



PUBLIC HEARING MINUTES

OCTOBER 17 AND 19, 2023

A Public Hearing of the City of Vancouver was held on Tuesday, October 17, 2023, at 6:02 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting recessed and reconvened on Thursday, October 19, 2023 at 6:05 pm. This Public Hearing was convened by electronic means with in-person attendance available as authorized under Section 566 of the *Vancouver Charter*.

PRESENT:

- Mayor Ken Sim* (Leave of Absence – Civic Business on October 19, 2023)
- Councillor Rebecca Bligh
- Councillor Christine Boyle
- Councillor Adriane Carr* (Leave of Absence – Civic Business on October 19, 2023)
- Councillor Lisa Dominato*
- Councillor Pete Fry* (Leave of Absence – Civic Business on October 19, 2023)
- Councillor Sarah Kirby-Yung
- Councillor Mike Klassen
- Councillor Peter Meiszner
- Councillor Brian Montague* (Absent – October 19, 2023)
- Councillor Lenny Zhou

CITY MANAGER'S OFFICE: Paul Mochrie, City Manager

CITY CLERK'S OFFICE: Tina Penney, Deputy City Clerk
Olivia Kam, 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. Rezoning: 4721 Oak Street

An application by P Square Engineering and Construction Ltd. was considered as follows:

Summary: To rezone 4721 Oak Street from R1-1 (Residential) District to RM-8AN

(Residential) District, to allow for a townhouse or rowhouse development with a maximum floor space ratio (FSR) of 1.20.

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

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 5, 2023, entitled "Rezoning: 4721 Oak Street – Conditions of Approval in Appendix B", which further simplified rainwater management conditions as described in 1.7 of the Conditions of Approval (Appendix B, Part 1) in accordance with amendments to simplify rezoning application and development permit requirements as approved by Council on July 25, 2023.

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 16, 2023, entitled "Rezoning: 4721 Oak Street – Amendments to proposed By-law", which noted on October 17, 2023, Council approved amendments to the Zoning and Development By-law that consolidated nine RS residential zones by rezoning areas zoned RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6 and RS-7 to a new R1-1 Residential Inclusive zone. Accordingly, all references to rezoning areas zoned RS-5 be amended to the new R1-1 Residential Inclusive Zone.

Summary of Correspondence

One piece of correspondence in opposition of the application was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

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At this point in the proceedings, it was,

MOVED by Councillor Dominato
SECONDED by Councillor Zhou

THAT Council waive the presentation for Item 1. Rezoning: 4721 Oak Street.

CARRIED UNANIMOUSLY

* * * * *

Speakers

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

The speakers list and receipt of public comments closed at 6:16 pm.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability noted all approvals in principle on this item are to be in accordance to the two yellow memorandums entitled “Rezoning: 4721 Oak Street – Conditions of Approval in Appendix B”, dated October 5, 2023 and “Rezoning: 4721 Oak Street – Amendment to proposed By-law”, dated October 16, 2023.

Council Decision

MOVED by Councillor Klassen

SECONDED by Councillor Dominato

- A. THAT the application by P Square Engineering and Construction Ltd., on behalf of 1310492 B.C. Ltd.¹, the registered owners of the land located at 4721 Oak Street [*PID 011-038-454; Lot 15 Block 795 District Lot 526 Plan 6011*], to rezone the lands from R1-1 (Residential Inclusive zone) District to RM-8AN (Residential) District, generally as presented in the Referral Report dated August 29, 2023, entitled “Rezoning: 4721 Oak Street”, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle, with the following amendments:

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following amendments:

- i. THAT condition 1.7 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

“This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.”

- ii. THAT all references to rezoning areas zoned RS-5 of the above-noted report be struck and replaced with R1-1.

- B. THAT subject to approval of the zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Referral Report dated August 29, 2023, entitled “Rezoning: 4721 Oak Street”;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.

¹ Beneficially owned and controlled by Salek Fard and Sayed Hossein.

- 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; 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 bylaw 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. 09554)

2. Rezoning: 2821-2869 East 49th Avenue

An application by Aragon Properties Ltd. was considered as follows:

Summary: To rezone 2821-2869 East 49th Avenue from R1-1 (Residential) District to RR-2B (Residential Rental) District, to permit the development of a five-storey rental building. A height of 16.8 m (55 ft.) and a floor space ratio (FSR) of 2.20 are proposed.

