



## **PUBLIC HEARING MINUTES**

**JUNE 25 AND 30, 2020**

A Public Hearing of the City of Vancouver was held on Thursday, June 25, 2020, at 6:03 pm, in the Council Chamber, Third Floor, City Hall. This Council meeting was convened by electronic means as authorized under the Order of the Minister of Public Safety and Solicitor General of the Province of British Columbia – Emergency Program Act, Ministerial Order No. M192. Subsequently the meeting reconvened on Tuesday, June 30, 2020, at 9:30 am.

**PRESENT:**

- Mayor Kennedy Stewart
- Councillor Rebecca Bligh
- Councillor Christine Boyle (Leave of Absence – Personal Reasons, June 30, 2020)
- 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

**CITY MANAGERS OFFICE** Paul Mochrie, Deputy City Manager (June 30, 2020)

**CITY CLERK'S OFFICE:** Rosemary Hagiwara, Acting City Clerk  
Denise Swanston, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### **WELCOME**

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

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

### **1. Regulation Redesign - Amendments to Zoning & Development and Parking By-laws**

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

**Summary:** To amend the Zoning and Development By-law and several Official Development Plans to update and simplify the City's land use regulations and related land use documents, and to make them more user-friendly. In combination with permit processing improvements, these amendments will

help to simplify, clarify, and streamline permit review. Various housekeeping amendments are also proposed for the Parking By-law.

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

Council also had before it a Memorandum dated June 15, 2020, entitled “Regulation Redesign – Amendments to the Zoning and Development and Parking By-laws - RTS-13686”, from Chris Robertson, Assistant Director, City-Wide and Regional Planning, Planning, Urban Design and Sustainability, which informed Council of changes to the draft amendments to the Zoning and Development By-law and the Southeast Granville Slopes Official Development Plan for the report noted above to address errors and omissions. The draft amendments had been revised to:

- a) correct section 5.2.1 to remove the following clause: “Unless otherwise approved, refused or subject to limitations in time as may be imposed by the Director of Planning or the Development Permit Board, any development permit application shall be void 12 months from the date of application.”, which was erroneously inserted (it is section 4.2.1). It is replaced with the correct clause: “The Director of Planning may vary the provisions of this By-law relating to any of the following:”;
- b) correct a reference in section 4.4.3 of the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule. Section 4.4.3 incorrectly references section 4.7.13 (i) of the schedule. The correct reference is section 4.7.15 (j);
- c) insert the wording shown in italics, which was inadvertently excluded from the clauses shown below, for the following districts:
  - a. in 4.7.4 (f) of the First Shaughnessy District Schedule, “entries, porches, verandahs, *or covered porches above the first storey*”;
  - b. in 4.7.3 (f)(i) of the RT-10 and RT-10N Districts Schedule, “the side facing the street or rear property line or *common open space* is open or protected by guards that do not exceed the required minimum height,”;
  - c. in 4.7.5 of the RT-11 and RT-11N Districts Schedule, “the side facing the street or rear property line, *common open space, park or school*, is open or protected by guards that do not exceed the required minimum height,”; and
- d) in the Southeast Granville Slopes Official Development Plan, in section 6.3.3 (a), remove the word ‘residential’ as the floor space ratio exclusion applies to non-residential floor area also.

As the posted amending by-laws for this item contain the changes outlined above, 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:

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

## Staff Opening Comments

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

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application, specifically in relation to the update on retractable balconies:

- Michael Geller, Advisor to multiple retractable-balcony-system manufacturers
- Jonathan Kingma
- Ralph Wettstein
- James Dobko
- Mark De Graaf
- Olli Vanska

The following spoke in opposition of the application:

- Elizabeth Murphy, Representative, Character House Network

The speakers list and receipt of public comments closed at 7:30 pm.

## Staff Closing Comments

Marco D'Agostini, Regulatory Framework Project Manager, City-wide and Regional Planning, addressed comments made by speakers and along with the General Manager, Planning, Urban Design and Sustainability, responded to questions.

