



## **PUBLIC HEARING MINUTES**

**APRIL 14, 19 AND 21, 2022**

A Public Hearing of the City of Vancouver was held on Thursday, April 14, 2022, at 6:04 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting recessed and reconvened on Tuesday, April 19, 2021, at 6:01 pm; and on Thursday, April 21, 2022, at 6 pm. This Public Hearing was convened by electronic means as authorized under Section 566 of the *Vancouver Charter*.

**PRESENT:**

Mayor Kennedy Stewart  
Councillor Christine Boyle\* (April 14, 2022 – Leave of Absence for Personal Business)  
Councillor Adriane Carr\* (April 19, 2022 – Leave of Absence for Civic Business)  
Councillor Melissa De Genova\*  
Councillor Lisa Dominato  
Councillor Pete Fry  
Councillor Colleen Hardwick  
Councillor Sarah Kirby-Yung  
Councillor Jean Swanson  
Councillor Michael Wiebe

**ABSENT:**

Councillor Rebecca Bligh (April 14, 19 and 21, 2022 – Leaves of Absence for Personal Business)

**CITY CLERK'S OFFICE:**

Lesley Matthews, Chief, External Relations and Protocol – April 14 and 19, 2022  
Rosemary Hagiwara, Deputy City Clerk – April 21, 2022  
Denise Swanston, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

### **WELCOME**

The Mayor acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh People. We thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

#### **1. CD-1 Rezoning: 5-15 West 2nd Avenue and 1751 Ontario Street**

An application by MA + HG Architects was considered as follows:

**Summary:** To rezone 5-15 West 2nd Avenue and 1751 Ontario Street from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of an 18-storey mixed-use building with 122 secured market rental housing units, of which 20% of the residential floor area will be below-market rental units. A height of 58.6 m (192 ft.) and a floor space ratio (FSR) of 7.91 are proposed.

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

### **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:

- 21 pieces of correspondence in support of the application;
- 12 pieces of correspondence in opposition to the application; and
- three pieces of correspondence dealing with other aspects of the application.

### **Staff Opening Comments**

Staff from Planning, Urban Design and Sustainability outlined a proposed amendment (below), and then presented on the application and along with staff from Arts, Culture and Community Services, responded to questions.

THAT the following be added to C, after the words “False Creek” and before the words “generally as...”

“and increase the maximum height in Figure 9 – Maximum Heights from 38.1 m to 58.6 m, and otherwise a ...”

### **Applicant Comments**

The applicant team provided a brief presentation and responded to questions.

### **Speakers**

The Mayor called for speakers for and against the application.

The following spoke in support of the application:

- Taylor
- Helen Lui

The following spoke in opposition of the application:

- Michael Poon

The speakers list and receipt of public comments closed on April 14, 2022, at 7:04 pm.

### **Staff Closing Comments**

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

### **Council Decision**

MOVED by Councillor De Genova

SECONDED by Councillor Carr

- A. THAT the application by MA + HG Architects on behalf of Mohinder Singh Sandhu, the registered owner of the land located at 5-15 West 2nd Avenue and 1751 Ontario Street [*Lots 9 and 10 Block 9 District Lot 200A Plan 197; PIDs 015-531-341 and 015-531-350 respectively*], to rezone the land from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to increase the permitted maximum floor space ratio (FSR) from 5.00 to 7.91 and the maximum building height from 30.5 m (100 ft.) to 58.6 m (192 ft.) to permit the development of an 18-storey mixed-use building containing 122 secured rental housing units, of which 20% of the residential floor area will be secured as below-market rental units, and commercial space on the ground floor, generally as presented in the Referral Report dated February 15, 2022, entitled "CD-1 Rezoning: 5-15 West 2nd Avenue and 1751 Ontario Street", be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted Report, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by MA + HG Architects received December 14, 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 subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report dated February 15, 2022, entitled "CD-1 Rezoning: 5-15 West 2nd Avenue and 1751 Ontario Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services, and the General Manager of Planning, Urban Design and Sustainability
- C. THAT subject to approval of the CD-1 By-law, a consequential amendment to the Southeast False Creek Official Development Plan to increase the maximum floor

area limit for non-residential uses, the maximum floor area in Area 2B and the total permitted floor area for Southeast False Creek, and increase the maximum height in Figure 9 – Maximum Heights from 38.1 m to 58.6 m, and otherwise as generally as set out in Appendix C of the Referral Report dated February 15, 2022, entitled “CD-1 Rezoning: 5-15 West 2nd Avenue and 1751 Ontario Street”, be approved.

- D. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the CD-1, generally as set out in Appendix C of the Referral Report dated February 15, 2022, entitled “CD-1 Rezoning: 5-15 West 2nd Avenue and 1751 Ontario Street”, be approved.
- E. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1, generally as set out in Appendix C of the Referral Report dated February 15, 2022, entitled “CD-1 Rezoning: 5-15 West 2nd Avenue and 1751 Ontario Street”;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- F. THAT A to 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 UNANIMOUSLY (Vote No. 08286)  
(Councillor Hardwick abstained from the vote)  
(Councillor Boyle absent for the vote)

## **2. Zoning and Development By-law Amendments to support the Patio Program 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 regulations to allow

patios for businesses on private property with patio restrictions until  
~~October 31, 2022~~ March 31, 2023.

