



PUBLIC HEARING MINUTES

JULY 23 AND 24, 2020

A Public Hearing of the City of Vancouver was held on Thursday, July 23, 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. Subsequently the Public Hearing reconvened on Friday, July 24, 2020, at 6:03 pm.

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

CITY CLERK'S OFFICE:

- Rosemary Hagiwara, Acting City Clerk
- 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. Rezoning: 809-889 West 33rd Avenue

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

Summary: To rezone 809-889 West 33rd Avenue from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) of up to 1.2. If rezoning is approved, a subsequent development permit process would entail review of a proposed 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

Two pieces of correspondence in opposition of the application were 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 reviewed the application.

Applicant Comments

Andrew Cook, Formwerks, provided opening comments.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition of the application:

- Hugh Fraser

The speakers list and receipt of public comments closed at 6:36 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor De Genova

- A. THAT the application by Formwerks Architecture Inc. on behalf of Bernadetta Cheng, Mary Michiko Malcolm, Eleanor Gillies Rapp and Jennifer Louise Rapp, Nam Wai Pat and Hang Yu Hui, Michael Wallace Cockell and Elizabeth Mary Cockell, the registered owners, to rezone 809-889 West 33rd Avenue [*Lots 6 to 10, Block 817, District Lot 526, Plan 9078; PIDs: 009-761-292, 009-761-322, 009-761-365, 009-761-381 and 009-761-411 respectively*] all from RS-1 (One Family Dwelling) District to RM-8A (Multiple Dwelling) District, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "Rezoning: 809-889 West 33rd Avenue" be approved in principle;

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

- B. THAT, subject to the enactment of the rezoning by-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Subdivision By-law generally as set out in Appendix C of the Referral Report dated June 9, 2020 entitled "Rezoning: 809-889 West 33rd 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. 06246)
(Councillor Swanson opposed)

2. CD-1 Rezoning: 2735 East Hastings Street

An application by Chard Developments Ltd. was considered as follows:

Summary: To rezone 2735 East Hastings Street from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey, mixed use building with 63 secured rental residential units. A height of 21.1 metres (69.3 feet) and a floor space ratio (FSR) of 3.68 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:

- 26 pieces of correspondence in support; and
- 6 pieces of correspondence in opposition.

Staff Opening Comments

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

Applicant Comments

Byron Chard, President and CEO, Chard Developments Ltd, provided brief opening comments and responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- David Hutniak, Chief Executive Officer, Landlord BC
- Sheldon North, Senior Property & Strata Manager, First Service Residential
- Guy Johanson, Property Manager, First Service Residential
- Pawel Szydowski
- Matthew Steyer
- Anthony Purcell
- Aaron Robinson
- Wayne Bertrand
- Cole Merrick

The following spoke in opposition of the application:

- Stefano Toffoletto
- Lisa Reibin
- Lucas Krist
- Melina Albinezza

The speakers list and receipt of public comments closed at 8:56 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Kirby-Yung

- A. THAT the application by Chard Developments Ltd. on behalf of Slocan And Hastings Holdings Ltd., the registered owners, to rezone 2735 East Hastings Street [PIDs: 015-298-370, 015-298-388, 015-298-400 and 015-298-418; Lots 29, 30, 31 and 32 of Lot 51 Town of Hastings Suburban Lands Plan 406] from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 3.00 FSR to 3.68 FSR and the building height from 13.8 m (45.3 ft.) to 21.1 m (69.3 ft.) to permit the development of a six-storey, mixed use building with 63 secured rental residential units, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by BHA Architecture Inc. and received on July 16, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.
- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street".
- 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 Parking By-law, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street".
- F. THAT A through E 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 Fry
SECONDED by Councillor Dominato

THAT the following be added as G:

THAT staff work with the applicant at the Development Permit stage to protect and enhance the existing traditional retail street character of locally serving independent small business.

CARRIED (Vote No. 06247)
(Councillor De Genova opposed)

The amendment having carried, the motion as amended was put and CARRIED (Vote No. 06248) with Councillor Swanson opposed and Councillor Hardwick abstaining from the vote.

FINAL MOTION AS APPROVED

- A. THAT the application by Chard Developments Ltd. on behalf of Slocan And Hastings Holdings Ltd., the registered owners, to rezone 2735 East Hastings Street [PIDs: 015-298-370, 015-298-388, 015-298-400 and 015-298-418; Lots 29, 30, 31 and 32 of Lot 51 Town of Hastings Suburban Lands Plan 406] from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 3.00 FSR to 3.68 FSR and the building height from 13.8 m (45.3 ft.) to 21.1 m (69.3 ft.) to permit the development of a six-storey, mixed use building with 63 secured rental residential units, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by BHA Architecture Inc. and received on July 16, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.
- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street", be approved.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street".
- 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 Parking By-law, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 2735 East Hastings Street".
- F. THAT A through E 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.
- G. THAT staff work with the applicant at the Development Permit stage to protect and enhance the existing traditional retail street character of locally serving independent small business.