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

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 5, 2023, entitled "Rezoning: 2821-2869 East 49th Avenue – Conditions of Approval in Appendix B", which further simplified rainwater management conditions as described in condition 1.10 of the Conditions of Approval (Appendix B, Part 1) in accordance with amendments to simplify rezoning application and development permit requirements as approved by Council on July 25, 2023.

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 16, 2023, entitled "Rezoning: 2821-2869 East 49th Avenue – Amendment to proposed By-law and Subdivision By-law", which noted on October 17, 2023, Council approved amendments to the Zoning and Development By-law that consolidated nine RS residential zones by rezoning areas zoned RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6 and RS-7 to a new R1-1 Residential Inclusive zone. Accordingly, all references to rezoning areas zoned RS-1 be amended to the new R1-1 Residential Inclusive Zone.

Summary of Correspondence

One piece of correspondence in support of the application and one piece of correspondence in opposition of the application 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 provided a presentation, responded to questions and noted that all approvals in principle on this item are to be in accordance to the two yellow memorandums entitled “Rezoning: 2821-2869 East 49th Avenue – Conditions of Approval in Appendix B”, dated October 5, 2023; and “Rezoning: 2821-2869 East 49th Avenue – Amendment to proposed By-law and Subdivision By-law”, dated October 16, 2023.

Speakers

The Mayor called three times for speakers for and against the application.

The following spoke in opposition of the application:

- S. Fiddis
- Sam Lem

The speakers list and receipt of public comments closed at 6:46 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor Meiszner
SECONDED by Councillor Zhou

- A. THAT the application by Aragon Properties Ltd. on behalf of Aragon (East 49th) Properties Ltd., the registered owner of the lands located at 2821-2869 East 49th Avenue [*Lots 15 to 20 Block 9 North West 1/4 of District Lot 337 Plan 8117; PIDs 010-240-535, 008-071-594, 010-240-560, 004-912-616, 003-896-251 and 010-240-837, respectively*] to rezone the lands from R1-1 (Residential) District RR-2B (Residential Rental) District, generally as presented in the Referral Report dated August 29, 2023, entitled “Rezoning: 2821-2869 East 49th Avenue”, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following amendments:

- i. THAT condition 1.10 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

“This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.”
 - ii. THAT all references to rezoning areas zoned RS-1 in the above-noted report be struck and replaced with R1-1.
- 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 August 29, 2023, entitled “Rezoning: 2821-2869 East 49th Avenue”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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 zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Referral Report dated August 29, 2023, entitled “Rezoning: 2821-2869 East 49th Avenue”;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.
- D. THAT A to 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; 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 bylaw 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. 09555)

3. Rezoning: 2753-2769 East 49th Avenue

An application by Vertex DC Ventures Inc. was considered as follows:

Summary: To rezone 2753-2769 East 49th Avenue from R1-1 (Residential) District to RR-2B (Residential Rental) District, to permit the development of a five-storey rental building. A height of 16.8 m (55 ft.) and a floor space ratio (FSR) of 2.20 are proposed.

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

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 5, 2023, entitled “Rezoning: 2753-2769 East 49th Avenue – Conditions of Approval in Appendix B”, which further simplified rainwater management conditions as described in condition 1.16 of the Conditions of Approval (Appendix B, Part 1) in accordance with amendments to simplify rezoning application and development permit requirements as approved by Council on July 25, 2023.

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 16, 2023, entitled “Rezoning: 2753-2769 East 49th Avenue – Amendment to proposed By-law and Subdivision By-law”, which noted on October 17, 2023, Council approved amendments to the Zoning and Development By-law that consolidated nine RS residential zones by rezoning areas zoned RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6 and RS-7 to a new R1-1 Residential Inclusive zone. Accordingly, all references to rezoning areas zoned RS-1 be amended to the new R1-1 Residential Inclusive Zone.

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:

- 4 pieces of correspondence in support of the application;
- 3 pieces of correspondence in opposition to the application; and
- 3 pieces of correspondence dealing with other aspects of the application.

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At this point in the proceedings, it was,

MOVED by Councillor Dominato
SECONDED by Councillor Meiszner

THAT Council waive the presentation for Item 3. Rezoning: 2753-2769 East 49th Avenue.

CARRIED UNANIMOUSLY

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Applicant Comments

The applicant team responded to questions.

