

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 28, 2012

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, February 28, 2012, at 9:45 am, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting was recessed and reconvened at 1:46 pm and 3:53 pm.

**PRESENT:**

- Mayor Gregor Robertson
- Councillor George Affleck
- Councillor Elizabeth Ball
- Councillor Adriane Carr
- Councillor Heather Deal\*
- Councillor Kerry Jang
- Councillor Raymond Louie
- Councillor Geoff Meggs\*
- Councillor Andrea Reimer
- Councillor Tim Stevenson\*
- Councillor Tony Tang

**CITY MANAGER'S OFFICE:**

- Penny Ballem, City Manager
- David McLellan, Deputy City Manager

**CITY CLERK'S OFFICE:**

- Rosemary Hagiwara, Deputy City Clerk
- Terri Burke, Meeting Coordinator

\*Denotes absence for a portion of the meeting.

**CONDOLENCES - JIM GREEN**

The Mayor expressed condolences on behalf of Council to the friends and family of Jim Green, former Councillor and civic activist, and noted his many years of service and significant contributions to the city of Vancouver, for which he was awarded the "Freedom of the City" at a private meeting on Sunday, February 26, 2012.

This was followed by a prayer read by Councillor Stevenson and a video tribute in recognition of Jim Green's life.

## **PROCLAMATION - PREVENTION OF THE SEXUAL EXPLOITATION OF CHILDREN AND YOUTH**

The Mayor proclaimed the week of March 5-11, 2012, as Stop the Sexual Exploitation of Children and Youth Awareness Week in the city of Vancouver and invited the following individuals from the Aboriginal Front Door Society to the podium to accept the proclamation and say a few words:

Mona Woodward - Executive Director  
Serenity Endo - Program Lead  
Britney Stewart - Youth Volunteer

## **"IN CAMERA" MEETING**

MOVED by Councillor Deal  
SECONDED by Councillor Jang

THAT Council will go into a meeting on Wednesday, February 29, 2012, which is closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraphs:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;

(c) labour relations or other employee relations.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

## **ADOPTION OF MINUTES**

### **1. Regular Council - February 14, 2012**

MOVED by Councillor Louie  
SECONDED by Councillor Ball

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

**2. Regular Council (City Finance and Services) - February 14, 2012**

MOVED by Councillor Louie  
SECONDED by Councillor Jang

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

**3. Special Council (Court of Revision) - February 16, 2012**

MOVED by Councillor Deal  
SECONDED by Councillor Ball

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson  
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

**MATTERS ADOPTED ON CONSENT**

The Mayor noted that a request to speak to Administrative Report 2 had been received.

MOVED by Councillor Jang

THAT the Administrative Report dated January 31, 2012, entitled "Public Hearing Procedures and Amendments to Procedure By-law No. 9756," be referred to the Standing Committee on Planning, Transportation and Environment meeting to be held on Wednesday, February 29, 2012, at 9:30 am, in order to hear from speakers.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

MOVED by Councillor Deal

THAT Council adopt Administrative Reports A1, A3, A4, A6, A8 to A11 and Policy Reports P1 and P2, on consent.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

#### REPORT REFERENCE

1. **2012 Operating Budget and Public Consultation Update  
February 20, 2012**

Patrice Impey, General Manager, Financial Services Group, provided an overview of the proposed 2012 Operating Budget and Public Consultation Update and, along with the City Manager, responded to questions.

The following Union Representatives provided comments on the proposed 2012 Operating Budget and responded to questions:

Paul Faoro - CUPE 15  
Mike Jackson - CUPE 1004  
Gord Ditchburn - IAFF Local 18

POSTPONEMENT MOVED by Councillor Louie

THAT Council postpone discussion and decision on the Administrative Report dated February 20, 2012, entitled "2012 Operating Budget: Proposed Budget and Public Consultation Update", until after hearing speakers at the Special Council Meeting on February 29, 2012, at 6:00 pm.

CARRIED UNANIMOUSLY  
(Councillors Meggs and Stevenson absent for the vote)

\* \* \* \* \*

*At 12:00 pm it was,*

*MOVED by Councillor Louie*

*THAT, under Section 2.3 (a) of the Procedure By-law, Council extend the length of the Regular Council meeting by one hour or less.*

*CARRIED UNANIMOUSLY AND  
BY THE REQUIRED MAJORITY  
(Councillors Meggs and Stevenson absent for the vote)*

\* \* \* \* \*

2. **Establishment of an Arts and Culture Advisory Committee  
February 6, 2012**

Richard Newirth, Managing Director of Cultural Services, provided a presentation on the proposed Arts and Culture Advisory Committee and responded to questions.

