



PUBLIC HEARING MINUTES

APRIL 2, 2019

A Public Hearing of the City of Vancouver was held on Tuesday, April 2, 2019, at 6:22 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Kennedy Stewart
Councillor Rebecca Bligh
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Melissa De Genova*
Councillor Lisa Dominato
Councillor Pete Fry
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe*

ABSENT: Councillor Colleen Hardwick (Medical Leave)

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

CITY CLERK'S OFFICE: Tina Penney, Director, Legislative Operations
Denise Swanston, Meeting Coordinator

* Denotes absence for a portion of the meeting.

WELCOME

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land since time immemorial.

COMMITTEE OF THE WHOLE

The Mayor reminded Council that, based on advice from the City Clerk, it is not necessary for Council to sit as Committee of the Whole during a Public Hearing; however, in order to comply with the Procedure By-law, a motion to go into Committee of the Whole should be put to a vote and failed by Council.

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Dominato

THAT this Council resolve itself into Committee of the Whole, Mayor Stewart in the Chair, to consider proposed amendments to text, sign, and zoning and development by-laws.

LOST

(Mayor Stewart and Councillors Bligh, Boyle, Carr, Dominato, Fry, Kirby-Yung, and Swanson opposed)
(Councillors De Genova and Wiebe absent for the vote)

1. **TEXT AMENDMENT: 6 West 17th Avenue (Turner Dairy)**

An application by the General Manager of Planning, Urban Design and Sustainability was considered as follows:

Summary: To amend CD-1 (Comprehensive Development) District (721) for 6 West 17th Avenue (Turner Dairy) to allow Multiple Conversion Dwelling and Infill One-Family Dwelling uses that were inadvertently omitted at the time of the original rezoning.

Summary of Correspondence

No correspondence was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

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 6:27 pm.

Council Decision

MOVED by Councillor Carr
SECONDED by Councillor Dominato

- A. THAT the application to amend the text of CD-1 (Comprehensive Development) District (724) By-law No. 12364 for 6 West 17th Avenue (Turner Dairy) to add Multiple Conversion Dwelling and Infill One-Family Dwelling as permitted uses, generally as presented Appendix A of the Policy Report dated January 29, 2019, entitled "CD-1 Text Amendment: 6 West 17th Avenue (Turner Dairy)", be approved.
- B. THAT A above be adopted on the following conditions:
 - (i) THAT passage of the above resolution creates no legal rights for any person, or obligation on the part of the City and 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 any rezoning by-laws; 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. 04266)
(Councillors De Genova and Wiebe absent for the vote)

2. TEXT AMENDMENT: 1837-1937 Main Street, 170-180 East 2nd Avenue and 177-196 East 3rd Avenue; and 1265-1299 Howe Street and 835 Drake Street

An application by the General Manager of Planning, Urban Design and Sustainability in conjunction with the General Manager of Arts, Culture and Community Services was considered as follows:

Summary: To amend CD-1 (684) at 1837-1937 Main Street, 170-180 East 2nd Avenue and 177-196 East 3rd Avenue and CD-1 (551) at 1265-1299 Howe Street and 835 Drake Street to add "Arts and Culture Indoor Event" as a permitted use in each. Approval of these amendments would allow for events of an artistic or cultural nature to be held within the cultural amenity spaces located on these sites. No change to floor area, density, or form of development of the existing buildings is proposed.

Summary of Correspondence

No correspondence was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

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 6:31 pm.

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Dominato

THAT the application to amend the text of CD-1 (Comprehensive Development) District (684) By-law No. 11944 for 1837-1937 Main Street, 170-180 East 2nd Avenue and 177-196 East 3rd Avenue [PID 030-275-768; Lot 1, Block 14, District Lot 200A, Group 1 New Westminster District, Plan EPP53535]; and CD-1 (Comprehensive Development) District (551) By-law No. 10754 for 1265-1299 Howe Street and 835 Drake Street [PID 029-098-041; Lot K, Block 101, District Lot 541, Group 1 New Westminster District, Plan EPP30416] to allow "Arts and Culture Indoor Event" as a permitted use generally as outlined in Appendix A and B of the Policy Report dated February 26, 2019, entitled "Text Amendments: CD-1 (684) at 1837-1937 Main Street, 170-180 East 2nd Avenue and 177-196 East 3rd Avenue and CD-1 (551) at 1265-1299 Howe Street and 835 Drake Street" be approved.

CARRIED UNANIMOUSLY (Vote No. 04267)
(Councillors De Genova and Wiebe absent for the vote)

3. TEXT AMENDMENT: Amendments to the Zoning and Development By-law to Revise Design Regulations for 'Outright' Two-Family Dwellings (Duplexes)

An application by the General Manager of Planning, Urban Design and Sustainability was considered as follows:

Summary: To amend design regulations for duplexes allowed as an 'outright' use in select RM, RT and RS zones. The proposed changes would encourage improved design outcomes and enhanced liveability, as well as greater flexibility for innovative designs to achieve objectives such as tree retention and improved accessibility, or to accommodate near zero-emissions buildings, such as Passive House.

Summary of Correspondence

The following correspondence was received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 8 pieces of correspondence in support; and
- 19 pieces of correspondence in opposition.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation and responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Jeanette Jones

The following spoke in opposition to the application:

- Elizabeth Murphy

The speakers list and receipt of public comments closed at 7:23 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff, along with the City Manager, provided closing comments clarifying misconceptions related to the application.

