



## PUBLIC HEARING MINUTES

JUNE 21, 2016

A Public Hearing of the City of Vancouver was held on Tuesday, June 21, 2016, at 6:06 pm, in the Council Chamber, Third Floor, City Hall.

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

**CITY CLERK'S OFFICE:** Janice MacKenzie, City Clerk  
Laura Kazakoff, Meeting Coordinator

*\*Denotes absence for a portion of the meeting.*

### COMMITTEE OF THE WHOLE\*

MOVED by Councillor Deal  
SECONDED by Councillor Carr

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the Zoning and Development By-law and the Heritage By-law.

### LOST

(Councillors Affleck, Ball, Carr, De Genova, Deal, Louie, Meggs, Reimer, Stevenson and Mayor Robertson opposed)  
(Councillor Jang absent for the vote)

\*The Mayor noted that, as per advice from the City Clerk, it was necessary under Section 18.13 of the Procedure By-law to move a motion to go into Committee of the Whole, but it was not a requirement that Council sit as Committee of the Whole. Therefore, it was her advice that the motion to go into Committee of the Whole be put to a vote and failed by the Council.

**1. REZONING AND HERITAGE DESIGNATION: 1872 Parker Street (Brookhouse Residence)**

An application by Brookhouse Residences Ltd. was considered as follows:

**Summary:** To rezone 1872 Parker Street from RT-5 (Residential Two-Family) District to CD-1 (Comprehensive Development) District to permit the expansion and conversion of the existing heritage building on the site into a six-unit multiple dwelling, and to allow the addition of a four-unit infill building at the lane. As part of the rezoning, the historic Brookhouse Residence would be restored and designated as protected heritage property. A height of 13.2 m (43.3 ft.) and floor space ratio (FSR) of 1.35 are proposed.

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 package.

**Staff Opening Comments**

Planning and Development Services staff provided an overview of the application.

**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:

- 1 piece of correspondence in support of the application; and
- 4 pieces of correspondence in opposition to the application.

**Speakers**

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application as proposed, expressing concerns with regard to the proposed height, massing, building footprint/lack of setback, number of units, potential parking impacts, and design of the infill building.

Marnie Goldenberg  
Leon Beauregard  
William Squib

Cecily Evans spoke in support of the application.

The speakers list and receipt of public comments closed at 6:30 pm.

### **Applicant Closing Comments**

James Evans, Brookhouse Residences Ltd., responded to comments raised by the foregoing speakers regarding massing and parking concerns, noted design changes to the infill building will continue to be explored, and responded to questions.

### **Staff Closing Comments**

Planning and Development Services staff also addressed many of the comments provided by speakers, and responded to questions.

### **Council Decision**

MOVED by Councillor Deal

SECONDED by Councillor Stevenson

- A. THAT the application by James Evans, on behalf of Brookhouse Residences Ltd., to rezone 1872 Parker Street [Lots 11 and 12, Block 30, District Lot 264A, Plans 1077 and 1771; PIDs: 005-703-921 and 005-703-956 respectively], from RT-5 (residential two-family) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.75 to 1.35 and height from 10.7 m (35.1 feet) to 13.2 m (43.3 feet) to enable expansion and conversion of the existing heritage building into a six-unit multiple dwelling and the addition of a new four-unit infill building at the lane, generally as presented in Appendix A of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)", be approved subject to the following conditions:

#### **CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Ankenman Marchand Architects and stamped "Received Planning Department, December 10, 2015", provided that the 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

#### **Urban Design**

1. Design development to the front entry of infill Unit 101 in consideration of future road dedication at Victoria Drive.

Note to Applicant: A second entry at the north elevation facing the courtyard should be provided to match the other townhouse entries at the courtyard. Consider providing an inset entry at the east elevation facing Victoria Drive.

2. Design development to the proposed bulk storage room locations at infill Units 101 and 104 to improve overall access to daylight for the unit.

Note to Applicant: Bulk storage rooms may not have windows, and are required to be accessed from common space. The storage rooms should be located internal to the unit and accessed from a hallway so that the rear exterior wall may provide windows to living space. Recommend consideration of stacking stairs which may assist in providing space for an alternate location for storage rooms.

3. Design development to improve daylighting of the garden level units at the Heritage house by providing additional windows where possible.

Note to Applicant: Additional windows may be provided at the east elevation of the Living Room of Unit 2 and at the west elevation of the Bedroom at Unit 1.

4. Design development to provide canopies at the infill townhouse entries facing the courtyard.

Note to Applicant: Canopies will provide weather protection, as well as further identify the entries.

5. Confirmation if steps are required to access attached garage from the infill townhouse units.

Note to Applicant: Steps may not encroach into the required parking stall.

