



PUBLIC HEARING MINUTES

JULY 6, 2021

A Public Hearing of the City of Vancouver was held on Tuesday, July 6, 2021, at 6:16 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, updated 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: Paul Mochrie, City Manager

CITY CLERK'S OFFICE: Katrina Leckovic, City Clerk
Tina Hildebrandt, 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. 2021 Annual Inflationary Rate Adjustments to Density Bonus Contributions

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

Summary: To amend the Zoning and Development By-law to implement 2021 inflationary rate adjustments. Density bonusing is a zoning tool that permits additional floor space in exchange for amenities and affordable housing. These fees help pay for amenities such as parks, affordable housing, childcare centres, libraries, community centres, transportation and other infrastructure that meet the needs of our growing city.

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

Summary of Correspondence

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

Staff Opening Comments

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

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 6:40 pm.

Council Decision

MOVED by Councillor Boyle
SECONDED by Councillor Carr

THAT the application to implement 2021 inflationary rate adjustments for density bonus contributions by amending Schedule F of the Zoning and Development By-law to be effective September 30, 2021, as shown in Appendix A of the Referral Report dated June 7, 2021, entitled "2021 Annual Inflationary Rate Adjustments to Density Bonus Contributions", be approved.

CARRIED UNANIMOUSLY (Vote No. 07478)
(Councillors De Genova and Hardwick absent for the vote)

2. REZONING: 4575 Ash Street and 623-693 West 30th Avenue

An application by Conwest Group was considered as follows:

Summary: To rezone 4575 Ash Street and 623-693 West 30th Avenue from RS-1 (Single detached Houses and Duplexes) District to RM-8A (Multiple Dwelling) District, to permit a townhouse development with a maximum floor space ratio (FSR) of 1.20. If rezoning is approved, a subsequent development permit process will 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.

Staff Opening Comments

Planning, Urban Design and Sustainability staff responded to questions.

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 6:55 pm.

Council Decision

MOVED by Councillor Kirby-Yung

SECONDED by Councillor De Genova

- A. THAT the application by Conwest Group, on behalf of:
- a. Verender Kumar Bajaj and Promila Bajaj, the registered owners of 4575 Ash Street [*PID 010-730-761; Lot 8, Block 759, District Lot 526, Plan 7115*],
 - b. Fred Ting Shek Mah, Annie Lai Hing Mah and Ruby Mah, the registered owners of 623 West 30th Avenue [*PID 010-730-770; Lot 9, Block 759, District Lot 526, Plan 7115*],
 - c. Chung Yi Lee, the registered owner of 633 West 30th Avenue [*PID 010-730-796; Lot 10, Block 759, District Lot 526, Plan 7115*],
 - d. Peter Paul Wilting and Joanne Lucille Wilting, the registered owners of 651 West 30th Avenue [*PID 010-730-800; Lot 11, Block 759, District Lot 526, Plan 7115*],
 - e. Kirk Thomas Ko Suzuki and Debra Lynn Suzuki, the registered owners of 665 West 30th Avenue [*PID 010-730-826; Lot 12, Block 759, District Lot 526, Plan 7115*],
 - f. Jeanne Slader, the registered owner of 679 West 30th Avenue [*PID 010-730-834; Lot 13, Block 759, District Lot 526, Plan 7115*], and
 - g. Yuen Fai Priscilla Fong and Esther Fu Yee Fong, the registered owner of 693 West 30th Avenue [*PID 006-580-335; Lot 14, Block 759, District Lot 526, Plan 7115*],

to rezone a consolidation of the above properties from RS-1 (Single-detached Houses and Duplexes) District to RM-8A (Multiple Dwelling) District, generally as

presented in Appendix A of the Referral Report dated May 25, 2021, entitled "Rezoning: 4575 Ash Street and 623-693 West 30th 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 Referral Report.

- B. THAT, subject to 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 May 25, 2021, entitled "Rezoning: 4575 Ash Street and 623-693 West 30th 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. 07479)
(Councillor Hardwick opposed)
(Councillor De Genova absent for the vote)

3. CD-1 REZONING: 5107-5119 Main Street and 196 East 35th Avenue

An application by Bogner Development Group was considered as follows:

Summary: To rezone 5107-5119 Main Street and 196 East 35th Avenue from RT-2 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey building with 37 strata-titled residential units. A height of 19.5 m (64 ft.) and a floor space ratio (FSR) of 2.34 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 from the General Manager of Planning, Urban Design and Sustainability dated July 6, 2021, which proposed an amendment to the conditions of approval in Part 2: Conditions of By-law Enactment, in Appendix B of the Referral Report dated May 25, 2021, entitled "CD-1 Rezoning: 5107-5119 Main Street and 196 East 35th Avenue", to include the following additional condition of enactment:

Housing

- 2.12 Enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:
- (a) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design, and Sustainability as per the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.
 - (b) Provide a notarized declaration that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
 - (c) Provide an Interim Tenant Relocation Report prior to issuance of the Demolition Permit. The Report must outline the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.