## Council Decision

MOVED by Councillor Bligh

SECONDED by Councillor Kirby-Yung

- A. THAT Council approve the application to amend the Zoning and Development By-law, generally as presented in Appendix A of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By laws" to:
  - (i) add definition to section 2 for unnecessary hardship;
  - (ii) reorganize and update sections 3, 4, and 5 to:
    - a. consolidate authorities, administration of development permits and regulations regarding relaxations and use of discretion into discrete sections;
    - b. clarify conditions for Development Permit Board review of development permit applications; and

- c. allow both the Director of Planning and Development Permit Board authority to relax the by-law for unnecessary hardship, as defined in section 2;
  - (iii) subject to approval of A(ii) (a) update references to sections 3, 4, and 5 throughout the by-law;
  - (iv) correct terminology related to the application of relaxations and discretion throughout the by-law and move regulations to the appropriate section of the district schedules; and
  - (v) update section 10.6 Character House to consolidate regulations that enable the variation of regulations for the retention of a character house.
- B. THAT Council approve the application to amend the Zoning and Development By-law, generally as presented in Appendix B of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws" to:
- (i) add definitions to section 2 for awning, balcony, enclosed balcony, deck, roof deck, canopy, covered entry, porch and verandah, and patio;
  - (ii) subject to the approval of B(i), update language throughout the by-law to reflect the new defined terms and to improve consistency of terminology;
  - (iii) in section 10, increase the permitted projection of balconies on multiple dwellings into a required yard from 1.2 m to 1.8 m to provide more flexibility;
  - (iv) update and improve the consistency of regulations for balconies and decks by:
    - a. applying the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses;
    - b. introducing a floor area exclusion for balconies and decks of 8% in the RA-1 district and for dwellings other than multiple dwellings in the RM-4 and RM-4 districts and an exclusion of 12% for multiple dwellings in the RM-4 and RM-4N districts; and
    - c. increasing the amount of floor area excluded for balconies and decks from 8% to 12% in the I-1, I-1A, I-1B, I-4, IC-1, IC-2, M-1, M-1A, M-1B and M-2 districts and for multiple dwellings in the RM-1, RM-1N, and RM 2;
  - (v) update and improve the consistency of regulations and for covered porch, entry and verandah by:
    - a. allowing a covered porch, entry and verandah to project into a front yard by up to 1.8 m for any dwelling unit in most RA, RS, RT, and RM districts;
    - b. excluding floor area under a covered entry, porch and verandah if it is less than 2.0 m in height, not heated, and there is no access from the interior of the building, in the RA, RS, RT, RM and FSD districts;
    - c. introducing a combined floor area exclusion of 13% for covered porch, entry and verandah, balcony, and deck for all dwelling types in the RA, RS, RT-1, RT-2, RT-5, RT-5N, RT-6, RT-9, RM-3 and RM-3A districts;
    - d. introducing a combined floor area exclusion for covered porch, entry and verandah, balcony, and deck of 13% for dwellings other than

- multiple dwellings and 16% for multiple dwellings in the RM-1, RM-1N, RM-2, RM-4, RM-4N, districts; and
      - e. introducing a combined floor area exclusion for covered porch, entry and verandah, balcony, and deck of 16% in the RM-5, RM-5A, RM-5B, RM-5C and RM-5D districts;
    - (vi) make various housekeeping amendments to correct references and errors in numbering and spelling.
- C. THAT Council approve the application to amend the Central Waterfront Official Development Plan to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix C of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- D. THAT Council approve the application to amend the Coal Harbour Official Development Plan to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix D of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- E. THAT Council approve the application to amend the Downtown Official Development Plan to update terms for balcony, porch, deck, roof deck, to apply the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses, and to correct terminology related to the application of relaxations and discretion generally in accordance with Appendix E of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- F. THAT Council approve the application to amend the Downtown Eastside/Oppenheimer Official Development Plan to update terms for balcony, porch, deck, roof deck, to apply the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses, and to correct terminology related to the application of relaxations and discretion generally in accordance with Appendix F of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- G. THAT Council approve the application to amend the False Creek Official Development Plan to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix G of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- H. THAT Council approve the application to amend the Southeast Granville Slopes Official Development Plan to update terms for balcony, porch, deck, roof deck and to apply the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses, and to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix H of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".

