



## PUBLIC HEARING MINUTES

JULY 21, 2020

A Public Hearing of the City of Vancouver was held on Tuesday, July 21, 2020, at 6 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.

**PRESENT:** Mayor Kennedy Stewart  
Councillor Rebecca Bligh  
Councillor Christine Boyle  
Councillor Adriane Carr  
Councillor Lisa Dominato  
Councillor Pete Fry  
Councillor Colleen Hardwick  
Councillor Sarah Kirby-Yung  
Councillor Jean Swanson  
Councillor Michael Wiebe

**ABSENT:** Councillor Melissa De Genova, Leave of Absence – Personal Reasons

**CITY CLERK'S OFFICE:** Tina Penney, Deputy City Clerk  
Bonnie Kennett, 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. **CD-1 Text Amendment: 1335 Howe Street**

An application by Onni Howe Street (Nominee) Corp. was considered as follows:

**Summary:** To amend CD-1 (643) (Comprehensive Development) District for 1335 Howe Street to increase the permitted floor space ratio (FSR) from 12.12 to 12.29 to allow for the conversion of previously excluded in-suite storage floor area into regular residential floor area to accommodate revised floor layouts for this mixed-use building currently under construction. The changes are contained entirely within the previously approved form of development.

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

### **Summary of Correspondence**

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

### **Speakers**

The Mayor called for speakers for and against the application and none were present.

The speakers list and receipt of public comments closed at 6:15 pm.

### **Council Decision**

MOVED by Councillor Carr  
SECONDED by Councillor Fry

- A. THAT the application by Onni Howe Street (Nominee) Corp. to amend CD-1 (643) By-law No. 11661 for 1335 Howe Street [PID 029-787-092; Lot E, Block 111, District Lot 541, New Westminster District Plan EPP59620], to increase the permitted floor space ratio (FSR) from 12.12 to 12.29, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Text Amendment: 1335 Howe Street" be approved in principle;

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

- B. THAT A above be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED (Vote No. 06226)  
(Councillor Swanson opposed)

## **2. CD-1 Rezoning: 526-528 West 37th Avenue**

An application by GUD Group was considered as follows:

**Summary:** To rezone 526-528 West 37th Avenue from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with 22 strata-titled units. A height of 20.2 metres (66.2 feet) and a floor space ratio (FSR) of 2.44 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 also had before it a Memorandum dated July 20, 2020, entitled “CD-1 Rezoning: 526-528 West 37th Avenue – amendment to Draft CD-1 By-law”, from Theresa O’Donnell, Deputy Director, Planning, Urban Design and Sustainability, which informed Council of an omission in the draft CD-1 By-law for the Referral Report dated June 9, 2020, entitled “CD-1 Rezoning: 526-528 West 37th Avenue”. The draft by-law posted for the above-noted report was prepared in accordance with Appendix A of the same report, however a standard clause to allow an additional partial storey for common rooftop amenity space, as per section 5.1.1 of the Cambie Corridor Plan was not included. The following recommendation would add the missing clause to the draft by-law and allow the applicant to fulfill design development condition 4 of Part 1 of the Conditions of Approval in Appendix B of the above-noted report, which calls for enhancing the amount and quality of outdoor amenity space and suggests the rooftop as a location:

THAT the draft CD-1 By-law for 526-528 West 37th Avenue be amended as follows to allow for an additional partial storey for common rooftop amenity spaces:

- (i) Renumber section 6 as subsection 6.1;
- (ii) Add this new subsection 6.2 after section 6.1: “6.2 Despite section 6.1 of this By-law and section 10.18 of the Zoning and Development By-law, if the Director of Planning permits a common indoor rooftop amenity space, the height of the portion of the building used for the common indoor amenity space must not exceed 23.2 m.