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On July 23, 2020, Council recessed at 9:48 pm, and reconvened on July 24, 2020, at 6:02 pm.

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3. Amendments to the Zoning and Development By-law to Increase Rental Housing in the C-2, C-2B, C-2C, and C-2C1 Commercial Districts

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 to add a definition of "residential rental tenure" to Section 2; and to amend the C-2, C-2B, C-2C, and C-2C1 District Schedules to encourage development of secured rental housing by enabling six-storey, mixed-use development in select areas of the city, if all dwelling units are residential rental tenure. A maximum building height of 22.0 metres (72 feet) and a floor space ratio (FSR) of up to 3.7 are proposed for mixed-use residential rental tenure buildings. In combination with the proposed zoning amendments for residential rental tenure, additional amendments are proposed to the C-2, C-2B, C-2C, and C-2C1 District Schedules to simplify regulations for all other 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

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

- 30 pieces of correspondence in support;
- 87 pieces of correspondence in opposition including one electronic petition; and
- 1 piece of correspondence dealing with other aspects of the application.

Staff Opening Comments

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

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Cyrus Navabi
- Jon Stovell
- Jeff Fisher, Vice President and Senior Policy Advisor, Urban Development Institute
- David Sander, Director, Hollyburn Properties Ltd.
- Timothy Yeung, Director, Development, Peterson Real Estate
- Michael Huggins, Principal, BHA Architecture
- Celine McCrahan

The following spoke in opposition of the application:

- Barbara May
- Stephen Bohus
- Elizabeth Murphy
- Ruth Cherry
- Sean Cassidy

The following provided general comments on the application:

- Maureen Charron

The speakers list and receipt of public comments closed on July 24, 2020, at 8:56 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor De Genova
SECONDED by Councillor Dominato

- 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 27, 2020, entitled “Amendments to the Zoning and Development By-law to Increase Rental Housing in the C-2, C-2B, C-2C, and C-2C1 Commercial Districts”, to:
- (i) in Section 2, add a definition for “residential rental tenure” to enable zoning for rental housing; and
 - (ii) in the C-2, C-2B, C-2C, and C-2C1 District Schedules:
 - a. allow for six-storey mixed-use buildings development where the entire residential portion of the building is secured as residential rental tenure, in certain areas of the districts as identified in the draft by-law;
 - b. improve local shopping areas by requiring a minimum amount of commercial retail use and by allowing an additional 2.2 m in overall building height for greater floor-to-floor ceiling heights in commercial retail units; and
 - c. ensure that the setback requirements for the new residential rental tenure align with the current regulations for regular residential development.
- B. THAT, at the time of enactment 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 consideration new associated C-2, C-2B, C-2C, and C-2C1 Residential Rental Tenure Guidelines, generally as set out in Appendix B of the Referral Report dated May 27, 2020, entitled “Amendments to the Zoning and Development By-law to Increase Rental Housing in the C-2, C-2B, C-2C, and C-2C1 Commercial Districts”.
- C. THAT, at the time of enactment 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 consideration amended C-2 Guidelines and C-2B, C-2C, and C-2C1 Guidelines, generally as set out in Appendix C and Appendix D of the Referral Report dated May 27, 2020, entitled “Amendments to the Zoning and Development By-law to Increase Rental Housing in the C-2, C-2B, C-2C, and C-2C1 Commercial Districts”.
- D. THAT, subject to approval of the amendments to the Zoning and Development By-law, Council approve consequential amendments to the Secured Rental Policy, generally as set out in Appendix E of the Referral Report dated May 27, 2020, entitled “Amendments to the Zoning and Development By-law to Increase Rental Housing in the C-2, C-2B, C-2C, and C-2C1 Commercial Districts”, to reflect implementation of the district schedule changes in commercial areas.

- E. THAT A through D above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

referred

REFERRAL MOVED by Councillor Carr
SECONDED by Councillor Hardwick

THAT Council refer back to staff the report dated May 27, 2020, entitled “Amendments to the Zoning and Development By-law to Increase Rental Housing in the C-2, C-2B, C-2C, and C-2C1 Commercials Districts”, until Council has considered the above-noted report regarding amending the Rental Housing Stock Official Development Plan to include the C-2 zones, and following further public consultation through the Vancouver Plan in the fall of 2020, including at the neighbourhood level.

CARRIED (Vote No. 06259)
(Councillors Boyle, De Genova, Dominato, Kirby-Yung and Mayor Stewart opposed)

ADJOURNMENT

MOVED by Councillor De Genova
SECONDED by Councillor Dominato

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned on July 24, 2020, at 9:57 pm.

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