



PUBLIC HEARING MINUTES

FEBRUARY 25, 2020

A Public Hearing of the City of Vancouver was held on Tuesday, February 25, 2020, at 6:07 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Kennedy Stewart
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

ABSENT: Councillor Rebecca Bligh (Leave of Absence)

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Tina Penney, Deputy City Clerk
Rowena Choi, 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: Simplified and Expanded Zoning and Development Regulations for Passive House Projects

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 provisions for Certified Passive House projects (except laneway houses) to respond to directives in Vancouver's Climate Emergency Response report and remove barriers to building to the Passive House standard.

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 February 25, 2020, from the General Manager of Planning, Urban Design and Sustainability, in response to correspondence received for the item entitled "TEXT AMENDMENT: Simplified and Expanded Zoning and Development Regulations for Passive House Projects". The above-noted memorandum provided clarification on the proposed text amendments in the Referral Report dated December 9, 2019, entitled "Simplified and Expanded Zoning and Development Regulations for Passive House Projects". As no changes were made to the posted draft Zoning and Development By-law, 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:

- 4 pieces of correspondence in support; and
- 5 pieces of correspondence in opposition.

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:

- Bryn Davidson, Owner, Lanefab Design Build
- Sean Reilly
- Lucio D Picciano, Owner, DLP Architecture Inc.

The speakers list and receipt of public comments closed at 6:59 pm.

Council Decision

MOVED by Councillor Hardwick

- A. THAT Council approve the application to amend the Zoning and Development By-law provisions for Certified Passive House projects (except laneway houses), as generally set out in Appendix A of the Referral Report dated December 9, 2019, entitled "Simplified and Expanded Zoning and Development

Regulations for Passive House Projects”, and as amended on February 25, 2020, to add Section 10.23A.6 as follows:

THAT the above provisions of 10.23A Passive House not apply on properties listed on the Heritage Register and qualified Character Houses as defined by the City of Vancouver, unless those houses are retained as part of the redevelopment.

- B. THAT, subject to approval of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for Council’s adoption, at the time of enactment of the by-law amendments, related amendments to the documents “Passive House Relaxations: Guidelines for Larger Projects” and “Passive House Relaxations: Guidelines for Residences in RS Districts”.

not put

At 7:06 pm, prior to the motion having received a seconder, the Mayor advised the motion was out of order per Section 8.7(b) of the *Procedure By-law*, as the motion conflicts with an existing law or by-law.

MOVED by Councillor De Genova
SECONDED by Councillor Boyle

- A. THAT Council approve the application to amend the Zoning and Development By-law provisions for Certified Passive House projects (except laneway houses), as generally set out in Appendix A of the Referral Report dated December 9, 2019, entitled “Simplified and Expanded Zoning and Development Regulations for Passive House Projects”.
- B. THAT, subject to approval of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for Council’s adoption, at the time of enactment of the by-law amendments, related amendments to the documents “Passive House Relaxations: Guidelines for Larger Projects”, and “Passive House Relaxations: Guidelines for Residences in RS Districts”.

carried

AMENDMENT MOVED by Councillor Hardwick
SECONDED by Councillor Fry

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

10.23A.6 THAT the above provisions of 10.23A Passive House not apply on properties listed on the Heritage Register as defined by the City of Vancouver, unless those houses are retained as part of the redevelopment.

withdrawn

At 7:16 pm, Councillor De Genova rose on a point of order to inquire if the amendment was in order due to it conflicting with a resolution previously passed and still in force. The Mayor advised the amendment was in order.

AMENDMENT TO THE AMENDMENT MOVED by Councillor Hardwick

THAT the second paragraph in A be amended as follows:

- the words “on properties” be struck and the words “to buildings” be inserted;
- the word “houses” be struck and the word “buildings” be inserted.

withdrawn

Following discussion, Councillor Hardwick requested to withdraw the above amendments and Council agreed unanimously.

The amendments having been withdrawn, the motion was put and CARRIED UNANIMOUSLY (Vote No. 05590).

2. HERITAGE: 3495-3505 Commercial Street (Broadhurst and Whitaker Block)

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

Summary: To add the existing building at 3495-3505 Commercial Street, known as “The Broadhurst and Whitaker Block”, to the Vancouver Heritage Register in the “C” evaluation category, and to designate the exterior and structure of the existing building to secure the long-term protection of the heritage property from inappropriate alterations and demolition.

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 on this application since it was scheduled for 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.

Applicant Comments

The applicant, Marianne Amodio, Architect, Marianne Amodio and Harley Grusko Architects, 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 7:46 pm.

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor De Genova

- A. THAT Council add the existing building at 3495-3505 Commercial Street [PID: 014-894-424, 014-894-441; Lots 45 and 46, Except the West 3 Feet Now Lane, District Lot 751, Plan 1201 (the "site")] known as the "Broadhurst and Whitaker Block" (the "Heritage Building") to the Vancouver Heritage Register in the 'C' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate the exterior of the Heritage Building as protected heritage property.
- 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 in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the City and all its officials shall not in any way be limited or restricted 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. 05591)
(Councillor Swanson abstained from the vote)

3. TEXT AMENDMENT: 1500 West Georgia Street

An application by Bosa Properties (1500 Holdco) Inc. was considered as follows:

Summary: To amend CD-1 (705) to increase the permitted floor space ratio (FSR) from 10.82 to 10.93 and to increase the maximum floor area of sub-area A by

432.2 square metres (4,652.2 square feet) to correct an error in the floor area calculation for the existing, retained office building.

