



## PUBLIC HEARING MINUTES

OCTOBER 27, 28 AND 29, 2020

A Public Hearing of the City of Vancouver was held on Tuesday, October 27, 2020, at 6 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the Public Hearing reconvened on Wednesday, October 28, 2020, at 3:13 pm, and on Thursday, October 29, 2020, at 3:03 pm. 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:** Rosemary Hagiwara, Acting City Clerk  
Tina Penney, Deputy City Clerk  
Irina Dragnea, 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.

\* \* \* \* \*

*Prior to the start of Item 1, Councillor Wiebe declared a conflict of interest, as he is part owner of a liquor primary establishment with a private patio. Councillor Wiebe left the meeting at 6:04 pm and did not return until the completion of Item 1 and By-law 1, at 6:18 pm.*

\* \* \* \* \*

## **1. Zoning and Development By-law Amendments to allow Temporary Patios for Businesses on Private Property**

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 extend the temporary allowance of outdoor patios for businesses on private property from October 31, 2020 to October 31, 2021, and to grant the Director of Planning discretionary power to vary other regulations to enable enclosure of patios.

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:

- two pieces of correspondence in support; and
- one piece of correspondence dealing with other aspects of the application.

### **Speakers**

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

The speakers list and receipt of public comments closed at 6:12 pm.

### **Council Decision**

MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Carr

THAT the application to amend the Zoning and Development By-law to allow temporary patios for businesses on private property until October 31, 2021, generally in accordance with Appendix A of the Referral Report dated September 28, 2020, entitled "Zoning and Development By-law Amendments to allow Temporary Patios for Businesses on Private Property", be approved.

CARRIED UNANIMOUSLY (Vote No. 06558)  
(Councillor Wiebe absent due to conflict of interest)

## BY-LAWS

MOVED by Councillor Boyle  
SECONDED by Councillor Kirby-Yung

THAT Council enact By-law 1 entitled "A By-law to amend Zoning and Development By-law No. 3575 Regarding Temporary Patios," and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY  
(Councillor Wiebe absent due to conflict of interest)

1. A By-law to amend Zoning and Development By-law No. 3575 Regarding Temporary Patios (By-law No. 12813 )

### **2. HERITAGE DESIGNATION: 1215 West 16th Avenue – Baldwin Residence**

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

Summary: To secure the long-term heritage designation protection of the structure and exterior of the building at 1215 West 16th Avenue, the Baldwin Residence, listed on the Vancouver Heritage Register under the 'B' evaluation category, with a relaxation to the RT-2 Multiple Dwelling Guidelines to reduce the maximum allowable frontage for the development of two duplex infill dwellings.

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 being scheduled to the 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 6:25 pm.

## Council Decision

MOVED by Councillor Hardwick  
SECONDED by Councillor Carr

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate as protected heritage property the structure and exterior of the existing building at 1215 West 16th Avenue (PID: 031-129-382; Lot A, Block 474, District Lot 526, Plan EPP102911 (the “site”)) known as the “Baldwin Residence” (the “Heritage Building”) which is listed on the Vancouver Heritage Register in the ‘B’ evaluation category.
- 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 in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
  - (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 06559)

### 3. REZONING: 376-406 West 45th Avenue

An application by Iredale Architecture was considered as follows:

Summary: To rezone 376-406 West 45th 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 a 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

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 6:34 pm.

## Council Decision

MOVED by Councillor Carr

SECONDED by Councillor De Genova

- A. THAT the application by Iredale Architecture on behalf of 376-392 West 45th Avenue Holdings Ltd., the registered owner of the lands located at 376-406 West 45th Avenue [*Lots 10, 11, and 12 of Lot 1 Block 999 District Lot 526 Plan 5531; PIDs 011-138-718, 008-404-585, and 011-138-726 respectively*], to rezone the lands from RS 1 (One Family Dwelling) District to RM 8A (Multiple Dwelling) District, generally as presented in Appendix A of the Referral Report dated September 22, 2020, entitled "Rezoning: 376 406 West 45th Avenue", be approved in principle;

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 September 22, 2020, entitled "Rezoning: 376-406 West 45th 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 UNANIMOUSLY (Vote No. 06560)

#### **4. Amendment to the Regional Context Statement Official Development Plan By-law for 1580 Vernon Drive**

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

Summary: To amend the Regional Context Statement Official Development Plan By-law to temporarily change the designation at 1580 Vernon Drive from Industrial to General Urban. The City-owned property has been identified as a potential site for a temporary modular housing (TMH) project.