Council also had before it a memorandum from the General Manager of Planning, Urban Design and Sustainability dated April 5, 2022, which recommended the following amendment be made:

THAT the following amendment be made to the Draft By-law to amend the Zoning and Development By-law in Appendix A

10.29A Temporary patios

10.29A.1 For the purposes of this section 10.29A, "temporary patio" means a patio permitted on a temporary basis only, for a period up to and including ~~October 31, 2022~~ March 31, 2023.

### **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**

Staff from Planning, Urban Design and Sustainability 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 on April 14, 2022, at 7:52 pm.

### **Staff Closing Comments**

Staff from Planning, Urban Design and Sustainability reminded Council of the memorandum received which amends the date from October 31, 2022, to March 31, 2023.

### **Council Decision**

MOVED by Councillor Kirby-Yung  
SECONDED by Councillor Dominato

- A. THAT Council approves, in principle, the application to extend regulations to allow patios for businesses on private property with patio restrictions until March 31, 2023;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Zoning and Development By-law generally in accordance with Appendix A of the Referral Report dated January 24, 2022, entitled “Zoning and Development By-law Amendments to support the Patio Program for Businesses on Private Property”, with the proposed change to section 2 of the Draft Bylaw referenced in the memo to Council dated April 5, 2022, entitled “Zoning and Development By-law Amendments to support the Patio Program for Businesses on Private Property – Amendment to extension date”.

- B. THAT A 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.

CARRIED UNANIMOUSLY (Vote No. 08287)  
(Councillors Boyle and De Genova absent for the vote)

### 3. Regulating Self Storage Uses in Industrial 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 and the Mini-Storage Warehouse Guidelines to continue to allow storage warehouse uses for commercial operations, restrict self-storage uses to upper floors in industrial areas, and remove self-storage as a permitted use in industrial areas in close proximity to rapid transit stations to support employment intensification in industrial areas.

Council also had before it a memorandum from the General Manager of Planning, Urban Design and Sustainability dated April 5, 2022, which recommended the following amendment be made:

THAT Section 4 of the draft by-law attached to the report as Appendix A be amended as follows (bold represents insertion):

- 4. This By-law is to come into force and take effect on the date of its enactment, **except that Section 2 does not come into force or take effect with regard**

**to any complete development permit application received, with fees paid, on or before April 14, 2022.**

### **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**

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

### **Speakers**

The Mayor called for speakers for and against the application.

The following provided general comments on the application:

- Allan Sutherland

The speakers list and receipt of public comments closed on April 14, 2022, at 8:12 pm.

### **Staff Closing Comments**

Theresa O'Donnell, General Manager, Planning, Urban Design and Sustainability, along with staff from Legal Services, responded to additional questions.

### **Council Decision**

MOVED by Councillor Fry  
SECONDED by Councillor De Genova

- A. THAT Council approves, in principle, the application to amend Section 11 of the Zoning and Development By-law as described below, to remove Mini-Storage Warehouse as a permitted use:
  - i. on the first storey in the I and M Districts Schedules; and
  - ii. near rapid transit stations in the I-1, I-2 and IC-2 District Schedules;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Zoning and Development By-law generally as

presented in Appendix A of the Referral Report dated January 31, 2022, entitled “Regulating Self-Storage Uses in Industrial Districts”, with the change to Section 4 referenced in the memo to Council dated April 4, 2022, entitled “Regulating Self Storage Uses in Industrial Districts (RTS #14969) – Amendment to Include Force and Effect Clause”.

- B. THAT at the time of enactment of the amended Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for approval the updated Mini-Storage Warehouse Guidelines, generally in accordance with Appendix B of the Referral Report dated January 31, 2022, entitled “Regulating Self-Storage Uses in Industrial Districts”.
- C. THAT A through C 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.

CARRIED UNANIMOUSLY (Vote No. 08288)  
(Councillor Boyle absent for the vote)

#### **4. CD-1 Rezoning: 1477 West Broadway**

An application by PCI Developments LP was considered as follows:

Summary: To rezone 1477 West Broadway from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 39-storey mixed-use building with 223 secured rental housing units, of which 20% of the residential floor area will be below-market rental units. A building height of 124.0 metres (407 feet) with additional height for a rooftop amenity and a floor space ratio (FSR) of 12.30 are proposed.

Council also had before it two memorandums from the General Manager of Planning, Urban Design and Sustainability; the memo dated April 19, 2022, replaces the memo dated April 14, 2022; changes outlined below

THAT section 6.5 of the draft CD-1 By-law in Appendix A for 1477 West Broadway be amended as follows:

- (a) strike out section 6.5:



~~6.5 — Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, amenity areas accessory to a residential use, to a maximum of 10% of the total floor area being provided for dwelling uses.~~

(b) substitute with correction to previous rezoning memo shown in bold:

“6.5 Amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, **may be excluded at the discretion of the Director of Planning or Development Permit Board** provided that: (i) the total area being excluded shall not exceed the lesser of 10% of the total floor area being provided or 1000m<sup>2</sup>; and (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.”.

