d): RM6 – High Rise Apartment Housing, Development Regulations

To vary the minimum site front yard from 6.0m required to 2.1m.

Section 7.6.1(c): Minimum Landscape Buffers, Level 3

To vary the minimum landscape buffer at the rear yard from 3.0m required to 1.1m.

Table 8.3: Required Off-Street Parking Requirements

To vary the required vehicle parking stalls from 178 to 147.

Section 8.2.11(b): Car-Share Incentives, Off-Street Parking Regulations

To vary the requirement to locate a car-share vehicle within 100m of the subject property and permit a car-share vehicle to be located outside of the 100m range.

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 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

4.4 START TIME - 7:30 PM - Benvoulin Road 2175 - DP20-0025 DVP20-0026 - National Society of Hope, Inc. No. 50025475

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Paul Schuster and Brendan Debowski, Novation Architecture, Applicant

- Provided introduction to the proposed project.
- Displayed a PowerPoint Presentation.
- Displayed a context map of notified area.
- Spoke to the proximity to many bus stops and sidewalks in the area.
- Spoke to the future Mayer Road dedication.
- First 2 storeys of the building are townhome style with amenity spaces and pedestrian friendly streetscape.
- Affordable senior housing is included in the design.
- The building will be sustainable and will meet the OCP objectives with affordable purpose built housing and sensitive to its surrounding context.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0498/20/06/23 THAT Council authorize the issuance of Development Permit No. DP20-0025 for Lot C District Lot 128 and 142 ODYD Plan KAP89861 Except Plan EPP37196 located at 2175 Benvoulin Road, 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. DVP20-0026 for Lot C District Lot 128 and 142 ODYD Plan KAP89861 Except Plan EPP37196 located at 2175 Benvoulin Road, Kelowna, BC;

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

Section 13.11.6 (c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the maximum height of the principal building from 18.0 m or 4.5 storeys to 26.0 m or 9.0 storeys.

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

Carried

4.5 **START TIME - 8:00 PM - KLO Rd 710, 720 and Richter St 2959, 2963, BL11870 (OCP19-0003) - KGI Kingsway Homes Ltd.**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0499/20/06/23 THAT Bylaw No. 11870 be amended at third reading by deleting the legal description(s) that read:

Lot 6 District Lot 135 ODYD, Plan 3632 and Lot 7 District Lot 135 ODYD Plan 3632

And replacing it with:

Lot A District Lot 135 ODYD Plan EPP95051

AND THAT Bylaw No. 11870 as amended be adopted.

Carried

4.6 **START TIME - 8:00 PM - KLO Rd 710, 720 and Richter St 2959, 2963, BL11871 (Z19-0055) - KGI Kingsway Homes Ltd.**

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0500/20/06/23 THAT Bylaw No. 11871 be amended at third reading by deleting the legal description(s) that read:

Lot 6 District Lot 135 ODYD, Plan 3632 and Lot 7 District Lot 135 ODYD Plan 3632

And replacing it with:

Lot A District Lot 135 ODYD Plan EPP95051

AND THAT Bylaw No. 11871 as amended be adopted.

Carried

**4-7 START TIME - 8:00 PM - KLO Rd 710, 720 and Richter St 2959, 2963 - DP19-0062
DVP19-0063 - KGI Kingsway Homes Ltd., Inc. No. BC1154888**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jesse Alexander, New Town Architecture & Engineering Inc, Applicant

- Did not have a formal presentation but available for questions.
- Responded to questions from Council.

