

Regular MeetingMarch 7, 2000

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, March 7, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Special Projects Planning Manager, H.M. Christy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:49 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Hobson

3. Councillor Hobson was requested to check the minutes of this meeting.

4. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 4.1 Bylaw No. 8511 (Z99-1056) – R383 Enterprises Ltd. (Ralf Rohrlack/Greystoke Design Ltd.) – 1894 Ambrosi Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R189/00/03/07 THAT Bylaw No. 8511 be read a second and third time.

Carried

- 4.2 Bylaw No. 8513 – City of Kelowna Official Community Plan Amendment No. OCP99-012 to Add the Downtown North Area Structure Plan (ASP96-004) – Canada Lands Company (John Steil/Stantec Consulting) – Clement/Sunset/Richter/Recreation **Requires majority vote of full Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R190/00/03/07 THAT Bylaw No. 8513 be read a second and third time.

Carried

- 4.3 Bylaw No. 8514 (Z99-1027) – Canada Lands Company CLC Ltd. and City of Kelowna (John Steil/Stantec Consulting Ltd.) – 990 Ellis Street, 1080-1096 Ellis Street, Sunset Drive, and 425 Bay Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

R191/00/03/07 THAT Bylaw No. 8514 be read a second and third time.

Regular MeetingMarch 7, 2000Carried

- 4.4 Bylaw No. 8512 – Canada Lands Company CLC Limited Inc. Heritage Revitalization Agreement Authorization Bylaw – Former CN Train Station

Moved by Councillor Day/Seconded by Councillor HobsonR192/00/03/07 THAT Bylaw No. 8512 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 4.5 Bylaw No. 8510 (Z00-1001) – William & Lienne Cook – 440 Mugford Road

Moved by Councillor Blanleil/Seconded by Councillor CannanR193/00/03/07 THAT Bylaw No. 8510 be read a second and third time, and be adopted.Carried5. PLANNING

- 5.1 (a) **BYLAW PRESENTED FOR SECOND & THIRD READINGS & ADOPTION**

Bylaw No. 8505 (Z99-1059) – Samesun International Travel Hostels Ltd. (Craig Kelly) – 245 Harvey Avenue

Staff:

- Bylaw readings were deferred from the Regular Meeting of February 23, 2000 for staff to compile additional information for Council consideration.
- The application is to rezone a little less than one quarter of a site the balance of which is already zoned C-9 to permit the existing hostel use.
- Hosteling International sets out policies for development and minimum standards for health and safety and conducts annual inspections to ensure the standards are maintained.
- Hosteling International does not impose a curfew and requires the ability for people to be able to check in throughout the night.
- Hosteling International advises they have received a number of complaints regarding Samesun in Kelowna and they relate more to cleanliness and noise within the buildings; the complaints are discussed with the operators of the facility.
- The applicants have further submitted a letter saying they are committing to have 24 hour staff on the site and an outside security guard from midnight to 8 a.m.
- The applicant has also agreed to relocate the patio that was proposed for the south side of the building to the front of the building away from the creek.
- The applicant has also indicated he will agree to sealed windows on the creek side of the building as a condition of the Development Permit.
- City staff would not object to fencing along the creek as long as it is not a visual barrier. Transients look for areas to hide and sleep and a solid barrier along the creek would create the type of haven they look for. The City is making an effort to re-enforce a public presence along the creek and a solid fence would defeat that effort.
- The RCMP received 8 complaints in 1998 since July 31 when Samesun took over the subject property. Of the 8 complaints 2 were municipal bylaw infractions and they

Regular MeetingMarch 7, 2000

were regarding noise; one was from a property owner on Riverside and one was by Samesun about a property on Riverside. The rest of the complaints were reports of theft and some trespass issues (people on the site that were not guests and that the RCMP helped remove).