Note to Applicant: If a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.

Provide a Final Tenant Relocation Report prior to issuance of the Occupancy Permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.

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 of the application; and
- one piece of correspondence in opposition to the application.

Staff Opening Comments

Planning, Urban Design and Sustainability staff responded to questions.

Applicant Opening Comments

Leon Bogner, Bogner Group, responded to questions.

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 7:13 pm.

Council Decision

MOVED by Councillor Carr

SECONDED by Councillor Dominato

- A. THAT the application, by Bogner Development Group on behalf of 1144683 B.C. Ltd., the registered owner of the land located at 5107-5119 Main Street and 196 East 35th Avenue [*Lots A, B, and C of Block 4, District Lot 637, Plan 17440, PIDs: 007-277-563, 007-277-580, and 005-476-461 respectively*] to rezone the land from RT-2 (Residential) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey building with 37 strata-titled residential units at a floor space ratio (FSR) of 2.34, and a building height of 19.5 m (64 ft.), generally as presented in Appendix A of the Referral Report dated May 25, 2021, entitled "CD-1 Rezoning: 5107-5119 Main Street and 196 East 35th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by Integra Architecture received August 24, 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 Referral Report, and as amended on July 6, 2021, to include the following additional condition of enactment in Part 2: Conditions of By-law Enactment:

Housing

- 2.12 Enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:
- (a) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design, and Sustainability as per the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.
 - (b) Provide a notarized declaration that demonstrates that each tenant has been given written notice of the intent to

redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

- (c) Provide an Interim Tenant Relocation Report prior to issuance of the Demolition Permit. The Report must outline the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.

Note to Applicant: If a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.

Provide a Final Tenant Relocation Report prior to issuance of the Occupancy Permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.

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. 07480)
(Councillors Hardwick and Swanson opposed)
(Councillor De Genova absent for the vote)

4. Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments

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

Summary: To amend the Zoning and Development By-law to simplify height regulations by introducing definitions for height and decorative roof, by updating the definition for base surface, and by amending section 10.18 Height to provide more flexibility for access to rooftop amenity spaces, and to make other housekeeping amendments to clarify wording in various by-laws and land use documents to correct inadvertent errors, update references, and improve the administration of the by-laws.

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 from the General Manager of Planning, Urban Design and Sustainability dated July 2, 2021, which recommended an amendment under Section 10.18 Height – Building, in Appendix A of the Referral Report dated May 28, 2021, entitled “Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments”, to add the following clause at the end:

provided the Director of Planning first considers the impact on siting, massing, views, overlook, shadowing and noise.

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:

- four pieces of correspondence in opposition to the application.

Staff Opening Comments

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

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 7:32 pm.

Council Decision

MOVED by Councillor Carr
SECONDED by Councillor Boyle

- 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 28, 2021, entitled “Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments”, to:
- (i) add new definitions for building height and decorative roof to Section 2 and amend the definition for base surface;
 - (ii) update height regulations in section 10.18;
 - (iii) subject to approval of A(ii), in sections 4.17.8 of the RS-6 and RS-7 District Schedules, correct a reference to section 10.18 as amended on July 6, 2021, to add the following at the end:

provided the Director of Planning first considers the impact on siting, massing, views, overlook, shadowing and noise.
- B. THAT Council approve the application to amend the Zoning and Development By-law for various housekeeping amendments, generally as presented in Appendix A of the Referral Report dated May 28, 2021, entitled “Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments”, to:
- (i) add infill dwellings to section 10.23A;
 - (ii) in section 4.19.2 of the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, replace ‘a second principal building’ with ‘more than one principal building’ to enable the intended form of development described in the intent statement of the schedule and the guidelines;
 - (iii) correct a reference in section 6.4;
 - (iv) add I-1A, I-1B and I-1C districts to the list of zoning districts in section 9.1;
 - (v) update reference to districts in section 10.27;
 - (vi) correct a reference in Schedule C;
 - (vii) delete section 4.2.2 in the RM-7, RM-7 and RM-7AN Districts Schedules;
 - (viii) remove a duplicate word in section 4.14.1(i) in the C-2 District Schedule;
 - (ix) reorder accessory uses in the FM-1 and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedules to align with other district schedules;
 - (x) update references to entries, porches, verandahs and covered porches in various District Schedules that were inadvertently missed in amending bylaw 12731;

