



## **PUBLIC HEARING MINUTES**

**DECEMBER 12, 17 AND 18, 2019**

A Public Hearing of the City of Vancouver was held on Thursday, December 12, 2019, at 6:04 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting reconvened on Tuesday, December 17, 2019, at 6:25 pm and Wednesday, December 18, 2019, at 9:32 am.

**PRESENT:**

- Mayor Kennedy Stewart\*
- Councillor Rebecca Bligh\*
- Councillor Christine Boyle
- Councillor Adriane Carr
- Councillor Melissa De Genova\*
- Councillor Lisa Dominato\*
- Councillor Pete Fry
- Councillor Colleen Hardwick\*
- Councillor Sarah Kirby-Yung\*
- Councillor Jean Swanson\*
- Councillor Michael Wiebe, Deputy Mayor

**CITY MANAGER'S OFFICE:** Sadhu Johnston, City Manager (December 12, 2019)

**CITY CLERK'S OFFICE:** Tina Penney, Deputy City Clerk  
Tamarra Wong, 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.

### **1. REZONING: 2543-2583 Renfrew Street and 2895 East 10th Avenue**

An application by Wensley Architecture Ltd. was considered as follows:

**Summary:** To rezone 2543-2583 Renfrew Street and 2895 East 10th Avenue from RS-1 (One-Family Dwelling) District and C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a seven-storey mixed-use building containing commercial uses at grade and 96 secured rental residential units with 20 percent of the residential floor area being secured as moderate income units. A building height of 26.2 metres

(86 feet) and a floor space ratio (FSR) of 3.60 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 December 3, 2019, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, which provided information on minor corrections to the draft CD-1 By-law for the item entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue”, and provided an update to the information on the Development Cost Levies (DCLs) from what was included in the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue”. As the posted draft CD-1 By-law and the summary and recommendation for the above-noted item contained the changes outlined in the above-noted memorandum, no action was required by Council.

Council also received an additional memorandum dated December 11, 2019, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, which recommended an additional condition of approval which requires the applicant to comply with the *Tenant Relocation and Protection Policy* (the “TRP Policy”) relating to one eligible existing tenant not previously noted in the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue”. The additional recommendation as contained in the above-noted memorandum, required approval by Council.

### **Summary of Correspondence**

Council received four pieces of correspondence and one petition with 12 signatures in support of the application, since being referred 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 provided a presentation and responded to questions.

During questions to staff, Councillor De Genova rose on a point of order regarding a Council member’s questions about the memorandum dated December 3, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue – Minor Corrections to the Draft CD-1 By-law and Addition of DCL Waiver”. The Mayor ruled that the Council member’s questions to staff were in order.

### **Applicant Comments**

The applicant team responded to questions.

### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- David Hutniak, CEO, Landlord BC
- Stephen Sychowski, President, Vancouver and District Labour Council
- Dianne Faber

The speakers list and receipt of public comments closed at 7:26 pm on December 12, 2019.

### **Council Decision**

MOVED by Councillor Carr

SECONDED by Councillor De Genova

- A. THAT the application, by Wensley Architecture Ltd. on behalf of Renfrew & East 10th (No.2) Nominee Inc. (Inc., No. BC1089655) (Molnar Group), to rezone 2543-2583 Renfrew Street and 2895 East 10th Avenue [*Lots 17-22, all of Block 2 South ½ of Section 35 Town of Hastings Suburban Lands Plan 2059; PIDs: 007-765-541, 008-172-188, 009-948-465, 014-065-614, 014-065-622, and 014-065-649 respectively*] from RS-1 (Single-family Dwelling) District and C-1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) to 3.60 and to increase the building height to 26.2 m (86 ft.) to permit the development of a seven-storey mixed-use building with commercial uses at grade and 96 secured rental housing units with 20 per cent of the residential floor area being secured as moderate income units under the Moderate Income Rental Housing Pilot Program, generally as presented in Appendix A of the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue” and in the memorandum dated December 3, 2019, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Wensley Architecture Ltd. and received on April 9, 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 October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th 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 Planning, Urban Design and Sustainability, recognizing that a DCL waiver is being sought by the applicant on the residential portion of the project which intends to qualify as “for-profit affordable rental housing”;