### **Summary of Correspondence**

One piece of correspondence in support of the application was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

### **Staff Opening Comments**

Planning, Urban Design and Sustainability staff provided brief opening comments to address the Memorandum dated July 20, 2020, entitled “CD-1 Rezoning: 526-528 West 37th Avenue – amendment to Draft CD-1 By-law”.

## Speakers

The Mayor called for speakers for and against the application and none were present.

The speakers list and receipt of public comments closed at 6:26 pm.

## Council Decision

MOVED by Councillor Carr

SECONDED by Councillor Bligh

- A. THAT the application by GUD Group, on behalf of D&W Investments Ltd, the registered owner, to rezone 526-528 West 37th Avenue [PID 009-972-706; Lot 19, Block 875, District Lot 526, Plan 8664] from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.44 and the maximum building height from 9.2 m (30 ft.) to 20.2 m (66.2 ft.) to permit the development of a six-storey residential building containing 22 strata-titled units, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 526-528 West 37th Avenue" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by GUD Group and received on July 4, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

AND FURTHER THAT the draft CD-1 By-law for 526-528 West 37th Avenue in Appendix A of the above-noted report be amended as follows to allow for an additional partial storey for common rooftop amenity spaces:

(i) Renumber section 6 as subsection 6.1;

(ii) Add this new subsection 6.2 after section 6.1:

"6.2 Despite section 6.1 of this By-law and section 10.18 of the Zoning and Development By-law, if the Director of Planning permits a common indoor rooftop amenity space, the height of the portion of the building used for the common indoor amenity space must not exceed 23.2 m."

- 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 Parking By-law, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 526-528 West 37th 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. 06227)  
(Councillor Swanson opposed)

### **3. CD-1 Rezoning: 4506 Rupert Street and 3309 Price Street**

An application by GBL Architects Inc. was considered as follows:

Summary: To rezone 4506 Rupert Street and 3309 Price Street from C-1 (Commercial) and RS-1 (Residential) Districts to CD-1 (Comprehensive Development) District, to permit the development of a five-storey, mixed-use building with 51 secured market rental residential units, including four live-work units. A height of 15.1 metres (49.5 feet) and a floor space ratio (FSR) of 2.30 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:

- 3 pieces of correspondence in opposition; and
- 1 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

Hesam Deihimi, Developer, Milori Community Development, responded to questions.

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Rick Hurlbut
- Hirbod Moshfeghi

The following provided general comments on the application:

- Nathan Davidowicz

The speakers list and receipt of public comments closed at 7:07 pm.

## Council Decision

MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Dominato

- A. THAT the application by GBL Architects Inc. on behalf of 4506 Rupert Holdings Ltd. (Inc. no. BC1228769), the registered owners, to rezone 4506 Rupert Street and 3309 Price Street [PIDs: 015-093-867, 010-306-757, 010-306-765, and 010-306-820 respectively; Lot A (Reference Plan 2155), Block 96 District Lots 36 and 51, Plan 849, and Lots 1, 2, and 7, all of Block 96, District Lots 36 and 51, Plan 7903] from C-1 (Commercial) and RS-1 (Residential) Districts to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.20 to 2.30 and building height from 10.7 m (35.1 ft.) to 15.1 m (49.5 ft.) to permit development of a five-storey, mixed-use building with 51 secured market rental residential units, including four live-work units, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 4506 Rupert Street and 3309 Price Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by GBL Architects Inc. and received on November 22, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated June 9, 2020, entitled "CD-1 Rezoning: 4506 Rupert Street and 3309 Price 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.

- 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 Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 4506 Rupert Street and 3309 Price 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 Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 4506 Rupert Street and 3309 Price 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 Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 4506 Rupert Street and 3309 Price 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 (Vote No. 06228)  
(Councillor Swanson opposed)

#### **4. CD-1 Rezoning: 1425 and 1451 East 12th Avenue**

An application by Brightside Community Homes Foundation was considered as follows:

Summary: To rezone 1425 and 1451 East 12th Avenue from RM-11N (Medium-Density Residential) District to CD-1 (Comprehensive Development) District, to permit the development of two residential buildings with a total of 157 social housing units for seniors. A height of 20.7 metres (67.9 feet) and a floor space ratio (FSR) of 2.47 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:

- 39 pieces of correspondence in support; and
- 10 pieces of correspondence in opposition.

