



## PUBLIC HEARING MINUTES

**MAY 24, 2022**

A Public Hearing of the City of Vancouver was held on Tuesday, May 24, 2022, at 6:03 pm, in the Council Chamber, Third Floor, City Hall. This Public Hearing was convened by electronic means as authorized under Section 566 of the *Vancouver Charter*.

**PRESENT:**

- Mayor Kennedy Stewart
- Councillor Rebecca Bligh
- Councillor Christine Boyle
- Councillor Adriane Carr
- Councillor Melissa De Genova
- Councillor Pete Fry
- Councillor Lisa Dominato
- Councillor Colleen Hardwick
- Councillor Sarah Kirby-Yung
- Councillor Jean Swanson
- Councillor Michael Wiebe

**CITY CLERK'S OFFICE:** Lesley Matthews, Chief, External Relations and Protocol  
Rowena Choi, Meeting Coordinator

### 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.

### LAND ACKNOWLEDGEMENT

Prior to the start of the Public Hearing, the following representatives from the Musqueam Indian Band, Squamish Nation, and Tsleil-Waututh Nation provided land acknowledgements:

- Charleen Grant, Cultural Liaison, Musqueam Indian Band
- Adrienne Charlie (Sxeláltenaat), Cultural Liaison, Squamish Nation
- Dennis Thomas (Whonoak), Cultural Liaison and Elected Councillor, Tsleil-Waututh Nation

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*During the land acknowledgements, Council recessed at 6:05 pm due to technical difficulties and reconvened at 6:13 pm.*

\* \* \* \* \*

Additionally, the following Chief and Councillors from the Musqueam Indian Band, Squamish Nation, and Tsleil-Waututh Nation provided opening remarks:

- Chief Wayne Sparrow (yəχ<sup>w</sup>yax<sup>w</sup>ələq), Musqueam Indian Band
- Councillor Syexwáliya Ann Whonnock, Squamish Nation
- Councillor Dennis Thomas (Whonoak), Tsleil-Waututh Nation

Following the land acknowledgements and opening remarks, Council resumed its course of business for the Public Hearing.

**1. CD-1 REZONING: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)**

An application by Dialog Design was considered as follows:

Summary: To rezone 4949-5255 Heather Street and 657-707 West 37th Avenue from CD-1 (52A) and CD-1 (80) (Comprehensive Development) District to two new CD-1 Districts, to allow for a multi-phased mixed-use development containing approximately 540 units of social housing, 400 units of market rental housing with 25% of the floor area at below market rent rates and 1670 leasehold strata-titled units, all in buildings ranging in height from 3 to 28 storeys. In addition, the proposal includes a 74-space childcare facility, 4.4 acres of park and public open space, commercial space including office use, a cultural centre, and a site for a Conseil Scolaire Francophone French language school and associated childcare facility.

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 May 20, 2022, which recommended amendments to the recommendations of the Referral Report dated March 28, 2022, entitled “CD-1 Rezoning: 4949-5255 Heather St and 657 W 37th Ave (Heather Lands) – Amendment to Conditions of Approval in Appendix C and Appendix D”, changes outlined below:

**RECOMMENDATION**

FURTHER THAT Housing condition 2.15 in Part 2 of Appendix C, and Housing condition 2.19 in Part 2 of Appendix D of the Referral Report be replaced with the following:

**Appendix C – PART 2: CONDITIONS OF BY-LAW ENACTMENT**

“2.15 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into one or more Housing Agreements and/or Section 219 Covenants to secure a minimum of 33,543 sq. m. (361,059 sq. ft.) of residential floor space, and

approximately 373 residential units located on Parcels B and F combined, as secured rental housing, including at least 25 per cent of the residential floor area that is counted in the calculation of the market rental dwelling unit area per the CD-1 By-law (at least 8,385 sq. m. [90,265] sq. ft.) as below market rental units ("below-market rental units"). The below-market rental units are to be rented at 25% below the CMHC city-wide average market rents, and the remaining units to be secured as market rental units, subject to the conditions set out below for such units, for a term equal to the longer of 60 years and the life of the respective building. The agreement or agreements will include, but not be limited to, the following conditions, and requirements:

- (a) A no separate sales covenant;
- (b) A no stratification covenant;
- (c) A provision that not of such units will be rented for less than one month at a time;
- (d) A provision that none of such units will be Seniors Supportive or Assisted Housing;
- (e) That a rent roll will be provided indicating the agreed initial monthly rents for each below market rental unit at time of the respective occupancy permit application;
- (f) That the average initial starting monthly rents for all below market rental housing units in the project will be at or below 25% below the CMHC city-wide average market rent;
- (g) That rent increases for the below market rental units will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy;
- (h) That the applicant will verify eligibility of new tenants for the units secured at below market rates, based on the following:
  - i) For new tenants, annual household income cannot exceed (4) four times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and
  - ii) There should be at least one occupant per bedroom in the unit.
- (i) That the applicant will verify the ongoing eligibility of existing tenants in the units secured at below market rates every five (5) years after initial occupancy:
  - i) For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and

- ii) There should be at least one occupant per bedroom in the unit.
- (j) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the below market rental units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the below market rental units, and a summary of the results of eligibility testing for these units; and
- (k) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require in their sole discretion.