FURTHER THAT the following additional condition of approval be included with Part 2: Conditions of By-law Enactment of Appendix B of the above-noted Policy Report:

- “12. *Enter into a Section 219 Covenant and/or such other agreements as the General Manager of Arts, Culture and Community Services and the Director of Legal Services determine are necessary to require the applicant to:*
- (a) *Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Arts, Culture and Community Services as per the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.*
  - (b) *Provide a notarized declaration that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.*
  - (c) *Provide an Interim Tenant Relocation Report prior to issuance of the Demolition Permit. The Report must outline the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant); the names of tenants still remaining in the building; the status of the applicant’s search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.*  
  
*Note to Applicant: if a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.*
  - (d) *Provide a Final Tenant Relocation Report prior to issuance of the Occupancy Permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.”*

- C. 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 October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue”.

- D. 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 October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue”, be approved.
- E. 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 October 22, 2019, entitled “CD-1 Rezoning: 2543-2583 Renfrew Street and 2895 East 10th Avenue”.
- F. THAT A through E 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. 05322)

## **2. REZONING: 2603-2655 Renfrew Street**

An application by Wensley Architecture Ltd. was considered as follows:

Summary: To rezone 2603-2655 Renfrew Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a seven-storey mixed-use building containing commercial uses at grade and 82 secured rental residential units with 20 per cent of the residential floor area secured as moderate income units. A building height of 25.8 metres (84.5 feet) and a floor space ratio (FSR) of 3.54 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 December 3, 2019, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, which provided information on minor corrections to the draft CD-1 By-law for the item entitled “CD-1 Rezoning: 2603-2655 Renfrew Street”, and provided an update to the information on the Development Cost Levies

(DCLs) from what was included in the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 2603-2655 Renfrew Street”. As the posted draft CD-1 By-law and the summary and recommendation for the above-noted item contained the changes outlined in the above-noted memorandum, no action was required by Council.

### **Summary of Correspondence**

Council received five pieces of correspondence and one petition with 12 signatures in support of the application, 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 support of the application:

- Jacqueline von Rumel
- Dianne Faber

The speakers list and receipt of public comments closed at 7:44 pm on December 12, 2019.

### **Council Decision**

MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Bligh

- A. THAT the application, by Wensley Architecture Ltd. on behalf of Renfrew & East 10th Nominee Inc. (BC 1089647) (Molnar Group) to rezone 2603-2655 Renfrew Street [*Lots 14-18, all of Block 3 South ½ of Section 35 Town of Hastings Suburban Lands Plan 2059; PIDs: 005-012-155, 014-065-495, 003-067-408, 014-065-517, and 010-867-945 respectively*] from RS-1 (Single-family Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 0.70 to 3.54 and the building height from 10.70 m (35.0 ft.) to 25.8 m (84.5 ft.) to permit the development of a seven-storey mixed-use building with commercial uses at grade and 82 secured rental housing units with 20 per cent of the residential floor area being secured as moderate income units under the Moderate Income Rental Housing Pilot Program, generally as presented in Appendix A of the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 2603-2655 Renfrew Street” and in the memorandum dated December 3, 2019, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Wensley Architecture Ltd. and received on April 9, 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 October 22, 2019, entitled "CD-1 Rezoning: 2603-2655 Renfrew 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 Planning, Urban Design and Sustainability, recognizing that a DCL waiver is being sought by the applicant on the residential portion of the project which intends to qualify as "for-profit affordable rental housing".
- C. 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 October 22, 2019, entitled "CD-1 Rezoning: 2603-2655 Renfrew Street".
- D. 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 October 22, 2019, entitled "CD-1 Rezoning: 2603-2655 Renfrew Street", be approved.
- E. 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 October 22, 2019, entitled "CD-1 Rezoning: 2603-2655 Renfrew Street".
- F. THAT A through E 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. 05323)

### **3. REZONING: 1805 Larch Street**

An application by Metric Architecture was considered as follows:

**Summary:** To rezone 1805 Larch Street from RT-8 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a five-storey residential building containing 63 secured rental residential units with 20 per cent of the residential floor area being secured as moderate income units. A building height of 20.5 metres (67.1 feet) and a floor space ratio (FSR) of 2.53 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 December 4, 2019, from the Assistant Director, Rezoning Centre, Planning, Urban Design and Sustainability, which provided information on a minor correction to the draft CD-1 By-law for the item entitled "CD-1 Rezoning: 1805 Larch Street", and an update to the Rezoning Condition of Approval for the item entitled "CD-1 Rezoning: 1805 Larch Street". As the posted draft CD-1 By-law and the summary and recommendation for the above-noted item contained the changes outlined in the above-noted memorandum, no action was required by Council.

#### **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:

- 204 pieces of correspondence in support;
- 129 pieces of correspondence, 1 petition with approximately 315 signatures and 1 petition with approximately 495 names in opposition; and
- 17 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.

#### **Applicant Comments**

The applicant team provided opening comments and responded to questions.



\* \* \* \* \*

*Before the hearing of speakers, it was*

*MOVED by Councillor Dominato  
SECONDED by Councillor Boyle*

*THAT the meeting be extended to 11 pm to hear from speakers.*

*CARRIED AND  
BY THE REQUIRED MAJORITY  
(Councillors De Genova, Hardwick and Swanson opposed)  
(Councillor Bligh absent for the vote)*

\* \* \* \* \*

## **Speakers**

On December 12, 2019, the Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Erin Ryan

The following spoke in opposition of the application, noting concerns with the building height, loss of community amenities and spot rezoning:

- Anne Reilander
- Peter Saunderson
- Janet Buckle
- Christos Dikeakos
- Judith Barbara Osburn
- Esther Alexander
- Greg Bridges
- David Hovan
- Sonya Cressman
- Louise Mandell
- Laraine Michalson
- Sharon Turner
- James K. Turner
- Sophie Dikeakos

At 9:23 pm, on December 12, 2019, the Mayor reminded speakers to keep comments germane to the application being considered.

At 9:26 pm, during questions to speakers, Councillor Fry rose on a point of information and enquired as to when a speaker's comments regarding Council members' potential conflict of

interest matters, would be addressed.

Subsequently, Councillor De Genova rose on a point of order regarding Councillor Fry's point of information. The Mayor ruled that the comments from Councillors De Genova and Fry were improper as they did not adhere to the Code of Conduct process.

At 9:40 pm, Councillor Carr rose on a point of order regarding a speaker's comments about staff working with the development industry. The Mayor ruled that the speaker's comments were in order as they related to the policies implemented and not individual staff.

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*During the hearing of speakers, it was*

*MOVED by Councillor Bligh  
SECONDED by Councillor Boyle*

*THAT the Public Hearing recess and reconvene at 6 pm on December 17, 2019, to continue with hearing from speakers.*

*CARRIED UNANIMOUSLY  
(Councillors Hardwick and Swanson absent for the vote)*

*On December 12, 2019, the Public Hearing recessed at 10:59 pm and reconvened on December 17, 2019, at 6:25 pm.*

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Before the continuation of speakers, the Mayor and Councillor De Genova addressed a conflict of interest allegation and informed Council that after consulting with Legal Services, they both would be participating in debate.

### **Speakers (continued)**

On December 17, 2019, the Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Michael Mortensen
- David Hutniak, CEO, Landlord BC
- Kenneth Finnbogason
- Peter Waldkirch
- Jens Bergmann
- Christopher Raftis
- Tony Letvinchuk
- Michael Adria
- Scott de Lange Boom

- Stuart Smith
- Marc MacCaull
- Devon Hussack
- Joshua Millard
- Sampath Satti
- Russil Wvong

The following spoke in opposition of the application:

- Sal Robinson
- Barb Whyte
- Bill Duncan
- Sharon Halfnight
- Marla Morry
- John Vaillant
- Marjorie Ross
- Sharon McCarthy
- Katsuko Brown
- Katerina Doumakis
- Allan Macdonald
- Yardena Vener
- Stuart Rush
- Andrew Brown
- Ian Wigington
- Larry Benge
- Gary Schajer
- Janet Bickford
- Laurelle Shalagan
- Matena Morfidis
- Frederick Bass, Former Vancouver City Councillor
- Franck Duong

The Mayor called for additional speakers for and against the application.

