



PUBLIC HEARING MINUTES

APRIL 4, 2019

A Public Hearing of the City of Vancouver was held on Thursday, April 4, 2019, at 6:07 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

CITY CLERK'S OFFICE: Tina Penney, Director, Legislative Operations
Bonnie Kennett, 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 Bligh
SECONDED by Councillor Wiebe

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

LOST

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

Planning, Urban Design and Sustainability staff provided a presentation on the four applications listed on the agenda and, along with the City Manager and staff from Engineering, responded to questions.

Council also had before it a memorandum dated March 26, 2019, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, noting a change to the title and preamble of Part 1 of Appendix B of the Policy Reports dated February 26, 2019, entitled “Rezoning: 76-96 West King Edward Avenue”, “Rezoning: 976 West 52nd Avenue and 6822-6868 Oak Street”, “Rezoning: 628-682 West 28th Avenue and 4435 Ash Street”, and “Rezoning: 6250-6410 Oak Street”.

After referral of the above-noted policy reports to public hearing on March 12, 2019, it became apparent that Part 1 of Appendix B of the reports incorrectly referred to Council approval of a form of development for the rezoning sites. Since these applications entail rezoning from RS-1 to RM-8A or RM-8AN, there is no form of development for Council to approve as there would be if the rezonings were to CD-1 (Comprehensive Development). While this procedure is explained in the above-noted reports, Appendix B of each of the above-noted reports were inadvertently prepared with the incorrect language. The correct title and preamble are as follows:

“PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:”

The Summary and Recommendation for each of the above-noted items included corrections to Appendix B.

1. REZONING: 76-96 West King Edward Avenue

An application by Shape Architecture was considered as follows:

Summary: To rezone 76-96 West King Edward Avenue from RS-1 (One-Family Dwelling) District to RM-8AN (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) up to 1.2. The form of development will be reviewed through a subsequent development permit process.

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

Summary of Correspondence

Council received two pieces of correspondence in opposition to the application, since being referred 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.

Jack Sandhu spoke in support of the application.

The speakers list and receipt of public comments closed at 6:56 pm.

Staff Closing Comments

Planning, Urban Design and Sustainability staff and the City Manager responded to questions.

Council Decision

MOVED by Councillor Carr

SECONDED by Councillor De Genova

- A. THAT the application, by Shape Architecture on behalf of Sightline Properties (King Edward Ave) Ltd., the registered owner, to rezone 76-96 West King Edward Avenue [*Lots 1, 2 and 3, all of Block 684, District Lot 526, Plan 2913; PIDs: 013-323-741, 013-323-768 and 013-323-792 respectively*] all from RS-1 (One-Family Dwelling) District to RM-8AN (Multiple Dwelling) District, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled "Rezoning: 76-96 West King Edward Avenue", be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the above-noted report, except that the title and preamble for Part 1 be replaced with:

"PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:"

- B. THAT, subject to the enactment of the rezoning by-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Subdivision By-law generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled "Rezoning: 76-96 West King Edward Avenue".
- C. 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; 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. 04292)

2. REZONING: 976 West 52nd Avenue and 6822-6868 Oak Street

An application by Listraor (West 52nd) Homes Ltd. was considered as follows:

Summary: To rezone 976 West 52nd Avenue and 6822-6868 Oak Street from RS-1 (One-Family Dwelling) District to RM-8AN (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) up to 1.2. The form of development will be reviewed through a subsequent development permit process.

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

Summary of Correspondence

Council received one piece of correspondence in opposition to the application, since being referred 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.

Paul Smith spoke in opposition to the application.

The speakers list and receipt of public comments closed at 7:15 pm.

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Carr

- A. THAT the application by Listraor (West 52nd) Homes Ltd., the registered owner, to rezone 976 West 52nd Avenue and 6822-6850 Oak Street [*Lots 1, 2, 3, and 4, all of Block 880, District Lot 526, Plan 11706; PIDs: 009-061-720, 009 061-789, 009-061-797, 009-061-801 respectively*] and 6868 Oak Street [*PID: 010-031-898; Lot 5 of Block 880, District Lot 526, Plan 9628*] all from RS-1 (Single Family) District to RM-8AN (Multiple Dwelling) District, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled "Rezoning: 976 West 52nd Avenue and 6822-6868 Oak Street", be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the above-noted report, except that the title and preamble for Part 1 be replaced with:

“PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:”

- B. THAT, subject to the enactment of the amending by-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Subdivision By-law generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled “Rezoning: 976 West 52nd Avenue and 6822-6868 Oak Street”.
- C. 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; 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. 04293)

3. REZONING: 628-682 West 28th Avenue and 4435 Ash Street

An application by Belford (28th) Nominee Ltd. was considered as follows:

Summary: To rezone 628-682 West 28th Avenue and 4435 Ash Street from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) up to 1.2. The form of development will be reviewed through a subsequent development permit process.