- (xi) update residential uses and remove date restrictions for neighbourhood grocery stores that were inadvertently missed in amending by-law 12893 in RS-1B, RS-3, RS-3A, RM-4 and RM-4N, , and RT-11 and RT-11N Districts Schedules; and
 - (xii) insert 'building containing dwelling units in conjunction with child day care facility, provided that all residential floor area is developed as social housing' into the list of uses that are subject to the rental housing replacement and site area requirements in the RM-3A and RM-4 and RM4N district(s) schedule and the frontage requirements in the RM-4 and RM-4N districts schedule, as these regulations were intended to apply.
- C. THAT Council approves the application to amend the Downtown-Eastside/Oppenheimer District Official Development Plan, generally as presented in Appendix B of the Referral Report dated May 28, 2021, entitled "Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments", to re-insert "general office" as an exception to the retail continuity requirement as it was inadvertently omitted.
- D. THAT Council approve the application to amend the Sign By-law, generally as presented in Appendix C of the Referral Report dated May 28, 2021, entitled "Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments", to:
- (i) amend Part 7 – Sign Districts, to correct an omission by adding the I-1C District Schedule to the list of sign districts;
 - (ii) amend Part 9 – Commercial, Mixed Use and Industrial Sign District, to correct omissions by including missing district schedules and to correct typographical errors.
- E. THAT Council approve the amendment to the Zoning and Development Fee By-law, generally as presented in Appendix D of the Referral Report dated May 28, 2021, entitled "Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments", to correct references.
- F. THAT Council approves the amendment to the Noise Control By-law, generally as set out in Appendix E of the Referral Report dated May 28, 2021, entitled "Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments", to add missing district schedules.
- G. THAT Council approves the amendment to the Subdivision By-law, generally as set out in Appendix F of the Referral Report dated May 28, 2021, entitled "Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments", to add missing district schedules and to remove repealed district schedules.
- H. THAT Council approves the amendment to the License By-law, generally as set out in Appendix G of the Referral Report dated May 28, 2021, entitled "Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments", to correct an incorrect reference in section 26.4.

- I. THAT Council approves amendment to the Parking By-law, generally as set out in Appendix H of the Referral Report dated May 28, 2021, entitled “Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments”, to insert correct by-law and CD-1 numbers.

- J. THAT Council approves the amendments to the following land use documents, generally as presented in Appendix I of the Referral Report dated May 28, 2021, entitled “Regulation Redesign – Simplifying Height Regulations and Miscellaneous Amendments”:
 - (i) subject to approval of recommendation B(ii), *RM-8 and RM-8N Guidelines* to align with the regulations for number of buildings on a site in the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule;
 - (ii) subject to approval of recommendation B(ii), the RM-8A and RM-8AN Guidelines to align with the regulations for the number of buildings on a site in the regulations in the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule;
 - (iii) the *Guidelines for the Administration of Variances for Zero Emission Buildings in the RS, RT and RA Districts*, to clarify submission materials for net zero energy applications, to add a reference to a mechanical room exclusion previously approved by Council, and to correct grammatical errors;
 - (iv) the *Guidelines for the Administration of Variance in Larger Zero Emission Buildings* to clarify submission materials for net zero energy applications, to add a reference to a mechanical room exclusion previously approved by Council, and to correct grammatical errors;
 - (v) the *Artist Studio Guidelines* to remove an outdated explanatory note and correct grammatical errors and numbering;
 - (vi) the *Rezoning Policy for Sustainable Large Developments* to correct a reference to an administrative bulletin;
 - (vii) the *West End Georgia/Alberni Guidelines*, to rename the guidelines *RM-6 West End Georgia/Alberni Guidelines*; and
 - (viii) the *Charles/Adanac RS-1 Rezoning Policy* to repeal it, as it has been superseded by updated land use policy.

CARRIED (Vote No. 07481)
(Councillor Hardwick opposed)
(Councillor De Genova absent for the vote)

5. CD-1 REZONING: 1190 Burrard Street

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

Summary: To rezone 1190 Burrard Street from Downtown District (DD) to CD-1 (Comprehensive Development) District, to permit the development of a 17-storey mixed-use building with 154 social housing units. A height of 54.31 m (178.19 ft.) and a floor space ratio (FSR) of 9.11 are recommended.

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

Staff Opening Comments

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

Applicant Comments

Kim Stacey, McLaren Housing Society of B.C., and Tiffany Duzita, Community Land Trust, provided opening comments. Daniel Wilson, ZGF Architects, responded to questions.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Chris Morrissey, Founder and Board Member, Rainbow Refugee Society
- Anoop Gill, Co-Executive Director, QMUNITY, Program and Services
- Christopher Vollan, Chair, QMUNITY Board of Directors

The speakers list and receipt of public comments closed at 8:08 pm.

