



PUBLIC HEARING MINUTES

FEBRUARY 23, 2016

A Public Hearing of the City of Vancouver was held on Tuesday, February 23, 2016, at 6:06 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Acting Mayor Raymond Louie
Councillor George Affleck
Councillor Elizabeth Ball
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Heather Deal
Councillor Kerry Jang
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson

ABSENT: Mayor Gregor Robertson (Leave of Absence)

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

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Acting Mayor Louie in the Chair, to consider proposed zoning and heritage amendments.

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION AND HERITAGE REVITALIZATION AGREEMENT (HRA): 1106 West 15th Avenue (McArthur House)

An application by Tim Ankenman, Ankenman Marchand Architects, was considered as follows:

Summary: To add the McArthur House at 1106 West 15th Avenue to the Vancouver Heritage Register in the 'B' evaluation category, and to designate the exterior of the heritage building as protected heritage property and to approve a Heritage Revitalization Agreement (HRA) for the site to ensure the heritage building's rehabilitation and long-term protection.

The Acting General Manager of Planning and Development Services, in consultation with the Director of Legal Services, recommended approval.

Summary of Correspondence

No correspondence was received since the application was scheduled for Public Hearing and prior to the close of public comments.

Speakers

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

The speakers list and receipt of public comments closed at 6:10 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT Council add the existing building at 1106 West 15th Avenue [*PID: 013-244-094; Lot 2, Block 475, District Lot 526, Plan 3015 (the "site")*], known as the McArthur House (the "heritage building") to the Vancouver Heritage Register in the 'B' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law authorizing the City to enter into a Heritage Revitalization Agreement in respect of the heritage building to:
 - (i) secure the rehabilitation and long-term preservation of the heritage building; and
 - (ii) vary the *Zoning and Development By-law* in respect of the site to permit development as proposed under Development Permit Application No. DE418783 (the "DP Application") and as more particularly described in the Policy Report dated January 27, 2016, entitled "Heritage Designation and Heritage Revitalization Agreement - 1106 West 15th Avenue (McArthur House)".
- D. THAT the HRA 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.

- E. THAT A to D above 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

2. TEXT AMENDMENT: 988 West Broadway

An application by Chris Dikeakos Architects Inc. was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (618) By-law No. 11317 for 988 West Broadway, to increase the floor space ratio from 5.22 to 5.52 and building height from 40.3 m (132.2 ft.) to 40.6 m (133.2 ft.).

The Acting 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 was received since the application was referred to Public Hearing and prior to the close of public comments.

Speakers

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

The speakers list and receipt of public comments closed at 6:12 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT the application by Chris Dikeakos Architects Inc., on behalf of 984 Developments Inc., Inc. No. BC0961682 (Blue Sky Properties), to amend CD-1 (618) By-law No. 11317 for 988 West Broadway [*PID: 015-184-676; Lot B, Block 356, District Lot 526, Plan 590*] to increase the floor space ratio from 5.22 to 5.52 and building height from 40.3 m (132.2 ft.) to 40.6 m (133.2 ft.), generally as presented in Appendix A of the Policy Report dated January 19, 2016, entitled "CD-1 Text Amendment: 988 West Broadway", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Chris Dikeakos Architects Inc., and stamped "Received Planning & Development Services (Rezoning Centre) July 30, 2015", provided that the Acting General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Acting General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

- 1. Design development to increase floor-to-ceiling height of the ground-level retail spaces to a minimum of 14 feet.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Acting General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Heritage Density Transfer

- 1. Secure the purchase and transfer of a total of 520 m² (5,600 sq. ft.) of heritage density (which has a total value of \$364,000) from a suitable donor site (or sites).

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Public Art

2. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application. Note to applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT A above 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

3. REZONING: 1575-1577 West Georgia Street and 620 Cardero Street

An application by Henriquez Partners Architects was considered as follows:

Summary: To rezone 1575-1577 West Georgia Street from CD 1 (Comprehensive Development) District (336) and 620 Cardero Street from CD-1 District (312), both to a new CD-1 District, to permit a floor space ratio (FSR) of 10.59 and a building height of 82.6 m (271 ft.) allowing for a 26 storey mixed-use development containing 175 market strata units, along with retail, service and office uses.

The Acting General Manager of Planning and Development Services recommended approval, subject to conditions as set out in the Revised Summary and Recommendation of the Public Hearing agenda.

Summary of Correspondence

The following correspondence was received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 11 pieces of correspondence in support of the application;
- 11 pieces of correspondence opposed to the application;
- 1 petition with 55 names opposed to the application; and
- 4 pieces of correspondence regarding other matters related to the application.

Staff Opening Comments

Planning and Development Services staff presented the application and, along with Transportation Division staff, responded to questions.

Speakers

The Acting Mayor called for speakers for and against the application.

