



PUBLIC HEARING MINUTES

SEPTEMBER 24, 2024

A Public Hearing of the City of Vancouver was held on Tuesday, September 24, 2024, at 6 pm, in the Council Chamber, Third Floor, City Hall. This Public Hearing was convened in person and via electronic means as authorized under Section 566 of the *Vancouver Charter*.

PRESENT: Mayor Ken Sim*
Councillor Rebecca Bligh
Councillor Adriane Carr
Councillor Lisa Dominato
Councillor Pete Fry
Councillor Sarah Kirby-Yung
Councillor Mike Klassen
Councillor Peter Meiszner
Councillor Brian Montague
Councillor Lenny Zhou

ABSENT: Councillor Christine Boyle (Leave of Absence – Personal Reasons)

CITY CLERK'S OFFICE: Tina Penney, Deputy City Clerk
Bonnie Kennett, 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 team members who work hard every day to help make our city an incredible place to live, work, and play.

1. Rezoning: 4708-4742 Joyce Street and 3604 Tanner Street

An application by Matthew Cheng Architect Inc. was considered as follows:

Summary: To rezone 4708-4742 Joyce Street and 3604 Tanner Street from R1-1 (Residential Inclusive) District to RR-2C (Residential Rental) District to permit the development of a six-storey residential rental building, where 20% of the residential floor area will be secured as below-market rental. A floor space ratio (FSR) of 2.70 and a height of 19.8 m (65 ft.) 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 the Public Hearing and before the close of the speakers list and receipt of public comments:

- 2 pieces of correspondence in support of the application; and
- 3 pieces of correspondence in opposition to the application.

Staff Opening Comments

Staff from Planning, Urban Design and Sustainability provided a presentation, and along with the Director of Planning, responded to questions.

Speakers

The Mayor called three times for speakers for and against the application and Melanie Cheng spoke in opposition to the application.

The speakers list and receipt of public comments closed at 6:28 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Dominato

- A. THAT the application by Matthew Cheng Architect, Inc. on behalf of 1223938 BC Ltd.¹, the registered owners of the lands located at 4708-4742 Joyce Street and 3604 Tanner Street [*Lots 9 to 12 Block 90 District Lots 36 and 51 Plan 1570; PIDs 014-555-590, 014-555-611, 014-555-620 and 014-233-517 respectively*], to rezone the lands from R1-1 (Residential Inclusive) District to RR-2C (Residential Rental) District, generally as presented in the Referral Report dated July 9, 2024, entitled "Rezoning: 4708-4742 Joyce Street and 3604 Tanner Street", be approved in principle;

¹ Beneficially owned and controlled by Satish Chand Datta, Baldeep Singh Dhindsa and Kiranjit Kaur Hayer

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 approval 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 July 9, 2024, entitled "Rezoning: 4708-4742 Joyce Street and 3604 Tanner Street", 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 July 9, 2024, entitled "Rezoning: 4708-4742 Joyce Street and 3604 Tanner 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.

- 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; 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. 10209)

2. CD-1 Rezoning: 5630-5678 Heather Street

An application by Anthem Heather Street Holdings LP was considered as follows:

Summary: To rezone 5630-5678 Heather Street from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District to permit the development of an 18-storey mixed-use rental building containing 184 units, where 20% of the residential floor area will be secured as below-market rental, and ground-floor commercial space. A floor space ratio (FSR) of 5.74 and a height of 55.7 m (183 ft.), with additional height for rooftop amenity space, 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 the Public Hearing and before the close of the speakers list and receipt of public comments:

- 6 pieces of correspondence in support of the application;
- 7 pieces of correspondence in opposition to the application; and
- 2 pieces 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 Arts, Culture and Community Services staff responded to questions.

Speakers

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

The following spoke in support of the application:

- Rene Sencio
- Michael Buchan

The following spoke in opposition to the application:

- Eileen Shiang
- Jasmine McEachem

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At this point in the meeting Mayor Sim relinquished the Chair to Acting Mayor Dominato.

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The speakers list and receipt of public comments closed at 7:01 pm.