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:

- one piece of correspondence in support;
- three pieces of correspondence in opposition; and
- three pieces of correspondence dealing with other aspects of the application.

#### **Staff Opening Comments**

Staff from Planning Urban Design and Sustainability presented an overview of the application and, along with staff from Arts, Culture and Community Services, and staff from the Vancouver Affordable Housing Agency, responded to questions.

#### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in opposition of the application:

- Stephen Bohus

The following provided general comments on the application:

- Nathan Davidowicz

The speakers list and receipt of public comments closed at 7:24 pm.

#### **Staff Closing Comments**

Sadhu Johnston, City Manager, along with staff from Planning, Urban Design and Sustainability, and staff from Arts, Culture and Community Services, responded to additional questions.

## **Council Decision**

MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Boyle

THAT the application to amend the Regional Context Statement Official Development Plan By law, generally in accordance with Appendix A of the Referral Report dated September 22, 2020, entitled "Amendment to the Regional Context Statement Official Development Plan By law for 1580 Vernon Drive", to temporarily change the designation of the lands located at 1580 Vernon Drive [*PID 007-074-654, Lot A Block 59 District Lot 264A and 2037 Plan 18874; and Lots B and C Block 59 District Lot 264A Plan 18874, PIDs 007-074-671 and 007-074-697 respectively*] from Industrial to General Urban, be approved.

CARRIED UNANIMOUSLY (Vote No. 06561)

## **5. CD-1 REZONING: 203-263 West 49th Avenue**

An application by GBL Architects was considered as follows:

Summary: To rezone 203-263 West 49th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a four-storey mixed-use building containing 89 strata-titled residential units with commercial space on the ground floor. A height of 15.9 m (53 ft.), with additional height (3 m or 10 ft.) for a rooftop amenity space, and a floor space ratio (FSR) of 2.50 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 8:00 pm.

## **Staff Closing Comments**

Lecia Desjarlais, Rezoning Planner, Rezoning Centre, Planning, Urban Design and Sustainability, responded to questions.

## Council Decision

MOVED by Councillor Carr  
SECONDED by Councillor Kirby-Yung

A. THAT the application by GBL Architects, on behalf of 1111517 B.C. Ltd., the registered owner of the lands located at:

- 203 West 49th Avenue [PID 014-075-504; Lot 15 of Lot 8 Block 1000 District Lot 526 Plan 2063],
- 207 West 49th Avenue [PID 014-075-512; Lot 16 of Lot 8 Block 1000 District Lot 526 Plan 2063],
- 219 West 49th Avenue [PID 014-075-521; Lot 17 of Lot 8 Block 1000 District Lot 526 Plan 2063],
- 231 West 49th Avenue [PID 014-075-539; Lot 18 of Lot 8 Block 1000 District Lot 526 Plan 2063],
- 231 West 49th Avenue [PID 014-075-547; Lot 19 of Lot 8 Block 1000 District Lot 526 Plan 2063],
- 241 West 49th Avenue [PID 014-075-598; Amended Lot 20 (See 438372L) of Lot 8 Block 1000 District Lot 526 Plan 2063],
- 255 West 49th Avenue [PID 014-075-610; Amended Lot 22 (See 260187L) of Lot 8 Block 1000 District Lot 526 Plan 2063], and
- 263 West 49th Avenue [PID 014-075-628; Amended Lot 23 (See 397547L) of Lot 8 Block 1000 District Lot 526 Plan 2063];

