

Hildebrandt, Tina

From: Correspondence Group, City Clerk's Office
Sent: Monday, January 23, 2017 2:47 PM
To: Public Hearing
Subject: FW: Text Amendment, By Law # 11658, 2133 Nanton, Arbutus Centre
Attachments: arbcent4.pdf

From: Roy Wares s. 22(1) Personal and Confidential
Sent: Monday, January 23, 2017 11:46 AM
To: Correspondence Group, City Clerk's Office
Subject: Text Amendment, By Law # 11658, 2133 Nanton, Arbutus Centre

Attached letter to Mayor and Council re By-Law 11658, scheduled for January 24/2017, Agenda Item 1.

Thank You

Roy Wares

s. 22(1) Personal and Confidential

Mayor and Council
City of Vancouver.

mayorandcouncil@vancouver.ca

January 23, 2017

Dear Mayor and Council:

**A By-law to amend CD-1 (642) By-law No. 11658,
January 24, 2017, 2133 Nanton Avenue**

We have questions concerning the Arbutus Centre rezoning decision ^{A B} passed by Council on July 13, 2011. The applicant, Larco, at that time indicated the property at 4255 Arbutus was to be developed in four stages.

However, the by-law amendment now under consideration appears to be a material change rather than a text amendment. By-law #11658, scheduled to be considered by Council on January 24th, reduces maximum floor area from 81,000 m² to 67,065 m²: with minimum commercial space cut from 25,000 m² to 11,065 m². The amendment policy document ^C to be considered by Council is dated November 1, 2016, the same date Council approved the by-law ^D. In our view, Council is solely responsible for a decision on whether or not the change is material.

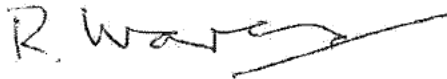
Questions:

1. What if any circumstance allows city staff to amend a By-law by describing a material change as a '*minor text amendment*'.
2. In what circumstances might city staff be authorized to decide whether a material change is merely a text amendment?
3. Apparently the legal title changes registered in October, 2016 have sectioned the subject property into four parts. There also appears to be a major reduction in commercial space. At this point we wish to know what changes are contemplated in the 2011 zoning commitments made by developer Larco? Also, what changes are contemplated in CAC, DCL levies?

In our view, By-Law #11658 "amendment" is a material change, which should not be concealed as a '*minor text amendment*'. We urge Council to consider the issue of materiality of changes before permitting the term to appear as text amendments at Arbutus Centre.

We look forward to your response.

Yours sincerely,



Roy Wares, FEC, P.Eng.

CC: Endnotes: Page Two

Copy: Gil Kelley: FATCP: Manager Planning, Urban Design, and Sustainability
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Copy: Wendy LeBreton: Project Facilitator wendy.lebreton@vancouver.ca

END NOTES

A <http://council.vancouver.ca/20110712/documents/phea4-REZONING4255ArbutusSt-SummaryandRecommendation.pdf>

B <http://rezoning.vancouver.ca/applications/4255arbutus/index.htm>

C <http://council.vancouver.ca/20161115/documents/p5.pdf>

D <http://council.vancouver.ca/20161101/documents/bylaws.pdf>