Staff Closing Comments

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

Council Decision

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Klassen

- A. THAT the application by Anthem Heather Street Holdings LP, on behalf of Anthem Heather Street Holdings Ltd., the registered owner of 5630-5678 Heather Street [*Lots 19 to 20 Block 872 District Lot 526 Plan 8838; PIDs 009-918-990, 009-919-015 and 009-919-040 respectively*], to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 0.70 to 5.74 and the building height from 11.5 m (38 ft.) to 55.7 m (183 ft.) with additional height for the portion with rooftop amenity to permit an 18-storey mixed-use building containing 184 rental units, with 20% of the residential floor area secured as below-market rental units, and commercial space, generally as presented in the Referral Report dated June 10, 2024, entitled "CD-1 Rezoning: 5630-5678 Heather 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 by BHA Architecture, received October 20, 2023, 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 June 10, 2024, entitled "CD-1 Rezoning: 5630-5678 Heather 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, the Subdivision By-law be amended, generally as set out in Appendix C of the Referral Report dated June 10, 2024, entitled "CD-1 Rezoning: 5630-5678 Heather 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 CD-1 By-law.

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 June 10, 2024, entitled "CD-1 Rezoning: 5630-5678 Heather 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 June 10, 2024, entitled "CD-1 Rezoning: 5630-5678 Heather 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; 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. 10210)
(Mayor Sim absent for the vote)

3. CD-1 Rezoning: 975 West 57th Avenue

An application by GBL Architects Inc. was considered as follows:

Summary: To rezone 975 West 57th Avenue from R1-1 (Residential Inclusive) to CD-1 (Comprehensive Development) District, to permit the development of a 19-storey residential strata building with 143 units and a six-storey mixed-use rental building with 47 units and a 37-space childcare facility. A floor space ratio (FSR) of 3.14 and heights of 22.7 m (75 ft.) and 59.4 m (195 ft.), with additional height for rooftop amenity spaces, 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 the Public Hearing and before the close of the speakers list and receipt of public comments:

- 1 piece of correspondence in support of the application;
- 7 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 responded to questions.

Speakers

The Acting Mayor called three times for speakers for and against the application and Kyle Johnstone spoke in opposition to the application.

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During the hearing of speakers at 7:24 pm, the Mayor resumed the Chair.

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The speakers list and receipt of public comments closed at 7:31 pm.

Prior to the vote, Mayor Sim advised he had received a briefing of the proceedings of the portion of the Public Hearing that he missed and would be voting.

Council Decision

MOVED by Councillor Dominato
SECONDED by Councillor Zhou

- A. THAT the application by GBL Architects Inc. on behalf of 1051993 B.C. LTD.², the registered owner of the lands located at 975 West 57th Avenue [PID 025-372-351; Lot 1 District Lot 526 Group 1 New Westminster District Plan LMP53218], to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.70 to 3.14 and the maximum building height from 10.75 m (35 ft.) to 22.7 m (75 ft.) (sub-area A) and 59.4 m (195 ft.) (sub-area B) to permit the development of a 19-storey strata-titled residential building with 143 units and a six-storey mixed-used building with 47 rental residential units and a

² Beneficially owned and controlled by Tria Homes

37-space childcare, generally as presented in the Referral Report dated June 25, 2024, entitled "CD-1 Rezoning: 975 West 57th Avenue", 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 by GBL Architects Inc., received October 27, 2023, provided that 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 June 25, 2024, entitled "CD-1 Rezoning: 975 West 57th Avenue", 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, the Subdivision By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C of the Referral Report dated June 25, 2024, entitled "CD-1 Rezoning: 975 West 57th 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 new CD-1 By-law.

- D. THAT A through C above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 10211)

4. Modernizing Home-Based Business Regulations

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

Summary: To amend the Zoning and Development By-law to modernize the City's home-based business regulations. This supports the implementation of the Vancouver Plan and the City's Employment Lands and Economy Review. The amendments seek to improve flexibility for small businesses by allowing a limited number of employees and customers into residences for the purpose of conducting business.

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

Summary of Correspondence

One piece of correspondence in support of the application was received since referral to the Public Hearing and before the close of the speakers list and receipt of public comments:

Staff Opening Comments

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At this point in the proceedings, it was

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

THAT Council waive the presentation for Item 4. Modernizing Home-Based Business Regulations.

CARRIED UNANIMOUSLY

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Staff from Planning Urban Design and Sustainability 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 7:45 pm.

Staff Closing Comments

The General Manager of Planning, Urban Design and Sustainability along with staff from Planning, Urban Design and Sustainability responded to questions.