#### Appendix D – PART 2: CONDITIONS OF BY-LAW ENACTMENT

“2.19 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into one or more Housing Agreements and/or Section 219 Covenants to secure a minimum of 2,312 sq. m. (24,893 sq. ft.) of the residential floor space on Parcel I, and approximately 27 residential units, as secured rental housing in Parcel I, including at least 25 per cent of the residential floor area that is counted in the calculation of the market rental dwelling unit area per the CD-1 By-law (at least 579 sq. m. [6,233 sq. ft.]) as below-market rental units (“below market rental units”). The below-market rental units are to be rented at 25% below the CMHC city-wide average market rents, and the remaining units to be secured as market rental units, subject to the conditions set out below for such units, for a term equal to the longer of 60 years and the life of the respective building. The agreement or agreements will include, but not be limited to, the following conditions, and requirements:

- (a) A no separate sales covenant;
- (b) A no stratification covenant;
- (c) A provision that not of such units will be rented for less than one month at a time;
- (d) A provision that none of such units will be Seniors Supportive or Assisted Housing;
- (e) That a rent roll will be provided indicating the agreed initial monthly rents for each below market rental unit at time of occupancy permit application;
- (f) That the average initial starting monthly rents for all below market rental housing units in the project will be at or below 25% below the CMHC city-wide average market rent;
- (g) That rent increases for the below market rental units will be capped at the Residential Tenancy Act maximum annual

- allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy;
- (h) That the applicant will verify eligibility of new tenants for the units secured at below market rates, based on the following:
- i) For new tenants, annual household income cannot exceed (4) four times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and
  - ii) There should be at least one occupant per bedroom in the unit.
- (i) That the applicant will verify the ongoing eligibility of existing tenants in the units secured at below market rates every five (5) years after initial occupancy:
- i) For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and
  - ii) There should be at least one occupant per bedroom in the unit.
- (j) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the below market rental units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the below market rental units, and a summary of the results of eligibility testing for these units; and
- (k) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require in their sole discretion.

### **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 of the application;
- 8 pieces of correspondence in opposition to the application; and
- 4 pieces of correspondence dealing with other aspects of the application.

### **Staff Opening Comments**

Kirsten Robinson, Rezoning Planner, Rezoning Centre, Planning, Urban Design and Sustainability, presented an overview of the application and along with Theresa O'Donnell,

General Manager, Planning, Urban Design and Sustainability, Dan Garrison, Assistant Director – Sustainability, Planning, Urban Design and Sustainability, responded to questions.

### **Applicant Comments**

Brennan Cook, Vice President, MST Development Corporation, Charleen Grant, Cultural Liaison, Musqueam Indian Band, Adrienne Charlie (Sxeláltenaat), Cultural Liaison, Squamish Nation, and Dennis Thomas (Whonoak), Cultural Liaison and Elected Councillor, Tsleil-Waututh Nation, provided a presentation, and along with David Negrin, CEO, MST Development Corporation, Elisa Campbell, Senior Director, Canada Lands Company, Martin Nielsen, Partner, Dialog Design and Councillor Syexwáliya Ann Whonnock, Squamish Nation, responded to questions.

\* \* \* \* \*

*At 7:42 pm, during questions to staff and applicants it was,*

*MOVED by Councillor De Genova  
SECONDED by Councillor Hardwick*

*THAT under section 5.4(d) of the Procedure By-law, Council ask a second round of questions to staff and applicants.*

**CARRIED UNANIMOUSLY**

*Subsequently, following questions to staff and applicants, Council recessed at 8:52 pm and reconvened at 9:02 pm.*

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### **Speakers**

The Mayor called for speakers for and against the application.

\* \* \* \* \*

*At 9:49 pm, during the hearing of speakers it was,*

*MOVED by Councillor Carr  
SECONDED by Councillor Kirby-Yung*

*THAT Council extend the meeting past 10 pm in order to complete its business.*

**CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY**

*Subsequently, Council recessed at 9:50 pm and reconvened at 9:55 pm to hear from additional speakers.*

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The following spoke in general support of the application:

- Chafic El Rassi
- Eric Aderneck
- Sonia Soltana
- Rhoda Miller
- Kim Guerin

The following spoke in opposition of the application:

- Monique Choptuik
- Nathan Davidowicz

The following provided general comments and other aspects on the application:

- Allan Buium
- Varouj Gumuchian
- Marlene Wickham
- Maureen Charron

The speaker's list and receipt of public comments closed at 9:58 pm.

