

PUBLIC HEARING MEETING MINUTES



JANUARY 15, 2013

A Public Hearing of the City of Vancouver was held on Tuesday, January 15, 2013, at 6:07 pm, in the Council Chamber, Third Floor, City Hall, to consider proposed amendments to the zoning, heritage and subdivision by-laws.

PRESENT: Mayor Gregor Robertson
Councillor George Affleck
Councillor Adriane Carr
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Tony Tang

ABSENT: Councillor Elizabeth Ball (Sick Leave)

CITY MANAGER'S OFFICE: Penny Ballem, City Manager*

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the zoning, heritage and subdivision by-laws.

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Proposed New Maximum Fines in City By-laws

An application by the General Manager of Planning and Development Services was considered as follows:

Summary: To amend the Zoning and Development By-law and the Sign By-law to increase the maximum fines to \$10,000, as allowed under the Vancouver Charter.

The General Manager of Planning and Development Services recommended approval.

Council also had before it the following:

- Memorandum from the Assistant Director, Enforcement and Prosecutions, Legal Services, advising that since adoption of the Council Report dated November 5, 2012, entitled “Proposed New Maximum Fines in City By-laws”, the City has been served with a challenge to the constitutional validity of the *City Land Use Regulation By-law* and the *Street and Traffic By-law* as they apply to the homeless. As there is a challenge to the validity of these By-laws currently before the Courts, Council has decided not to proceed with the approved amendments to the *City Land Use Regulation By-law*, the *Street and Traffic By-law* and the *Street Vending By-law* pending the outcome of that challenge.
- Memorandum from the General Manager, Community Services, that brought forward a revised Summary and Recommendation, which contained a change to the staff recommendation for Council to refer to Appendix C of the Administrative Report dated November 5, 2013, entitled “Proposed New Maximum Fines in City By-laws”.

The Mayor advised that the amendments being considered at this public hearing for this item relate only to the Sign and Zoning & Development By-laws. Any correspondence received that is not related to these amendments will be circulated to Council but not as part of the public hearing package.

Staff Opening Comments

Will Johnston, Director of Licences & Inspections/Chief Building Official, reviewed the application, and responded to questions.

Summary of Correspondence

Council received one email regarding other matters related to this application since it was referred to public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in general support of the application but expressed concerns regarding the proposed fine increases and potential uses:

Joseph Jones
Menard Caissy

Staff Closing Comments

Mr. Johnston responded to questions.

Council Decision

MOVED by Councillor Reimer

THAT Council approve the proposed amendments to the Zoning and Development By-law and to the Sign By-law as set out in Appendix C of the Administrative Report dated November 5, 2012, entitled "Proposed New Maximum Fines in City By-laws", to provide an increase to the current maximum fine and continuing offences.

CARRIED UNANIMOUSLY

2. HERITAGE DESIGNATION: 4629 West 2nd Avenue (Campney House)

An application by Helen and John O'Brian was considered as follows:

Summary: To designate the existing heritage building at 4629 West 2nd Avenue as a protected heritage property.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the public hearing agenda.

Summary of Correspondence

No correspondence had been received on this application since it was scheduled for public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

Vaughan Evans spoke to other matters related to the application.

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter* a by-law to designate as a protected heritage property the residential building at 4629 West 2nd Avenue [PID: 005-931-282; Amended Lot 9 of Lot E, Block 135, District Lot 540, Plan 5755 (the "Lands")] known as the Campney House (the "heritage building").
- B. THAT A be adopted on the following conditions:
 - (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person nor any obligation on the part of the City, and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and

- (ii) THAT the passage of the above resolution does not and will not in any way limit or restrict the authority or discretion of Council, regardless of when they might be called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

3. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
1017 Keefer Street (Bates House) - WITHDRAWN

This item was withdrawn.