6. Provision of additional notes and details for infill building as follows:
  - section details and notes that wood soffits are to be provided at eaves, balcony, canopy and bay projections;
  - note that sanded and painted wood trims are to be provided throughout. Combined or textured wood products are not supported;
  - colour swatches for all exterior cladding and trim are to be attached to elevation drawings.

### Heritage

7. Design development to the heritage building to respond to the recommendations of the Vancouver Heritage Commission from its meeting of February 1, 2016.

### Sustainability

8. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a source of Energuide 84.

Note to Applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how the score of Energuide 84 will be achieved. Both checklist and description should be incorporated into the drawing set and significant Built Green features keyed to the plans.

### Landscape

9. Retention of existing stone wall along front of property and around northeast corner.

Note to Applicant: This stone wall may have to be moved to be within the new property line created by dedication along Victoria Drive.

10. Retention of the large street tree adjacent the northeast corner of the site.

### Engineering

11. Design development to meet the Parking By-law requirements with regard to bicycle spaces.

### 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 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:

## Engineering

1. Consolidation of Lots 11 and 12, Block 30, DL 264A, Plans 1077 and 1771 to create a single parcel and subdivision of that site to result in the dedication of the east 5.0 feet for road purposes.
2. Provision of a surface right of way for road use over the ultimate east 2.0 feet of the site (after the 5.0 feet dedication). The agreement will accommodate the roof encroachment from the relocated heritage building and the small canopy shown over the infill building's entrance.
3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided:
  - (i) Provision of up to an 8'-0" front boulevard with sodded lawn, 6'-0" sawcut broom-finish concrete sidewalk and a 4'-0" back boulevard on Victoria Drive adjacent the site.
  - (ii) Provision of a double bulge with sodded lawn at the southwest corner of Victoria Drive and Parker Street, including all necessary changes to street infrastructure to accommodate construction of the corner bulges. The City will provide a geometric design for construction.
  - (iii) Provision of lane paving adjacent to the site.
  - (iv) Provision of a concrete lane crossing at the lane south of Parker Street on the west side of Victoria Drive (preservation of the existing granite curbs are to be considered in the lane crossing design).
  - (v) Provision of street trees where space permits adjacent the site.
  - (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager

of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- (vii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

#### Heritage

5. The owner enters into a Heritage Restoration Covenant for the rehabilitation, registration and long-term protection of the heritage building. The agreement is to be completed and registered in the Land Title Office to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the rezoning by-law.

Note to Applicant: The agreement must be signed by the owner and any party with a financial charge on the title to give priority. The purpose of the agreement is to secure the protection of the heritage building during and after construction and ensure its rehabilitation in a timely manner consistent with a conservation plan, in addition to allowing the City to place a commemorative plaque on the building or lands, and related

manners. Please contact the heritage planner to receive a copy of the draft agreement for review.

6. Designation of the exterior of the heritage building as a protected heritage property, pursuant to sections 593 and 594 of the Vancouver Charter and enactment of the Heritage Designation By-law by Council.
7. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

### Soils

8. If applicable:
  - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on site and off-site contamination, including for the dedicated lands, issued by the Ministry of Environment, have been provided to the City.

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 registerable charges pursuant to 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, subject to the approval in principle of the rezoning, the existing heritage building, known as the "Brookhouse Residence" at 1872 Parker Street be added to the Vancouver Heritage Register in the 'B' evaluation category.
- C. THAT, subject to approval in principle of the rezoning and pursuant to Section 593 of the Vancouver Charter, a by-law to designate the existing heritage building, known as the "Brookhouse Residence" at 1872 Parker Street, generally as set out in Appendix D of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)", also be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)".
- 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 the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 (Vote No. 01325)  
(Councillor Jang absent for the vote)

## 2. REZONING AND HERITAGE DESIGNATION: 2308 East 34<sup>th</sup> Avenue (B&K Grocery)

An application by Formwerks Architectural was considered as follows:

Summary: To rezone 2308 East 34th Avenue from RM-7 (Residential Multi-Family) District to CD-1 (Comprehensive Development) District to enable restoration of the existing heritage building on the site containing a retail store at grade and one dwelling unit above, and to permit the addition of three townhouse units, for a total of four dwelling units. As part of the rezoning, the historic, two-storey, brick, B&K Grocery building would be restored and designated as protected heritage property. A floor space ratio (FSR) of 1.35 is proposed.

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 package.

### 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:

- 2 pieces of correspondence in support of the application;
- 2 pieces of correspondence opposed to the application; and
- 1 other piece of correspondence.

### Speakers

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

The speakers list and receipt of public comments closed at 7:00 pm.

