



City of Kelowna Regular Meeting Minutes

Date: Tuesday, May 10, 2022
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

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

Members participating remotely Councillor Charlie Hodge

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner I, Tyler Caswell*

Staff participating remotely Legislative Coordinator (Confidential), Clint McKenzie

(* partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:08 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 Wooldridge

R0349/22/05/10 THAT the Minutes of the Regular Meeting of April 12, 2022, be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 START TIME 6:00 PM - Bernard Ave 353 - LL22-0001 - 1299853 B.C. LTD., INC.NO. BC1303098

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Carolyn Nixon, Okaview Rd, Applicant:

- Reviewed the venue and the opportunity to support the downtown core.

-Venue could be used for various art functions.

-Responded to questions from Council.

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 participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0350/22/05/10 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 353 Bernard Enterprise Ltd for a liquor primary license for 1299853 B.C. LTD., INC. NO. BC 1303098, 353 Bernard Ave, Kelowna, BC for the following reasons:
 - o Council Policy No. 359 recommends the large establishments should be located within Urban Centres;
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for licence amendment:

- o The potential for noise 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 as this is an expansion to an existing Liquor Primary establishment.
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 6:00 PM - Cambridge Ave 651 - BL12313 (Z21-0085) - Provincial Rental Housing Corporation, In. No. BC0052129**

Councillor Stack declared a conflict of interest on items 5.1 and 5.2 as he is an employee of the applicant and left the meeting at 6:16 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0351/22/05/10 THAT Bylaw No. 12313 be adopted.

Carried

5.2 START TIME 6:00 PM - Cambridge Ave 651 - DP20-0182 DVP20-0183 - Provincial Rental Housing Corporation, Inc.No. BC0052129

Staff:

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

Lisa Monster, Society of Hope, Applicant

-Displayed a PowerPoint presentation outlining the application.
-Reviewed the project rationale and the rental rates formula .

Mary Lapointe, Communications Consultant

-Provided planning rationale and historical context of subject lands.
-Provided details on community engagement efforts.
-Spoke to the proposed parking variances.
-Provided comments on the landscape plan and tree retention plan.
-Made concluding remarks.
-Responded to questions from Council.

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.

Gallery:

Beverly Kalmakoff, Rowcliffe Rd

-Speaking on behalf of Kelowna Tree Protectors.
-Opposed to the removal of trees.
-Encouraged design be redrawn to keep all ten of the recommended healthy tree retention.
-Spoke to the benefits of trees for the City and to combat climate change.
-Housing and trees can exist side-by-side.
-Referred to OCP policies on tree retention and canopy.
-Spoke of the tree in the centre of the property that could be protected.
-Responded to questions from Council.

Carol Miller, Banjou Court

-Referenced the North End Plan policies on tree retention.
-Opposed to the variances.
-Encouraged Council to retain the tree canopy.

Lisa Masini Cambridge Ave

-Referenced a Muskeum elder comments on trees.
-Opposed to the removal of trees.
-Provided comments on the benefits trees bring to the environment and neighbourhood.
-Referenced the tree retention and tree canopy policies in the North End Plan.
-Spoke to the breach of trust when the one tree to be retained on Pleasantvale 1 was cut down during construction.
-Not satisfied with responses on tree protection for construction during Phase 2.
-Possible to retain more mature trees and maintain same number of units.
-Responded to questions from Council.

Ashley Lubyk, Kingsway Ave

- Possible to have both housing and trees.
- Opportunity for BC Housing and Society of Hope to work together.
- Tree retention should be part of the design process.
- Spoke to the benefits of trees.

Pat Munro, Cadder Ave

- Tree Protector member and KSAN member.
- Urged the City to adopt a tree protection bylaw.
- Applicant consultant recommended ten trees be saved but there are only four being retained.
- Referenced a recent article that stated Kelowna lost the most urban canopy among municipalities over the past five years.

Livvy Fraser, Central Ave

- Encouraged Council to retain trees.
- Spoke to the benefits of trees and made comments on the many species who inhabit trees.

Fatima Correia, Central Ave

- Opposed to the removal of trees.
- Spoke to the benefits of trees.
- Encouraged Council to retain the existing trees.

Robyn Metcalf, Bernard Ave

- Displayed correspondence previously circulated to BC Housing, Society of Hope and Council.
- Read from the correspondence.
- Made reference to a petition from change.org.

Erica Bell-Lowther, Abbott St

- Spoke the absence of a tree protection bylaw in Kelowna.
- Opposed to the removal of trees from the site.
- Creative solutions can be found to save trees and build the housing.

Robert Hayes, Mountainview St

- Opposed to removal of trees and supportive of affordable housing.
- Raised concerns with impacts of tree removal on humans and other species.
- Trees proposed to be planted will not reach the size and majesty of the existing trees.
- Made reference to the current National Geographic edition devoted to trees.