The following spoke in opposition:

- Barb Bulmer
- Bruce McLaren

\* \* \* \* \*

*At 8:28 pm, during the hearing of speakers, the Mayor relinquished the Chair to Deputy Mayor Wiebe and resumed the Chair at 9:07 pm.*

\* \* \* \* \*

*During the hearing of speakers, it was*

*MOVED by Councillor De Genova  
SECONDED by Councillor Boyle*

*THAT the meeting be extended to conclude hearing from speakers.*

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY*

\* \* \* \* \*

The speakers list and receipt of public comments closed at 10:20 pm on December 17, 2019.

MOVED by Councillor De Genova  
SECONDED by Councillor Bligh

THAT the Public Hearing recess and reconvene at 9:30 am on Wednesday, December 18, 2019, to continue with closing comments, questions to staff, debate and decision.

CARRIED  
(Councillors Carr, Dominato and Kirby-Yung opposed)

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*On December 17, 2019, the Public Hearing recessed at 10:25 pm and  
reconvened on December 18, 2019, at 9:32 am.*

\* \* \* \* \*

### **Applicant Closing Comments**

The applicant provided brief closing comments.

### **Staff Closing Comments**

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

At 9:52 am, Councillor De Genova rose on a point of order regarding a Council member's questions to staff. The Mayor ruled in favour of the point of order and reminded Council members to ask clarifying questions of staff and to save debate for later in the proceedings.

## Council Decision

Prior to the vote, Councillors De Genova, Dominato, Hardwick, Kirby-Yung, Swanson and Mayor Stewart all advised that they had reviewed the proceedings of the Public Hearing they had missed and would be voting on the application.

MOVED by Councillor De Genova  
SECONDED by Councillor Dominato

- A. THAT the application by Metric Architecture, on behalf of 1157013 B.C. Ltd., the registered owner, and of Jameson Larch & 2nd Avenue Limited Partnership (Jameson Developments), the beneficial owner, to rezone 1805 Larch Street [*Lots 8, 9, and 10, Except the South 2 Feet Now Lane, all of Block 220A District Lot 526 Plan 1058; PIDs 014-980-789, 014-980-894, and 014-980-908 respectively*] from RT-8 (Two-family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.53 and building height from 10.7 m (35.1 ft.) to 20.5 m (67.1 ft.) to permit development of a five-storey residential building which would contain 63 secured rental housing units, with 20 per cent of the residential floor area being secured as moderate income units under the *Moderate Income Rental Housing Pilot Program*, generally as presented in Appendix A of the Policy Report dated October 22, 2019, entitled "CD-1 Rezoning: 1805 Larch Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Metric Architecture and received on January 24, 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 Policy Report, dated October 22, 2019, entitled "CD-1 Rezoning: 1805 Larch Street", except that Condition 7 of Part 2 of Appendix B be replaced by the revised Housing Agreement condition contained in the memorandum dated December 4, 2019, entitled "CD-1 Rezoning: 1805 Larch Street – Minor Correction to Draft CD-1 By-law and Update to a Condition of Approval".

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in the memorandum dated December 4, 2019, entitled "CD-1 Rezoning: 1805 Larch Street – Minor Correction to Draft CD-1 By-law and Update to a Condition of Approval", 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 Planning, Urban Design and Sustainability.
- 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.

amended

AMENDMENT MOVED by Councillor Wiebe  
SECONDED by Councillor Fry

THAT the following be added to the end of the last paragraph of A:

with a further amendment to include a condition in the Housing Agreement that requires the moderate income rental units to be distributed throughout the building to the greatest extent possible, while taking into consideration the required family unit mix and financial constraints of the project, to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services.