MOVED by Councillor Deal

- A. THAT Council establish an Arts and Culture Policy Council reporting directly to City Council to advise Council and staff on all civic programs that relate to arts and culture with a terms of reference as outlined in Appendix A of the Administrative Report dated February 6, 2012, entitled "Establishment of an Arts and Culture Advisory Committee."
- B. THAT Council direct staff, with the assistance of legal services and guidance from the new Arts and Culture Policy Council, to restructure the Public Art Committee as a sub-committee of the Arts and Culture Policy Council.
- C. THAT Council appoint a non-voting Councillor liaison, and an alternate, to the Arts and Culture Policy Council and invite the Vancouver Board of Parks and Recreation and the Vancouver Board of Education to each appoint a non-voting liaison.
- D. THAT Council direct staff to proceed with a call for nominations for the Arts and Culture Policy Council.
- E. THAT Council direct Cultural Services staff to coordinate an interdepartmental team of senior staff responsible for implementing arts and cultural projects and programs to coordinate any corporate wide emerging issues and priorities in respect to arts and cultural services and programs.
- F. THAT the terms of reference for the Arts and Culture Policy Council include membership of up to fifteen members.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

\* \* \* \* \*

*At this point in the proceedings, Council agreed to vary the order of the agenda in order to deal with Administrative Reports and Policy Reports, prior to Unfinished Business. For clarity, the Minutes are recorded in chronological order.*

\* \* \* \* \*

## ADMINISTRATIVE REPORTS

1. **Temporary Appointment of Architects to the Urban Design Panel: Review of Proposed Higher Building at 1400 Howe Street February 1, 2012**

THAT pursuant to the *General Policy for Higher Buildings* which requires an enhanced review of building designs in cases whereby additional building height above existing policy limits is sought, Mr. Stefan Behnisch, Mr. Peter Clewes, Mr. Walter Francl and Mr. Mark Ostry be appointed to the Urban Design Panel as special appointees for the purpose of reviewing a proposed taller building at 1400 Howe Street (1412-1460 Howe Street, 1429 Granville Street, 1410 Granville Street, and 710 Pacific Street).

### ADOPTED ON CONSENT

2. **Public Hearing Procedures and Amendments to Procedure By-law No. 9756 January 31, 2012**

The above noted Report was referred to the Planning, Transportation and Environment meeting on Wednesday, February 29, 2012, at 9:30 am, in order to hear from speakers.

3. **Business Licence/Chauffeur's Permit Hearing Panels - April to July 2012 February 14, 2012**

THAT Council delegate the holding of hearings under Section 275 or 278, or appeals under Sections 277 of the Vancouver Charter or under Section 36(7) of the Motor Vehicle Act, for those hearing dates designated by Council to a panel of three Council Members as follows:

**April 4, 2012 - 9:30 AM**

Councillor Meggs - Chair  
Councillor Affleck  
Councillor Carr  
Councillor Tang - Alternate

**April 25, 2012 - 9:30 AM**

Councillor Jang - Chair  
Councillor Deal  
Councillor Tang  
Councillor Ball - Alternate

**May 2, 2012 - 7:30 PM**

Councillor Louie - Chair  
Councillor Reimer  
Councillor Stevenson  
Councillor Meggs - Alternate

**May 16, 2012 - 7:30 PM**

Councillor Carr - Chair  
Councillor Ball  
Councillor Stevenson  
Councillor Louie - Alternate

**May 29, 2012 - 7:30 PM**

Councillor Deal - Chair  
Councillor Louie  
Councillor Meggs  
Councillor Affleck - Alternate

**June 20, 2012 - 9:30 AM**

Councillor Ball - Chair  
Councillor Affleck  
Councillor Stevenson  
Councillor Tang - Alternate

**June 27, 2012 - 7:30 PM**

Councillor Stevenson - Chair  
Councillor Louie  
Councillor Tang  
Councillor Reimer - Alternate

**July 18, 2012 - 9:30 AM**

Councillor Meggs - Chair  
Councillor Ball  
Councillor Jang  
Councillor Carr- Alternate

Should any of the above members of Council be unable to attend the hearings, the hearings and the power to make a Council decision in relation to those hearings will be delegated to the remaining two Councillors and alternate Councillor.

