



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 17, 2023
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack*, Rick Webber and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning, Climate Action & Development Services, Ryan Smith; Urban Planning Manager, Jocelyn Black*; Planner, Mark Tanner*; Community Energy Specialist, Todd Brunner*; Climate Action and Environment Manager, Chris Ray*; Planner Specialist, Trisa Atwood*; Legislative Coordinator (Confidential), Rebecca Van Huizen*

Staff Participating Remotely Legislative Coordinator (Confidential) Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:08 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT the Minutes of the Public Hearing and Regular Meeting of September 12, 2023 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:10 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 4:00 PM - Cara Glen Way 1691 - Z23-0033 (BL12573) TA23-0008 (BL12574) - Rutherford Crestview Developments Ltd., Inc. No. Aoo8598o

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Paul McVey, Urban Options Planning Corp, Applicant Representative

- Introduced Randy Sieben, Developer of the site.
- Rezoning a small portion of the subject property to the same zone as the property to the south in order to amalgamate with the neighbouring property; with the remainder of the property, 3.29 ha, which will be dedicated to the City as parkland.
- This proposal is consistent with the Official Community Plan Policy.
- Believes the staff report provided adequate background of what is being proposed.

Randy Sieben, Lamont Land Group

- The staff report and summary provided by Paul McVey is sufficient and will be available for questions.

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:

Carrie Daniels, Cara Glen Way

- Raised concern regarding egress; there is only one way in and out of the development.
- Questioned why a certain area is receiving notification of what is happening with the development but other areas are not.
- Raised concern regarding parking and that the area is already congested.
- Opposed to this application.

Applicant in Response:

- There hasn't been any new information regarding the development since June, 2023; have followed direction of City of Kelowna rules and regulations regarding consultation.
- Details of the development site will be part of the form and character development permit that will be brought forward to Council shortly.
- Parking requirements are more adequately dealt with through PLR for all parking requirements; adequate egress has been dealt with and signed off by the Parks Department.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:28 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:28 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Cara Glen Way 1691 - BL12573 (Z23-0033) - Rutherford Crestview Developments Ltd., Inc. No. Aoo8598o

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Bylaw No. 12573 be read a second and third time.

Carried

8.2 START TIME 4:00 PM - Cara Glen Way 1691 - BL12574 (TA23-0008) - Rutherford Crestview Developments Ltd., Inc. No. Aoo8598o

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Bylaw No. 12574 be read a second and third time.

Carried

9. Termination

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

10. Call to Order the Public Hearing

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

11. Individual Bylaw Submissions

11.1 START TIME 4:00 PM - Amendments Regarding Electric Vehicle Readiness Requirements - TA23-0009 (BL12582) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed Text Amendment.

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.

On-Line:

Tracey Davis, Lake Avenue

- In support of the text amendment.
- Raised concerns with applicability to strata properties.
- Does not believe there will be a negative impact on affordability.

David Crawford, Greene Road

- In support of the text amendment.
- Commented on the reasonable cost of installation.

Gallery:

Suzanne Aimes, Abbott Street

- In support of the text amendment.
- Represents Kelowna South-Central Neighbourhood Association (KSAN).
- Raised concern with the requirement to install a meter in single-family homes as they already have one.
- Made comment on the climate review of the 2040 Official Community Plan.
- Made comments on sidewalk construction and placement of electrical conduits for future access for a charging meter; vehicles could charge on the street.

Ian Grannary, Lakeshore Road

- Professional Engineer.
- Displayed a PowerPoint Presentation.
- Commented that the building infrastructure also needs to be upgraded at \$4,000 per unit.
- EV readiness increases construction costs in addition to BC Step Code requirements.
- Removal of gas in buildings is a concern.
- Commented that EV's are part of the fossil fuel problem.
- Raised concern with increased cost to developers and homeowners.

Robert Stupka, Scott Road

- In support of the text amendment.
- Encouraged Council to think of the big picture when it comes to climate leadership.