- I. THAT Council approve the amendment to the Parking By-law to make various housekeeping amendments to correct references, generally in accordance with Appendix I of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- J. THAT, in accordance with Appendices J and K of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws", Council approve:
  - (i) subject to approval of A(i), amendment of several land use documents to update terms; and
  - (ii) housekeeping amendments in various land use policy documents.

amended

AMENDMENT MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Dominato

THAT the following be added to the end:

THAT staff review the opportunity to permit retractable balconies and bring forward to Council for consideration for referral to public hearing.

CARRIED UNANIMOUSLY (Vote No. 06143)

REFERRAL MOVED by Councillor Hardwick  
SECONDED by Councillor Carr

THAT Council refer the parts related to RS and RT zones for covered porches, entry and verandah in B.(v) of the summary and recommendations back to staff, for more work after neighbourhood-based public consultation with those affected and to address the concerns raised by the public, with the current report broken down into multiple reports by Zoning District Schedule type and By-law type, with more clear explanations of how the proposed amendments affect the By-laws in practical terms, and brought back for Council consideration to refer them to separate Public Hearings.

not put

Following a short recess and the receipt of additional information from Legal Services, the Mayor advised that specific portions cannot be extracted from the summary and recommendations and therefore ruled the proposed amendment out of order.

AMENDMENT MOVED by Councillor Carr  
SECONDED by Councillor Hardwick

THAT the following be added to the end:

THAT staff monitor and evaluate the changes related to porches and balconies in the RT and RS zones over the next 12 months and report back on any issues.

CARRIED UNANIMOUSLY (Vote No. 06144)

The amendments having either carried or being not put, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 06146).

### FINAL MOTION AS APPROVED

- A. THAT Council approve the application to amend the Zoning and Development By-law, generally as presented in Appendix A of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By laws" to:
- (i) add definition to section 2 for unnecessary hardship;
  - (ii) reorganize and update sections 3, 4, and 5 to:
    - a. consolidate authorities, administration of development permits and regulations regarding relaxations and use of discretion into discrete sections;
    - b. clarify conditions for Development Permit Board review of development permit applications; and
    - c. allow both the Director of Planning and Development Permit Board authority to relax the by-law for unnecessary hardship, as defined in section 2;
  - (iii) subject to approval of A(ii) (a) update references to sections 3, 4, and 5 throughout the by-law;
  - (iv) correct terminology related to the application of relaxations and discretion throughout the by-law and move regulations to the appropriate section of the district schedules; and
  - (v) update section 10.6 Character House to consolidate regulations that enable the variation of regulations for the retention of a character house.
- B. THAT Council approve the application to amend the Zoning and Development By-law, generally as presented in Appendix B of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws" to:
- (i) add definitions to section 2 for awning, balcony, enclosed balcony, deck, roof deck, canopy, covered entry, porch and verandah, and patio;
  - (ii) subject to the approval of B(i), update language throughout the by-law to reflect the new defined terms and to improve consistency of terminology;
  - (iii) in section 10, increase the permitted projection of balconies on multiple dwellings into a required yard from 1.2 m to 1.8 m to provide more flexibility;
  - (iv) update and improve the consistency of regulations for balconies and decks by:
    - a. applying the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses;
    - b. introducing a floor area exclusion for balconies and decks of 8% in the RA-1 district and for dwellings other than multiple dwellings in the RM-4 and RM-4 districts and an exclusion of 12% for multiple dwellings in the RM-4 and RM-4N districts; and
    - c. increasing the amount of floor area excluded for balconies and decks from 8% to 12% in the I-1, I-1A, I-1B, I-4, IC-1, IC-2, M-1, M-1A, M-1B

and M-2 districts and for multiple dwellings in the RM-1, RM-1N, and RM 2;