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

### **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:

- 607 pieces of correspondence in support of the application;
- 409 pieces of correspondence in opposition to the application; and
- three pieces of correspondence dealing with other aspects of the application.

### **Staff Opening Comments**

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

### **Applicant Comments**

The applicant team provided brief opening remarks and responded to questions.

### **Speakers**

The Mayor called for speakers for and against the application. Council heard from speakers to Item 4 on April 14, 19, and 21, 2022.

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*On April 14, 2022, the Public Hearing recessed, at 10:10 pm, and reconvened on April 19, 2022, at 6:01 pm.*

\* \* \* \* \*

On April 19, 2022, prior to continuing with public speakers to Item 4, it was,

MOVED by Councillor Dominato  
SECONDED by Councillor De Genova

THAT Council vary the agenda to hear a brief summary from staff on the recently distributed yellow memo related to Item 4, before continuing with public speakers.

CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY

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*On April 19, 2022, the Public Hearing recessed at 7:50 pm and reconvened at 8:02 pm.*

\* \* \* \* \*

On April 19, 2022, at 9:50 pm, it was,

MOVED by Councillor Dominato  
SECONDED by Councillor Boyle

THAT Council extend past 10 pm to hear speakers and then refer debate and decision to the Council meeting on April 26, 2022 as Unfinished Business.

LOST NOT HAVING RECEIVED  
THE REQUIRED MAJORITY  
(Councillors Fry, Hardwick, Kirby-Yung and Swanson opposed)  
(Councillors Carr and De Genova absent for the vote)

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*On April 19, 2022, the Public Hearing recessed, at 9:55 pm, and reconvened on April 21, 2022, at 6 pm.*

\* \* \* \* \*

The following spoke in support of the application:

- Mira Oreck
- Justin Pollard
- Jack Barr
- Reza Didi
- Molly Kavanagh
- Tony Pappajohn
- Maryam Baghaeyan
- Devon Hussak
- Russil Wvong
- Helen Lui
- James Tang
- Chloe McGuire
- Jonathan West
- Fraser McKeen
- Steven Grippo
- Peter Waldkirch
- Dale McClanaghan
- Sebastian Lippa
- Bobo Eyrich
- Will Cleveland
- Andrew Shields
- Kia Ghaffar
- Ashkan Rahnavardi
- Nolan Strong
- Aidan Crawford
- Michelle Scarr
- Maureen Coleman
- Cameron Fleming
- William Dawson
- Gordon McCauley
- Jessica Ferguson
- Katherine McCauley
- Sam Stacey
- Bailey Imelda
- Rebecca Hartley
- Robbie Burns
- Hartley Sidhu
- Owen Brady
- Tsaur Somerville
- Edward
- Kit Sauder
- Melody Haskell
- Cathy Hochachka
- Oliver Omi
- Maximillian Lapierre

The following spoke in opposition of the application:

- Gareth Sirotnik
- Alda Perreira Kelly
- Brian Palmquist
- Stephen Bohus
- Sean Nardi
- Paul Morris
- Sal Robinson
- Nathan Davidowicz
- Ward Stirrat
- Bill Tieleman
- Ian Poole
- Jack Habart
- Cyrus Boelman
- Rukshana Engineer
- John Donovan
- Roberta Olenick
- Colin McGrath
- Taylor Brown
- Mary Masotti
- Maureen Charron
- Gayle Gavin
- Erica Weiss
- Jane Frost
- Frank Heinzelmann
- Mark Battersby
- Marlene Wakeman
- Anna Holeton
- Valerie Anne Jenkinson
- Sue Fenyvesi
- Lewis Villegas
- Carol Volkart
- Andrea Baxendale
- Daniela Elza
- Peter McGee
- Jane Cobb
- Susan Thom
- Maya
- Ian Crook
- Darlene Cripps
- Randy Helten
- Janis Hamilton
- Christopher Gall
- Daniela Elza
- Elizabeth Murphy
- Lesley Matheson

The speakers list and receipt of public comments closed on April 21, 2022, at 9:52 pm.

On April 21, 2022, at 9:56 pm, it was,

MOVED by Councillor Boyle  
SECONDED by Councillor Carr

THAT the meeting extend past 10 pm to conclude hearing from speakers, close the speakers list and receipt of public comments, and then refer closing comments and questions to staff, as well as debate and decision on Item 4, to the Council meeting on Tuesday, April 26, 2022, as Unfinished Business.

CARRIED AND BY THE  
REQUIRED MAJORITY  
(Councillor Hardwick opposed)  
(Councilor De Genova abstained from the vote)

#### **ADJOURNMENT**

MOVED by Councillor Hardwick  
SECONDED by Councillor Dominato

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned on April 21, 2022, at 10:38 pm.

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