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 7:54 pm.

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Carr

- A. THAT the application by Bosa Properties (1500 Holdco) Inc., to amend the text of CD-1 (Comprehensive Development) District (705) By-law No. 12176 for 1500 West Georgia Street [PID 030-498-376 Lot A, Block 43, District Lot 185, Group 1, New Westminster District Plan EPP80099], to increase the permitted floor space ratio (FSR) from 10.82 to 10.93 and increase the maximum floor area of sub-area A by 432.2 sq. m (4,652.2 sq. ft.), to correct an error in the floor area calculation for the existing, retained office building at 1500 West Georgia Street, generally as presented in Appendix A of the Referral Report dated January 7, 2020, entitled "CD-1 Text Amendment: 1500 West Georgia Street", be approved.
- B. THAT A above be adopted on the following conditions:
 - (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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. 05592)

4. REZONING: 3235-3261 Clive Avenue

An application by dys architecture was considered as follows:

Summary: To rezone 3235-3261 Clive Avenue from CD-1 (Comprehensive Development) District (219) to a new CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building fronting Vanness Avenue and three-and-a-half storey townhouses fronting Clive Avenue, with 68 residential units (62 strata-titled units and six market rental units). Increases to the permitted floor space ratio (FSR) from 1.20 to 2.25 and to the maximum building height from 11.9 metres (39 feet) to 21.4 metres (70.2 feet) 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

- 1 piece of correspondence in support;
- 1 piece of correspondence in opposition; and
- 1 piece of correspondence dealing with other aspects related to 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 7:58 pm.

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 dys architecture, on behalf of Nexst Clive Development Ltd., to rezone 3235-3261 Clive Avenue [Lots 3 to 7, Blocks 149 to 153, District Lot 37, Plan 2196; PIDs: 003-043-223, 006-700-802, 006-700-829, 013-982-958 and 013-982-991 respectively] from CD-1 (Comprehensive Development) District (219) to a new CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.20 to 2.25 and a maximum building height from 11.9 m (39 ft.) to 21.4 m (70.2 ft.), to permit development of a six-storey residential building fronting Vanness Avenue and three-and-a-half storey townhouses fronting Clive Avenue, consisting of a total of 68 residential units (62 strata-titled units and six market rental units), generally as presented in Appendix A of the Referral Report dated January 7, 2020, entitled "CD-1 Rezoning: 3235-3261 Clive Avenue", be approved in principle;

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

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

- B. THAT the consequential amendment to CD-1 District (219) By-law No. 6322 to remove 3235-3261 Clive Avenue from CD-1 (219), generally as set out in Appendix C of the Referral Report dated January 7, 2020, entitled "CD-1 Rezoning: 3235-3261 Clive Avenue", be approved;

AND 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 3235-3261 Clive Avenue.

- C. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report dated January 7, 2020, entitled "CD-1 Rezoning: 3235-3261 Clive 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.

- 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

AMENDMENT MOVED by Councillor Swanson

THAT the following be added as paragraph D:

FURTHER THAT the above approvals be subject to Community Amenity Contributions (CAC's) revenue from the project being used to increase affordability of social housing in the neighbourhood for households earning under \$50,000 per year.

not put

Prior to the amendment receiving a seconder, the Mayor ruled the amendment out of order because it would not be good governance as it reallocates Community Amenity Contributions (CAC's) contrary to an existing CAC's Policy.

Following the Chair's ruling, the motion was put and CARRIED (Vote No. 05593) with Councillor Swanson opposed.

5. REZONING: 4338-4362 Cambie Street

An application by Arno Matis Architecture Ltd. was considered as follows:

Summary: To rezone 4338-4362 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with 68 strata residential units, including townhouses at the lane. Increases to the permitted floor space ratio (FSR) from 0.70 to 2.75 and to the maximum building height from 10.7 metres (35 feet) to 20.5 metres (67 feet) 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

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 opposition 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 8:18 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Kirby-Yung

- A. THAT the application by Arno Matis Architecture, on behalf of Cambie Terra Development Ltd., the registered owners, to rezone 4338-4362 Cambie Street [Lots 2 and 3, Block 721, District Lot 526, Plan 6539; PIDs: 010-869-638 and 010-869-654 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 2.75 and the building height from 10.7 m (35 ft.) to 20.5 m (67 ft.) to permit the development of a six-storey residential building with 68 strata residential units, including townhouses at the lane, generally as presented in Appendix A of the Referral Report dated January 7, 2020, entitled "CD-1 Rezoning: 4338-4362 Cambie Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Arno Matis Architecture Ltd. and received on May 31, 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 Referral Report dated January 7, 2020, entitled "CD-1 Rezoning: 4338-4362 Cambie 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 (Vote No. 05594)
(Councillor Swanson opposed)

ADJOURNMENT

MOVED by Councillor De Genova
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:28 pm.

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