Anne Laurie, Abbott Street

- In support of the text amendment.
- Made comment regarding the importance of building this infrastructure in houses.
- Commented on the higher cost of retrofitting older or newer homes.

Online:

Harmony Bjarnason, Gore Street

- In support of the text amendment.
- Spoke to the hurdles of installing an EV charger in their single family home.
- Believes that the cost of EV installation in homes will only increase in the future.

Peter Truch, Calder Court

- In support of the text amendment.
- Encouraged Council to include EV chargers in rental units.
- Encouraged Council to add EV charging units on streets.

Staff:

- Responded to questions from Council.

There were no further comments.

12. Termination

The Hearing was declared terminated at 5:31 p.m.

13. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 5:31 p.m.

14. Bylaws Considered at Public Hearing

14.1 START TIME 4:00 PM - Amendments Regarding Electric Vehicle Readiness Requirements - BL12582 (TA23-0009) - City of Kelowna

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Bylaw No. 12582 be read a second and third time.

Carried
Councillor Cannan - Opposed

The meeting recessed at 5:43 p.m.

The meeting reconvened at 5:53 p.m.

15. Development Permit and Development Variance Permit Reports

15.1 START TIME 5:00 PM - St Paul St 1405 - DP21-0123 DVP21-0124 - Abacio Properties Ltd., Inc. No. C1384016

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Leonard Kerkhoff, Kerkhoff Construction, Applicant

- Displayed a PowerPoint Presentation.
- Acknowledged that the Planning Department did a good job presenting the proposal.
- Commented on other projects in Kelowna the company has worked on and their history.
- Spoke to the proposed project timeline and approvals.
- Spoke to the proposed grocery store to be incorporated on the main floor similar to One Water Street development; designed the building for that specified use in mind and believe it is a positive contribution.
- Collaborated closely with staff to ensure staff support and made significant contribution to the podium design; believes a good job of balancing variables of design and construction costs has been achieved.
- The proposal is located in the core of the community and noted the many services and amenities nearby.
- Believes the proposal is the appropriate use and density for this location.
- Spoke to Healthy Housing in the Official Community Plan; this proposal provides a healthy housing mix.
- Spoke to the public Open Plaza benefits and the unified Architectural concept, paying respect to the UBCO design.

Lauren Macaulay, Architect, Arcadis, Ellis Street

- Continued with the PowerPoint Presentation.
- Commented that the podium and tower were refined to meet objectives and that it complies with the Zoning Bylaw.
- Spoke to the four requested variances and provided rationale for each variance.

Leonard Kerkhoff, Kerkhoff Construction, Applicant

- Commented on Key messages such as the proposal addressing the housing shortage especially with UBCO demand, supports healthy housing mix and the public realm benefit.
- Provided concluding comments.

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

Dean McAuley, Sunset Drive

- Resident of One Water Street and resident of Kelowna for 20 years.
- Also representing several other residents at One Water Street.
- Spoke to the bicycle variances and questioned whether they would be constructed as depicted.
- Raised concerns that the bicycle storage regulations were not implemented at One Water Street.

Douglas Reimer, Sunset Drive

- Resident of One Water Street and resident of Kelowna since 1972.
- Raised concerns with bicycle variances; vertical stalls decrease the footprint of the bike storage facility which is better for the developer and not the residents.
- Questioned how easy the proposed bicycle storage will operate.
- Opposed to this application.

Chris Donalds, Doyle Avenue

- Representing the neighbouring Strata.
- Raised concern with traffic and safety impacts that the proposed podium will make worse.
- Raised concern the proposed podium will negatively impact their views.
- Raised concern with potential ground shifting impacts.

Barbara Frim, Doyle Avenue

- Raised concern with building footprint and impacts on safety sight lines.
- Raised concern that it will be dangerous turning left from the laneway onto Doyle Avenue.
- With the increased population in the immediate area inquired whether the City would add streetlights for safety.