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

Gallery:

Paul Cark, Abbott Street

- In support of this application.
- Believes this project is something citizens and Council should be supporting in the Pandosy area.
- Thanked the Applicant for working cooperatively with the Neighbourhood Association.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0501/20/06/23 THAT OCP Amendment Bylaw No. 11870 (OCP19-0003) Rezoning Bylaw No. 11871 (Z19-0055) be amended at third reading to revise the legal description of the subject properties from Lot 6, District Lot 135, Osoyoos Division Yale District Plan 3632 and Lot 7, District Lot 135, Osoyoos Division Yale District Plan 3632 to Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051;

AND THAT final adoption of OCP Amendment Bylaw No. 11870 and Rezoning Bylaw No. 11871 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0062 for Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051, located at 710-720 KLO Rd and 2959-2963 Richter 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 landscaping, as determined by a Registered Landscape Architect;
5. Payment-in-Lieu of parking be provided for 37 stalls according to the fee structure in Bylaw No. 8125 prior to building permit issuance.

AND THAT Council authorizes the issuance of a Development Variance Permit No. DVP19-0063 for Lot A, District Lot 135, Osoyoos Division Yale District Plan EPP95051 located at 710-720 KLO Rd and 2959-2963 Richter St, Kelowna, BC;

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

Section 13.11.6 RM5- Medium Density Multiple Housing Development Regulations

(b) to vary the maximum site coverage from 40% to 58% (for buildings) and from 70% to 74% (for buildings, driveways and parking areas)

(c) to vary the maximum height from 4.5 storeys to 5 storeys

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 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

The meeting adjourned at 8:22 p.m.

The meeting reconvened at 8:45 p.m.

4.8 START TIME - 8:45 PM - Pandosy St 2169 - Rescind Housing Agreement

Councillor DeHart declared a conflict of interest as she works for a major hotel and departed the meeting at 8:47 p.m.

Mayor Basran read a statement regarding balancing citizen participation during tonight's meeting and the Provincial Health Order restrictions on maximum number of people that can gather in Council Chambers and Council foyer.

Mayor Basran changed the order of the Agenda to hear Item 4.10 with respect to Development Permit and Development Variance Permit prior to Items 4.8 and 4.9 pertaining to the Housing Agreement rescindment bylaw.

4.10 START TIME - 8:45 PM - Pandosy St 2169 - DP19-0165 DVP19-0166 - Pandosy Street Developments Ltd, Inc No. BCo689792

Staff:

- Provided rationale for the change in agenda item order.
- Provided background to the Housing Agreement that was put in place in 2011.
- Responded to questions from Council.
- Displayed a PowerPoint Presentation summarizing the application.
- Made comment on a correction on page seven of the staff report.
- Spoke to the form and character and proposed variances for the project.
- Confirmed that the proposed development would not interfere with the existing KGH helicopter flight paths or landings.
- Responded to questions from Council.

Karen Wilson, GTA Architecture Ltd., Applicant and Alana Zisbath, Heritage Consultant

- Displayed a PowerPoint Presentation.

- Spoke to the Project background and reasons for a second development permit submission.
- Spoke to original design and Development Permit to be around the Collett House however the instability, layout and location created several obstacles.
- The design was updated with the parking above ground due to the high water table and to better reflect the Anderson Building and KGH as well to provide a more functional way to incorporate the heritage house.
- Commented on the importance of utilizing a Heritage Revitalization Agreement.
- Spoke to the character defining elements of the heritage house being restored and advised the work will be supervised by Heritage professionals.
- Commented on concerns raised in the correspondence received.
- Confirmed that the proposed development height does not negatively impact the Kelowna General Hospital helicopter flight path or operations other than during construction.
- Spoke to the parking plan and stall allocations; believes the parkade would ease on critical parking in the area.
- Spoke to the extensive landscaping.
- Believes the proposed design and use of the building is forward thinking.
- Commented that no matter who develops this property it will be high density.
- Responded to questions from Council.

Staff:

- Confirmed the future land uses of lands adjacent to the project, particularly to the east.

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

Gallery:

Erika Bell-Lowther, Abbott Street, KSAN President

- Opposed to this application.
- Provided rationale for opposition and demonstrated how this project is at odds with various City policies.
- Raised concern that families will lose greenspace and sunlight with this development; will provide no benefit to the neighbours or city.
- Believes that the building is not being integrated into the neighbourhood with poor transition to adjacent family homes.
- Encouraged Council to keep the Housing Agreement in place.
- Raised concern with traffic impact and believes this will impede the movement of hospital vehicles and patients.
- Encouraged Council to require a transportation impact assessment study.

