



**City of Kelowna
Regular Meeting
Minutes**

Date: Tuesday, October 5, 2021
Location: Council Chamber
City Hall, 1435 Water Street

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

Members participating remotely Councillor Charlie Hodge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Jocelyn Black; Planner Specialist, Lydia Korolchuk

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:40 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0921/21/10/05 THAT the Minutes of the Public Hearing and Regular Meeting of September 21, 2021 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 6:15 PM - Bernard Ave 565 - LL21-0005 - MKK Property Corp., Inc. No. BC1307626

Staff:

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

Chico Dhuga, Applicant

- Would like to add tastings to his retail operations.
- 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 on line or in the gallery wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0922/21/10/05 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 10 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from 1200883 BC Ltd. DBA Cubanitos for Lot A District Lot 139 ODYD Plan 34786 located at unit 26 - 565 Bernard Avenue, Kelowna, BC, for a Liquor Primary License with a capacity of 6 persons and hours of sales from 10:00 AM to 5:30 PM Monday through Saturday for the following reasons:
 - o Liquor licensing regulations allow for bars, salons and other establishments to apply for a new liquor primary license;
 - o Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
 - o The maximum occupancy of the space is 6 persons, which will have minimal impact on the community.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - o The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

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

The potential for negative impacts is considered to be minimal.

- o The location of establishment:

The proposal of the establishment is suitable for a small establishment liquor primary license.

- o The person capacity and hours of the liquor service of the establishment:

The hours of liquor service is suitable given the low occupancy of 6 persons.

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

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:15 PM - Royal Ave 416 - BL12194 (Z19-0068) - Payam and Sanaz Holdings Ltd., Inc. No. A102760

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0923/21/10/05 THAT Bylaw No. 12194 be amended at third reading by deleting from the legal description(s) that read:

- Lot 22, District Lot 14, ODYD, Plan 3393; and
- Lot 23, District Lot 14, ODYD, Plan 3393; and
- Lot 24, District Lot 14, ODYD, Plan 3393

And replacing with:

- Lot 1, District Lot 14, ODYD, Plan EPP91145

And by deleting "426 and 430" from the title.

Carried

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0924/21/10/05 THAT Bylaw No. 12194, as amended, be adopted.

Carried

5.2 START TIME 6:15 PM - Royal Ave 416 - HAP20-0002 - Payam and Sanaz Holdings Limited, Inc. No. A102760

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Garry Fawley, Applicant via Teams

- Shared a Powerpoint Presentation.
- Provided neighbourhood context and site location in relation to Kelowna General Hospital.
- Spoke to the Heritage Report highlights.
- Spoke to the evolution of the current design including feedback provided from city staff, Heritage Consultant and external Architectural Consultant.
- Spoke to parking and noted that underground parking is not feasible due to the high water table in the area and that the provision of surface parking results in a site coverage variance.
- Made comment that the Heritage Study highlighted a number of roof styles with city staff and residents supporting a high roof pitch requiring a height variance.

Dr. Payam Dehghani, Owner via Teams

- Provided rationale for the project.
- Spoke to medical community outreach efforts and noted current market needs, marketing campaign, and identified Programs to be provided.
- Believes rental accommodation in this area would be of great value to the community.

Robert Cesnik, HDR Achitecture, in Gallery

- Made comment that the project began in 2019 and with the assistance of city staff and the Heritage Consultant a strategy was developed with some of the requirements the community is seeking.

- Spoke to scale and massing of the proposed development; the scale and proportion of the building was broken down with the use of different materials and massing strategy that has scaled the building proportionately for the development.
- Spoke to form and character of the proposed development.

Fiona Barton, Landscape Architect, in Gallery

- Spoke to landscaping and noted the project has retained a heritage maple tree.

Dr. Payam Dehghani, Owner, via Teams

- Made comment that the proposed development will benefit the community by addressing the significant demand for rental residential conveniently located across from the Hospital.
- The existing three buildings will be replaced with a building sensitive to scale and with heritage qualities.
- Spoke to landscaping that will maintain an existing heritage maple tree but will further add curbside appeal on Royal Avenue by incorporating shade trees and shrubs.
- Made comment on a potential art piece facing the hospital as a dedication to Front Line Workers hopefully in collaboration with the City's Public Art Program.

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.

Online Participants

Susan Ames, Kelowna South Central Association of Neighbourhoods President, Abbott Street

- Made comments on how this project has greatly improved, believes features are much better and appreciates the retainment of the maple tree.
- Opposed to the height variance as there is one floor too many; the building should be 2.5 storeys but this proposal is a 3.5 storey building which is not supported.
- Made reference to the HD3 zone regulations and asked the applicant to be consistent with the zone.

Dr. Tom Kinahan, Royal Avenue

- In support of this application.
- Believes it is worthwhile to maintain the heritage feel of the neighbourhood and commented that this proposal has the right density and amenities and fits in well.
- Spoke to the great need for such a project

Garry Fawley, Applicant

- Spoke to efforts made to design the project within lot restraints and commented that the spirit of the HD3 zone is being met in the approach.

No one in the gallery wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0925/21/10/05 THAT Rezoning Bylaw No. 12194 be amended at third reading to revise the legal description of the subject properties from Lot 22, 23 and 24 District Lot 14, ODYD Plan 3393 to Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP91145;

AND THAT final adoption of Rezoning Bylaw No. 12194 be considered by Council;

AND THAT Council authorizes the issuance of HAP20-0002 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP91145 located at 416 Royal 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,

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

Section 17.3.4(b): HD3 – Health Services Transitional, Development Regulations

To vary the maximum site coverage from 60% permitted to 73% proposed.

