



PUBLIC HEARING MINUTES

JULY 9, 2013

A Public Hearing was held on Tuesday, July 9, 2013, at 6:10 pm, in the Council Chamber, Third Floor, City Hall, to consider amendments to the heritage and zoning by-laws.

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

CITY MANAGER'S OFFICE: Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Miscellaneous Text Amendments to the Zoning & Development By-law and to the CD-1 By-laws for 800 Griffiths Way and 982 Howe Street

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

Summary: To amend the RT-11 and RT-11N Districts Schedule of the Zoning and Development By-law, and the CD-1 (Comprehensive Development) District By-laws for 800 Griffiths Way (Rogers Arena) and 982 Howe Street, to correct minor errors and omissions.

Summary of Correspondence

No correspondence had been received on 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 and none were present.

The speakers list closed at 6:15 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the amendment to the RT-11 and RT-11N Districts Schedule of the Zoning and Development By-law, generally as presented in Appendix A of the Policy Report dated May 28, 2013, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law and to the CD-1 By-laws for 800 Griffiths Way and 982 Howe Street", be approved.
- B. THAT amendments to the following CD-1 (Comprehensive Development) District By-laws:
 - (a) CD-1 (311) By-law No. 7201 for 800 Griffiths Way (Rogers Arena); and
 - (b) CD-1 (546) By-law No. 10688 for 982 Howe Street;

generally as presented in Appendix B of the Policy Report dated May 28, 2013, entitled "Miscellaneous Text Amendments to the Zoning and Development By-law and to the CD-1 By-laws for 800 Griffiths Way and 982 Howe Street", be approved.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: 1650 West 1st Avenue

An application by Chercover Massie & Associates Ltd., was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (315), to increase the maximum total floor space ratio (FSR) for office, service and retail uses to 1.51.

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

Council also had before it a memorandum dated June 28, 2013, from Kent Munro, Assistant Director of Planning, advising that staff had prepared the posted by-law for this item generally in accordance with Appendix A of the Policy Report dated May 31, 2013, entitled “CD-1 Text Amendment: 1650 West 1st Avenue”, except for a numbering error that has been corrected as outlined below.

In Appendix A, the wrong section numbers – 5, 6 and 7 – were referenced. The draft by-law posted for this item contained the correct section numbers – 6, 7 and 8. Therefore, the memorandum was provided for information only, and no action by Council was required.

Summary of Correspondence

No correspondence had been received on 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 and none were present.

The speakers list closed at 6:18 pm.

Council Decision

MOVED by Councillor Deal

- A. THAT the application, by Chercover Massie & Associates Ltd., on behalf of Constellation Capital Ltd. (Lululemon Athletica), to amend the text of CD-1 (315) By-law No. 7028 for 1650 West 1st Avenue [Strata Lots 1 to 6, District Lot 526, Group 1, New Westminster District, Strata Plan LMS1875; PIDs: 019-196-083, 019-196-091, 019-196-105, 019-196-113, 019-196-121 and 019-196-130 respectively] to increase the maximum total floor space ratio (FSR) for office, service and retail uses to 1.51, generally as presented in Appendix A of the Policy Report dated May 31, 2013, entitled “CD-1 Text Amendment: 1650 West 1st Avenue”, be approved.
- B. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the Parking By-law be amended to provide parking regulations, generally as set out in Appendix B of the Policy Report dated May 31, 2013, entitled “CD-1 Text Amendment: 1650 West 1st Avenue”;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law at the time of enactment of the amendments to CD-1 (315) By-law No. 7028.

- C. THAT A and B above 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, 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. TEXT AMENDMENT: 777 Richards Street and 520 West Georgia Street

An application by Henriquez Partners was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (525) to allow an increase in the permitted floor area to accommodate additional commercial space within the buildings.

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

Council also had before it a memorandum dated June 28, 2013, from Kent Munro, Assistant Director of Planning, advising that staff had prepared the posted by-law for this item generally in accordance with Appendix A of the Policy Report dated May 28, 2013, entitled "CD-1 Text Amendment: 777 Richards Street and 520 West Georgia Street (Telus Block)", except for a typographical error as outlined below.