**ADOPTED ON CONSENT**

- 4. Lower Mainland Local Government Association (LMLGA ) AGM and Conference, May 9-11, 2012, Whistler BC  
February 21, 2012**

THAT Council authorize Councillors Affleck, Ball, Carr, Jang and Reimer to attend the Lower Mainland Local Government Association (LMLGA) Annual General Meeting (AGM) and Conference from May 9-11, 2012, at Whistler, BC. Total estimated expenses for five Council Members are \$ 4,062.50, to be funded from the Councillors' 2012 Travel Budget.

**ADOPTED ON CONSENT**

**5. Water Service to Richmond Island  
February 7, 2012**

POSTPONEMENT MOVED by Councillor Carr

THAT the Administrative Report dated February 7, 2012, entitled "Water Service to Richmond Island", be postponed to the Planning, Transportation, and Environment meeting to be held on Wednesday, February 29, 2012, in order to consider community involvement around this decision.

LOST

(Councillors Affleck, Deal, Jang, Louie, Meggs, Reimer, Stevenson, Tang and Mayor Robertson opposed)

MOVED by Councillor Reimer

THAT Council approve the By-law attached as Appendix A to the Administrative Report dated February 7, 2012, entitled "Water Service to Richmond Island", which ratifies the Water Service Agreement attached to the By-law to provide water service to Richmond Island;

FURTHER THAT Council instruct the Director of Legal Services to bring forward a By-law, generally in accordance with Appendix A of the above-noted Report.

CARRIED UNANIMOUSLY

**6. Lease of Five New Affordable Rental Housing Units at 728 West 8<sup>th</sup> Avenue to  
Heritage Housing Co-operative  
February 7, 2012**

A. THAT Council approve the purchase of:

- i. Suite 312, 728 West 8th Avenue, Vancouver, legally known and described as PID: 028-761-260 Strata Lot 22 District Lot 526 Group 1 New Westminster District Strata Plan BCS4340,
- ii. Suite 313, 728 West 8th Avenue, Vancouver, legally known and described as PID: 028-761-278 Strata Lot 23 District Lot 526 Group 1 New Westminster District, Strata Plan BCS4340,
- iii. Suite 314, 728 West 8th Avenue, Vancouver, legally known and described as PID: 028-761-286 Strata Lot 24 District Lot 526 Group 1 New Westminster District Strata Plan BCS4340,
- iv. Suite 315, 728 West 8th Avenue, Vancouver, legally known and described as PID: 028-761-294 Strata Lot 25 District Lot 526 Group 1 New Westminster District Strata Plan BCS4340, and
- v. Suite 316, 728 West 8th Avenue, Vancouver, legally known and described as PID: 028-761-308 Strata Lot 26 District Lot 526 Group 1 New Westminster District Strata Plan BCS4340



(Strata Lots 22, 23, 24, 25 and 26 collectively, the "Strata Lots", and Strata Plan BCS4340, the "Strata Corporation"),

and approve the lease of three parking spaces within the Strata Corporation (the "Parking Spaces"), in each case by the City from Beaconsfield Holdings Ltd. (the "Developer"), on the terms and conditions and for the consideration more particularly set forth below in the Administrative Report dated February 7, 2012, entitled "Lease of Five New Affordable Rental Housing Units at 728 West 8<sup>th</sup> Avenue to Heritage Housing Co-operative";

FURTHER THAT Council authorize the Director of Real Estate Services and the Director of Legal Services to negotiate and execute all documents which they consider appropriate in connection with such purchase and lease, which purchase and lease completes a prior-to condition approved by Council following Public Hearing in respect of the rezoning of the lands located at 711 West Broadway and 700 West 8th Avenue, then legally known and described as PID: 025-491-806, Lot 1, Block 338, DL 526, Group 1, Plan BCP 1280.

- B. THAT the \$1,000,000 community amenity contribution offered by the Developer at the time of the approval in principle by Council of the said rezoning be allocated as the purchase price for Strata Lots 22, 23, 24 and 25, comprised of \$250,000 for each such Strata Lot, and \$200,000 be approved as the purchase price payable for Strata Lot 26, with the source of funds to be the Affordable Housing Fund.
- C. THAT Council approve the subsequent lease of the Strata Lots and the Parking Spaces thereafter to Heritage Housing Co-operative (the "Co-op") to allow for occupancy and use of the Strata Lots as non-market housing units and use of the Parking Spaces by the Co-op and/or its members, which lease will provide for:
  - i. a term of 60 years;
  - ii. a nominal prepaid rent;
  - iii. payment of rent in-lieu of property taxes;
  - iv. payment by the Co-op of all fees payable, and assumption of all other obligations to be performed, by the City as registered owner of the Strata Lots;
  - v. provision by the Co-op of such insurance as the Director of Legal Services may direct; and
  - vi. otherwise to be in accordance with the terms and conditions outlined in this report and be to the satisfaction of the Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services;

FURTHER THAT Council authorize the Director of Real Estate Services to negotiate and execute such lease.