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Boyle

- A. THAT Council approve the application by the General Manager of Planning, Urban Design and Sustainability to amend the Zoning and Development By-law, generally as set out in Appendix A of the Policy Report dated February 6, 2019, entitled "Amendments to the Zoning and Development By-law to Revise Design Regulations for 'Outright' Two-Family Dwellings (Duplexes)", to amend the external design regulations for two-family dwelling and two-family dwelling with secondary suite, enable associated floor space exclusions, limit the size of garages, limit above-ground floor space, and introduce a discretionary clause for the external design regulations and building depth for duplexes in the following District Schedules:
- (i) RT-11 and RT-11N;
 - (ii) RM-7, RM-7N and RM-7AN;
 - (iii) RM-8, RM-8N, RM-8A and RM-8AN;
 - (iv) RT-5 and RT-5N; and
 - (v) RS-1; RS-1A; RS-1B; RS-2; RS-5; RS-6; and RS-7.
- B. THAT, subject to the enactment of the amending by-law, the Director of Legal Services be instructed to bring forward for Council's approval amendments to the Parking By-law generally in accordance with Appendix B of the Policy Report dated February 6, 2019, entitled "Amendments to the Zoning and Development By-law to Revise Design Regulations for 'Outright' Two-Family Dwellings (Duplexes)".
- C. THAT A and B above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and 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 any rezoning by-laws; 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 (Vote No. 04268)
(Councillor Carr opposed)

4. REZONING: 2715 West 12th Avenue

An application by MCM Partnership was considered as follows:

Summary: To rezone 2715 West 12th Avenue from RS-7 (One-Family Dwelling) District to a CD-1 (Comprehensive Development) District to permit the development of two 3½-storey residential stacked townhouse buildings with 14 rental housing units. A height of 12.2 metres (40 feet) and a floor space ratio (FSR)

of 1.42 are proposed. This proposal is being considered under the Affordable Housing Choices Interim Rezoning Policy (AHC policy).

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendations of the Public Hearing agenda.

Summary of Correspondence

The following correspondence was received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 31 pieces of correspondence in support;
- 7 pieces of correspondence in opposition; and
- 1 piece of correspondence related to other aspects of the application.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation and, along with Engineering Services staff responded to questions.

Applicant Comments

The applicant team responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application:

- Tyman Stewart
- Branco Perić
- Kyle Stamm
- John McDonald
- Peter Smith
- Steven Mikicich

The speakers list and receipt of public comments closed at 9:05 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff, along with Engineering Services staff, responded to additional questions.

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Bligh

- A. THAT the application, by MCM Partnership and JTA Development Consultants on behalf of 2715 West 12th Investments Ltd., to rezone 2715 West 12th Avenue [*Lot A and B, both of Block 81, District Lot 540, Plan 6057, PIDs: 010-981-837 and 010-981-853 respectively*] from RS-7 (One-Family Dwelling) District to CD 1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 0.70 to 1.42 and the building height from 10.7 m (35.1 ft.) to 12.2 m (40.0 ft.) to permit the development of two 3½-storey residential stacked townhouse buildings with 14 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled “CD-1 Rezoning: 2715 West 12th Avenue” be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by MCM Partnership and received on August 21, 2018, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Policy Report, dated February 26, 2019, entitled “CD-1 Rezoning: 2715 West 12th Avenue”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- 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 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

AMENDMENT MOVED by Councillor Swanson
SECONDED by Councillor Fry

THAT Council add the following as (h), to #7 in Appendix B:

THAT rent increases will be capped at the BC Residential Tenancy Act annual allowable increase, regardless of turnover.

LOST (Vote No. 04272)

(Mayor Stewart and Councillors Bligh, Carr, Dominato, De Genova, Fry, Kirby-Yung, and Wiebe opposed)

The amendment having lost, the motion was put and CARRIED (Vote No. 04270) with Councillor Swanson opposed.

5. REZONING: 1303 Kingsway and 3728 Clark Drive

An application by GBL Architects and Aquilini Development was considered as follows:

Summary: To rezone 1303 Kingsway and 3728 Clark Drive from C-2 (Commercial) District to a CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building with commercial uses at grade, and 54 rental housing units. A height of 22.0 metres (72.3 feet) and an FSR of 3.69 are proposed.

The General Manager of Planning, Urban Design and Sustainability recommended approval subject to conditions set out in the Summary and Recommendation of the Public Hearing agenda.

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At 9:58 pm, it was,

*MOVED by Councillor De Genova
SECONDED by Councillor Bligh*

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

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

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Summary of Correspondence

The following correspondence was received since referral to public hearing and prior to the close of the speakers list and receipt of public comments:

- 1 piece of correspondence in support;
- 1 piece of correspondence in opposition; and
- 1 piece of correspondence related to other aspects of the application.

Staff Opening Comments

Planning, Urban Design and Sustainability staff provided a presentation and responded to questions.

Applicant Comments

The applicant team responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following provided general comments:

- Ching Wang

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Council recessed at 10:01 pm and reconvened at 10:03 pm.

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The speakers list and receipt of public comments closed at 10:03 pm.

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Dominato

- A. THAT the application, by GBL Architects and Aquilini Development on behalf of 1106144 B.C. Ltd., to rezone 1303 Kingsway and 3728 Clark Drive [*PID 010-314-962; Lot Q (Reference Plan 6910) Block 36 District Lot 301 Plan 187*] from C-2 (Commercial) District to CD 1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 3.69 and the building height from 13.8 m (45.3 ft.) to 22.0 m (72.3 ft.) to permit the development of a six storey mixed-use building with commercial use at-grade and 54 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled “CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive”, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by GBL Architects and received on October 11, 2018, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Policy Report dated February 26, 2019, entitled "CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled "CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law in Schedule B, generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled "CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive".
- E. THAT A through 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 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 (Vote No. 04271)
(Councillors Fry and Swanson opposed)

ADJOURNMENT

MOVED by Councillor Wiebe
SECONDED by Councillor Bligh

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 10:20 pm.

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