Speakers

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

The speakers list and receipt of public comments closed at 6:59 pm.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability responded to questions and noted that all approvals in principle on this item are to be in accordance to the two yellow memorandums entitled “Rezoning: 2753-2769 East 49th Avenue – Conditions of Approval in Appendix B”, dated October 5, 2023; and “Rezoning: 2753-2769 East 49th Avenue – Amendment to proposed By-law and Subdivision By-law”, dated October 16, 2023.

Council Decision

MOVED by Councillor Zhou

SECONDED by Councillor Meiszner

- A. THAT the application by Vertex DC Ventures Inc., on behalf of 1377570 B.C. Ltd. ², the registered owner of the lands located at 2753-2769 East 49th Avenue [*Lots 6 to 8 Block 9 North West 1/4 of District Lot 337 Plan 8117; PIDs 010-240-144, 010-240-179 and 010-240-250 respectively*], to rezone a consolidation of the above properties from R1-1 (Residential) District to RR-2B (Residential Rental) District, generally as presented in the Referral Report dated August 29, 2023, entitled “Rezoning: 2753-2769 East 49th Avenue”, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following amendments:

- i. THAT condition 1.16 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

² Represented by Vertex DC Development Corp.

“This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.”

- ii. THAT all references to rezoning areas zoned RS-1 in the above-noted report be struck and replaced with R1-1.
- 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 August 29, 2023, entitled “Rezoning: 2753-2769 East 49th Avenue”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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 zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Referral Report dated August 29, 2023, entitled “Rezoning: 2753-2769 East 49th Avenue”;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.
- D. THAT A to 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; 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 bylaw 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. 09556)
(Councillor Dominato absent for the vote)

4. Rezoning: 5504-5536 Victoria Drive

An application by JTA Development Consultants was considered as follows:

Summary: To rezone 5504-5536 Victoria Drive from RT-2 (Residential) District to RR-3B (Residential Rental) District, to permit the development of a six-storey

mixed-use rental building of which 20% of the residential floor area is secured as below-market rental units. A height of 22.0 m (72 ft.) and a floor space ratio (FSR) of 3.50 are proposed.

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

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 5, 2023, entitled “Rezoning: 5504-5536 Victoria Drive – Conditions of Approval in Appendix B”, which further simplified rainwater management conditions as described in condition 1.10 of the Conditions of Approval (Appendix B, Part 1) in accordance with amendments to simplify rezoning application and development permit requirements as approved by Council on July 25, 2023.

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 16, 2023, entitled “Rezoning: 5504-5536 Victoria Drive – Conditions of Approval in Appendix B”, which removed Housing condition 2.6(g) of Appendix B and replaced Housing condition 2.6(d) and (e) of Appendix B with the following:

“Housing

- (d) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;
- (e) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;”

Summary of Correspondence

Two pieces of correspondence in support of the application 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.

Applicant Comments

The applicant team responded to questions.

Speakers

The Mayor called three times for speakers for and against the application.

The following spoke in opposition of the application:

- Lisa Kew

The speakers list and receipt of public comments closed at 7:19 pm.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability noted that all approvals in principle on this item are to be in accordance to the two yellow memorandums entitled “Rezoning: 5504-5536 Victoria Drive – Conditions of Approval in Appendix B”, dated October 5, 2023; and “Rezoning: 5504-5536 Victoria Drive – Conditions of Approval in Appendix B”, dated October 16, 2023.

Council Decision

MOVED by Councillor Kirby-Yung

SECONDED by Councillor Dominato

- A. THAT the application by JTA Development Consultants on behalf of 0877281 B.C. Ltd.³, the registered owner of the lands located at:
- 5504 Victoria Drive [*PID 014-012-995; Lot 46 Except the West 7 Feet, Now Road Block 9 District Lot 394 Plan 2164*],
 - 5512 Victoria Drive [*PID 014-013-053; Amended Lot 47 (See 152926L) Block 9 District Lot 394 Plan 2164*], and
 - 5536 Victoria Drive [*PID 014-013-061; Amended Lot 49 (See 152927L) Block 9 District Lot 394 Plan 2164*],

to rezone the lands from RT-2 (Residential) to RR-3B (Residential Rental) District, generally as presented in the Referral Report dated August 29, 2023, entitled “Rezoning: 5504-5536 Victoria Drive”, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following amendments:

³ Beneficially owned and controlled by Balinder Kaur Johal and Amarjit Singh Johal.