- D. THAT Council approve in principle a Housing Agreement securing the Strata Lots as rental for the life of the building or 60 years, whichever is longer, to the satisfaction of the Director of Legal Services and Managing Director of Social Development;

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law to authorize such Housing Agreement, and after by-law enactment, to execute and register the Housing Agreement.

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

7. 1450 SW Marine Drive (the Fraser Arms Hotel) - Modification of Encroachment Agreement  
January 25, 2012

MOVED by Councillor Reimer

THAT Council authorize the Director of Legal Services in consultation with the Director of Real Estate Services and the General Manager of Engineering Services to modify the existing encroachment agreement, registered in the Land Title Office on April 28, 2003 under number BV145850 against title to the property located at 1450 SW Marine Drive and legally described as PID: 017-379-091 Lot C Block 1 District Lot 318 Plan LMP92 (the "Fraser Arms Hotel") which allows for portions of the hotel improvements to encroach onto SW Marine Drive (the "Encroachment Agreement"), such that:

1. The notice period for termination by the City to be increased from six (6) months to ten (10) years with a further right of the owner of the Fraser Arms Hotel, at its option, to extend the termination period for an additional five (5) years at the end of such ten (10) year period.
2. To amend the description of the permitted works to permit the Owner to construct, locate and maintain a new sign to be installed within the encroachment areas.
3. All other terms and conditions set out in the Encroachment Agreement to remain in full force and effect.

CARRIED UNANIMOUSLY

8. Vancouver City Planning Commission - 2012 Operating Grant  
February 8, 2012

THAT Council approve \$58,100 as the 2012 operating grant to the Vancouver City Planning Commission; source of funds to be the 2012 "Other Grants" budget.

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

**9. Capital Grants to Kitsilano Neighbourhood House and Japanese Language School  
February 10, 2012**

- A. THAT Council approve a capital grant of up to \$1.6 million to Association of Neighbourhood Houses operating as Kitsilano Neighbourhood House (KNH), for expansion of the neighbourhood house, and improving the indoor and outdoor childcare area, as outlined in the Administrative Report dated February 10, 2012, entitled "Capital Grants to Kitsilano Neighbourhood House and Japanese Language School"; sources of funds are the 2009 and 2011 Capital Budgets for Kitsilano Neighbourhood House Renewal and the 2010 Capital Budget for Neighbourhood House Renewal.
- B. THAT Council approve a capital grant of up to \$500,000 to the Vancouver Japanese Language School & Japanese Hall Society (VJLS) for expenses related to renovation of the heritage building to create 25 licensed childcare spaces for three-to-five year olds, as outlined in the Administrative Report dated February 10, 2012, entitled "Capital Grants to Kitsilano Neighbourhood House and Japanese Language School"; source of funds is the 2011 Capital Budget for DTES Strathcona Childcare Centre (project subsequently renamed Japanese Language Hall Childcare).

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

**10. Grant to Atira Women's Resource Society: 106 West Hastings Street (Argyll Hotel)  
February 7, 2012**

THAT Council approve a grant of \$235,000 towards the renovations and reopening of the 47 room Argyll Hotel at 106 West Hastings Street (PID: 003-413-209 and PID: 003-414-825; Lot 21 and the east 24.5 feet of Lot 20, Block 28, District Lot 541, Plan VAP210);

FURTHER THAT the grant be subject to execution and registration of Atira's lease agreement for the building; source of funding is the SRA Reserve (\$170,000) and the Affordable Housing Reserve (\$65,000).

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

**11. 2012 Heather Marina Moorage Rates and Other Fees  
February 15, 2012**

- A. THAT Council approve adjustments to fees and charges at Heather Marina, including a 2.0% general increase in moorage fees and a 7% increase in fees for electricity, as detailed in Appendix B of the Administrative Report dated February 15, 2012, entitled "2012 Heather Marina Moorage Rates and Other Fees", effective April 1, 2012.
- B. THAT Council approve major maintenance and recapitalization expenditures of \$930,000 at Heather Marina as outlined in the Administrative Report dated February 15, 2012, entitled "2012 Heather Marina Moorage Rates and Other Fees"; source of funding to be the Property Endowment Fund ("PEF").