### **Staff Opening Comments**

Staff from Planning, Urban Design and Sustainability provided a presentation and along with staff from Engineering Services, responded to questions.

### **Applicant Comments**

William Azaroff, CEO, Brightside, provided a presentation and along with Warren Schmidt, Project Architect, Ryder Architecture, responded to questions.

### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Colleen McGuinness, Chair, Seniors Advisory Committee
- Marika Albert, Member, BC Non-Profit Housing Association
- Graham Wood, Director, The Bloom Group (Real Estate)
- Roderick Bird
- John Woodin
- Ken Wolff
- Meganne O'Leary
- David Eddy

The following spoke in opposition of the application:

- Stephen Bohus
- Anita Olson

The speakers list and receipt of public comments closed at 8:46 pm.



## Council Decision

MOVED by Councillor Carr

SECONDED by Councillor Kirby-Yung

- A. THAT the application by Brightside Community Homes Foundation, the registered owner, to rezone 1425 and 1451 East 12th Avenue [PID: 009-226-869, Lot 28 of Lot D Block 160 District Lot 264A PLAN 10940; and PID: 009-226-877, Lot 29 of Lot D Block 160 District Lot 264A PLAN 10940] from RM-11N (Medium-Density Residential) to a new CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.70 to 2.47 and building height from 13.7 m (44.9 ft.) to 20.7 m (67.9 ft.) for two residential buildings with a total of 157 social housing units for seniors, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 1425 and 1451 East 12th Avenue" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Ryder Architecture and received on December 11, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated June 9, 2020, entitled "CD-1 Rezoning: 1425 and 1451 East 12th 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.
- 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 Kirby-Yung

THAT the following be added as D:

THAT the following be added as new condition no. 19a under the landscape section, Part 1 of Appendix B of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 1425 and 1451 East 12<sup>th</sup> Avenue",

- 19a. Design development to enhance place-making through plants, soils and engineered structures to celebrate the natural water system through the site including markers to highlight the historic stream's natural history.

**Note to applicant:** Applicant to discuss with City Engineering on how these place-making elements could be added without compromising maintenance of the Statutory Right of Way.

CARRIED UNANIMOUSLY (Vote No. 06229)

The amendment having carried unanimously, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 06230).

#### FINAL MOTION AS APPROVED

- A. THAT the application by Brightside Community Homes Foundation, the registered owner, to rezone 1425 and 1451 East 12th Avenue [PID: 009-226-869, Lot 28 of Lot D Block 160 District Lot 264A PLAN 10940; and PID: 009-226-877, Lot 29 of Lot D Block 160 District Lot 264A PLAN 10940] from RM-11N (Medium-Density Residential) to a new CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.70 to 2.47 and building height from 13.7 m (44.9 ft.) to 20.7 m (67.9 ft.) for two residential buildings with a total of 157 social housing units for seniors, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 1425 and 1451 East 12th Avenue" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Ryder Architecture and received on December 11, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated June 9, 2020, entitled "CD-1 Rezoning: 1425 and 1451 East 12th 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.

- 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.
- D. THAT the following be added as new condition no. 19a under the landscape section, Part 1 of Appendix B of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 1425 and 1451 East 12th Avenue",

19a. Design development to enhance place-making through plants, soils and engineered structures to celebrate the natural water system through the site including markers to highlight the historic stream's natural history.

**Note to applicant:** Applicant to discuss with City Engineering on how these place-making elements could be added without compromising maintenance of the Statutory Right of Way.

## ADJOURNMENT

MOVED by Councillor Hardwick  
SECONDED by Councillor Boyle

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:01 pm.

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