- (v) update and improve the consistency of regulations and for covered porch, entry and verandah by:
    - a. allowing a covered porch, entry and verandah to project into a front yard by up to 1.8 m for any dwelling unit in most RA, RS, RT, and RM districts;
    - b. excluding floor area under a covered entry, porch and verandah if it is less than 2.0 m in height, not heated, and there is no access from the interior of the building, in the RA, RS, RT, RM and FSD districts;
    - c. introducing a combined floor area exclusion of 13% for covered porch, entry and verandah, balcony, and deck for all dwelling types in the RA, RS, RT-1, RT-2, RT-5, RT-5N, RT-6, RT-9, RM-3 and RM-3A districts;
    - d. introducing a combined floor area exclusion for covered porch, entry and verandah, balcony, and deck of 13% for dwellings other than multiple dwellings and 16% for multiple dwellings in the RM-1, RM-1N, RM-2, RM-4, RM-4N, districts; and
    - e. introducing a combined floor area exclusion for covered porch, entry and verandah, balcony, and deck of 16% in the RM-5, RM-5A, RM-5B, RM-5C and RM-5D districts;
  - (vi) make various housekeeping amendments to correct references and errors in numbering and spelling.
- C. THAT Council approve the application to amend the Central Waterfront Official Development Plan to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix C of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- D. THAT Council approve the application to amend the Coal Harbour Official Development Plan to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix D of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- E. THAT Council approve the application to amend the Downtown Official Development Plan to update terms for balcony, porch, deck, roof deck, to apply the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses, and to correct terminology related to the application of relaxations and discretion generally in accordance with Appendix E of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- F. THAT Council approve the application to amend the Downtown Eastside/Oppenheimer Official Development Plan to update terms for balcony, porch, deck, roof deck, to apply the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses, and to correct terminology related to the application of relaxations and discretion generally in accordance with Appendix F of the Referral Report dated May



- 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
- G. THAT Council approve the application to amend the False Creek Official Development Plan to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix G of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
  - H. THAT Council approve the application to amend the Southeast Granville Slopes Official Development Plan to update terms for balcony, porch, deck, roof deck and to apply the floor area exclusion for balconies and decks to non-residential uses, as well as residential uses, and to correct terminology related to the application of relaxations and discretion, generally in accordance with Appendix H of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
  - I. THAT Council approve the amendment to the Parking By-law to make various housekeeping amendments to correct references, generally in accordance with Appendix I of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws".
  - J. THAT, in accordance with Appendices J and K of the Referral Report dated May 12, 2020, entitled "Regulation Redesign - Amendments to Zoning & Development and Parking By-laws", Council approve:
    - (i) subject to approval of A(i), amendment of several land use documents to update terms; and
    - (ii) housekeeping amendments in various land use policy documents.
  - K. THAT staff review the opportunity to permit retractable balconies and bring forward to Council for consideration for referral to public hearing.
  - L. THAT staff monitor and evaluate the changes related to porches and balconies in the RT and RS zones over the next 12 months and report back on any issues.

## **2. REZONING: 486 West 26th Avenue**

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

Summary: To rezone 486 West 26th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building. A building height of 19.9 metres (65 feet) and a floor space ratio (FSR) of 2.51 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.

## Staff Opening Comments

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

## Applicant Comments

Robert Billard, Billard Architecture Inc. responded to questions.

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Adrien Herberts, VP, Land & Development, MOSAIC

The speakers list and receipt of public comments closed at 8:27 pm.

## Staff Closing Comments

Staff from Planning Urban Design and Sustainability responded to questions.

## Council Decision

MOVED by Councillor Kirby-Yung

SECONDED by Councillor Carr

- A. THAT the application by Billard Architecture Inc., on behalf of 1162930 B.C. Ltd., the registered owner, to rezone 486 West 26th Avenue [Lot 1, Block 701, District Lot 526, Plan 6539; PID: 010-872-698] 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 2.51 and the building height from 10.7 m (35 ft.) to 19.9 m (65 ft.) to permit the development of a six-storey residential building with 29 strata residential units, generally as presented in Appendix A of the Referral Report dated April 21, 2020, entitled "CD-1 Rezoning: 486 West 26th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Billard Architecture and received on June 13, 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 Referral 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 April 21, 2020, entitled "CD-1 Rezoning: 486 West 26th 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. 06147)  
Councillor Swanson opposed  
(Councillor Hardwick abstained from the vote.)