CARRIED (Vote No. 05390)  
(Councillor Boyle opposed)

AMENDMENT MOVED by Councillor Dominato  
SECONDED by Councillor Bligh

THAT the second paragraph of A be amended to add the following at the end:

further that staff work with the applicant to further refine the building massing, height, setbacks and detailing to be more compatible with the existing neighborhood character, and to explore the opportunity to provide public amenity space on site for children's play and community socialization.

amended

AMENDMENT TO THE AMENDMENT MOVED by Councillor Fry  
SECONDED by Councillor Kirby-Yung

THAT the second paragraph in A be amended as follows:

- The word "minor" be deleted;

- The word “approving” be deleted and substituted with the word “recommending”;
- The phrase “for final Council approval” be added after the word “development”;
- The word “refine” be deleted and substituted with the word “explore”; and
- The phrase “excess parking” be inserted between the words “height” and “setbacks”

FURTHER THAT the second paragraph in A be separated as follows:

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Metric Architecture and received on January 24, 2019, provided the Director of Planning may allow alterations to this form of development when recommending the detailed scheme of development for final Council approval;

FURTHER THAT staff work with the applicant to further explore the building massing, height, excess parking, setbacks and detailing to be more compatible with the existing neighborhood character, and to explore the opportunity to provide public amenity space on site for children's play and community socialization; and

carried

Councillor De Genova enquired if the amendment and the amendment to the amendment were in order due to them being redundant as they had already been considered through the development permit process.

\* \* \* \* \*

*On December 18, 2019, the Public Hearing recessed at 11:07 am and reconvened at 11:11 am.*

\* \* \* \* \*

Following the recess, the Mayor ruled that the amendment and the amendment to the amendment were in order. Staff from Planning, Urban Design and Sustainability explained that the amendments follow the protocol already established and do not generate any new process.

Following the ruling, the amendment to the amendment was put and CARRIED UNANIMOUSLY (Vote No. 05391), with Councillor Boyle abstaining from the vote. The amendment as amended was put and CARRIED UNANIMOUSLY (Vote No. 05392), with Councillor Boyle abstaining 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.”*

The motion as amended was put and CARRIED (Vote No. 05394), with Councillors Carr, Hardwick and Swanson opposed.

## FINAL MOTION AS APPROVED

- A. THAT the application by Metric Architecture, on behalf of 1157013 B.C. Ltd., the registered owner, and of Jameson Larch & 2nd Avenue Limited Partnership (Jameson Developments), the beneficial owner, to rezone 1805 Larch Street [Lots 8, 9, and 10, Except the South 2 Feet Now Lane, all of Block 220A District Lot 526 Plan 1058; PIDs 014-980-789, 014-980-894, and 014-980-908 respectively] from RT-8 (Two-family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.53 and building height from 10.7 m (35.1 ft.) to 20.5 m (67.1 ft.) to permit development of a five-storey residential building which would contain 63 secured rental housing units, with 20 per cent of the residential floor area being secured as moderate income units under the *Moderate Income Rental Housing Pilot Program*, generally as presented in Appendix A of the Policy Report dated October 22, 2019, entitled "CD-1 Rezoning: 1805 Larch Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Metric Architecture and received on January 24, 2019, provided the Director of Planning may allow alterations to this form of development when recommending the detailed scheme of development for final Council approval;

FURTHER THAT staff work with the applicant to further explore the building massing, height, excess parking, setbacks and detailing to be more compatible with the existing neighborhood character, and to explore the opportunity to provide public amenity space on site for children's play and community socialization; and

FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the Policy Report, dated October 22, 2019, entitled "CD-1 Rezoning: 1805 Larch Street", except that Condition 7 of Part 2 of Appendix B be replaced by the revised Housing Agreement condition contained in the memorandum dated December 4, 2019, entitled "CD-1 Rezoning: 1805 Larch Street – Minor Correction to Draft CD-1 By-law and Update to a Condition of Approval" with a further amendment to include a condition in the Housing Agreement that requires the moderate income rental units to be distributed throughout the building to the greatest extent possible, while taking into consideration the required family unit mix and financial constraints of the project, to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in the memorandum dated December 4, 2019, entitled "CD-1 Rezoning: 1805 Larch Street – Minor Correction to Draft CD-1 By-law and Update to a Condition of Approval", 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 Planning, Urban Design and Sustainability.



- 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.

## **ADJOURNMENT**

MOVED by Councillor Hardwick  
SECONDED by Councillor Bligh

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 12:02 pm on December 18, 2019.

\* \* \* \* \*