ADOPTED ON CONSENT

**POLICY REPORTS**

**1. CD-1 Text Amendment - 1549 West 70th Avenue (Formerly 8495 Granville Street)  
February 7, 2012**

THAT the application by Henriquez Partners, on behalf of Westbank Projects, to amend CD-1 (517) By-law No. 10391 for 1549 West 70<sup>th</sup> Avenue (PID: 008-916-250, Lot D, (Explanatory Plan 9208) Block 7, DL 325, Plan 12319) to allow an increase in the floor area exclusion for balconies from 8 to 12 percent, allowing larger open balconies as a passive design feature, be referred to a public hearing, together with:

- (i) draft by-law amendments generally as presented in Appendix A of the Policy Report dated February 7, 2012, entitled "CD-1 Text Amendment - 1549 West 70th Avenue (Formerly 8495 Granville Street)"; and
- (ii) the recommendation of the Director of Planning to approve the application;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law generally in accordance with Appendix A of the above-noted Report for consideration at public hearing.

ADOPTED ON CONSENT

2. **CD-1 Rezoning: 8018-8150 Cambie Street  
February 17, 2012**

- A. THAT the application, by James K.M. Cheng Architects on behalf of Intracorp S.W. Marine Limited Partnership, to rezone 8018, 8046, 8070, 8090 Cambie Street (currently zoned RT-1 (Residential) District)( Lot A Centre Portion, Lot B Centre Portion, Lot C Centre Portion, and Lot D Centre Portion, all of District Lot 323, Plan 11098; PIDs: 009-160-094; 009-160-132; 009-160-183; 009-160-256) and 8150 Cambie Street (currently zoned C-1 (Commercial) District) (PID: 009-412-336, Lot C, Blocks 1 and 2, District Lot 311, Plan 10325); to CD-1 (Comprehensive Development) District, to permit a mixed-use development with 37 775 m<sup>2</sup> of floor area be referred to a Public Hearing, together with:
- (i) plans received February 08, 2012;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning: 8018-8150 Cambie Street"; and
  - (iii) the recommendation of the Assistant Director of Planning to approve, subject to conditions contained in Appendix B of the above-noted Report;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law, generally in accordance with Appendix A of the above-noted Report for consideration at Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" C-1], generally as set out in Appendix C of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning: 8018-8150 Cambie Street", be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary By-law generally as set out in Appendix C of the above-noted Report for consideration at the Public Hearing.

- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedules A, generally as set out in Appendix C of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning: 8018-8150 Cambie 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.

- D. THAT subject to enactment of the CD-1 By-law, the Parking By-law be amended to include this CD-1 and to provide parking regulations generally as set out in Appendix C of the Policy Report dated February 17, 2012, entitled "CD-1 Rezoning: 8018-8150 Cambie Street";

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law at the time of enactment of the CD-1 By-law.

- E. THAT Council approve in principle a Housing Agreement securing the 110 rental units as rental for the life of the building or 60 years, whichever is longer, including a no separate sales and a no stratification covenant in respect of such units, to the satisfaction of the Director of Legal Services and Managing Director of Social Development;

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law to authorize such Housing Agreement, and after by-law enactment, to execute and register the Housing Agreement.

- F. THAT A through 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.

ADOPTED ON CONSENT

\* \* \* \* \*

*At 12:58 pm Council recessed and reconvened at 1:43 pm, during the Standing Committee on City Finance and Services, with all members present, in order to deal with the Motion on Notice 2 entitled, "Letter to Kinder Morgan Canada".*

\* \* \* \* \*

## RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

## 2. Letter to Kinder Morgan Canada

MOVED by Councillor Carr

SECONDED by Councillor Reimer

### WHEREAS

1. Kinder Morgan Canada, owner of the Trans Mountain pipeline that carries crude oil from the Alberta tar sands to its Westridge Terminal in Burrard Inlet, has been assessing customer interest in its plans to twin this pipeline and ship more crude oil overseas through this route.
2. The National Energy Board (NEB) recently approved the application of Kinder Morgan Canada to enter into firm service contracts for crude oil shipments through Vancouver harbour without any oral hearings in Vancouver.
3. In December of 2011, the Mayor of Vancouver publicly joined with seven other south coast BC mayors who noted that a potential oil spill could have significant negative impacts on residents, the livability of the region, and the health of the environment and economy and thus requested that the NEB ensure a robust process of public consultation and hearings in the Lower Mainland regarding Kinder Morgan Canada's future plans for pipeline expansion and increased crude oil shipments through Vancouver harbour.
4. The City of Vancouver can heighten the National Energy Board's obligation to consult Vancouver residents by establishing in writing, prior to Kinder Morgan Canada applying to the NEB to expand its Trans Mountain pipeline and/or crude oil tanker shipments, the City's interest in being consulted by Kinder Morgan Canada on such potential projects.

