



## **PUBLIC HEARING MINUTES**

**OCTOBER 6, 2020**

A Public Hearing of the City of Vancouver was held on Tuesday, October 6, 2020, at 6:02 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 Melissa De Genova
- Councillor Lisa Dominato
- Councillor Pete Fry
- Councillor Colleen Hardwick
- Councillor Sarah Kirby-Yung
- Councillor Jean Swanson
- Councillor Michael Wiebe\*

**CITY MANAGER’S OFFICE:** Sadhu Johnston, City Manager

**CITY CLERK’S OFFICE:** Tina Penney, Deputy City Clerk  
Terri Burke, 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. Text Amendment: 380-390 West 8th Avenue**

\* \* \* \* \*

At the beginning of Item 1 Councillor Wiebe rose and declared a conflict of interest, out of an abundance of caution, as he has a restaurant in the area. He left the meeting at 6:07 pm and did not return until the completion of the item at 6:19 pm.

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An application by JTA Development Consultants was considered as follows:

Summary: To amend CD-1 (330) (Comprehensive Development) District to increase the total maximum permitted floor space ratio (FSR) from 1.10 to 1.17 to allow for mezzanines within existing double-height spaces, and to increase the limit for Restaurant – Class 1 use from 65 sq. m to 150 sq. m.

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 6:17 pm.

### **Council Decision**

MOVED by Councillor Bligh  
SECONDED by Councillor Kirby-Yung

- A. THAT the application by JTA Development Consultants, on behalf of Y-8 Properties Ltd., to amend CD-1 (Comprehensive Development) District (330) By-law No. 7371 for 380-390 West 8th Avenue [PID 019-000-626, Lot H Block 22 District Lot 302 Plan LMP19447] to increase the total maximum permitted floor space ratio (FSR) from 1.10 to 1.17 to allow for mezzanines within existing double-height spaces, and to increase the limit for Restaurant – Class 1 use from 65 sq. m to 150 sq. m to allow an existing restaurant/catering business to have a larger seating area, generally as presented in Appendix A of the Referral Report dated September 1, 2020 entitled “CD-1 Text Amendment: 380-390 West 8th 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 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 UNANIMOUSLY (Vote No. 06452)  
(Councillor Wiebe absent for the vote due to conflict of interest)

## **2. CD-1 REZONING: 564-570 West 49th Avenue**

An application by Ning Hua Industrial Corp. was considered as follows:

Summary: To rezone 564-570 West 49th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey residential building, with a partial fifth-floor amenity space, and 31 strata residential units. A height of 15.4 m (51 ft.) to the top of the roof parapet and a height of 18.4 m (60 ft.) to the top of the amenity space, and a floor space ratio (FSR) of 1.95 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.

### **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 Kirby-Yung  
SECONDED by Councillor Bligh

- A. THAT the application by Ning Hua Industrial Corp., the registered owners of the lands located at 564-570 West 49th Avenue [Lots 10 and 9, Block 895, District

Lot 526, Plan 9908; PIDs: 009-595-961 and 009-595-945 respectively], to rezone the lands 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 1.95 and the building height from 10.7 m (35 ft.) to 15.4 m (51 ft.) to permit the development of a four-storey residential building, with a partial fifth-floor amenity space, containing 31 strata residential units, generally as presented in Appendix A of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 564-570 West 49th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Fougere Architecture Inc. and received on December 19, 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, 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 September 1, 2020, entitled "CD-1 Rezoning: 564-570 West 49th Avenue".
- 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 September 1, 2020, entitled "CD-1 Rezoning: 564-570 West 49th Avenue".
- 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 (Vote No. 06453)  
(Councillor Swanson opposed)  
(Councillor Hardwick abstained from the vote)

### **3. CD-1 REZONING: 720 Beatty Street and 701 Expo Boulevard**

An application by Westbank Corp. was considered as follows:

Summary: To rezone 720 Beatty Street from Downtown District (DD) and 701 Expo Boulevard from BC Place/Expo District (BCPED) to Comprehensive Development (CD-1) District, to permit the development of a 17-storey office building and six-storey commercial building. The proposed height of the office building facing Beatty Street is 63.4 m (208 ft.) and that of the commercial building facing Georgia Street is 28.7 m (91.2 ft.). A floor space ratio (FSR) of 8.96 is 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:

- 5 pieces of correspondence in support.

#### **Staff Opening Comments**

Planning, Urban Design and Sustainability staff provided a presentation on the application.

#### **Applicant Comments**

The applicant provided a presentation.

#### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Marco DiPaolo
- Gerard MacDonald
- Joelle Calof

The speakers list and receipt of public comments closed at 7:11 pm.