Davis Kyle, Stewart Road W

- Generally in support of this application.
- Currently the VP of Kelowna Area Cycling Coalition.
- Raised concern with bicycle variances and proposed storage arrangements; spoke to different types of bikes that cannot go onto wall mounts.
- Raised accessibility concerns for bike parking.

Online:

Tracey Davis, Lake Avenue

- Raised concern that there is only vertical bicycle racks and having to lift the back wheel.
- Believes this is an accessibility issue.

Applicant in Response:

- Commented on remarks from One Water Street owners.
- Made comments on rationale for proposed bike storage; could provide 10% of bike storage being horizontal format for the accessibility standard.
- Made comment that there will be laneway widening and improvements.
- Commented that the podium height is under the 16 m zoning requirement.
- Commented that the UBCO development is impacting the neighborhood as well this subject property; this proposal is not going below ground level and will have a substantially less impact on neighbouring properties.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Council considered the variances prior to considering the development permit and the following resolutions were adopted:

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0124 for Lot A District Lot 139 ODYD PLAN 25942, located at 1405 St Paul St, Kelowna, BC subject to the following;

THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 9.11: Tall Building Regulations

To vary the maximum floor plate above 16.0 m for residential use from 750 m² GFA required to 1,002 m² GFA proposed for Level 6;

Table 9.11: Tall Building Regulations

To vary the maximum floor plate above 16.0 m for residential use from 750 m² GFA required to 769 m² GFA proposed for Level 7 to Level 12.

Carried
Councillors Hodge and Lovegrove - Opposed

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT variances to the following sections of Zoning Bylaw No. 12375, as amended, be granted:

Section 8.5.6(c)i: Parking and Loading, Off-Street Bicycle Parking

To vary the minimum ground-anchored long-term bicycle parking from 50% required to 10% proposed;

Table 8.5.1: Minimum Dimensions for Bicycle Parking

To vary the minimum distance between vertical bicycle racks (for racks that accommodate no more than one bicycle) from 0.45 m required to 0.35 m proposed.

Carried

Moved By Councillor Cannan/Seconded By Councillor Lovegrove

THAT Council defer further consideration of Development Permit No. DP21-0123, for the applicant and staff to consider form and character amendments based on Council comments, including the potential for a grocery store restrictive covenant.

Carried

The meeting recessed at 7:41 p.m.

Councillor Stack left the meeting at 7:41 p.m.

The meeting reconvened at 7:53 p.m.

15.2 START TIME 6:00 PM - Lawson Ave 1021 - BL12559 (Z23-0015) - 1288384 B.C. Ltd., Inc. No. BC1288384

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Bylaw No. 12559 be adopted.

Carried

15.3 START TIME 6:00 PM - Lawson Ave 1021 - DP23-0042 DVP23-0043 - 1288384 B.C. Ltd., Inc. No. BC1288384

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

THAT Council continue the Regular Meeting past 8:00 p.m.

Carried

Kevin Ryan, BlueGreen Architecture Inc., Applicant

- Displayed a PowerPoint Presentation.
- Proposing a 5 storey building with 22 rental units in a MF3r zoned neighbourhood.
- Provided a summary of the proposed form and character of the building.

- Made comment that this is a great location for ease of walkability and rideability.
- Spoke to the enclosed parkade that houses 15 stalls and 2 surface stalls totaling 17 parking spaces, which exceeds the number of stalls required.
- Made comment on the easy access of the Modo Car Share space.
- Commented on the 29 long term bicycle parking stalls on the main floor.
- Commented on the amenity room with direct access to the patio.
- Spoke to the proposed variances being requested.
- Believes this proposal addresses the need for greater variety of unit types in the core neighbourhood.
- Available to answer any questions.