THEREFORE BE IT RESOLVED THAT Mayor and Council send a letter to Kinder Morgan Canada requesting that the company consult with the City of Vancouver regarding any plans and any application it makes to the National Energy Board (NEB) to expand its Trans Mountain Pipeline and crude oil shipments through Vancouver harbour, including in the letter a request for a written response;

BE IT FURTHER RESOLVED THAT this letter be sent as quickly as possible in order to arrive prior to Kinder Morgan Canada sending an application to the National Energy Board (NEB) to expand its Trans Mountain Pipeline and/or crude oil tanker shipments.

referred

The Mayor noted that a request to speak to this motion had been received.

REFERRAL MOVED by Councillor Carr  
SECONDED by Councillor Deal

THAT the motion be referred to the Standing Committee on Planning, Transportation and Environment meeting to be held on Wednesday, February 29, 2012, at 9:30 am, in order to hear from speakers.

CARRIED UNANIMOUSLY

\* \* \* \* \*

*Council recessed at 1:46 pm and reconvened at 3:53 pm, with all members present, except for Councillors Deal, Meggs, and Stevenson who were not in the Chamber.*

\* \* \* \* \*

#### COMMITTEE OF THE WHOLE

MOVED by Councillor Jang  
SECONDED by Councillor Ball

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair.

CARRIED UNANIMOUSLY  
(Councillors Deal, Meggs and Stevenson absent for the vote)

#### UNFINISHED BUSINESS

##### 1. TEXT AMENDMENT: 3837 Point Grey Road (Jericho Tennis Club)

At the Public Hearing which convened on February 27, 2012, Council concluded the public hearing with regard to the above-noted matter, and referred discussion and decision to the Regular Council meeting on February 28, 2012, as Unfinished Business.

The Committee agreed to separate the vote on the components of the motion.



MOVED by Councillor Louie

THAT the application by Proscenium Architecture + Interiors Inc. on behalf of Jericho Tennis Club to amend CD-1 (Comprehensive Development) District By-law #421 (By-law No. 8893 as amended) for 3837 Point Grey Road (*PID: 023-913-118, Parcel A, District Lot 448, 538 and 6882, Group 1 New Westminster District, Plan LMP35211*) to permit an additional seasonal air-supported structure over an existing tennis court ("tennis bubble"), an increase in certain interior and exterior spaces and an increase in the number of parking spaces, generally as presented in Appendix A of the Policy Report dated January 9, 2012, entitled "CD-1 Text Amendment - 3837 Point Grey Road", be approved subject to the following conditions:

#### CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Proscenium Architecture + Interiors Inc and stamped "Received City Planning Department, October 18, 2011", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

#### Design Development

1. Design development to provide a minimum setback of 2 m from any new development to the north property line, except for terraced planters and other low landscaping features.  
  
Note to Applicant: Intent is to reduce visual intrusion to the public realm interface along the beach. The low level family gathering patio should not be affected, but the elevated pool apron and hot tub would need to be relocated to the south. See also Landscape condition 6.
2. Design development to provide lamp hoods or shields, to prevent light trespass from the outdoor court lighting.  
  
Note to Applicant: Intent is to improve both the environmental performance of the project and its neighbourliness.
3. Provision of notation on the elevation drawings of all colours, finishes, and materials.  
  
Note to Applicant: Attach colour samples to the drawings.
4. Provision of enlarged details at 1/2" = 1'-0" scale or similar for significant exterior features.

Note to Applicant: Include trim, rails, guards, masonry work, wall caps, lighting, soffits and similar features. Materials should be durable, high quality choices.

5. Description of the building's sustainable design by incorporating the following items into the development permit drawings:
  - i) an updated LEED® checklist showing compliance with the Green Buildings Policy for Rezonings in effect at time of application;
  - ii) a detailed strategy written by an Accredited Professional explaining how the LEED® requirements for each credit identified in a) will be accomplished in this particular development, with reference to specific building features; and
  - iii) identification on the floor plans and elevation drawings of the specific building features noted in a) and b) above;

Note to Applicant: For item b) emphasis should be placed on the mandatory credits noted in the Green Buildings Policy. The applicant is encouraged to make the CaGBC registration public.