- i. THAT condition 1.10 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

“This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.”

- ii. THAT Housing condition 2.6(d) and (e) of Appendix B of the above-noted report be struck and replaced with the following:

“Housing

(d) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;

(e) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;”

FURTHER THAT Housing condition 2.6(g) in Appendix B of the above-noted report be removed.

- 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 August 29, 2023, entitled “Rezoning: 5504-5536 Victoria Drive”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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; 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. 09557)

5. Rezoning: 2005-2045 West 49th Avenue

An application by Vandy Developments was considered as follows:

Summary: To rezone 2005-2045 West 49th Avenue from R1-1 (Residential) District to RR-2C (Residential Rental) District, to permit the development of a six-storey rental building where 20% of the residential floor area will be secured as below-market rental units. A height of 19.8 m (65 ft.) and a floor space ratio (FSR) of 2.70 are proposed.

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

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 5, 2023, entitled "Rezoning: 2005-2045 West 49th Avenue – Conditions of Approval in Appendix B", which further simplified rainwater management conditions as described in condition 1.10 of the Conditions of Approval (Appendix B, Part 1) in accordance with amendments to simplify rezoning application and development permit requirements as approved by Council on July 25, 2023.

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 16, 2023, entitled "Rezoning: 2005-2045 West 49th Avenue – Amendment to proposed By-law and Subdivision By-law and Conditions of Approval in Appendix B", which noted on October 17, 2023, Council approved amendments to the Zoning and Development By-law that consolidated nine RS residential zones by rezoning areas zoned RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6 and RS-7 to a new R1-1 Residential Inclusive zone. Accordingly, all references to rezoning areas zoned RS-6 be amended to the new R1-1 Residential Inclusive Zone. The memorandum also removes Housing condition 2.6(g) of Appendix B and replaces Housing condition 2.6(e) and (f) of Appendix B with the following:

"Housing

- (e) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;
- (f) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy

permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;”

Summary of Correspondence

One piece of correspondence in support of the application and one piece of correspondence in opposition of the application was received since referral to Public Hearing and prior to the close of the speakers list and receipt of public comments.

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At this point in the proceedings, it was,

MOVED by Councillor Dominato
SECONDED by Councillor Zhou

THAT Council waive the presentation for Item 5. Rezoning: 2005-2045 West 49th Avenue.

CARRIED UNANIMOUSLY

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Staff Opening Comments

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

Applicant Comments

The applicant team responded to questions.

Speakers

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

The speakers list and receipt of public comments closed at 7:34 pm.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability noted that all approvals in principle on this item are to be in accordance to the two yellow memorandums entitled “Rezoning: 2005-2045 West 49th Avenue – Conditions of Approval in Appendix B”, dated October 5, 2023; and “Rezoning: 2005-2045 West 49th Avenue – Amendment to proposed By-law and Subdivision By-law and Conditions of Approval in Appendix B”, dated October 16, 2023.

Council Decision

MOVED by Councillor Dominato
SECONDED by Councillor Klassen

A. THAT the application by 0749525 B.C Ltd.⁴, on behalf of

- Vandy Developments., the registered owner of 2005 West 49th Avenue [PID 008-555-265; Lot 6 of Lot 1 Block 2 District Lot 526 Plan 2337], 2025 West 49th Avenue [PID 013-889-192; Lot 8 of Lot 1 Block 2 District Lot 526 Plan 2337], and 2035 West 49th Avenue [PID 013-889-206; Lot 9 of Lot 1 Block 2 District Lot 526 Plan 2337];
- Andrew Luke Lai, the registered owner of 2015 West 49th Avenue [PID 013-889-176; Lot 7 of Lot 1 Block 2 District Lot 526 Plan 2337]; and
- EL & EL Investments, the registered of 2045 West 49th Avenue [PID 013-889-222; Lot 10 of Lot 1 Block 2 District Lot 526 Plan 2337],

to rezone the lands from R1-1 (Residential) District to RR-2C (Residential Rental) District, as presented in the Referral Report dated August 29, 2023, entitled “Rezoning: 2005-2045 West 49th Avenue”, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following amendments:

- i. THAT condition 1.10 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

“This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.”

- ii. THAT all references to rezoning areas zoned RS-6 in the above-noted report be struck and replaced with R1-1.
- iii. THAT Housing condition 2.6(e) and (f) of Appendix B of the above-noted report be struck and replaced with the following:

“Housing

- (e) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least

⁴ Beneficially owned and controlled by Jonathan Lai

20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;

- (f) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;”

FURTHER THAT Housing condition 2.6(g) in Appendix B of the above-noted report be removed.