The following spoke in support of the application:

Reverend Jim Smith, Central Presbyterian Church
Margo Kane, Artistic Managing Director, Full Circle First Nations Performance
Gillan Jackson, Church & Community Liaison, Central Presbyterian Church

Rita Douglas, Coal Harbour Housing Co-operative, spoke in general support of the development but expressed concerns with various issues including increased traffic congestion, pedestrian safety and environmental impacts.

The following spoke in opposition to the application. Concerns raised included the proposed form of development, the level of density in the area, building height, shadowing and increased traffic congestion:

Patrick Parkes
Alain Boisset
Kris Wallace

Virginia Richards, Virginia A. Richards & Associates Ltd. Interior Design
Ben Liu
Jim Morton
Lauri MacKenzie, Performing Arts Lodge (PAL)

The speakers list and receipt of public comments closed at 8:34 pm.

Applicant Closing Comments

Shawn LaPointe, Henriquez Partners Architects, Peter Joyce, Bunt & Associates Transportation Planning and Engineering, and Rob Elliott, Bosa Properties, responded to questions.

Staff Closing Comments

The Acting General Manager, Planning and Development Services, responded to questions.

Council Decision

REFERRAL MOVED by Councillor Reimer

THAT discussion and decision on the application "REZONING: 1575-1577 West Georgia Street and 620 Cardero Street", be referred to the Regular Council meeting on March 8, 2016, as Unfinished Business.

CARRIED UNANIMOUSLY

4. TEXT AMENDMENT: First Shaughnessy Heritage Conservation Area ("FSHCA") - Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By laws

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

Summary: To amend certain regulations governing the FSHCA. The amendments being recommended arise in part from a review of the Heritage Conservation Area Official Development Plan and related by-laws undertaken as a result of a petition filed in the BC Supreme Court. Other proposed changes are housekeeping amendments to address improvements that have been identified through the implementation of the new regulations as development permits have been reviewed since adoption of the FSHCA.

The Acting General Manager of Planning and Development Services recommended approval.

Council also had before it a Memorandum dated February 17, 2016, from the Acting General Manager, Planning and Development Services, which put forward the following amendments to the First Shaughnessy Heritage Conservation Area:

- i) revisions to the proposed wording of Section 1.12 of the First Shaughnessy Heritage Conservation Area General Guidelines to clarify that removal from the list of protected heritage property is a legislative act that must be approved by Council;
- ii) revisions to the Bulletin entitled "Procedure for Review of Protected Heritage Property Status in the First Shaughnessy Heritage Conservation Area" (Appendix F of the Policy Report dated January 11, 2016, entitled "First Shaughnessy Heritage Conservation Area ("FSHCA") - Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By-laws") to indicate that removal of properties from the protected heritage property list requires Council approval at a Public Hearing; and
- iii) two housekeeping amendments to Sections 2.2 and 3.6 of the First Shaughnessy Heritage Conservation Area Design Guidelines (Appendix A3 of the above-noted Policy Report) to correct factual errors.

Summary of Correspondence

The following correspondence was received since the application was referred to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 3 pieces of correspondence in support of the application;
- 41 pieces of correspondence opposed to either the Heritage Conservation Area or some or all of the proposed amendments; and
- 1 piece of correspondence regarding other matters related to the application.

Staff Opening Comments

The Acting General Manager, Planning and Development Services, reviewed the application and responded to questions.

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At 9:58 pm it was

MOVED by Councillor De Genova

THAT the meeting be extended to complete the business on the Public Hearing agenda.

CARRIED UNANIMOUSLY

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Speakers

The Acting Mayor called for speakers for and against the application.

The following spoke in support of the application:

Richard Keate, Chair, Vancouver Heritage Commission
Stuart Burgess, Board of Heritage Vancouver

The following spoke in opposition to the application. Many also spoke in opposition to the First Shaughnessy Heritage Conservation Area:

George Winkler
Paula Masterson
Brian McKnight
Jason Masai
Jonathan Rubenstein
Christopher Shackleton
Mary Ann Cummings
Edwin Tai
Loy Leyland
Garth Thurber
Pearl Chow
Nicole Clement
Richard Sirola
Ciaran Keogh
Yoshiko Shimmura
Izam Kassam
Shelina Dhanani
Peter Saito
Mo Kassam

The speakers list and receipt of public comments closed at 10:04 pm.

Council Decision

REFERRAL MOVED by Councillor Deal

THAT discussion and decision on the application "TEXT AMENDMENT: First Shaughnessy Heritage Conservation Area ("FSHCA") - Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By laws", be referred to the Regular Council meeting on March 8, 2016, as Unfinished Business;

FURTHER THAT Council refer questions to staff in the interim.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Jang
SECONDED by Councillor Reimer

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 for items 1 and 2.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Deal
SECONDED by Councillor Affleck

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 10:06 pm.

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