In Appendix A, the maximum floor area for sub-area A was shown as 43,287 m². The correct maximum floor area is 43,237 m². The draft by-law posted for this item contained the correct number. Therefore, the memorandum was provided for information only, and no action by Council was required.

Summary of Correspondence

Council received one email 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 and none were present.

The speakers list closed at 6:20 pm.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by Henriquez Partners, on behalf of 501 Robson Property Inc., for 777 Richards Street [PID 028-779-592; Lot 1 Block 54 District Lot 541 Group 1, NWD Plan BCP50275] and on behalf of 500 Georgia Property Inc. for 520 West Georgia Street [PID 028-779-576; Lot A Block 54 District Lot 541 Group 1, NWD Plan BCP 50274], to amend CD-1 (525) By-law No. 10433 to allow an increase in the permitted floor area to accommodate additional commercial space within the buildings, generally as presented in Appendix A of the Policy Report dated May 28, 2013, entitled “CD-1 Text Amendment: 777 Richards Street and 520 West Georgia Street (Telus Block)”, be approved.
- B. THAT A above 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, 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

4. **TEXT AMENDMENT:** To the Zoning & Development By-law to Accommodate Lounges as an Accessory Use to Breweries and Distilleries

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

Summary: To amend the M-1, M-2, I-1, I-2, I-3, IC-1 and IC-2, and IC-3 District Schedules of the Zoning and Development By-law to allow lounge use accessory to a Brewing or Distilling use.

Council also had before it a memorandum dated June 24, 2013, from Jane Pickering, Deputy Director of Planning, which advised that staff had prepared the posted by-law for this item generally in accordance with Appendix A of the Policy Report dated May 29, 2013, entitled “Proposed Amendments to the Zoning and Development By-Law to Accommodate Lounges as an Accessory Use to Breweries and Distilleries”, except for a minor change outlined below.

In the M-2 District Schedule, a condition of use is proposed to be added requiring that lounges accessory to Brewing and Distilling be contained wholly within an enclosed building. In Appendix A of the above-noted Policy Report, this provision was inadvertently added to “Section 2 - Outright Approval Uses”. It should be located in “Section 3 - Conditional Approval Uses”. The posted by-law places the provision correctly in Section 3. Therefore, the memorandum was provided for information only, and no action by Council was required.

Staff Opening Comments

Jane Pickering, Deputy Director of Planning, City-Wide and Regional Planning, explained the application, and responded to questions.

Summary of Correspondence

Council received the following correspondence since the application was referred to public hearing and prior to the close of the speakers list:

- 832 emails and form letters in support; and
- 70 emails and form letters in opposition.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

Conrad Gmoser, Brassneck Brewery
Paddy Treavor, Campaign for Real Ale
Charles Tremewen
Gordon Glanz

The following spoke in opposition to the application:

Jeremy McElroy, Campaign for Culture

The speakers list closed at 7:01 pm.

Staff Closing Comments

Jane Pickering, Deputy Director of Planning, City-Wide and Regional Planning, and Alena Straka, Planner, City-Wide and Regional Planning, responded to questions.

Council Decision

MOVED by Councillor Deal

THAT the application by the General Manager of Planning and Development Services to amend the M-1, M-2, I-1, I-2, I-3, IC-1 and IC-2, and IC-3 District Schedules of the Zoning and Development By-Law, generally as set out in Appendix A of the Policy Report dated May 29, 2013, entitled "Proposed Amendments to the Zoning and Development By-Law to Accommodate Lounges as an Accessory Use to Breweries and Distilleries", be approved;

FURTHER THAT staff report back to Council in one year with evaluation of the success of the program against expected outcomes.

CARRIED UNANIMOUSLY

5. HERITAGE DESIGNATION: 3182 West 3rd Avenue (Birnie House)

An application by Derrick Fluker and Amy Chapman-Fluker, was considered as follows:

Summary: To designate as a protected heritage property the building known as the Birnie House, which is located at 3182 West 3rd Avenue and which is listed in the 'C' evaluation category on the Vancouver Heritage Register. The proposal would see the conversion of the house from three suites to a one-family dwelling with a secondary suite. The application proposes variances to the Zoning and Development By-law.