- 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 August 29, 2023, entitled “Rezoning: 2005-2045 West 49th Avenue”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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 zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Referral Report dated August 29, 2023, entitled “Rezoning: 2005-2045 West 49th Avenue”;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.

- D. THAT A and 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; 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. 09558)

6. Rezoning: 6081-6083 Collingwood Place

An application by Pacific West Architecture was considered as follows:

Summary: To rezone 6081-6083 Collingwood Place from R1-1 (Residential) District to RR-2B (Residential Rental) District, to permit the development of a five-storey rental building. A height of 16.8 m (55 ft.) and a floor space ratio (FSR) of 2.20 are proposed.

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

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 5, 2023, entitled "Rezoning: 6081-6083 Collingwood Place – Conditions of Approval in Appendix B", which further simplified rainwater management conditions as described in condition 1.10 of the Conditions of Approval (Appendix B, Part 1) in accordance with amendments to simplify rezoning application and development permit requirements as approved by Council on July 25, 2023.

Council also had before it a memorandum from the Acting General Manager, Planning, Urban Design and Sustainability dated October 16, 2023, entitled "Rezoning: 6081-6083 Collingwood Place – Amendment to proposed By-law and Subdivision By-law and Conditions of Approval in Appendix B", which noted on October 17, 2023, Council approved amendments to the Zoning and Development By-law that consolidated nine RS residential zones by rezoning areas zoned RS-1, RS-1A, RS-1B, RS-2, RS-3, RS-3A, RS-5, RS-6 and RS-7 to a new R1-1 Residential Inclusive zone. Accordingly, all references to rezoning areas zoned RS-5 be amended to the new R1-1 Residential Inclusive Zone. The memorandum also removes Housing condition 2.6(f) of Appendix B and replaces Housing condition 2.6(d) and (e) of Appendix B with the following:

"Housing

- (d) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;
- (e) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy

permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;”

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:

- 7 pieces of correspondence in support of the application;
- 19 pieces of correspondence in opposition to the application; and
- 1 piece of correspondence dealing with other aspects of the application.

Staff Opening Comments

Staff from Planning, Urban Design and Sustainability provided a presentation and, along with Staff from Engineering Services, responded to questions.

Applicant Comments

The applicant team responded to questions.

Speakers

The Mayor called three times for speakers for and against the application.

The following spoke in support of the application:

- Fiona Young
- John Zhang
- Nina Ning
- Owen Bradey
- Ryan Campbell
- Jillian Menpasti
- Chengyan Boon
- Dan Rosswell
- Rui Lin Ren
- Russil Wvong
- Charles Eyrich

The following spoke in opposition of the application:

- Hareesh Sara
- Diane Fulton
- Eugene Lee
- Albert Li
- Alan Kenney
- Benny Pulver

- Maggie Li
- Donald Edward Marquardt
- Graham Thom
- Alex Thacker
- Scott Graham
- Chuck Brook

The speakers list and receipt of public comments closed at 10:06 pm.

* * * * *

On October 17, 2023, at 9:56 pm, it was

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

THAT Council extend the meeting past 10 pm to complete hearing from speakers, and refer closing comments, debate, and decision on item 6. Rezoning: 6081-6083 Collingwood Place to October 19, 2023, at 6pm.

*CARRIED AND BY THE
REQUIRED MAJORITY (Vote No. 09559)
(Councillors Carr, Fry and Klassen opposed)*

* * * * *

On October 17, 2023 Council recessed at 10:08 pm and reconvened on October 19, 2023, at 6:05 pm with Acting Mayor Dominato in the Chair.

* * * * *

Applicant Closing Comments

The applicant team provided closing comments.

Staff Closing Comments

Staff from Planning, Urban Design and Sustainability noted that all approvals in principle on this item are to be in accordance to the two yellow memorandums entitled "Rezoning: 6081-6083 Collingwood Place – Conditions of Approval in Appendix B", dated October 5, 2023; and "Rezoning: 6081-6083 Collingwood Place – Amendment to proposed By-law and Subdivision By-law and Conditions of Approval in Appendix B", dated October 16, 2023.