to rezone the lands from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.70 to 2.50 and the maximum building height from 10.7 m (35 ft.) to 15.9 m (53 ft.) and to 18.9 m (63 ft.) for the portion with rooftop amenity, to permit the development of a four storey mixed-use building containing 89 residential strata-titled units with commercial space on the ground floor, generally as presented in Appendix A of the Referral Report dated September 9, 2020, entitled "CD-1 Rezoning: 203 263 West 49th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by GBL Architects, received on September 27, 2019 and supplemental drawings received May 21, 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 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 9, 2020, entitled "CD-1 Rezoning: 203-263 West 49th Avenue", 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 9, 2020, entitled "CD-1 Rezoning: 203-263 West 49th Avenue".

- 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 September 9, 2020, entitled "CD-1 Rezoning: 203-263 West 49th Avenue".
- 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. 06562)  
(Councillors Hardwick and Swanson opposed)

## **6. CD-1 REZONING: 24 East Broadway and 2520 Ontario Street**

An application by Formosis Architecture was considered as follows:

Summary: To rezone 24 East Broadway and 2520 Ontario Street from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a 12-storey commercial office building with ground-floor retail. A height of 45.1 m (148 ft.) and a floor space ratio (FSR) of 7.5 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:

- 13 pieces of correspondence in support;

- 13 pieces of correspondence in opposition; and
- two pieces of correspondence dealing with other aspects of the application.

### **Staff Opening Comments**

Staff from Planning Urban Design and Sustainability presented an overview of the application and, along with staff from Engineering Services, responded to questions.

### **Applicant Comments**

Tom Bunting, Formosis Architecture, and Alexis Omichinski, Value Property Group, responded to questions.

### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in opposition of the application:

- Danielle Melchior
- Christa Magnusson
- Eileen Albang

The speakers list and receipt of public comments closed at 9:19 pm.

### **Applicant Closing Comments**

Chris Andison, Value Property Group, provided closing comments.

### **Staff Closing Comments**

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

### **Council Decision**

MOVED by Councillor De Genova  
SECONDED by Councillor Kirby-Yung

- A. THAT the application by Formosis Architecture, on behalf of Brontario Properties Inc., to rezone the lands at 24 East Broadway [*PID 015-550-095; Lot 3, Except (A) Part in Reference Plan 3765 and (B) the South 20 Feet Now Lane, Block 27 District Lot 302 Plan 198*] and 2520 Ontario Street [*PID 015-550-044; Lot 1, Except Portions In Reference Plan 3765, Block 27 District Lot 302 Plan 198 and PID 015-550-087; Lot 2, Except (A) Part in Explanatory Plan 14863 and (B) the*

*South 20 Feet Now Lane, Block 27 District Lot 302 Plan 198*] from C-3A (Commercial) to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 3.0 to 7.5 and the building height from 9.2 m (30.2 ft.) to 45.1 m (148 ft.) to permit the development of one 12-storey commercial office building with ground-floor retail with a total floor area of 11,220.7 sq. m (120,779 sq. ft.), generally as presented in Appendix A of the Referral Report dated September 10, 2020, entitled "CD-1 Rezoning: 24 East Broadway and 2520 Ontario Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Formosis Architecture and received on March 16, 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 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 10, 2020, entitled "CD-1 Rezoning: 24 East Broadway and 2520 Ontario Street", 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 10, 2020, entitled "CD-1 Rezoning: 24 East Broadway and 2520 Ontario 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 UNANIMOUSLY (Vote No. 06564)

\* \* \* \* \*

*On October 27, 2020, at 9:54 pm, it was,*

*MOVED by Councillor Hardwick  
SECONDED by Councillor De Genova*

*THAT the meeting recess until October 28, 2020, at 3 pm, in order to start Item 7.*

*CARRIED UNANIMOUSLY*

*On October 27, 2020, Council recessed at 9:54 pm, and  
reconvened on October 28, 2020, at 3:13 pm.*

\* \* \* \* \*

## **7. CD-1 REZONING: 3701-3743 West Broadway**

An application by 0916789 B.C. Ltd. (Westbank) was considered as follows:

Summary: To rezone 3701-3743 West Broadway from RS-1 (Residential) and C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a 14-storey mixed-use building with commercial uses at grade and 161 secured rental housing units, of which 32 units are secured at a moderate income rate. A height of 52.61 m (172.6 ft.) and a floor space ratio (FSR) of 5.27 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:

- 236 pieces of correspondence in support;
- 277 pieces of correspondence in opposition, including a petition with 139 comments and 3,563 names; and
- two pieces of correspondence dealing with other aspects of the application.