### Landscape

6. Design development to mitigate of the height of the proposed retaining walls along the north property line by additional terracing in the areas illustrated by Landscape Sections A, B and C and by the deletion of the overhanging deck of Section C.
7. Design development to provide visual screening of the proposed high retaining walls along the north property line. This can be achieved by an abundant planting of shrubs, vines and small trees at the base of the walls and in the terraced planting beds.
8. Illustrate the existing grades on the Landscape Section. The line of the existing grade should be identified by notation.
9. Indicate on the Landscape Plan and the Site Plan of the location of the new and existing retaining walls.

Note to applicant: If there are sections of the existing walls that are to be retained. these notations should be added to the sections on Page L02.
10. Illustrate on the Landscape Plan and the Site Plan of the location of the existing bunker for storage of the tennis bubbles. The changes in grade needed to screen the bunker should also be included.
11. Provide at the time of development permit application, a large scale elevation drawing of the proposed Trellis in the Upper lawn.

12. Provide at the time of development permit application, a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
13. Provide an arborist report regarding the safe retention of the trees growing to the east and to the south of the proposed tennis bubble.

### Engineering

14. Provision of disability parking is required and such spaces should be clearly identified on the plans.
15. Clarification of the number, type and location of all loading spaces.
16. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provision for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any legal agreements required by this Strategy on terms and conditions acceptable to the City.
17. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site.
18. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex.  
  
Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.
19. Provision of a written commitment to increase class-B bicycle spaces to keep up with any future growth in demand.

### CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the

Director of Planning, the General Manager of Engineering Services, and the General Manager of the Parks Board, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### **Engineering**

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

1. Deletion of portions of the proposed parkade shown within Statutory Right-of-Way BL350674, as shown on Plan LMP35212 or removal & relocation of all utilities located within this Statutory Right-of-Way to allow for the proposed parkade construction. Should relocation be possible, written confirmation from all impacted utility companies is required indicating that arrangements have been made. Release or modify SRW BL350674, as required, based on utility relocation arrangements.
2. Subject to confirmation from the Chief Building Official, discharge or modification to covenant BL338271 (extended by BL350671). Covenant BL338271 pertains to the proximity of a temporary building to the east property line circa 1997, and fire separation issues needing to be addressed.
3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (both electrical and other utility kiosks) are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

### **Flood Plain Covenant**

4. Execute a Flood Plain Covenant to the satisfaction of the Director of Legal Services and the Chief Building Official.

### **Community Amenity Contribution**

5. That, prior to enactment of the amended CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services and the General Manager of the Parks Board, deliver to the City the Community Amenity Contribution of \$93,327 which the developer has offered to the City.

Note: The Community Amenity Contribution is to be allocated, at the City's discretion, to the Parks Board for the replacement of playground equipment in Hastings Mill Park.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- (d) That, prior to the issuance of a development permit, an assessment of all existing on-site development be undertaken and a review of all previous development approval conditions be conducted to determine the extent of any non-compliant works such as berms, screenings and retaining walls, and that such non-compliant matters be resolved to the satisfaction of the Director of Planning.

Note to applicant:

A note will be placed on the City's files that any resident-initiated complaint relating to the above noted matters will be reviewed at the time of consideration of any subsequent permit application (for example, building permits).

**CARRIED**

(Councillor Carr opposed to (a), (b), and (c), and Councillors Affleck and Ball opposed to (d))  
(Councillor Meggs absent for the vote)

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Reimer

THAT the Committee of the Whole rise and report.

**CARRIED UNANIMOUSLY**

(Councillor Meggs absent for the vote)

## ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal  
SECONDED by Councillor Jang

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

## BY-LAWS

The Mayor noted By-law 8 was subject to approval of Administrative Report 2 and therefore was WITHDRAWN.

Councillors Reimer and Tang rose and advised that they had reviewed the relevant proceedings in relation to By-law No. 6 and they would therefore be voting on the by-law.

