



## PUBLIC HEARING MINUTES

OCTOBER 1, 2019

A Public Hearing of the City of Vancouver was held on Tuesday, October 1, 2019, at 6:18 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:** Rosemary Hagiwara, Deputy City Clerk  
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 and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

### 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 Wiebe  
SECONDED by Councillor Fry

THAT this Council resolve itself into Committee of the Whole, Mayor Stewart in the Chair, to consider proposed amendments to the Zoning and Development, CD-1, and Sign by-laws.

LOST

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

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*At 6:22 pm Councillor De Genova left the Chamber and did not return for the remainder of the meeting.*

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#### **1a. REZONING: 46-96 West King Edward Avenue**

An application by Shape Architecture was considered as follows:

Summary: To rezone 46-96 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 and 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.

#### **Staff Opening Comments**

Staff from Planning, Urban Design and Sustainability made brief opening comments, noting corrections made to the Summary and Recommendation documents for items 1b and 1c.

#### **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 6:24 pm.

### **Council Decision**

MOVED by Councillor Carr  
SECONDED by Councillor Fry

- A. THAT the application by Shape Architecture on behalf on behalf of Celene Lai Keng Lim and Kum Soon Cheang, Wun Kei Lawrence Mok and Wing Yiu Winifred Mok, Anastasia Sophia Dias, and Sightline Properties (King Edward Ave) Ltd., the registered owners, to rezone 46-96 West King Edward Avenue [Lots 6 to 1, Block 684, District Lot 526, Plan 2913; PIDs: 013-323-857, 013-323-831, 013-323-814, 013-323-792, 013-323-768, and 013-323-741 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 August 27, 2019, entitled "Rezoning: 46-96 West King Edward Avenue", be approved in principle;

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

- 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 August 27, 2019, entitled "Rezoning: 46-96 West King Edward Avenue".
- 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 UNANIMOUSLY (Vote No. 04921)  
(Councillors De Genova and Kirby-Yung absent for the vote)

## **1b. REZONING: 435-475 West 28th Avenue**

An application by Intergulf Development was considered as follows:

Summary: To rezone 435-475 West 28th Avenue 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 and 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 6:26 pm.

### **Council Decision**

MOVED by Councillor Carr

SECONDED by Councillor Boyle

- A. THAT the application by Intergulf Development (500 W28th Ave) Corp. and Intergulf Development (400 W28th Ave) Corp., the registered owners, to rezone 435-475 West 28th Avenue [*Lots 16 to 20, Block 721, District Lot 526, Plan 6539; PIDs: 010-869-867, 010-869-875, 009-499-075, 010-869-886, and 010-869-921 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 August 27, 2019, entitled "Rezoning: 435-475 West 28th Avenue", be approved in principle;

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

- 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 August 27, 2019, entitled "Rezoning: 435-475 West 28th Avenue".

- 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 UNANIMOUSLY (Vote No. 04922)  
(Councillors De Genova and Kirby-Yung absent for the vote)

**1c. REZONING: 7239-7255 Oak Street**

An application by LandMax Construction Ltd. was considered as follows:

Summary: To rezone 7239-7255 Oak 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 and 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.

The following spoke in opposition of the application:

- Diana Chen

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

## Staff Closing Comments

Staff from Engineering Services responded to questions related to parking.

## Council Decision

MOVED by Councillor Carr  
SECONDED by Councillor Wiebe

- A. THAT the application by LandMax Construction Ltd., on behalf of 1161137 B.C. Ltd., the registered owner, to rezone 7239-7255 Oak Street [*Lot 2 and 3 of Lot 2 of Lot C, Block 5 of Block 17A, District Lot 526, Plan 6545; PIDs: 010-877-134 and 010-877-142 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 August 27, 2019, entitled "Rezoning: 7239-7255 Oak St" be approved in principle;

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

- 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 August 27, 2019, entitled "Rezoning: 7239-7255 Oak Street".
- 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 UNANIMOUSLY (Vote No. 04923)  
(Councillor De Genova absent for the vote)

#### **1d. REZONING: 168 West 44th Avenue**

An application by Gradual Architecture Inc. was considered as follows:

Summary: To rezone 168 West 44th Avenue 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 and recommendation 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:

- 1 piece of correspondence regarding other aspects of the application.