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

Summary of Correspondence

No correspondence had been received on the application prior to the close of the speakers list.

Speakers

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

The speakers list closed at 7:27 pm.

Council Decision

MOVED by Councillor Louie

- 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 3182 West 3rd Avenue [PID 015-417-174; E 1/2 of Lot 1, Block 26, District Lot 540, Plan 229] known as the “Birnie House”.
- B. THAT Council approve the granting of an increase to the floor space ratio permitted for the site, as proposed in Development Permit application no. DE416388, as compensation for the conservation and rehabilitation of the Birnie House and the designation of it as protected heritage property under section 593 of the Vancouver Charter.
- C. THAT A and B 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
(Councillors Affleck and Reimer absent for the vote)

6. HERITAGE DESIGNATION: 1119 Hornby Street (Murray Hotel)

An application by Henriquez Partners was considered as follows:

Summary: To designate as a protected heritage property the building known as the Murray Hotel, which is located at 1119 Hornby Street and which is listed in the ‘B’ evaluation category on the Vancouver Heritage Register, to protect it from demolition and exterior alteration that would affect its heritage value. The application proposes variances to the Zoning and Development By-law.

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

Summary of Correspondence

Council received the following correspondence prior to the close of the speakers list:

- Two emails and letters in support; and
- One email in opposition.

Speakers

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

The speakers list closed at 7:28 pm.

Council Decision

MOVED by Councillor Stevenson

- 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 known as the Murray Hotel located at 1119 Hornby Street [PID: 029-078-555; Lot 1, Block 90, District Lot 541, New Westminster District Plan EPP 31030] (“the site”).
- B. THAT Council approve the granting of an increase to the floor space ratio permitted for the site, as proposed in Development Permit application no. DE412314 and approved by the Development Permit Board on July 30, 2012, as compensation for the conservation and rehabilitation of the Murray Hotel, and the designation of it as protected heritage property under section 593 of the Vancouver Charter.
- C. THAT A and B 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
(Councillor Affleck absent for the vote)

7. TEXT AMENDMENT: To the Zoning & Development By-law to Prohibit Coal Handling and Storage at Marine Terminals and Berths

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

Summary: To amend the Zoning and Development By-law to prohibit the handling, storage and trans-shipment of coal at marine terminals and berths.

Staff Opening Comments

Sadhu Johnston, Deputy City Manager, explained the application and responded to questions.

Summary of Correspondence

Council received the one email in opposition to the application since the application 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 support of the application:

Mike Soron, Executive Director, Sustainable SFU
Kevin Washbrook
Laura Benson, Coal Campaigner, Dogwood Initiative
Matt Krogh, North Sound Baykeeper, RE Sources for Sustainable Communities
Dr. Frank James
Dr. Erica Frank
Randall White
Sam Harrison, Kids for Climate Action

The following spoke neither in support nor opposition to the application, but provided other comments regarding the application.

Dr. Patricia Daly, Vice President, Public Health and Chief Medical Health Officer
Roger Quan, Manager, Air Quality Policy and Management Division Manager,
Metro Vancouver
David Wilks, Member of Parliament, Kootenay - Columbia

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At 10:00 pm it was

MOVED by Councillor Deal

THAT Council extend the length of the meeting to 11:00 pm.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Stevenson absent for the vote)*

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The speakers list closed at 10:13 pm.

Staff Closing Comments

Sadhu Johnston, Deputy City Manager, responded to questions.

Council Decision

MOVED by Councillor Reimer

THAT the application by the General Manager of Planning and Development Services, to amend Section 10 of the Zoning and Development By-law, to prohibit the handling, storage and trans-shipment of coal at marine terminals and berths, generally as presented in Appendix A of the Policy Report dated June 25, 2013, entitled "The Prohibition of Coal Handling and Storage at Marine Terminals and Berths", be approved.

CARRIED
(Councillors Affleck and Ball opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

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 Louie

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

BY-LAWS

MOVED by Councillor Jang
SECONDED by Councillor Louie

THAT Council enact the by-law before them for this meeting as number 1 and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 re: Accommodate Lounges as an Accessory Use to Breweries and Distilleries (By-law No. 10742)

The Public Hearing adjourned at 10:56 pm.

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