### **3. REZONING AND HERITAGE DESIGNATION: 6825 West Boulevard**

An application by Formwerks Architectural Inc. was considered as follows:

Summary: To rezone 6825 West Boulevard from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of infill residential buildings and the protection, rehabilitation and conservation of the existing heritage building. A maximum building height of 12.4 metres (41 feet) is proposed and an overall density of 0.60 FSR is maintained.

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

#### **Summary of Correspondence**

The following correspondence was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments:

- 7 pieces of correspondence in support; and
- 9 pieces of correspondence in opposition.

## **Staff Opening Comments**

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

## **Applicant Comments**

Jim Bussey, Formwerks Architecture, responded to questions from Council.

## **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Jake Fry, Co-director, Smallhousing BC
- Peter Campa

The following spoke in opposition of the application:

- Patrick Von Hahn

The speakers list and receipt of public comments closed at 9:10 pm.

## **Applicant Closing Comments**

The applicant reiterated the approved guidelines for heritage retention, noting their proposal is under the maximum permitted density.

## **Council Decision**

MOVED by Councillor Hardwick  
SECONDED by Councillor Carr

- A. THAT the application by Formwerks Architectural Inc., on behalf of FB West Boulevard Development Ltd., to rezone 6825 West Boulevard [Lot 7, Except Parcel A (See B47424L) Block 2 South District Lot 526 Plan 3271, PID: 013-006-096] from RS-5 (One Family Dwelling) District to CD-1 (Comprehensive Development) District, to maintain an overall density of 0.60 FSR and permit the protection, rehabilitation and conversion of the existing building and the development of infill residential buildings containing a total of nine dwelling units, generally as presented in Appendix A of the Referral Report dated May 12, 2020, entitled "CD-1 Rezoning and Heritage Designation: 6825 West Boulevard" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Formwerks Architectural Inc., and received on March 31, 2017, 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 Referral Report.

- B. THAT subject to the approval in principle of the rezoning, Council re-affirm the existing building (the "Heritage Building") at 6825 West Boulevard [PID: 013-006-096; Lot 7, Except Parcel A (See B47424L) Block 2 South District Lot 526 Plan3271], known as the "Twiss Residence" and formerly on the Vancouver Heritage Register in the 'C' evaluation category, as reclassified on the Vancouver Heritage Register in the 'A' evaluation category, generally as set out in Appendix C of the Referral Report dated May 12, 2020, entitled "CD-1 Rezoning and Heritage Designation: 6825 West Boulevard".
- C. THAT the heritage designation of the Heritage Building's exterior at 6825 West Boulevard [PID: 013-006-096; Lot 7, Except Parcel A (See B47424L) Block 2 South District Lot 526 Plan 3271] as protected heritage property, generally as set out in Appendix C of the Referral Report dated May 12, 2020, entitled "CD-1 Rezoning and Heritage Designation: 6825 West Boulevard";

FURTHER THAT the Director of Legal Services be instructed to prepare the Heritage Designation By-law, generally as set out in Appendix C of the above-noted Referral Report, for consideration at the Public Hearing.

- 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 Subdivision By-law, generally as set out in Appendix C of the Referral Report dated May 12, 2020, entitled "CD-1 Rezoning and Heritage Designation: 6825 West Boulevard".
- 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. 06148)  
(Councillor Swanson opposed)

\* \* \* \* \*

At 9:27 pm, it was,

*MOVED by Councillor Carr*  
*SECONDED by Councillor Hardwick*

*THAT Council receive the presentations from staff and the applicant and hear speakers until 10 pm.*

*amended*

*AMENDMENT MOVED by Councillor Carr*  
*SECONDED by Councillor Hardwick*

*FURTHER THAT any unfinished business be referred to Tuesday, June 30, 2020, at 9:30 am.*

*CARRIED*  
*(Councillor Dominato opposed)*  
*(Councillors Boyle and De Genova abstained from the vote)*

*The amendment having carried, the motion as amended was put and CARRIED with Councillors Dominato and Kirby-Yung opposed and Councillors Boyle and De Genova abstaining from the vote.*

\* \* \* \* \*

#### **4. REZONING: 1059-1075 Nelson Street**

An application by IBI Group Architects was considered as follows:

Summary: To rezone 1059-1075 Nelson Street from RM-5B (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a 60-storey residential building. A building height of 178.5 metres (585.5 feet) and a floor space ratio (FSR) of 24.7 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:

- 34 pieces of correspondence in support; and
- 14 pieces of correspondence in opposition.