#### **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 6:35 pm.

#### **Council Decision**

MOVED by Councillor Carr

SECONDED by Councillor Boyle

- A. THAT the application by Gradual Architecture Inc., on behalf of David Siu-Wai Fok, the registered owner, to rezone 168 West 44th Avenue [*Lot 4, Block 1083, District Lot 526, Plan 7386; PID: 010-645-403;*] 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 August 27, 2019 entitled "Rezoning: 168 West 44th Avenue", be approved in principle;

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

- 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 August 27, 2019, entitled "Rezoning: 168 West 44th Avenue".
- 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 UNANIMOUSLY (Vote No. 04924)  
(Councillor De Genova absent for the vote)

## **2. TEXT AMENDMENT: 1630 West 15th Avenue**

An application by Shape Architecture was considered as follows:

Summary: To amend CD-1 (284) (Comprehensive Development) District for the Vancouver Lawn Tennis and Badminton Club to permit an increase in the permitted floor space ratio (FSR) for permanent above-ground structures from 0.29 to 0.35 and the maximum building height from 12.4 metres (41 feet) to 14.7 metres (48 feet). No change to the land use or overall density is proposed with this application.

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.

### **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:

- 2 pieces of correspondence in support.

### **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 6:37 pm.



## Council Decision

MOVED by Councillor Fry  
SECONDED by Councillor Boyle

- A. THAT the application by SHAPE Architecture, on behalf of Vancouver Lawn Tennis and Badminton Club, to amend the text of CD-1 (Comprehensive Development) District (284) By-law No. 6962 for 1630 West 15th Avenue [PID 007-200-111; Lot 1, Block 469, District Lot 526, Plan 13363], to increase the permitted floor space ratio (FSR) for permanent above-ground structures from 0.29 to 0.35 and the maximum building height from 12.4 m (41 ft.) to 14.7 m (48 ft.) to allow for additional floor area and ceiling height on level three, generally as presented in Appendix A of the Policy Report dated August 27, 2019, entitled "CD-1 Text Amendment: 1630 West 15th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by SHAPE Architecture and received on March 5, 2019, 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 Policy Report.

- B. 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. 04925)  
(Councillor De Genova absent for the vote)

### **3. REZONING: 3279-3297 Vanness Avenue**

An application by New Commons Development was considered as follows:

Summary: To rezone 3279-3297 Vanness Avenue from CD-1 (225) (Comprehensive Development) District to a new CD-1 District to permit the development of a six-storey, residential building with 102 social housing units. A height of 22.42 metres (73.55 feet) and a floor space ratio (FSR) of 3.42 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.

#### **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:

- 7 pieces of correspondence in support; and
- 1 piece of correspondence regarding other aspects of the application.

#### **Applicant Comments**

Staff from the Vancouver Affordable Housing Agency summarized the application and responded to questions.

#### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Stuart Smith, Board member, Abundant Housing Vancouver
- Michelle Morin

The speakers list and receipt of public comments closed at 6:53 pm.

#### **Staff Closing Comments**

Staff from Planning, Urban Design and Sustainability responded to questions related to rezoning timelines.

## Council Decision

MOVED by Councillor Carr

SECONDED by Councillor Dominato

- A. THAT the application by New Commons Development, on behalf of the Vancouver Affordable Housing Agency (“VAHA”), as agent for the registered owner, the City of Vancouver, to remove the following lots from CD-1 District (225) and rezone:
- (i) 3279 Vanness Avenue [Lot A (BM67938) Blocks 23 and 24, District Lots 36 and 51, Group 1 New Westminster District Plan 4413, PID 024-073-423]; and
  - (ii) 3287, 3291 and 3297 Vanness Avenue [Lots 14, 15 and 16, Blocks 23 and 24, District Lots 36 and 51, New Westminster District Plan 4413, PIDs 011-573-953, 011-573-961 and 011-573-970 respectively],

to a new CD-1 District and to increase the floor space ratio (FSR) from 1.20 to 3.42 and building height from 11.90 m (39.00 ft.) to 22.42 m (73.55 ft.) to allow development of a residential building with 102 social housing units, generally as presented in Appendix A of the Policy Report dated August 27, 2019, entitled “CD-1 Rezoning: 3279 – 3297 Vanness Avenue”, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by ZGF Architects Inc. and received on March 18, 2019, 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 Policy 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 August 27, 2019, entitled “CD-1 Rezoning: 3279 – 3297 Vanness 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 the consequential amendment to CD-1 District (225) By-law No. 6363 to remove 3279-3297 Vanness Avenue from the by-law, generally as set out in Appendix C of the Policy Report dated August 27, 2019, entitled “CD-1 Rezoning: 3279 – 3297 Vanness Avenue”, be approved;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amending by-law at the time of enactment of the new CD-1 By-law for 3279-3297 Vanness Avenue.

- D. THAT A through C 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. 04926)  
(Councillor De Genova absent for the vote)

#### **4. REZONING: 3429-3469 Fraser Street**

An application by Rize Alliance Properties Ltd. was considered as follows:

Summary: To rezone 3429-3469 Fraser Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey, mixed-use building with 104 secured rental residential units. A height of 21.8 metres (71.5 feet) and a floor space ratio (FSR) of 3.43 are proposed.

Council also had before it a memorandum dated September 20, 2019, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, which outlined a change to Recommendation A of the Policy Report dated August 27, 2019, entitled "CD-1 Rezoning: 3429-3469 Fraser Street". Staff prepared the Summary and Recommendation for this item with the above-noted correction.

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.

#### **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:

- 13 pieces of correspondence in support; and
- 3 pieces of correspondence regarding other aspects of the application.

## Staff Opening Comments

Staff from Planning, Urban Design and Sustainability reviewed the application.

## Applicant Comments

Lucas Berube, Senior Development Manager, Rize Alliance Properties Ltd., provided comments on the application and responded to questions related to parking, current business tenants, and rental fees.

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Karim Winsor, TRG Commercial Realty Ltd.
- Scott Mitchell
- Craig Stanghetta
- David Hutniak, CEO, Landlord BC
- Brandon Mari
- Stuart Smith, Abundant Housing Vancouver
- Michelle Morin

The speakers list and receipt of public comments closed at 7:41 pm.

## Council Decision

MOVED by Councillor Fry

SECONDED by Councillor Kirby-Yung

- A. THAT the application by Rize Alliance Properties Ltd., on behalf of Rize Alliance (Fraser & 19th) Properties Ltd., to rezone 3429-3469 Fraser Street [*Lot 7 Block 68 District Lot 301 Plan 187 and Lot P Block 68 District Lot 301 Plan 18908; PIDs: 015-626-440 and 007-069-235 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.50 to 3.43 and building height from 13.8 m (45.3 ft.) to 21.8 m (71.5 ft.) to permit the development of a six-storey, mixed-use building with 104 secured rental residential units, generally as presented in Appendix A of the Policy Report dated August 27, 2019, entitled "CD-1 Rezoning: 3429-3469 Fraser Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Yamamoto Architecture and received on March 27, 2019, 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 Policy Report, except that Condition 9 of Part 2 be replaced with:

“Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement and/or Section 219 Covenant to secure all 104 residential units as secured market rental housing units pursuant to the City’s Rental 100 Program, for the longer of 60 years or the life of the building, subject to a no-separate-sales covenant and a no-stratification covenant, that none of such units will be rented for less than one month at a time, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City at by-law enactment pursuant to Section 565.2 of the Vancouver Charter and/or a Section 219 Covenant.”

- 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 August 27, 2019, entitled “CD-1 Rezoning: 3429-3469 Fraser Street”, 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, 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 August 27, 2019, entitled “CD-1 Rezoning: 3429-3469 Fraser Street”, 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, generally as set out in Appendix C of the Policy Report dated August 27, 2019, entitled “CD-1 Rezoning: 3429-3469 Fraser Street”.
- 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 (Vote No. 04927)  
(Councillor Swanson opposed)  
(Councillor De Genova absent for the vote)

## **ADJOURNMENT**

MOVED by Councillor Carr  
SECONDED by Councillor Fry

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:50 pm.

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