### **Council Decision**

MOVED by Councillor De Genova  
SECONDED by Councillor Carr

- A. THAT Council approves the application(s) to amend CD-1 (52A) By-law No. 4393 for 657-707 West 37th Avenue and CD-1 (80) By-law No. 4665 for 4949-4951 Heather Street to amend the site maps and associated uses, generally as presented in Appendix G and H of the Referral Report dated March 28, 2022, entitled "CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)";

FURTHER THAT the draft CD-1 By-law amendments, prepared for the Public Hearing in accordance with Appendices G and H, generally as presented in the above-noted Referral Report, be approved in principle.

- B. THAT the application by Dialog Design, on behalf of Canada Lands Company CLC Limited and the Musqueam Indian Band, Squamish Nation, and Tsleil-Waututh Nation Partnership, the registered owners of the lands located at:

- 4949-5201 Heather St [*PID 015-991-512; Block 838 (Reference Plan 736) Group 1 NWD Except the South of 300 Feet (See 208823L) District Lot 526*];
- 5255 Heather St [*PID 015-991-466; The South 300 Feet (See 208823L) of Block 838 (Reference Plan 736) District Lot 526 Group 1 NWD*]; and

- 657-707 West 37th Avenue [*PID 009-958-461; Lot A (Reference Plan 3733) Block 839 District Lot 526 Plan 6431*];

to rezone the lands from CD-1 (52A) and CD-1 (80) to two new CD-1 (Comprehensive Development) Districts (CD-1 South and CD-1 North) to permit a multi-phased mixed use development with a combined total floor area of 234,219 sq. m. (2,521,107 sq. ft.) in buildings ranging from 3 to 28 storeys for commercial, residential, community and cultural uses, generally as presented in the Referral Report dated March 28, 2022, entitled "CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)", be approved in principle;

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

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by Dialog Design received October 2, 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 for each of the CD-1s respectively as contained in Appendices C and D of the above-noted Referral Report.

- C. THAT subject to enactment of CD-1 South, CD-1 (52A) be repealed, and that subject to enactment of CD-1 North, CD-1 (80) be repealed, generally as set out in Appendices E and F of the Referral Report dated March 28, 2022, entitled "CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)", respectively;

FURTHER THAT the draft CD-1 By-law amendments, prepared for the Public Hearing in accordance with Appendices E and F of the above-noted Referral Report, be approved in principle.

- D. THAT subject to approval in principle of each rezoning and its respective Housing Agreement(s) described in Part 2 of Appendices C and D of the of the Referral Report dated March 28, 2022, entitled "CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-laws for enactment prior to enactment of each CD-1 By-law, respectively, 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.
- E. THAT the application to amend the Sign By-law to establish regulations for the CD-1s, generally as set out in Appendices E and F of the Referral Report dated March 28, 2022, entitled "CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)", respectively, be approved.



- F. THAT subject to approval of the CD-1 By-laws, the Noise Control By-law be amended to include each CD-1, respectively, generally as set out in Appendices E and F of the of the Referral Report dated March 28, 2022, entitled “CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)”;

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

- G. THAT subject to approval in principle of the rezoning, the General Manager of Planning Urban Design and Sustainability be instructed to prepare the Heather Lands Design Guidelines, generally as presented in Appendix L of the Referral Report dated March 28, 2022, entitled “CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)”, for adoption at the time of enactment of the first of the two CD-1s, whichever that may be.
- H. THAT subject to approval in principle of the rezoning, Council endorse removal of the Vancouver Heritage Register “A” category Fairmont building from the site to allow for development of a xʷməθkʷəy̓ əm, Sk̓w̓x̓w̓ú7mesh, and səliłwətał cultural centre and plaza.
- I. THAT A through G 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

AMENDMENT MOVED by Councillor Hardwick  
SECONDED by Councillor De Genova

THAT the following be added to the end of H:

FURTHER THAT this is not to be taken as a precedent contradicting the City's Heritage Policies and Guidelines.

amended

AMENDMENT TO THE AMENDMENT MOVED by Councillor Fry  
SECONDED by Councillor De Genova

THAT the words “endorsed removal” be inserted after the word “this”.

LOST (Vote No. 08402)  
(Councillors Bligh, Boyle, Carr, Dominato, Kirby-Yung, Swanson, Wiebe and Mayor Stewart opposed)

The amendment to the amendment having lost, the amendment was put and LOST (Vote No. 08403), with Councillors Bligh, Boyle, Carr, Dominato, Fry, Kirby-Yung, Swanson, Wiebe and Mayor Stewart opposed.

Following discussion, the motion inclusive of the memorandum from the General Manager of Planning, Urban Design and Sustainability, dated May 20, 2022, entitled “CD-1 Rezoning: 4949-5255 Heather St and 657 W 37th Ave (Heather Lands) – Amendment to Conditions of Approval in Appendix C and Appendix D”, was put and CARRIED UNANIMOUSLY (Vote No. 08404).

## **ADJOURNMENT**

MOVED by Councillor Hardwick  
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 10:44 pm.

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