Don Knox, Central Okanagan Heritage Society

- Opposed to this application.
- Raised concern with the loss of a large portion of significance regarding the heritage building and that it has not gone through the proper procedure to be assessed; has not been reviewed by the City's Heritage Advisory Committee.
- There are other preservation options available that were not considered.
- This proposal is at odds with Canadian Heritage protection standards.

Azha Leskard, Glenwood Avenue

- Opposed to this application.
- Raised concern with increased traffic.
- Raised concern with the very narrow laneway access and use.
- Over supply of parking stalls will negatively impact the use of transit and will not promote bike and foot traffic that the city is trying to promote.
- Raised concern with ambulance access to the hospital being negatively impacted.
- Believes this is a for profit hotel and does not transition into the neighbourhood but towers over it.

Penny Pearson, Glenwood Avenue

- Opposed to this application.
- Opposed to each variance.
- Parking should be partially underground.
- Raised concern with the proposed massive parkade and noted the concern with massing in the staff report.
- The form and character does not fit into this neighbourhood.
- The Housing Agreement should remain in place.

Philip Johnston, Glenwood Avenue

- Opposed to this application.
- Reside directly behind this project.
- Made reference to correspondence that had been submitted.
- Opposed to the relocation of the heritage house.
- Raised concern with increased traffic.
- Raised safety concerns with narrow laneway.
- Commented that he had no communication with the developer.
- Responded to questions from Council.

Jessica Gray, Royal Avenue

- Opposed to this application.
- The Housing Agreement should remain in place.
- Raised concern with pedestrian safety and increased vehicular use of the narrow laneway.

Eva Patten, Prince George, BC

- Has had to travel for medical treatments and to stay across from the street from the hospital would be such a benefit.
- To have a hotel or affordable housing so close to the hospital is big benefit.
- Supportive of this application.
- Supportive of the extra parking stalls that are being requested and believes it would be utilized by medical staff.

Gordon Lovegrove, Abbott Street

- Opposed to this application.
- Raised concerns with the parkade being above ground and believes underground parking is an option, contrary to the Applicant comments.
- Stated there is no business case for this application.
- The Heritage House needs to be retained.
- This is not the right location for this proposal.
- Requested an updated traffic study.

Charlie Roberts, West Kelowna

- Owns properties in the hospital area.
- In full support of this application.

Resident, Richter Street

- Opposed to this application.
- The proposal for this site and neighbourhood is over built.
- Believes this proposal will have a negative impact on the neighbourhood.
- Raised concerns with increased traffic in the laneway.

Wayne Dodds, Christleton Avenue

- Opposed to this application.
- Raised concern with increased traffic.
- Encouraged Council to request a traffic study.
- Believes commercial traffic does not belong on Pandosy Street.
- Raised concern with increased traffic using the laneway.

Adrian Wurts, West Kelowna

- In support of this application.
- Spoke to the importance of creating non-toxic environments from a child care perspective.
- Believes the applicant has dealt with traffic and parking adequately.

Jean Buratti, Glenwood Avenue

- Opposed to the application.
- The Applicant should come back with a proposal that provides a benefit to the public.
- Raised concern with increased traffic this development would create.
- The Housing Agreement should be retained.

Kelly Lang, Kelly Drive

- Has resided in Kelowna for 28 years.
- In support of this application.
- This proposal is in a transition zone and cannot remain in the 1950's.
- In favour of the excess parking stalls as a lot of vehicles will be taken off of the street.
- There are many back lanes in the city and this laneway could be blocked off.
- Supportive of the previous speaker who proposed a 24/7 daycare for doctors and nurses.