Applicant Closing Comments

Kim Stacey, McLaren Housing Society of B.C., responded to questions.

Staff Closing Comments

Planning, Urban Design and Sustainability staff responded to questions.

Council Decision

MOVED by Councillor Carr

SECONDED by Councillor Boyle

- A. THAT the application by New Commons Development, on behalf of City of Vancouver, to rezone 1190 Burrard Street [*PID: 015-484-211, Lot A (See 428984L) of Lots 17 to 19 Block 90 District Lot 541 Plan 210; PID: 015-484-238, Lot B (Reference Plan 1606) of Lots 17 to 19 Block 90 District Lot 541 Plan 210; PID: 015-484-220, Lot C (See 428984L) of Lots 17 to 19 Block 90 District Lot 541 Plan 210; PID: 015-484-181, The South ½ of Lot 15 Block 90 District Lot 541 Plan 210; PID: 015-484-203, Lot 16 Block 90 District Lot 541 Plan 210*] from Downtown District (DD) to a new CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 5.0 to 9.11 to allow construction of a 17-storey mixed-use building with 154 social housing units, a total floor area of 11,426 sq. m (122,992 sq. ft.) and building height of 54.31 m (178.19 ft.), generally as presented in Appendix A of the Referral Report dated May 25, 2021 entitled "CD-1 Rezoning: 1190 Burrard Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by ZGF Architecture Inc. received on December 11, 2019, with revisions submitted on February 23, 2021, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report dated May 25, 2021, entitled "CD-1 Rezoning: 1190 Burrard 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 May 25, 2021 entitled "CD-1 Rezoning: 1190 Burrard 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 May 25, 2021 entitled "CD-1 Rezoning: 1190 Burrard 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.

CARRIED UNANIMOUSLY (Vote No. 07482)
(Councillor Hardwick abstained for the vote)
(Councillor De Genova absent for the vote)

6. CD-1 REZONING: 1405 East 15th Avenue and 3047-3071 Maddams Street

An application by Stuart Howard Architects Inc. was considered as follows:

Summary: To rezone 1405 East 15th Avenue and 3047-3071 Maddams Street from RT-2 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with 82 secured market rental units. A building height of 21 m (68.89 ft.) and a floor space ratio (FSR) of 2.71 are recommended.

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:

- 83 pieces of correspondence in support of the application;
- 32 pieces of correspondence in opposition to the application; and
- five pieces of correspondence dealing with other aspects of the application.

Staff Opening Comments

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

Applicant Comments

Neil Robertson, Stuart Howard Architects, provided 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:

- Sidney Tiansay
- Jeremy Anderson
- Andrew Laurie
- Haitham El Khatib
- Maximillion Lepur
- John Germo
- Arsalan Shaygan
- James Evans
- Ethan Whiting

The following spoke in opposition of the application:

- Paul Hecht
- Grace MacKenzie
- Rebecca Fox

The speakers list and receipt of public comments closed at 9:48 pm.

Applicant Closing Comments

Neil Robertson, Stuart Howard Architects, provided closing comments.

Council Decision

MOVED by Councillor Carr
SECONDED by Councillor Boyle

- A. THAT the application by Stuart Howard Architects Inc., on behalf of Caulfield Rock (Clark Park) Holdings Inc., the registered owner of the lands at 1405 East 15th Avenue, 3071 Maddams Street, 3053/3055 Maddams Street and 3047/3049 Maddams Street [*Lots A and B of Lot D Block 171 District Lot 264A Plan 11513; PIDs 009-057-536 and 007-707-801, respectively, and Lots C and D of Lot D Block 171 District Lot 264A Plan 12591, PIDs 006-945-694, 008-055-12, respectively*] to rezone the lands from RT-2 (Residential) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.71, and building height from 9.2 m (30.18 ft.) to 21 m (68.89 ft.) to permit the development of 82 secured market rental units, generally as presented in Appendix A of the Referral Report dated May 25, 2021, entitled "CD-1 Rezoning: 1405 East 15th Avenue and 3047-3071 Maddams Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by Stuart Howard Architects Inc. received on June 24, 2020, with revisions submitted on April 22, 2021, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report dated May 25, 2021, entitled "CD-1 Rezoning: 1405 East 15th Avenue and 3047-3071 Maddams 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 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. 07483)
(Councillor Hardwick opposed)
(Councillor De Genova absent for the vote)

ADJOURNMENT

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Hardwick

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY
(Councillor De Genova absent for the vote)

The Public Hearing adjourned at 9:51 pm.

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