### **Staff Opening Comments**

Staff from Planning Urban Design and Sustainability presented an overview of the application and, along with staff from Real Estate and Facilities Management, responded to questions.

## **Applicant Comments**

Farouk Babul, Westbank, provided opening comments, and along with Michael Leckie, Leckie Studio, and Joseph Fry, HAPA Collaborative, responded to questions.

## **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Jon Kelly
- David Sander, Director, Hollyburn Properties Ltd.
- Davis Austerberry, Development Manager, Affordable Housing Societies
- Lesli Boldt
- Shawnessy Luke
- Charles Gauthier
- Andrew Seymour
- Daniel Holloway
- Bryce Tupper
- Mira Yung
- Michelle Barile
- Angelo Tsakumis
- Devon Hussack
- Jordan ross
- Oliver South
- Naomi O'Neill
- Peter Waldkirch
- Nicholas Lauga
- Sabrina Sutherland
- Scott de Lange Boom
- Stuart Smith, Abundant Housing Vancouver
- Daniel Oleksiuk
- Rebecca Hartley
- Henry Han
- Josh Anderson
- Chuck Brook
- Rachel Degras
- Heather Harley
- Lim Zung
- Garrey Jobin
- Helena Tragic
- Eric Wilson
- Michael Skene
- Fernando CarciCrespo
- Jaqueline Lui

The following spoke in opposition of the application:

- David Gardiner
- Yvonne Grohmuller
- Craig Roberts
- Ben Cherniavsky
- Will Dietz
- Bruce Herzer
- David Fine
- Barbara May
- Ian Crook
- Joan M. Bunn
- Christina DeMarco
- Maureen Charron
- Jenny Chen
- Gail Langton
- Leslie Burkholder
- Jan Pierce
- Joan Jaccard
- Roberta Olineck
- Brian Palmquist
- Fiona Brodie
- Larry Benge, Co-Chair, Coalition of Vancouver Neighbourhoods
- Marion Jamieson
- Elizabeth Murphy, Board Member, West Point Grey Residents Association
- Michael Graham
- Caroline Swolis
- Geoffrey Wasteneys

\* \* \* \* \*

*On October 28, 2020, during the hearing of speakers, Council recessed at 4:57 pm, and reconvened at 6:01 pm.*

*On October 28, 2020, at 9:43 pm, during the hearing of speakers, it was,*

*MOVED by Councillor Boyle  
SECONDED by Councillor De Genova*

*THAT the meeting be extended in order to finish hearing from speakers on Item 7.*

*CARRIED AND BY THE  
REQUIRED MAJORITY (Vote No. 06566)  
(Councillors Hardwick, Kirby-Yung and Swanson opposed)*

\* \* \* \* \*

The speakers list and receipt of public comments closed on October 28, 2020, at 10:49 pm.

\* \* \* \* \*

*On October 28, 2020, at 10:51 pm, it was,*

*MOVED by Councillor De Genova  
SECONDED by Councillor Fry*

*THAT the meeting recess until October 29, 2020, at 3 pm, in order to continue with  
Item 7.*

*CARRIED UNANIMOUSLY*

*On October 28, 2020, Council recessed at 10:51 pm, and  
reconvened on October 29, 2020, at 3:03 pm.*

\* \* \* \* \*

### **Applicant Closing Comments**

Farouk Babul, Westbank, provided closing comments, and Michael Leckie, Leckie Studio, provided a brief presentation.

### **Staff Closing Comments**

Staff from Planning, Urban Design and Sustainability, along with staff from Real Estate and Facilities Management, and staff from Engineering Services, responded to additional questions.