Section 17.3.4(c): HD3 – Health Services Transitional, Development Regulations

To vary the maximum height from 9.5 m or 2 ½ storeys permitted to 10.97m or 3 storeys proposed.

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

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

5.3 START TIME 6:15 PM - Bertram St 1451 - BL12147 (OCP21-0006) - Provincial Rental Housing Corporation, Inc. No. BC0052129

Councillor Stack declared a perceived conflict of interest due to his close working relationship with the applicant and departed the meeting at 7:36 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0926/21/10/05 THAT Bylaw No. 12147 be amended at third reading by deleting from the legal description(s) that read:

- Lot 3, Block E, District Lot 139, ODYD, Plan 2345; and
- Lot A, District Lot 139, ODYD, Plan 15900

And replacing it with:

- Lot 1, District Lot 139, ODYD, Plan EPP113832

And by deleting "and 1469" from the title.

Carried

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0927/21/10/05 THAT Bylaw No. 12147, as amended, be adopted.

Carried

5.4 START TIME 6:15 PM - Bertram St 1451 - BL12148 (Z21-0015) - Provincial Rental Housing Corporation, Inc. No. BC0052129

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0928/21/10/05 THAT Bylaw No. 12148 be amended at third reading by deleting from the legal description(s) that read:

- Lot 3, Block E, District Lot 139, ODYD, Plan 2345; and
- Lot A, District Lot 139, ODYD, Plan 15900

And replacing it with:

- Lot 1, District Lot 139, ODYD, Plan EPP113832

And by deleting "and 1469" from the title.

Carried

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0929/21/10/05 THAT Bylaw No. 12248, as amended, be adopted.

Carried

5.5 START TIME 6:15 PM - Bertram St 1451 - DP21-0037 DVP21-0038 - Provincial Rental Housing Corporation, Inc. No. BC0052129

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Michael Birmingham., Burnaby BC, Development Manager BC Housing, Via Teams

- Introduced the Applicant team.
- Conveyed enthusiasm for the proposal which will add affordable housing units to downtown Kelowna.

Simon Ho, Project Architect, Vancouver BC, via Teams

- Shared a PowerPoint Presentation.
- Spoke to development facts:
 - o 176 affordable non-market and market rental units,
 - o Outdoor amenities on Levels 4 and 8,
 - o Daycare and outdoor play area, and
 - o Leadership in Climate Change with voluntary implementation of Step Code 3.
- Provided rationale for different types of units to be offered.
- Spoke to site location and context.
- Spoke to massing and see the building as a transition from upcoming buildings that are quite high to a more manageable building as proposed.
- Displayed a site plan rendering identifying location of various amenities such as a dog run area, community garden, BBQ area and private patio area.
- Made comment regarding high water table that dictated parking orientation.
- Spoke to materials used on the townhomes and tower.

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.

Online Participants

Robin Castle, Richter Street

- Lives directly behind this proposal for 13 years.
- Believes this is a beautiful project.
- Raised concern with parking and traffic speeding in the alley way.

No one from the gallery wished to speak.

Simon Ho, Project Architect, via Teams

- The parkade access was located with some thought to reduce any negative impacts and to be least imposing.
- Spoke to speed mitigation options in the alley way and will work with Engineering.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0930/21/10/05 THAT Official Community Plan Map Amending Bylaw No. 12147 and Rezoning Bylaw No. 12148 be amended at third reading to revise the legal description of the subject properties from Lot 3 Block E District Lot 139 ODYD Plan 2345 and Lot A District Lot 139 ODYD Plan 15900 to Lot 1 District Lot 139 ODYD Plan EPP113832;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 12147 and Rezoning Bylaw No. 12148 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0037 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 Bertram Street, 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 a land use restriction covenant be registered on title to protect the provision of a day care use within the commercial space;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0038 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 Bertram Street, Kelowna, BC;

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

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

To vary the maximum building height from 37 m (Approx. 12 Storeys) permitted to 63 m and 20 Storeys proposed.

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

Councillor Stack returned to the meeting at 8:11 p.m.

5.6 START TIME 7:15 PM - Tina Ct 469 - DVP21-0118 - Shawn Achille Poisson

Staff:

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

City Clerk:

- Applicant indicated they would not be attending this evening.

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 wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

R0931/21/10/05 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0118 for Lot A Section 8 Township 23 ODYD Plan EPP73625, located at 469 Tina Court, Kelowna, BC;

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

Section 12.3.6(c): RR3: Rural Residential 3 – Development Regulations

To vary the front yard setback from 6.0m required to 3.0m 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 7:15 PM - Highway 33 W 145-147 - DP21-0178 DVP21-0212 - Koutsantonis Enterprises Ltd., Inc. No. 358948

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mike Koutsantonis, Applicant

- Believes the apartment component is well needed in the area.
- Spoke to on-site and off-site parking.

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 wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0932/21/10/05 THAT Council authorizes the issuance of Development Permit No. DP21-0178 for Lot 3 Block A Section 23 Township 26 ODYD Plan 4740 , located at 145-147 Highway 33 West, 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";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0212 for Lot 3 Block A Section 23 Township 26 ODYD Plan 4740, located at 145-147 Highway 33 West, Kelowna, BC;

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

Table 8.3.2: Section 8 – Parking and Loading, Required Off-Street Parking Requirements - Commercial

To vary the required parking spaces from eight (8) required to four (4) proposed.

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

6. **Reminders – Nil.**

7. **Termination**

The meeting was declared terminated at 8:27 p.m.

Mayor Basran

/acm

City Clerk