4. HERITAGE DESIGNATION AND HERITAGE REVITALIZATION AGREEMENT (HRA):
1677 East 22nd Avenue (H.J. Friend House)

An application by James Burton, Birmingham and Wood Architects, and Paul Preto, Dwell Projects, was considered as follows:

Summary: To add the existing building at 1677 East 22nd Avenue to the Vancouver Heritage Register, designate it as a protected heritage property and approve a Heritage Revitalization Agreement (HRA) to permit a subdivision of the site into two separate parcels and construct a two-family dwelling on the new parcel. The application proposes variances to both the Subdivision and Zoning and Development By-laws.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the public hearing agenda.

Summary of Correspondence

No correspondence had been received on this application since it was scheduled for public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Deal

- A. THAT Council add to the Vancouver Heritage Register, in the 'C' evaluation category, the building at 1677 East 22nd Avenue [*PID: 011-045-850; Lot A, District Lot 744 New Westminster, Plan 5872* (the "site")], known as the H.J. Friend House.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the H.J. Friend House at 1677 East 22nd Avenue as a protected heritage property.

- C. THAT Council instruct the Director of Legal Services to bring forward for enactment under Section 592 of the *Vancouver Charter* a by-law for the City to enter into a Heritage Revitalization Agreement to:
- (i) secure the rehabilitation and long-term preservation of the H.J. Friend House;
 - (ii) vary the *Subdivision By-law* and the *Zoning and Development By-law* as necessary to permit a subdivision of the site into two new parcels and to permit one of the new parcels to contain the heritage building and the other to contain a new Two-Family Dwelling (“duplex”) as proposed under Development Permit Application DE415911 and as more particularly described in the Policy Report dated December 12, 2012, entitled “1677 East 22nd Avenue - H.J. Friend House - Heritage Designation and Heritage Revitalization Agreement”.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and noted, registered, and given priority on title to the site to the satisfaction of the Director of Legal Services and the Director of Planning.
- E. THAT A to D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person nor any obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

5. HERITAGE DESIGNATION AND HERITAGE REVITALIZATION AGREEMENT (HRA):
3308 Ash Street (Prefontaine Residence)

An application by Klaus Budde, Design Consultant, and Donald Luxton and R.J. McCulloch, both of Donald Luxton & Associates, was considered as follows:

Summary: To designate the existing heritage building at 3308 Ash Street as a protected heritage property and approve a Heritage Revitalization Agreement (HRA) to permit a subdivision of the site into two separate parcels and construct a two-family dwelling on the new parcel. The application proposes variances to both the Subdivision and Zoning and Development By-laws.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the public hearing agenda.

Summary of Correspondence

Council received one email in opposition to this application since it was scheduled for public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

Vaughan Evans spoke in support of the application.

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter* a by-law to designate as a protected heritage property the heritage building at 3308 Ash Street, known as the Prefontaine Residence (the “heritage building”) [PID: 015-155-366; Lot 1, Block 520, PLAN 723, District Lot 472, New Westminster (the “site”)].
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 592 of the *Vancouver Charter* a by-law for a Heritage Revitalization Agreement to:
 - (i) secure the rehabilitation and long-term preservation of the heritage building;
 - (ii) vary the *Subdivision By-law* and the *Zoning and Development By-law* as necessary to permit a subdivision of the site into two new parcels and to permit one of the new parcels to contain the heritage building, in its current location, and the other to contain a new Two-Family Dwelling (duplex) to be constructed therein as proposed under Development Permit Application DE415913 and as more particularly described in the Policy Report dated December 4, 2012, entitled “3308 Ash Street - Prefontaine Residence - Heritage Designation and Heritage Revitalization Agreement”.
- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered and given priority on title to the site to the satisfaction of the Director of Legal Services and the Director of Planning.
- D. THAT, in connection with the proposed heritage designation and heritage revitalization agreement discussed herein, Council waive for the new Two-Family Dwelling proposed under Development Permit Application DE415913, the requirement contained in paragraph 3.3 of the *Strata Title Policies for RS, RT and RM Zones* that it is to be a condition to development permit approval for a new Two-Family Dwelling on a site with an area less than 668 square metres (7,200 square feet) in an RS-7 Zone that the registered

owner is to execute a covenant which must be registered against title to the property that prohibits registration of a strata plan.