- There are 32 rooms proposed and they could accommodate up to 112 beds/occupants at any one time. Neither Fire Department nor Bylaw Enforcement staff had any concerns about the number of occupants at initial review of the application but that will be further considered with the Building Permit.
- The applicant has provided several testimonial letters about their hostel operation at this location and at similar facilities including from Kimberly and none indicate any concern with management techniques.
- The concerns raised by residents at the Public Hearing are still there re noise and operational standards of the building.
- The applicants have provided information from the Hosteling organization that indicates the spin-off spending from this type of operation is \$87/day/customer/stay.
- The existing hostel is a legal/licensed use and if this application is not approved, the applicants intend to continue to operate the site as a hostel.
- The proposed rezoning and lot consolidation would allow the construction of a new building that would allow for additional separation for the residents to the south, and provide a new clean facility with indoor amenity space.
- This is a difficult site to develop with the Highway to the north and Mill Creek to the south; however, it is the opinion of staff that what is proposed would be an improvement to the site and that the hostel use is suitable for the site.
- There will be a continuation of the lighting established with development of the property to the east and it will be designed to limit the amount of light that spills onto the properties across Mill Creek. The lighting has been developed in consultation with the Parks Manager to try to increase the public presence along the creek.
- To stay at the hostel, people either have to be a member of the hostel association or have proof that they are not a Kelowna resident. The facility is not for the homeless and does not accept social assistance from the government. The facility caters to the travelling public.
- The applicant has provided a written submission outlining his commitments and that includes additional security from midnight to 8 a.m. so there would be more than just be one staff person at night.
- The City's noise bylaw is what will stop people from congregating and causing noise in the rear yard. The neighbours have experienced frustration because they have not been complaining to the right place.

Council:

- Suggested that the applicant be asked to enter into a Social Contract to deal with the 24 hour security and staffing commitments.
- People stay at this type of facility to meet other people, visit and have fun and it will be difficult to keep everyone from gathering on the back lawn to party.
- Only 1 person on site during the evening is not an adequate level of management to deal with the number of young people that will be using the site.
- Staff to seek ways to mitigate the impacts through design, on the residential properties across the creek.
- The facility could end up not being a member of International Hosteling and then operate as an independent hostel.
- Consider providing a fence along the parking lot up to the edge of the building that could be opened during the day and locked at night.
- Consider asking the applicant to voluntarily agree in writing to the conditions mentioned and that they deem the conditions to be in the public interest so that if Council deems it not to be in the public interest to renew the business license it can be withheld.

Moved by Councillor Given/Seconded by Councillor Clark

Regular Meeting

March 7, 2000

R194/00/03/07 THAT Bylaw No. 8505 be read a second and third time, and be adopted.

Carried

Councillors Blanleil and Shepherd opposed.

- (b) Planning & Development Services Department, dated February 15, 2000 re: Development Permit Application No. DP99-10,090 – Craig Kelley/Samesun International Travel Hostels Ltd. – 245 Harvey Avenue (3060-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R195/00/03/07 THAT further consideration of DP99-10,090 (Samesun International Travel Hostels Ltd. – 245 Harvey Avenue) be deferred to March 21, 2000 for staff to explore with the applicant the concept of entering into a voluntary agreement to address Council's concerns regarding the impact of the operation on adjacent development.

Carried

- (c) Planning & Development Services Department, dated January 28, 2000 re: Development Variance Permit Application No. DVP99-10,091 – Craig Kelley/Samesun International Travel Hostels Ltd. – 245 Harvey Avenue (3090-20)

Staff:

- The variances would reduce the parking requirements from 1 parking stall per sleeping unit to approximately .65 per sleeping unit for a total of 61 stalls and allow for a reduced rear yard setback.
- The Advisory Planning Commission recommends support of the variances.
- The proposed 21 parking stalls meet Ministry of Transportation and Highways' requirements for this type of facility.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variances to come forward.