Janet Lea, Sandstone Cr

- Encouraged Council to retain rather than to replace the tree canopy.
- Spoke to the benefits of diversity and referenced comments from previous speakers.
- Encouraged Council to maintain trees in their existing groups.

Travis Kyle, Stuart Rd West

- Spoke to the need for additional affordable housing.
- Encouraged Council to pursue policies to increase number of affordable housing and need for green space.
- Speaking on behalf of those insufficiently housed.
- Delays on the project will have negative consequences on those who will live there, as will the removal of trees.
- Made proposals for how the project could be changed.

Online:

Tracy Davis, Lake Ave

- Made comments on need for a tree bylaw.
- Raised concerns whether council members were in a conflict of interest over previous comments made regarding the need for a tree protection bylaw.
- Made comments on reports indicating negative impacts of climate change on Kelowna.

-Made reference to previous speakers.

Applicant in response

- Responded to questions from Council.
- Confirmed it will be three years until the units are ready.

Jeff Baren, Applicant's Contractor

- Spoke to the tree canopy.
- Arborist will submit a tree protection plan for the site.
- Spoke to the landscape plan and its development through the consultation process.
- Protecting more trees would require a major redesign of the site and loss of units.

Staff responded to questions from Council.

The Director of Planning confirmed a workshop is a few weeks away to look at the options around a tree protection bylaw.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R0352/22/05/10 THAT final adoption of Rezoning Bylaw no. 12313 be considered by Council; AND THAT Council authorizes the issuance of Development Permit No. DP20-0182 for Lot 1 District Lot 9 ODYD Plan EPP113953, located at 651 Cambridge 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 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. DVP20-0183 for Lot 1 District Lot 9 ODYD Plan EPP113953, located at 651 Cambridge Avenue, Kelowna, BC;

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

Table 8.3.1: Section 8 – Parking and Loading, Required Off-Street Parking Requirements, Residential Parking:

To vary the parking requirements from 109 stalls required to 79 proposed.

Section 13.9.6(b) – RM3 - Low Density Multiple Housing Development Regulations:

To vary the site coverage from 60% permitted to 66% proposed.

Section 13.9.6(c) – RM3 - Low Density Multiple Housing Development Regulations:

To vary the height of the building from 10.0 m permitted to 14.0 m proposed and from 3 storeys to 4 storeys.

Section 13.9.6(f) – RM3 - Low Density Multiple Housing Development Regulations:

To vary the rear yard setback from 7.5 m permitted to 3.0 m 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 Hodge – Opposed

Councillor Stack returned to the meeting at 8:41 p.m.

5.3 START TIME 6:45 PM - 2339-2397 Hwy 97 N - DP21-0155 DVP21-0272 - Dilworth Shopping Centre Ltd., Inc No. 319846

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Lauren McAuley, Ellis St, Applicants Architect

- Displayed a PowerPoint presentation .
- Spoke to details of the site plan.
- Spoke to site circulation.
- Made comments on the variance requested.
- Responded to questions from Council.

Mark Jahani, Peterson Developments Inc., Applicant

- Responded to questions from Council.
- Outlined the terms of the agreements with tenants.

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 participating online or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Singh

R0353/22/05/10 THAT Council authorize the issuance of Development Permit No. DP21-0155 for a portion of Lot A, District Lot 126 & 532, ODYD Plan 40108 located at 2339 – 2397 Hwy 97 N, 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. DVP21-0272 for a portion of Lot A, District Lot 126 & 532, ODYD Plan 40108 located at 2339 – 2397 Hwy 97 N, Kelowna, BC;

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

Section 14.4.6 (a): C4 – Urban Centre Commercial - Other Regulations

To decrease the minimum commercial space on the first floor fronting an arterial road from 90% to 16.3%.

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

5.4 START TIME 6:45 PM - Crosby Rd 1786 - DVP22-0007 - Alfonso Reda and Cheryl Elaine Reda

Staff:

- Displayed a PowerPoint presentation summarizing the reasons for non-support of the application.

Alf Weade, Crosby Rd, Applicant

- Made comments on construction of the deck.
- Deck required to access the hot tub.
- Slope of the lands means subject property overlooks neighbouring properties.
- Suggested erecting a privacy fence.
- Responded to questions from Council.

Les Foley, Contractor

-Indicated he designed the drawings for the variance application.

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 participating online or in the Gallery indicated they wished to speak.

Staff responded to questions from Council.

The City Clerk confirmed there were two letters of opposition.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Donn

R0354/22/05/10 THAT Council **NOT** authorize the issuance of Development Variance Permit No. DVP22-0007 for Lot 8, Section 5, Township 23, ODYD, Plan EPP63600, located at 1786 Crosby Road, Kelowna, BC.

Carried

6. Reminders

There were no reminders.

7. Termination

The meeting was declared terminated at 9:19 p.m.

Mayor Basran

/cm



City Clerk