- E. THAT A to D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

6. HERITAGE DESIGNATIONS AND HERITAGE REVITALIZATION AGREEMENT (HRA):
437 Vernon Drive (Jeremiah McDevitt House) and 445 Vernon Drive (Flora McDevitt House)

An application by Scott Kennedy, Cornerstone Architecture, and Donald Luxton, Donald Luxton & Associates, was considered as follows:

Summary: To designate the two existing heritage buildings at 437 and 445 Vernon Drive as protected heritage properties and approve a Heritage Revitalization Agreement (HRA) to permit a subdivision of the site into three separate parcels and construct a one-family and a two-family dwelling on one of the new parcels. The application proposes variances to both the Subdivision and Zoning and Development By-laws.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the public hearing agenda.

Summary of Correspondence

No correspondence had been received on this application since it was scheduled for public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Deal

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 593 of the *Vancouver Charter* by-laws to designate as protected heritage properties the heritage buildings, known as the

Jeremiah McDevitt House and the Flora McDevitt House (the “heritage buildings”), at 437 and 445 Vernon Drive [PIDs: 015-365-468 and 015-365-476; Lots 18 & 19, Block 14 of Block A, District Lot 182, Plan 355 (the “site”)].

- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Section 592 of the *Vancouver Charter* a by-law for a Heritage Revitalization Agreement to:
- (i) secure the rehabilitation and long-term preservation of the heritage buildings;
 - (ii) vary the *Subdivision By-law* and the *Zoning and Development By-law* to permit a subdivision of the site into three new parcels and to permit the positioning of each of the heritage buildings within one and the construction of a new One-Family Dwelling and a new Two-Family Dwelling within the other of the new parcels as proposed under Development Permit Applications DE415250, DE415254, and DE415255, and as more particularly described in the Policy Report dated November 27, 2012, entitled “437 Vernon Drive - Jeremiah McDevitt House and 445 Vernon Drive - Flora McDevitt House - Heritage Designations and Heritage Revitalization Agreement”.
- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the Lands, to the satisfaction of the Director of Legal Services and the Director of Planning.
- D. THAT A to C be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

7. TEXT AMENDMENT: Amendments to the False Creek North Official Development Plan concerning Area 5b East (68 Smithe Street)

An application by One West Holdings Ltd. (Concord Pacific) was considered as follows:

Summary: To amend By-law No. 6650, the False Creek North Official Development Plan, to increase the number of residential units permitted in Area 5b East from 311 to 468.

The General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Summary and Recommendation of the public hearing agenda.

Staff Opening Comments

Paula Huber, Planner, Central Area, Planning and Development Services, reviewed the application.

Summary of Correspondence

Council received six emails in support of and two emails in opposition to the application since it was referred to public hearing and prior to the close of the speakers list.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

Fern Jeffries, False Creek Residents Association/Crosstown Residents Association
Patsy McMillan, False Creek Residents Association/Citygate Inter-tower Community
Group
Vaughan Evans

Staff Closing Comments

Brian Jackson, General Manager, Planning and Development Services, provided closing comments and, along with Ms. Huber, responded to questions.

Council Decision

MOVED by Councillor Meggs

THAT the application by One West Holdings Ltd. (Concord Pacific) to amend the False Creek North Official Development Plan, By-law No. 6650, to increase the number of residential units permitted in Area 5b East from 311 to 468, generally as presented in Appendix A of the Policy Report dated December 7, 2012, entitled "Amendments to the False Creek North Official Development Plan Concerning Area 5b East (68 Smithe Street)", be approved.

CARRIED
(Councillor Carr opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Meggs

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Tang

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council adjourned at 8:09 pm.

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