## **Staff Opening Comments**

One June 25, 2020, staff from Planning, Urban Design and Sustainability presented on the rezoning application for 1059-1075 Nelson Street.

\* \* \* \* \*

*On June 25, 2020, the Public Hearing recessed at 9:54 pm, and reconvened on June 30, 2020, at 9:30 am.*

\* \* \* \* \*

## **Staff Opening Comments (continued)**

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

## **Applicant Comments**

The applicant shared a short video and responded to questions.

*Following the first round of questions, it was,*

*MOVED by Councillor Swanson*

*SECONDED by Councillors Kirby-Yung*

*THAT Council enter into a second round of questions to staff and the applicant.*

*CARRIED UNANIMOUSLY*

## **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Charles Gauthier, President and CEO, Downtown Business Improvement Association
- Mike Benn
- Michael Bousfield, Technical Director, Cascadia Windows and Doors
- Jeanine Longley
- Stephen Regan, Executive Director, West End Business Improvement Association
- Rod Megill
- Mark Jodoin
- Graham Wood
- Scott de Lange Boom
- Christian Cianfrone, Executive Director, Zero Emissions Building Exchange
- Neil Norris
- Stephanie Butler

- Tom Long
- Peter Waldkirch

The following spoke in opposition of the application:

- Randal Helten
- Nathan Davidowicz

The speakers list and receipt of public comments closed on June 30, 2020, at 11:44 am.

### **Staff Closing Comments**

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

*At 11:53 am, it was,*

*MOVED by Councillor Carr  
SECONDED by Councillor Swanson*

*THAT Council extend past noon in order to continue with questions to staff.*

*CARRIED AND BY THE  
REQUIRED MAJORITY  
(Councillors Fry, Kirby-Yung and Wiebe opposed)  
(Councillor De Genova abstained from the vote)*

*Following the first round of questions, it was,*

*MOVED by Councillor De Genova  
SECONDED by Councillor Carr*

*THAT Council enter into a second round of questions to staff.*

*CARRIED UNANIMOUSLY*

*\* \* \* \* \**

*On June 30, 2020, the Public Hearing recessed at 12:20 pm and reconvened at 1:20 pm.*

*\* \* \* \* \**



## Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Carr

- A. THAT the application by Henson Development Ltd., on behalf of Nelson Street Residences Ltd. to rezone 1059-1075 Nelson Street [Lots 11 and 12, Block 7 District Lot 185 Plan 92; PIDs 005-605-946 and 015-749-916 respectively] from RM-5B (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.75 to 24.70 and the building height from 18.30 m to 178.46 m to permit the development of a 60-storey residential building which would contain 102 social housing units, 50 secured market rental units and 328 market strata units, generally as presented in Appendix A of the Referral Report dated April 14, 2020, entitled "CD-1 Rezoning: 1059-1075 Nelson Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by IBI Group Architects and received on March 1, 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 Referral Report.

- B. THAT, if after Public Hearing Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated April 14, 2020, entitled "CD-1 Rezoning: 1059-1075 Nelson 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, the General Manager of Planning, Urban Design and Sustainability, and the General Manager of Arts, Culture and Community Services.
- 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 Noise Control By law, generally as set out in Appendix C of the Referral Report dated April 14, 2020, entitled "CD-1 Rezoning: 1059-1075 Nelson Street".
- 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  
SECONDED by Councillor Kirby-Yung

THAT Council add the following to the end:

FURTHER THAT Council encourage staff to work toward deepening affordability in the social housing portion of this project.

not put

Following a short recess and consultation with Legal Services, the Mayor ruled the proposed amendment out of order under Part 8.7(f) of the *Procedure By-law*.

The amendment not being put, the motion was put and CARRIED (Vote No. 06155) with Councillors Carr, Hardwick and Swanson opposed.

## **ADJOURNMENT**

MOVED by Councillor De Genova  
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned on June 30, 2020, at 2:31 pm.

\* \* \* \* \*