Council Decision

MOVED by Councillor Dominato
SECONDED by Councillor Kirby-Yung

- A. THAT Council approve, in principle, an application to amend the Zoning and Development By-law to facilitate the modernization of the City's home-based business regulations generally as presented in Appendix A of the Referral Report dated June 11, 2024, entitled, "Modernizing Home-Based Business Regulations";

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the amendments to the various by-laws as presented in Appendix A of the above-noted Report.
- 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 Council approval, amendments to the Artist Studio Guidelines, Arts and Culture Studios Technical Guidelines, and Live-Work Use Guidelines to permit customers and employees in Residential Units associated with an Artist Studio generally as presented in Appendix B of the Referral Report dated June 11, 2024, entitled, "Modernizing Home-Based Business Regulations".
- C. THAT Council request Mayor Ken Sim to send a letter on behalf of Council to the Ministry of Health and BC Centre for Disease Control advocating for a relaxation of the Food Premise Regulation to provide more flexibility for food-preparation businesses, similar to amendments made by the Alberta provincial government as described in the Referral Report dated June 11, 2024, entitled, "Modernizing Home-Based Business Regulations".

amended

AMENDMENT MOVED by Councillor Dominato
SECONDED by Councillor Fry

THAT Council direct staff to report back on considerations and options for allowing home-based businesses to operate in accessory buildings including garages.

CARRIED UNANIMOUSLY (Vote No. 10212)

The amendment having carried, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 10213).

FINAL MOTION AS APPROVED

- A. THAT Council approve, in principle, an application to amend the Zoning and Development By-law to facilitate the modernization of the City's home-based business regulations generally as presented in Appendix A of the Referral Report dated June 11, 2024, entitled, "Modernizing Home-Based Business Regulations";
- FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the amendments to the various by-laws as presented in Appendix A of the above-noted Report.
- 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 Council approval, amendments to the Artist Studio Guidelines, Arts and Culture Studios Technical Guidelines, and Live-Work Use Guidelines to permit customers and employees in Residential Units associated with an Artist Studio generally as presented in Appendix B of the Referral Report dated June 11, 2024, entitled, "Modernizing Home-Based Business Regulations".
- C. THAT Council request Mayor Ken Sim to send a letter on behalf of Council to the Ministry of Health and BC Centre for Disease Control advocating for a relaxation of the Food Premise Regulation to provide more flexibility for food-preparation businesses, similar to amendments made by the Alberta provincial government as described in the Referral Report dated June 11, 2024, entitled, "Modernizing Home-Based Business Regulations".
- D. THAT Council direct staff to report back on considerations and options for allowing home-based businesses to operate in accessory buildings including garages.

5. Short Term Rental Regulations

An application by Chief License Inspector, in consultation with the General Manager of Planning, Urban Design and Sustainability was considered as follows:

Summary: To amend the Zoning and Development By-law to alter the definition of "Short Term Rental Accommodation" to be a "temporary accommodation for any period less than 90 consecutive days" to align with provincial legislation.

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

Summary of Correspondence

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

Staff Opening Comments

The Chief Licence Inspector provided a presentation and responded to questions.

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During staff opening comments, it was

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

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

CARRIED UNANIMOUSLY

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Speakers

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

The following spoke in support of the application:

- Grant Roberts

The following spoke in opposition to the application:

- Patrick Baldwin

The speakers list and receipt of public comments closed at 8:58 pm.

Staff Closing Comments

The Chief Licence Inspector provided closing comments.

Council Decision

MOVED by Councillor Zhou
SECONDED by Councillor Klassen

- A. THAT Council approve, in principle, the application to amend the Zoning and Development By-law to alter the definition of "Short Term Rental Accommodation" to be a "temporary accommodation for any period less than 90 consecutive days" to align with provincial legislation as outlined in this report and as generally presented in Appendix A, of the Referral Report dated May 25, 2024, entitled "Short Term Rental Regulations";

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the amendment to the Zoning and Development By-law generally as presented in Appendix A of the above-noted report;

- B. THAT Council formally request that the Province of British Columbia amend section 482.3 (3) of the *Vancouver Charter*, to allow service of a municipal ticket information by registered mail or by electronic mail.

Council agreed to sever the vote on the components of the motion with A CARRIED (Vote No. 10214), with Councillor Kirby-Yung opposed and B CARRIED UNANIMOUSLY (Vote No. 10215).

ADJOURNMENT

MOVED by Councillor Dominato
SECONDED by Councillor Montague

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:08 pm.

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