Council Decision

MOVED by Councillor Meiszner
SECONDED by Councillor Zhou

- A. THAT the application by Pacific West Architecture, on behalf of Tianxue Xu, the registered owner of the land located at 6081-6083 Collingwood Place [*PID 002-787-890; Lot 10 Block 4 District Lot 2027 Plan 8976*], to rezone the land from R1-1 (Residential) District to RR-2B (Residential Rental) District, generally as presented in the Referral Report dated August 29, 2023, entitled "Rezoning: 6081-6083 Collingwood Place" be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following:

- i. THAT condition 1.11 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

"This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024."

- ii. THAT all references to rezoning areas zoned RS-5 in the above-noted report be struck and replaced with R1-1;
- iii. THAT Housing condition 2.7(d) and (e) of Appendix B of the above-noted report be struck and replaced with the following:

"Housing

- (d) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;

- (e) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;"

FURTHER THAT Housing condition 2.7(f) in Appendix B of the above-noted report be removed.

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 August 29, 2023, entitled "Rezoning: 6081-6083 Collingwood Place", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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 zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Referral Report dated August 29, 2023, entitled "Rezoning: 6081-6083 Collingwood Place";

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.

D. THAT A to 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

amended

AMENDMENT MOVED by Councillor Kirby-Yung
SECONDED by Councillor Meiszner

THAT A be amended as follows by adding the following:

THAT Council add, as a new Condition of Approval of the Development Application: 1.18 That staff require allowing vehicular access to the building off Dunbar Street due to the unique site considerations, as opposed to common practice of having vehicular access of quieter streets, recognizing Collingwood Place's unique cul-de-sac configuration, with adequate safety mitigation

measures to be delivered by the applicant.

amended

AMENDMENT TO THE AMENDMENT MOVED by Councillor Kirby-Yung
SECONDED by Councillor Meiszner

THAT the word “require” be struck and replaced with the words “fully explore”.

CARRIED UNANIMIOUSLY (Vote No. 09575)
(Councillors Carr, Fry, Montague and Mayor Sim absent for the vote)

The amendment to the amendment having carried, the amendment as amended was put and CARRIED UNANIMOUSLY (Vote No. 09576) with Councillors Carr, Fry, Montague and Mayor Sim absent for the vote.

Following the votes on the amendments, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 09577) with Councillors Carr, Fry, Montague and Mayor Sim absent for the vote.

FINAL MOTION AS APPROVED

- A. THAT the application by Pacific West Architecture, on behalf of Tianxue Xu, the registered owner of the land located at 6081-6083 Collingwood Place [*PID 002-787-890; Lot 10 Block 4 District Lot 2027 Plan 8976*], to rezone the land from RS1-1 (Residential) District to RR-2B (Residential Rental) District, generally as presented in the Referral Report dated August 29, 2023, entitled “Rezoning: 6081-6083 Collingwood Place” be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the above-noted report, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the above-noted report, with the following amendments:

- i. THAT condition 1.11 of the Conditions of Approval contained in Appendix B, Part 1 of the above-noted report be further simplified and replaced with the following:

“This Development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.”;

- ii. THAT all references to rezoning areas zoned RS-5 in the above-noted report be struck and replaced with R1-1;

- iii. THAT Housing condition 2.7(d) and (e) of Appendix B of the above-noted report be struck and replaced with the following:

“Housing

- (d) That the average initial starting monthly rents for each below-market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will not exceed an amount that is 10% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;
- (e) That a rent roll indicating the agreed maximum initial monthly rents for the moderate income rental housing units is to be provided prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services;”

FURTHER THAT Housing condition 2.7(f) in Appendix B of the above-noted report be removed;

- iv. THAT the Conditions of Approval contained in Appendix B of the above-noted report include the following as 1.18:

That Staff fully explore allowing vehicular access to the building off Dunbar Street due to the unique site considerations, as opposed to common practice of having vehicular access of quieter streets, recognizing Collingwood Place’s unique cul-de-sac configuration, with adequate safety mitigation measures to be delivered by the applicant.

- 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 August 29, 2023, entitled “Rezoning: 6081-6083 Collingwood Place”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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 zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Referral Report dated August 29, 2023, entitled “Rezoning: 6081-6083 Collingwood Place”;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.

- D. THAT A to 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; 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.

ADJOURNMENT

MOVED by Councillor Meiszner
SECONDED by Councillor Klassen

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned on October 19, 2023, at 6:40 pm.

* * * * *