\* \* \* \* \*

*On October 29, 2020, at 4:01 pm, it was,*

*MOVED by Councillor Kirby-Yung  
SECONDED by Councillor De Genova*

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

*CARRIED UNANIMOUSLY*

\* \* \* \* \*

## Council Decision

MOVED by Councillor De Genova  
SECONDED by Councillor Boyle

- A. THAT the application by 0916789 B.C. Ltd. (Westbank), the registered owners of the lands located at 3701-3743 West Broadway [PID 011-489-847, Lot A (See 368932L) Block 193 District Lot 176 Plan 4581; PID 011-489-308, Lot 9, Except the South 7 Feet and the East 7 Feet now Highways, Block 193 District Lot 176 Plan 4581; and PID 005 111-706, Lot 12 Block 193 District Lot 176 Plan 4581] to rezone the lands from RS 1 (Residential) and C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 0.7 and 2.5 respectively to 5.27 and building height from 13.8 m (45.3 ft.) to 52.61 m (172.6 ft.) for the development of a 14-storey mixed-use building with 161 secured rental housing units, of which 20% of the residential floor area will be secured as moderate income units, under the *Moderate Income Rental Housing Pilot Program*, generally as presented in Appendix A of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 3701-3743 West Broadway", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Leckie Studio Architecture and Design Inc. and received November 15, 2019 with revisions submitted on May 27, 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: 3701-3743 West Broadway", 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: 3701-3743 West Broadway", 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: 3701-3743 West Broadway".
- 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



Subdivision By-law, generally as set out in Appendix C of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 3701-3743 West Broadway".

- 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

AMENDMENT MOVED by Councillor Wiebe  
SECONDED by Councillor Dominato

THAT the following be added as G:

THAT the following be added as new condition 1.5A under the Urban Design section, Part 1 of Appendix B of the Referral Report dated September 1, 2020, entitled "CD-1 Rezoning: 3701-3743 West Broadway":

*"1.5A Design development to reduce its overall height by removing all portions of the mezzanine level, amounting to a reduction of at least 4.0 ft. to the total height.*

*Note to Applicant: Removing the mezzanine level will bring the overall height to 168.68 ft. The portions to be removed includes the mezzanine level over the commercial retail units, and the upper-level of the three townhouses along the west side of the building. This amounts to reducing approximately 370.5 sq. m (approximately 4,000 sq. ft.) to the overall floor area. Furthermore, some portions of the mezzanine-level circulation corridor should also be anticipated to be removed pending egress requirements. Reducing the upper levels of the townhouses may result in adjustments to the overall number of residential units and the unit mix."*

FURTHER THAT the floor space ratio in section 6.2 of the draft by-law be reduced from 5.27 to 5.10, to account for the removed mezzanine level, and the building height in section 7.1 be reduced from 52.61 m to a maximum of 51.41 m.

LOST (Vote No. 06567)  
(Councillors Bligh, Boyle, De Genova, Dominato, Kirby-Yung, Swanson and Mayor Stewart opposed)  
(Councillors Carr, Fry and Hardwick abstained from the vote)

\* \* \* \* \*

*On October 29, 2020, during discussion on the amendment above, Council recessed at 4:30 pm, and reconvened at 4:36 pm.*

\* \* \* \* \*

*On October, 29, 2020, at 4:55 pm, it was*

*MOVED by Councillor De Genova  
SECONDED by Councillor Fry*

*THAT the meeting be extended past 5 pm in order to complete the remaining business.*

**CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY**

\* \* \* \* \*

The amendment having lost, the motion was put and CARRIED (Vote No. 06568) with Councillors Carr, Hardwick and Swanson opposed.

## **ADJOURNMENT**

MOVED by Councillor Dominato  
SECONDED by Councillor De Genova

THAT the meeting be adjourned.

**CARRIED UNANIMOUSLY**

On October 29, 2020, the Public Hearing adjourned at 5:10 pm.

\* \* \* \* \*