Resident, Richter Street

- Opposed to this application.
- Currently live in a carriage home in the laneway and this development will cause major issues.
- Raised concerns with traffic implications and parking.
- Raised concerns with added traffic in the laneway.
- Has had no contact from the developer.

Valerie Halford, Sutherland Avenue

- Opposed to this application.
- Raised concern with some of the comments from the applicant and staff.
- Raised concern in the inappropriateness of a hotel in a residential area.
- Questioned the relocation of the heritage house and stated that it's an example of "facadism".
- Questioned how the hotel meets the Zoning Bylaw definition.

Pat Munro, Cadder Avenue

- Opposed to this application.
- Most in support of this proposal do not live in Kelowna.
- Encouraged Council to request a traffic study.
- Made comment on the correspondence previously submitted.

Cheryl Spelliscy, Sutherland Avenue

- Discussed her heritage background.
- Opposed to this application.
- Would like to see this application go back for review and suggested a different configuration for the site.
- Would like the parking to be in the ground.

James Butler, Pandosy Street

- Opposed to this application.
- Raised concern with ambulance access to the hospital.
- Raised concern with the kind of precedent setting this could have for preservation of heritage homes.

Gordon Lovegrove, Abbott Street

- Expressed further concerns with lack of business case.
- Encouraged an integrated planning exercise with Interior Health.
- Questioned whether the development would ever be constructed.

Karen Wilson, GTA Architecture Ltd., Applicant and Alana Zisbath, Heritage Consultant

- This building is a hotel and not in competition with JoeAnna's House.
- Uses for this HD2 Zone is medical services and an allowable secondary use is a hotel which is in compliance with the zoning.
- Concerned with discussions related to zoning when we are here to discuss form and character of the building that includes a heritage component.
- This is an unconventional but unique opportunity to protect a heritage house and relocate the house to a more prominent and visible location on the property.
- Spoke to previous support letters.
- Confirmed that the KGH helipad will not be negatively compromised.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro502/20/06/23 THAT Council continue the Regular Meeting past 11:00 pm.

Carried

Applicant:

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

The meeting recessed at 11:27 p.m.

The meeting reconvened at 11:37 p.m.

Moved By Councillor Donn/Seconded By Councillor Given

Ro503/20/06/23 THAT Council authorizes the issuance of Development Permit No. DP19-0165 for Lot A, District Lot 14, Osoyoos Division Yale District Plan EPP27000, located at 2169 Pandosy 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 submits a Heritage Conservation Plan consistent with national guidelines for preservation, rehabilitation and restoration outlined in the Standards and Guidelines for the Conservation of Historic Places In Canada which will include a Heritage Consultant to review the Building Permit drawings and oversee all on-site construction activities related to the heritage asset.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0166 for Lot A, District Lot 14, Osoyoos Division Yale District Plan EPP27000, located at 2169 Pandosy St, Kelowna, BC;

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

Section 17.2.5.1 (c): HD2- Hospital and Health Support Services

To vary the maximum height from 16.5m permitted to 20.0m proposed

Section 17.2.5.1 (b): HD2- Hospital and Health Support Services

To vary the maximum site coverage from 55% permitted to 62% proposed

Section 17.2.5.1 (f): HD2- Hospital and Health Support Services

To vary the minimum rear yard setback from 6.0m permitted to 4.5m for a portion of the rear yard

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the report from Development Planning dated June 23, 2020;

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

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

Defeated

Councillors Hodge, Sieben, Singh and Wooldridge - Opposed

4.8 START TIME - 8:45 PM - Pandosy St 2169 - Rescind Housing Agreement

4.9 START TIME - 8:45 PM - Pandosy St 2169 - BL12062 (Housing Agreement)

Housing Agreement Bylaw No. 12062 was not considered due to the Development Permit and Development Variance Permit being defeated.

5. Reminders – Nil.

6. Termination

The meeting was declared terminated at 11:58 p.m.

Mayor Basran

/acm



City Clerk