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

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 7:19 pm.

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Carr

- A. THAT the application by Belford (28th) Nominee Ltd., the registered owner, to rezone 628-682 West 28th Avenue and 4435 Ash Street [*Lots 1 to 7, all of Block 739, District Lot 526, Plan 7115; PIDs: 010-730-401, 010-730-419, 010-730-435, 010-730-451, 010-730-460, 010-730-478 and 010-085-602 respectively*] all from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled "Rezoning: 628-682 West 28th Avenue and 4435 Ash Street", be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the above-noted report, except that the title and preamble for Part 1 be replaced with:

"PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:"

- B. THAT, subject to the enactment of the amending by-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Subdivision By-law generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled "Rezoning: 628-682 West 28th Avenue and 4435 Ash Street".
- C. 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; 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. 04294)

4. REZONING: 6250-6410 Oak Street

An application by Oak Street Project Holdings Inc. was considered as follows:

Summary: To rezone 6250-6410 Oak Street from RS-1 (One-Family Dwelling) District to RM-8AN (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) up to 1.2. The form of development will be reviewed through a subsequent development permit process.

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

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 7:22 pm.

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Dominato

- A. THAT the application by Oak Street Project Holdings Inc., the registered owner, to rezone:
- 6250 Oak Street [*PID 009-272-003; Lot 3 of Lot H, Block 1008, District Lot 526, Plan 10874*];
 - 6270 Oak Street [*PID 009-272-011; Lot 4 of Lot H, Block 1008, District Lot 526, Plan 10874*];
 - 6290 Oak Street [*PID 005-114-691; Lot 5 Block H of Block 1008, District Lot 526, Plan 10874*];
 - 6310 Oak Street [*PID 009-272-020; Lot 6 of Lot H, Block 1008, District Lot 526, Plan 10874*];
 - 6330 Oak Street [*PID 009-272-038; Lot 7 of Lot H, Block 1008, District Lot 526, Plan 10874*];

- 6368 Oak Street [*PID 006-029-914; Lot 8 Block H of Block 1008, District Lot 526, Plan 10874*];
- 6370 Oak Street [*PID 004-334-191; Lot 9 of Lot H, Block 1008, District Lot 526, Plan 10874*];
- 6390 Oak Street [*PID 009-272-046; Lot 10, Except Part in Explanatory Plan VAP 20475 of Lot H Block 1008 District Lot 526 Plan 10874*]; and
- 6410 Oak Street [*PID 09-272-054; Lot 11, Except Part in Explanatory Plan LMP5420, of Lot H Block 1008 District Lot 526 Plan 10874*];

all from RS-1 (One-Family Dwelling) District to RM-8AN (Multiple Dwelling) District, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled "Rezoning: 6250-6410 Oak Street", be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the above-noted report, except that the title and preamble for Part 1 be replaced with:

"PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:"

and, in Part 2, that the street names be corrected in subsections 3 (g) and (h), as follows:

- "(g) Provision of funding towards minor signal improvements at the intersection of Oak Street and 46th Avenue including: accessible pedestrian signal and LED lighting.
- (h) Provision of funds towards upgraded curb ramps to current City standards at Oak Street and 46th Avenue (southeast corner), including any costs related to signal pole relocation required due to this change."

B. THAT, subject to the enactment of the amending by-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Subdivision By-law generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled "Rezoning: 6250-6410 Oak Street".

C. 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; 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. 04295)

5. REZONING: 6806-6968 Ash Street and 575 West 54th Avenue

This application was withdrawn from the agenda.

ADJOURNMENT

MOVED by Councillor Bligh
SECONDED by Councillor De Genova

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:24 pm.

* * * * *