### Council Decision

MOVED by Councillor Deal  
SECONDED by Councillor Carr

- A. THAT the application by Formwerks Architectural, on behalf of Symphony Projects (Nanaimo 34) Corp., to rezone 2308 East 34th Avenue [PID: 013-365-304; Lot 57, Block 3, District Lot 394, Plan 2911], from RM-7 (residential multi-family) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.90 to 1.35, to allow retail/service use enabling restoration of the existing heritage building on the site with grade-level commercial space and an upper-level dwelling unit, and to permit the addition of three townhouse units to the site, generally as presented in Appendix A of

the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", be approved subject to the following conditions:

#### **CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Formwerks Architectural and stamped "Received Planning Department, October 16, 2015", provided that the 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

#### **Urban Design**

- 1. Design development to the heritage building addition to remove second-storey projection in into east side yard, to reduce massing adjacent neighbouring one-family dwelling.

#### **Sustainability**

- 2. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a source of Energuide 84.

Note to Applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how the score of Energuide 84 will be achieved. Both checklist and description should be incorporated into the drawing set and significant Built Green features keyed to the plans.

#### **Engineering**

- 3. Update the landscape and site plans to reflect the requirements of this rezoning application.
- 4. Delete proposed planting from around existing street trees on 34th Avenue, show lawn only.
- 5. Show boulevard plantings that meet boulevard planting guidelines and accommodate the proposed widened sidewalks. The widened sidewalks will reduce the width of the back boulevard area and the provision of a 1'-0" grass strip behind the

sidewalks (per planting guidelines) will result in only a minimal space to plant being available. Please consult with Engineering Services to determine most appropriate planting for the remaining back boulevard area.

#### 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 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:

##### Engineering

1. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided:
  - (i) Provision of improved sidewalks adjacent the site. Existing sidewalk is to be replaced with widened sidewalks, either 5 feet or 6 feet wide with saw-cut expansion joints as space permits.
  - (ii) Provision of a new curb return at the southeast corner of Nanaimo Street and 34th Avenue including new or updated curb ramps.
  - (iii) Provision of street trees adjacent the site where space permits including the ability to accommodate trees along the Nanaimo frontage through provision of tree protection bollards or new curb, gutter and asphalt pavement to road centerline adjacent the site, all at the discretion of the General Manager of Engineering Services in consultation with the Vancouver Park Board.
  - (iv) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then

arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
2. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

### Heritage

3. The owner enters into a Heritage Restoration Covenant for the rehabilitation, registration and long-term protection of the heritage building. The agreement is to be completed and registered in the Land Title Office to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the rezoning by-law.

Note to Applicant: The agreement must be signed by the owner and any party with a financial charge on the title to give priority. The purpose of the agreement is to secure the protection of the heritage building during and after construction and ensure its rehabilitation in a timely manner consistent with a conservation plan, in addition to allowing the City to place a

commemorative plaque on the building or lands, and related manners. Please contact the heritage planner to receive a copy of the draft agreement for review.

4. Designation of the structure and exterior of the heritage building as protected heritage property, pursuant to sections 593 and 594 of the Vancouver Charter and enactment of the Heritage Designation By-law by Council.
5. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

#### Soils

6. If applicable:
  - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on site and off-site contamination, including for the dedicated lands, issued by the Ministry of Environment, have been provided to the City.

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 registerable charges pursuant to 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, subject to the approval in principle of the rezoning, the existing heritage building, known as the "B&K Grocery" at 2308 East 34th Avenue be added to the Vancouver Heritage Register in the 'C' evaluation category.
- C. THAT, subject to approval in principle of the rezoning and pursuant to Section 593 of the Vancouver Charter, a by-law to designate the existing heritage building, known as the "B&K Grocery" at 2308 East 34th Avenue, generally as set out in Appendix D of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", also be approved.
- D. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign-By-law [assigning Schedule B (C-1)], generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", be approved.
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)".
- F. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)".
- G. THAT A to F 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 the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 (Vote No. 01326)

### **3. REZONING: 1037 West King Edward Avenue**

An application by Shape Architecture was considered as follows:

Summary: To rezone 1037 West King Edward Avenue from FSD (First Shaughnessy) District to CD-1 (Comprehensive Development) District to permit the development of a four-storey residential building, containing a total of 36 secured rental dwelling units. A height of 12.2 metres (40 feet) and a floor space ratio (FSR) 1.48 are proposed.

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 package.

#### **Staff Opening Comments**

Planning and Development Services staff provided an overview of the application, and responded to questions.

#### **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:

- 34 pieces of correspondence in support of the application; and
- 9 pieces of correspondence opposed to the application.



## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Stephen Miller, President and CEO, BC Lions Society for Children with Disabilities /  
Easter Seals BC/Yukon

Vicente Corleto

Jon Stewart

Bryce Margetts

Nicholas Quesnel

Yayoi Sameshima

Jim Hall, Chair, Arbutus Ridge Kerrisdale Shaughnessy (ARKS) Vision Implementation  
Committee

The following spoke in opposition to the application, noting concerns regarding insufficient setbacks, lack of green landscaping, and impacts to adjacent buildings:

Peter Kappel

Katherine Reichert

Lauren Labrosse

Gina Faigen

The speakers list and receipt of public comments closed at 8:00 pm.

## Applicant Comments

Nick Sully, Shape Architecture, provided a presentation and addressed concerns which were expressed by speakers regarding setbacks and landscaping.

## Staff Closing Comments

Planning and Development Services staff addressed comments raised by speakers, and along with Community Services staff, responded to questions.

## Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Ball

THAT debate and decision on the application be referred to the September 20, 2016, Regular Council meeting to allow staff time to consult with the First Shaughnessy Advisory Design Panel, at the next scheduled meeting on June 30, 2016, to address the issues and concerns the Panel has expressed.

not put

\* \* \* \* \*

**Point of Order**

*Councillor Louie rose on a Point of Order to note that the motion is out of order as the direction to staff to consult with the Design Panel may result in changes to the application which is before Council, thereby nullifying the Public Hearing.*

*The City Clerk advised that as per the advice previously provided by Legal Services staff, a motion to refer to staff with direction to consult with outside parties would not be in order as it was likely to change the nature of the application. She noted the appropriate alternative action to such a referral would be to vote against the recommendations before Council.*

*The Mayor ruled Councillor De Genova's motion out of order.*

\* \* \* \* \*

MOVED by Councillor Louie  
SECONDED by Councillor Jang

THAT discussion and decision on the application be referred to the Regular Council meeting to be held on Tuesday, June 28, 2016, as Unfinished Business.

CARRIED UNANIMOUSLY (Vote No. 01327)

**4. EAST FRASER LANDS: Amendments to the Official Development Plan and Associated CD-1 By-laws**

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

Summary: To amend the East Fraser Lands (EFL) Official Development Plan (ODP) By-law and associated CD 1 By laws to update the definition of Affordable Housing, to provide more flexibility in locating a childcare facility, to add full-service Gas Station use in Area 3, and to make minor miscellaneous amendments to the EFL ODP and CD 1 By laws.

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

**Staff Opening Comments**

Planning and Development Services and Community Services staff provided an overview of the proposed ODP and related CD-1 By-law amendments. Staff noted an error in the draft East Fraser Lands Area 2 South CD-1 By-law put forward in Appendix B of the Policy Report whereby an incorrect map appeared on page 5. The draft by-law included in the Public Hearing package has been corrected.

## 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:

- 7 pieces of correspondence opposed to the application;
- 30 pieces of correspondence and 4 petitions (containing approximately 326 names) opposed to the proposed relocation of the daycare.

\* \* \* \* \*

*Prior to the hearing of speakers, at approximately 9:10 pm, it was,*

*MOVED by Councillor Reimer  
SECONDED by Councillor Carr*

*THAT the meeting be extended beyond 10 pm, in order to hear from the speakers on this item.*

*CARRIED UNANIMOUSLY  
(Councillors De Genova and Stevenson absent for the vote)*

\* \* \* \* \*

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the proposed ODP amendment related to relocation of the daycare, expressing concerns regarding loss of green space and negative impacts to residents. Speakers noted the green space in question was currently used by people of all ages for activities which include organized sports events, picnics, socializing, kite flying, relaxation, and exercising of pets. A couple of the speakers also expressed general support for affordable housing.

Carly Harris  
Rob Howatson  
Henry Numan  
Jan Quiring  
Doreen Howatson  
Brian Bradley  
Michelle Mollineaux  
Dorothy Briggs  
Miles Morin  
Rainbow Choi, Hope International Development Agency  
William Chan  
Giselle Miller

Ben Savard  
Roger Brandon

Milt Bowling, Chair, East Fraser Lands Committee, spoke in opposition to the proposed change to the definition of affordable housing, noting it will result in far fewer units of housing that are truly affordable.

Sharon Gregson, Co-Chair, Vancouver Joint Childcare Council, spoke in support of childcare, and asked Council to ensure that whatever decision they make on the ODP amendments it include the provision of daycare now, and not be delayed several years down the road.

The speakers list and receipt of public comments closed at 10:33 pm.

### **Council Decision**

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT discussion and decision on the application be referred to the Regular Council meeting to be held on Tuesday, June 28, 2016, as Unfinished Business.

CARRIED UNANIMOUSLY (Vote No. 01328)

### **ADJOURNMENT**

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 10:39 pm.

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