Willa Brooks, 258 Riverside Avenue:

- Read a letter dated February 29, 2000 to the Planning Department about her complaints and concerns regarding the Samesun Hostel at the subject location and at their other location on Bernard Avenue.
- Submitted a petition bearing 32 signatures opposing the parking variance because on-street parking is already a problem given the close proximity of the area to the downtown core and City Park.

Andrew Salton, 234 Riverside Avenue:

- Hostel International have chosen not to affiliate with Samesun's Kimberly operation.
- There were complaints in 1997 about overcrowding at the Bernard Avenue facility (8 people in a room).
- The parking requirements are based on 32 rooms not on 112 beds. If the trend is toward more families using hostel facilities, then they are more likely to be travelling with a vehicle so 21 parking stalls will be inadequate and the overflow will have to park on the streets in the neighbourhood.

Valerie Halford, president of FRAHCAS:

Regular MeetingMarch 7, 2000

- Submitted and read a letter dated March 7, 2000 opposing the parking variance.

Regular MeetingMarch 7, 2000**Staff:**

- Hostel International of Canada has provided information based on other hosteling operations in the province and a study done on parking demands for another proposed hostel that indicate the parking demand for these facilities is approximately 12-13% of capacity.
- The City's Fire and Inspection Services Departments will determine the exact maximum occupancy at the business permit stage.

Fraser Berry, 1857 Maple Street:

- The problems at the hostel facility at the subject location during the last couple of summers were disgraceful and will continue if a bigger facility is built.
- The facility has been mismanaged and there is no reason to believe it will be managed better in the future.
- The neighbourhood borders on a heritage area and should be protected.
- The facility is insensitive to the people in the neighbourhood, bad for heritage and bad for business generally in Kelowna.
- There are better locations where good hostels can be established. The noise and drug problems will continue at this location.
- It is asinine to assume that 21 parking stalls will be adequate.

Craig Kelley and Curtis Unland, applicants:

- A large number of the guests arrive via tour buses and greyhound bus. Only 12-13% of the guests have vehicles, even with families coming, and 21 stalls will never be a problem on this site.
- The Kimberly facility is not affiliated with Hosteling International because that facility is within a 50 km radius of a similar facility in Cranbrook.
- 112 occupants is the absolute maximum that would be allowed based on the size of the building and B.C. Building Code and Hosteling International requirements.
- Fencing to restrict access to the rear yard would also make imposing the curfew easier.
- The rear door could be restricted to emergency use only with an alarm that would go off when used.
- The facility does not offer rates for longer than 1 week stays so guests could stay for a month but it would cost them more than it would to rent an apartment.
- Drugs are absolutely not tolerated. Alcohol is allowed in the common area with a meal and in moderation.
- Most of the housekeeping staff live in the building and they are in addition to the one employee on duty 24 hours a day, and from midnight to 8 a.m. there will also be a security guard patrolling the premises.

Moved by Councillor Hobson/Seconded by Councillor Day

R196/00/03/07 THAT further consideration of DVP99-10,091 (Samesun International Travel Hostels Ltd. – 245 Harvey Avenue) be deferred to March 21, 2000 for consideration along with the Development Permit for the same property.

Carried

Regular Meeting

March 7, 2000

6. BYLAWS

BYLAWS PRESENTED FOR FIRST READING)

- 6.1 Bylaw No. 8493 (Z99-1042) – John Arnold, Arnold Properties and Terilyn Eidse (Connector Construction/Ed Friesen) – 4896 & 4894 Lakeshore Road

Moved by Councillor Given/Seconded by Councillor Clark

R197/00/03/07 THAT Bylaw No. 8493 be read a first time.

Carried

- 6.2 Bylaw No. 8517 (Z95-1015) – Canyon Creek Joint Venture (Stantec Consulting Group/John Steil) – 5050 McCulloch Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R198/00/03/07 THAT Bylaw No. 8517 be read a first time.

Carried

7. REMINDERS

March 8th - International Womens Day.

8. TERMINATION

The meeting was declared terminated at 9:24 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn