



PUBLIC HEARING MINUTES

NOVEMBER 5, 2019

A Public Hearing of the City of Vancouver was held on Tuesday, November 5, 2019, at 6:04 pm, in the Council Chamber, Third Floor, City Hall.

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

ABSENT: Councillor Adriane Carr (Leave of Absence)
Councillor Colleen Hardwick (Leave of Absence)

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Katrina Leckovic, City Clerk
Terri Burke, Meeting Coordinator

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.

1. TEXT AMENDMENT: Amendments to Repair and Clarify Basement and Cellar Regulations for New Houses in RS Zones

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

Summary: To amend the Zoning and Development By-law, including some RS (One-Family Dwelling) District Schedules, to repair and clarify the regulations for the construction of basements and cellars in new houses. The proposed changes will strengthen the regulations and allow them to better meet the objectives intended when zoning changes were made in 2009 to permit the construction of full basements and cellars and to improve the livability of

basements and secondary suites. These changes are a part of a wider review of current regulations for houses and secondary suites as a part of implementing the Housing Vancouver Strategy and 3-Year Action Plan.

The General Manager of Planning, Urban Design and Sustainability recommended approval.

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;
- 2 pieces of correspondence in opposition; and
- 2 pieces of correspondence dealing with other aspects of the application.

Staff Opening Comments

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

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition of the application:

- Richard Nantel
- Bryn Davidson

The following provided general comments on the application:

- Stuart Smith
- Stefan Wiedemann

The speakers list and receipt of public comments closed at 7:01 pm.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability responded to additional questions.

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Bligh

THAT Council refer the report entitled "Amendments to Repair and Clarify Basement and Cellar Regulations for New Houses in RS Zones", to staff to explore how the proposed

recommendations may impact the replacement of secondary suites and affordable secondary basement suites in the city of Vancouver;

FURTHER THAT, policy adopted by the City of Vancouver to increase affordable housing, accessibility, prevent and end homelessness, be considered if staff return to Council with recommendations on this matter.

LOST (Vote No. 05138)

(Councillors Boyle, Fry, Swanson, Wiebe and Mayor Stewart opposed)

MOVED by Councillor Boyle

SECONDED by Councillor De Genova

- 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 October 1, 2019, entitled "Amendments to Repair and Clarify Basement and Cellar Regulations for New Houses in RS Zones", to amend:
- (i) the RS-1, RS-3 and RS-3A, RS-5, RS-6, and RS-7 District Schedules to clarify the regulations for basements and cellars in new houses;
 - (ii) Section 3 to introduce relaxations for sites with soil or hydrological conditions that are not suitable for basement construction; and
 - (iii) Section 10 to clarify the regulations that control the location secondary suites, bedrooms and other habitable rooms in basements.
- B. THAT A 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. 05139)

(Councillors De Genova and Kirby-Yung opposed)

(Councillor Bligh abstained from the vote)

Section 145.1 of the Vancouver Charter states "Where a member present at a meeting abstains from voting, they are deemed to have voted in the affirmative."

2. Cambie Townhouse Projects

2a. REZONING: 6288-6290 Ash Street

An application by Wiedemann Architectural Design was considered as follows:

Summary: To rezone 6288-6290 Ash Street from RT-1 (Two-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.

Staff Opening Comments

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

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 7:36 pm.

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Boyle

- A. THAT the application by Wiedemann Architectural Design on behalf of TP Homes Ltd., the registered owner, to rezone 6288-6290 Ash Street [Lot 25 of Lot B, Block 1008, District Lot 526, Plan 10803; PID: 009-301-259] from RT-1 (Two-Family Dwelling) District to RM-8A (Multiple Dwelling) District, generally as presented in Appendix A of the Policy Report dated September 17, 2019, entitled "Rezoning: 6288-6290 Ash Street", be approved in principle;

FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted 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 September 17, 2019, entitled "Rezoning: 6288-6290 Ash 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. 05140)

2b. REZONING: 376-392 West 45th Avenue

An application by 376-392 West 45th Avenue GP Ltd. was considered as follows:

Summary: To rezone 376-392 West 45th 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

Since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments, Council received one piece of correspondence in support 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 7:39 pm.

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor De Genova

- A. THAT the application by 376-392 West 45th Avenue GP Ltd. on behalf of 376-392 West 45th Avenue Holdings Ltd., the registered owner, to rezone 376-392 West 45th Avenue [Lots 12 and 11 of Lot 1, Block 999, District Lot 526, Plan 5531; PIDs: 011-138-726 and 008-404-585 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 September 17, 2019, entitled "Rezoning: 376-392 West 45th 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 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 September 17, 2019, entitled "Rezoning: 376-392 West 45th 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. 05141)

2c. REZONING: 615-623 West 31st Avenue

An application by JTA Development Consultants was considered as follows:

Summary: To rezone 615-623 West 31st 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 7:41 pm.

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Bligh

- A. THAT the application by JTA Development Consultants on behalf of Abdul Saboor Khudayar and Fauzia Khudayar, the registered owners, to rezone 615-623 West 31st Avenue [Lot 14 and 15, Block 779, District Lot 526, Plan 7206; PIDs 006-637-272 and 010-691-570 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 July 9, 2019 entitled "Rezoning: 615-623 W 31st 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 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 July 9, 2019, entitled "Rezoning: 615-623 West 31st 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. 05142)

2d. REZONING: 643-683 West 31st Avenue

An application by Belford (31st) Nominee Ltd. was considered as follows:

Summary: To rezone 643-683 West 31st 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 7:43 pm.

Council Decision

MOVED by Councillor Bligh
SECONDED by Councillor De Genova

- A. THAT the application by Belford (31st) Nominee Ltd., the registered owner of 643-683 West 31st Avenue [Lots 16, 17, 18, and 19, all of Block 779, District Lot 526, Plan 7206; PIDs: 010-201-629, 008-527-237, 006-713-084, 010-691-618 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 September 17, 2019 entitled "Rezoning: 643-683 West 31st 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 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 September 17, 2019, entitled "Rezoning: 643-683 West 31st 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. 05143)

2e. REZONING: 5512-5538 Willow Street

An application by Matthew Cheng Architects was considered as follows:

Summary: To rezone 5512-5538 Willow 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 and none were present.

The speakers list and receipt of public comments closed at 7:45 pm.

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Kirby-Yung

- A. THAT the application by Matthew Cheng Architects on behalf of 1127616 B.C. Ltd., the registered owner, to rezone 5512-5538 Willow Street [Lots 10 and 9 of Lot 2, Block 998 District Lot 526, Plan 9894; PIDs: 009-430-466 and 009-430-458 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 July 9, 2019, entitled "Rezoning: 5512-5538 Willow Street", be approved in principle;

FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted 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 July 9, 2019, entitled "Rezoning: 5512-5538 Willow 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. 05144)

3. REZONING: 620-644 West King Edward Avenue and 4111 Ash Street

An application by W.T. Leung Architects Inc. was considered as follows:

Summary: To rezone 620-644 West King Edward Avenue and 4111 Ash Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of two four-storey residential buildings with 57 strata-titled units, including townhouses at the lane. A building height of 13.95 metres (45.8 feet) and a floor space ratio (FSR) of 1.82 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.

Council received a memorandum dated October 29, 2019, from Karen Hoese, Assistant Director – Rezoning Centre, Planning, Urban Design and Sustainability, noting staff found an error in the family housing requirement in Appendix A of the Policy Report dated September 17, 2019, entitled “CD-1 Rezoning: 620-644 King Edward Avenue and 4111 Ash Street”. Instead of the standard breakdown of 25% two-bedroom units and 10% three-bedroom units, the draft by-law provisions contained in Appendix A only included an overall provision of 35% family housing units.

The draft CD-1 By-law posted for the public hearing had been prepared to reflect the proper family housing provision. There are no changes to the rezoning application, as it does meet the family housing requirements of the Family Room: Housing Mix Policy for Rezoning Projects Policy.

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 responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Carey Murphy
- Clive Bottomley

The following spoke in opposition of the application:

- Josh Burrill

The speakers list and receipt of public comments closed at 8:11 pm.

Applicant Closing Comments

A representative from the applicant team provided closing comments.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability responded to additional questions.

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Bligh

- A. THAT the application by W.T. Leung Architects Inc., on behalf of Western King Edward Holdings Ltd., the registered owner, to rezone 620-644 West King Edward Avenue and 4111 Ash Street [Lots 5 to 8, Block 679, District Lot 526, Plan 2976; PIDs: 013-272-411, 013-272-420, 013-272-438 and 011-051-558 respectively] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 0.70 to 1.82 and the building height from 10.7 m (35 ft.) to 13.95 m (45.8 ft.) to permit the development of two four-storey residential buildings with 57 strata residential units in total, including townhouses at the lane, generally as presented in Appendix A of the Policy Report dated September 17, 2019, entitled "CD-1 Rezoning: 620-644 King Edward Avenue and 4111 Ash Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by W. T. Leung Architects Inc. and received on June 21, 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 report.

- B. 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 Subdivision By-law, generally as set out in Appendix C of the Policy Report dated September 17, 2019, entitled "CD-1 Rezoning: 620-644 King Edward Avenue and 4111 Ash 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

AMENDMENT MOVED by Councillor Swanson

THAT the following be added as D:

THAT Community Amenity Contributions from this site be used to make housing affordable for people earning under \$50,000 per year.

not put

Prior to the amendment receiving a seconder, Councillor De Genova rose on a point of order to inquire if the amendment was in order due to reallocating the Community Amenity Contributions (CAC's). The Mayor conversed with the City Manager and staff and then advised that the amendment was out of order as it would not be good governance, as the Cambie Corridor Plan was put together after years of negotiations and the CAC's for this area are meant for the purposes contained in the plan.

Following the amendment being ruled out of order, the motion was put and CARRIED (Vote No. 05145) with Councillor Swanson opposed.

4. REZONING: 582-588 West King Edward Avenue

An application by RWA Architecture was considered as follows:

Summary: To rezone 582-588 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-and-a-half-storey residential building with 36 strata-titled units, including townhouses at the lane. A building height of 18.6 metres (61 feet) and a floor space ratio (FSR) of 1.96 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

Council received two pieces of correspondence in opposition to the application since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

Applicant Comments

A representative from the applicant team provided opening comments regarding the top floor amenity room proposed in the development, and responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition of the application:

- Allan Buim, Chair, Riley Park South Cambie Community Visions Steering Committee
- John Benetti
- Carey Murphy
- Clive Bottomley

The speakers list and receipt of public comments closed at 8:53 pm.

Applicant Closing Comments

A representative from the applicant team provided closing comments.

Staff Closing Comments

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

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Dominato

- A. THAT the application, by RWA Architecture, on behalf of Aragon (Cambie Station) Properties Ltd., the registered owner, to rezone 582-588 West King Edward Avenue [Lots 1 and 2, Block 680, District Lot 526, Plan 6539; PIDs: 007-826-346 and 010-870-849 respectively], from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted

floor space ratio (FSR) from 0.70 to 1.96 and the building height from 10.7 m (35 ft.) to 18.6 m (61 ft.) to permit the development of a four-and-a-half-storey residential building with 36 market residential units in total including townhouses at the lane, generally as presented in Appendix A of the Policy Report dated September 17, 2019, entitled "CD-1 Rezoning: 582-588 West King Edward Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by RWA Architecture and received on September 28, 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, 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 Subdivision By-law, generally as set out in Appendix C of the Policy Report dated September 17, 2019, entitled "CD-1 Rezoning: 582-588 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 (Vote No. 05146)
(Councillor Swanson opposed)

5. REZONING: 835-837 East Hastings Street

An application by Terra Housing Consultants Ltd. was considered as follows:

Summary: To rezone 835-837 East Hastings Street from M-1 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with 39 seniors social housing units and

commercial uses on the ground floor. A height of 22.4 metres (73.6 feet) and a floor space ratio (FSR) of 4.33 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:

- 1 piece of correspondence in support; and
- 1 piece of correspondence dealing with other aspects of the application.

Speakers

The Mayor called for speakers for and against the application.

Jonelle Aspa, East Vancouver Raw Wood Studio Society, spoke in support of the application; however, they noted the art studio would lose its space in the development.

The speakers list and receipt of public comments closed at 9:14 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Boyle

- A. THAT the application by Terra Housing Consultants Ltd., on behalf of Lee's Benevolent Association of Canada, to rezone 835-837 East Hastings Street [PID: 027-090-256; Lot G, Block 61, District Lot 181, Group 1, New Westminster District Plan BCP30460] from M-1 (Industrial) District to CD-1 (Comprehensive Development) District, to permit development of a six-storey mixed-use building consisting of commercial use at grade and a total of 39 seniors social housing units at a floor space ratio (FSR) of 4.33 and building height of 22.4 m (73.6 ft.), generally as presented in Appendix A of the Policy Report dated September 17, 2019, entitled "CD-1 Rezoning: 835-837 East Hastings Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Patrick R. Stewart Architect and received on

July 10, 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 September 17, 2019, entitled "CD-1 Rezoning: 835-837 East Hastings 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 September 17, 2019, entitled "CD-1 Rezoning: 835-837 East Hastings Street", be approved;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the by-law to amend the Sign By-law at the time of enactment of the CD-1 By-law.

- 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 September 17, 2019, entitled "CD-1 Rezoning: 835-837 East Hastings 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.

amended

AMENDMENT MOVED by Councillor Swanson
SECONDED by Councillor Boyle

THAT the following be added as F:

THAT, if this rezoning is approved, Council direct staff to assist finding alternate appropriate accommodation for the artists in the current space who will be displaced.

CARRIED (Vote No. 05147)
(Councillor De Genova opposed)
(Councillor Dominato abstained from the vote)

Section 145.1 of the Vancouver Charter states "Where a member present at a meeting abstains from voting, they are deemed to have voted in the affirmative."

Prior to voting on the above amendment, Councillor De Genova rose on a point to order to inquire if the amendment was in order as the amendment was not pertinent to the application and could possibly jeopardize the public hearing process. The Mayor conversed with the City Manager and staff and then advised that the amendment was in order.

Following the vote on the amendment, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 05148)

6. REZONING: 2601-2619 East Hastings Street

An application by Studio One Architecture Inc. and JTA Development Consultants was considered as follows:

Summary: To rezone 2601-2619 East Hastings Street from C-2C (Commercial and Mixed Use) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey, mixed-use building with 46 secure rental residential units with commercial uses on the ground floor. A building height of 21.9 metres (72 feet) and a floor space ratio (FSR) of 3.74 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

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

Applicant Comments

A representative from the applicant team responded to questions.

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 9:40 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Boyle

- A. THAT the application by Studio One Architecture Inc. and JTA Development Consultants, on behalf of Nicolaou Properties, to rezone 2601-2619 East Hastings Street [Lots 30, 31, and 32, all of District Lot 52, Town of Hastings Suburban Lands, Plan 410, PIDs: 015-296-211, 015-296-237, and 015-296-253 respectively] from C-2C to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 3.0 FSR to 3.74 FSR and the building height from 13.8 m (45.3 ft.) to 21.9 m (71.9 ft.) to permit the development of a six-storey mixed- use building including 46 rental housing units, generally as presented in Appendix A of the Policy Report dated September 17, 2019, entitled “CD-1 Rezoning: 2601-2619 East Hastings Street”, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Studio One Architecture Inc. and received on May 16, 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 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 September 17, 2019, entitled “CD-1 Rezoning: 2601-2619 East Hastings 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 September 17, 2019, entitled “CD-1 Rezoning: 2601-2619 East Hastings Street”, be approved;
- FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the by-law to amend the Sign By-law at the time of enactment of the CD-1 By-law.
- 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 September 17, 2019, entitled “CD-1 Rezoning: 2601-2619 East Hastings 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. 05149)
(Councillor Swanson opposed)

ADJOURNMENT

MOVED by Councillor De Genova
SECONDED by Councillor Boyle

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:51 pm.

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