## Council Decision

MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Wiebe

- A. THAT the application by Westbank Corp., on behalf of Creative Energy Vancouver Platforms Inc., the registered owner of the lands located at 720 Beatty Street [PID 009 599-479; Lot 8, except portions in Plan 13872 and Reference Plan 16566, Block 49 District Lot 541 Plan 9669] and 701 Expo Boulevard [PID 018-500-382; Lot 222 False Creek Plan LMP12038], to rezone all of the aforementioned lands except for the portion of Lot 222 hereinafter defined as the Concord Option Lands, from DD (Downtown District) with respect to 720 Beatty Street and from BCPED (B.C. Place/Expo District) with respect to 701 Expo Boulevard to a CD-1 (Comprehensive Development) District to allow for the construction of a 17-storey office building facing Beatty Street and a six storey commercial building facing West Georgia Street, with a total floor area of 61,602 sq. m (663,078 sq. ft.) and a maximum building height of 63.4 m (208 ft.), generally as presented in Appendix A of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 720 Beatty Street and 701 Expo Boulevard", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by HCMA Architecture and Design in conjunction with Bjarke Ingels Group (BIG), received on March 17, 2020, 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 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 September 1, 2020, entitled "CD-1 Rezoning: 720 Beatty Street and 701 Expo Boulevard", be approved.
- 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 September 1, 2020, entitled "CD-1 Rezoning: 720 Beatty Street and 701 Expo Boulevard".
- 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 UNANIMOUSLY (Vote No. 06454)

#### **4. CD-1 Rezoning: 5055 Joyce Street**

An application by Perkins & Will was considered as follows:

Summary: To rezone 5055 Joyce Street from C-2C (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 35-storey mixed-use building with 360 secured rental housing units, including not less than 10 rental units at below market rates, and commercial uses at grade. A height of 96.4 m (316.3 ft.) and a floor space ratio (FSR) of 16.1 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:

- 6 pieces of correspondence in support;
- 5 pieces of correspondence in opposition; and
- 5 pieces of correspondence dealing with other aspects of the application.

#### **Staff Opening Comments**

Planning, Urban Design and Sustainability staff provided a presentation and responded to questions.

#### **Applicant Comments**

The applicant responded to questions.

## Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Rick Hurlbut
- Joe Lousa

The following provided general comments on the application:

- Ron Bruce
- Nathan Davidowicz

The speakers list and receipt of public comments closed at 8:12 pm.

## Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to additional questions.

## Council Decision

MOVED by Councillor De Genova

SECONDED by Councillor Carr

- A. THAT, the application by Perkins & Will on behalf of 5055 Joyce Property Inc. (Westbank), the registered owner of the lands located at 5055 Joyce Street [PID 024-143-111, Lot I Block 17 District Lot 51 Group 1 New Westminster District Plan LMP37967], to rezone the lands from C-2C (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 3.0 to 16.1 and the building height from 13.8 m (45.3 ft.) to 96.4 m (316.3 ft.) to permit the development of a 35-storey mixed-use building which would contain 350 secured market rental housing units, 10 secured below-market rental housing units, and 479.4 sq. m (5,160 sq. ft.) of at grade commercial floor area, generally as presented in Appendix A of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 5055 Joyce Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Perkins & Will and received on March 11, 2020, 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.

- 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 September 1, 2020 entitled "CD-1 Rezoning: 5055 Joyce 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 September 1, 2020, entitled "CD-1 Rezoning: 5055 Joyce 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 September 1, 2020, entitled "CD-1 Rezoning: 5055 Joyce Street".
- 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.

amended

AMENDMENT MOVED by Councillor Dominato  
SECONDED by Councillor De Genova

THAT a rezoning condition be added for staff and the applicant to look for opportunities to celebrate the 2SLGBTQ+ community in the design of public realm on or near the site.

withdrawn

\* \* \* \* \*

Prior to debate on the amendment, the Mayor consulted with the City Manager and staff, and noted the amendment was potentially legally problematic.

\* \* \* \* \*

MOVED by Councillor Dominato  
SECONDED by Councillor De Genova

THAT the amendment be withdrawn.

CARRIED UNANIMOUSLY

\* \* \* \* \*

AMENDMENT MOVED by Councillor Dominato  
SECONDED by Councillor De Genova

THAT the following be added to the end of A:

AND FURTHER THAT a rezoning condition be added to Appendix B of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 5055 Joyce Street", for staff and the applicant to look for opportunities to celebrate the 2SLGBTQ+ community in the design of public realm on or near the site.

CARRIED UNANIMOUSLY (Vote No. 06455)

The amendment having carried unanimously, the motion as amended was put and CARRIED (Vote No. 06456), with Councillors Swanson and Hardwick opposed.

## **ADJOURNMENT**

MOVED by Councillor Hardwick  
SECONDED by Councillor De Genova

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9 pm.

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