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 :

Karen Korey, Bernard/Lawson Avenue

- Referenced petition previously submitted to Council.
- Raised concern with shadow casting implications on the neighbourhood.
- Raised concern with the number of on-site parking spaces and the potential of overflow parking on Lawson Avenue.
- Raised concern regarding firefighting implications and limited access should an event occur.
- Raised concern regarding lack of green space on the proposed development with no play area for children or a relief area for pets.
- Raised concern with visual impacts of balconies especially Lawson Avenue street view.
- Raised concern with the allocation of unit types within the building and believe it is not very family friendly.
- Believes there are too many units for such a small piece of property.
- No objection to development of a 6 or 8 plex which would be more suitable for families and the surrounding area.

Eileen Zakowski, Bernard/Lawson Avenue

- Read a letter of concerns on behalf of Victoria McKenzie that lives at the Fusion on Graham Street.
- Raised concern with the removal of trees.
- Raised concern with lack of greenspace and lack of units for families.
- Believes the strata lot at 1495 Graham Street will be negatively impacted; raised concern with views of a cement wall.
- Opposed to this application.

Bill Watson, Bernard Avenue

- Questioned what a om lot line variance meant.

Andre Ruman, Lawson Avenue

- Owner of the neighbouring property to the west of the proposal.
- Raised concern with potential ground disturbance due to this extensive project right next to his house.
- Raised concern for local safety.
- Raised concern with increased traffic and congestion.
- Questioned who would pay for any damage to his property.

Jackie Weimer, Graham Street

- Resides across the street from the proposed building.
- Raised concern with massing of the building on the lot size.
- Raised concern with increased on-street parking.
- Raised concern with extra road congestion.
- Believes this proposal negatively impacts the character of the neighbourhood.

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Council continue the Regular Meeting past 8:30 p.m.

Carried

Jamie Hystad, Lawson Avenue

- Raised concern with their large Maple tree in the backyard and the impacts of construction on the tree.

Staff:

- Responded to questions from Council.

Applicant in Response:

- Confirmed what a 0.0 m lot line means.
- Commented that the Arborist report noted the ability to care for existing trees; there are no major concerns with the Maple tree as the roots are favoured away from the development.
- Proposing to bring 7 trees on site and there are currently none.
- Addressed parking concerns and noted there are 2 street accesses for firefighting.
- Addressed construction concerns.
- With storage spaces within the development as well as bike storage and access to a BBQ space does not think there will be issues with balconies being exposed with clutter.

Architect:

- Addressed ground disturbance concerns and whose responsible during construction period.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council continue the Regular Meeting past 9:00 p.m.

Carried

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council authorizes the issuance of Development Permit No. DP23-0042 and Development Variance Permit No. DVP23-0043 for Lot A District Lot 138 ODYD Plan EPP121306, located at 1021 Lawson Ave, 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;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 7.2 – Tree & Landscaping Planting Requirements

To vary the minimum ratio between tree size from minimum 50% large trees and maximum 25% small trees permitted to 0% large trees and 100% small trees proposed.

Table 7.2 – Tree & Landscaping Planting Requirements

To vary the minimum growing medium area from 75% soil based landscaping permitted to 35% soil based landscaping proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum side yard setback (west) from 3.0 m permitted to 0.0 m proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum side yard setback (east) from 3.0 m permitted to 0.0 m proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum rear yard setback for parkade with lane access which does not project more than 2.3 m above finished grade from 1.5 m permitted to 0.3 m proposed.

Section 13.5 – Multi-Dwelling Zones, Development Regulations

To vary the minimum building setback from the front yard from 3.0 m permitted to 2.2 m proposed.

AND THAT the applicant be required to contribute \$15,000 to the City of Kelowna Tree Planting Fund prior to issuance of the Development Permit;

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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Defeated
Councillors Cannan, Hodge, Lovegrove and Webber - Opposed


16. **Reminders** - Nil.

17. **Termination**

The meeting was declared terminated at 9:26 p.m.

Mayor Dyas

SF/acm



City Clerk