MOVED by Councillor Deal  
SECONDED by Councillor Ball

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1 to 7 and 9, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

1. A By-law to Designate a Business Improvement Area in that area of the City known as Marpole (By-law No. 10426)
2. A By-law to Grant Money for a Business Promotion Scheme in the Marpole Business Improvement Area (By-law No. 10427)
3. A By-law to Designate a Business Improvement Area in that area of the City known as Fraser Street (By-law No. 10428)
4. A By-law to Grant Money for a Business Promotion Scheme in the Fraser Street Business Improvement Area (By-law No. 10429)
5. A By-law to amend Noise Control By-law No. 6555 (104-150 East 1st Avenue) (By-law No. 10430)
6. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1880 Renfrew Street - Renfrew Care Centre) (By-law No. 10431)  
*(Councillors Affleck, Ball and Carr ineligible for the vote)*

7. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (8440 Cambie Street) (By-law No. 10432)  
*(Councillors Affleck, Ball, Carr, and Tang ineligible for the vote)*
8. A By-law to amend Procedure By-law No. 9756 regarding public hearings -  
WITHDRAWN
9. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (555 Robson Street, 775 Richards Street and 520 West Georgia Street - Telus Block) (By-law No. 10433)  
*(Councillors Affleck, Ball, Carr, and Tang ineligible for the vote)*

## MOTIONS

### A. Administrative Motions

None.

### B. Motions on Notice

#### 1. Process to Determine Southwest False Creek Lease Expiry Issues

The following motion contains amendments to the original Motion on Notice, which were accepted by the mover.

MOVED by Councillor Affleck  
SECONDED by Councillor Ball

### WHEREAS

1. Sixty-year leases were entered into between the City of Vancouver and South False Creek leaseholders beginning in 1976, which leases begin to expire in 2036.
2. The legal rights and obligations between the parties at the time of the lease expiry is uncertain, and require further review to bring clarity to the legal agreements.
3. The uncertainty affects: (1) property values; (2) the ability of leaseholders to sell their remaining property interests; and (3) strata decisions pertaining to future recapitalization and (4) maintenance decisions regarding the leasehold properties.
4. With less than twenty-five years remaining on a lease, it is increasingly difficult for leaseholders to finance or sell their interests as the remaining lease terms fall short of available mortgage amortization periods.

5. Many leaseholders have expressed an interest in resolving the lease expiry issues at this time.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to commence a formal process to address the future of the South False Creek leases, including:
  1. A closed cooperative process for community consultation and engagement that includes but is not limited to the False Creek South Neighborhood Association (FCSNA);
  2. A review of best practices pertaining to government treatment of leasehold property in other jurisdictions;
  3. Staff consultation with industry, legal and property valuation experts; and,
  4. Such other matters as staff may advise.
- B. THAT Council direct the City Manager to report back with a detailed project scope outlining the South False Creek leasehold issues requiring legal resolution, with a request for budget, if needed.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

**3. Restructure Public Art Funding**

MOVED by Councillor Deal  
SECONDED by Councillor Louie

WHEREAS

1. Public art is a vital part of an animated and exciting public realm in the City of Vancouver.
2. Public art programs provide an important opportunity for local artists.
3. Public art plays an important role in creating an identity for neighbourhoods.
4. Robust public art programs can be a strong draw for tourism.
5. The City of Vancouver's current model for funding public art could do more to encourage investment in public art outside of the developer contribution policy and can result in areas of the city with little public art.



THEREFORE BE IT RESOLVED THAT Council request staff to report back with recommendations for ways to structure the City Public Art Program to stimulate additional investment in public art in Vancouver, including consideration of:

1. Existing best practices in civic public art investment and management;
2. Creating a civic public art fund which
  - a. developers may pay into as part of their public art commitment;
  - b. outside of the developer contribution policy, generates tax receipts for individuals, foundations or corporations who make donations;
3. Working with the Park Board to ensure that Community Art Programs are coordinated with Public Art policies;
4. Working with neighbourhoods to identify potential future sites for public art in neighbourhoods throughout the City;
5. Other measures that can position Vancouver as a global leader in the display of public art;

BE IT FURTHER RESOLVED THAT the Public Art Committee and development community be consulted in the formation of the staff recommendations and that these recommendations be referred to the newly created Arts and Culture Policy Council.

CARRIED

(Councillors Affleck and Ball opposed)  
(Councillor Meggs absent for the vote)

#### 4. Campaign Finance Reform

The following motion contains amendments to the original Motion on Notice, which were accepted by the mover.

MOVED by Councillor Reimer

SECONDED by Councillor Jang

THAT Council approve the following motion for submission to the Lower Mainland Local Government Association Annual Meeting in May 2012.

WHEREAS

1. In 2005, 2009, 2010, and 2012 the City of Vancouver has brought forward formal requests to the Province requesting changes to the *Vancouver Charter* to allow for local governments to create appropriate rules for disclosure and regulation of election campaign finance.

2. The funds used to campaign for elected office in Vancouver have grown exponentially in the seven year interval Vancouver has waited for provincial action on this issue.
3. The most recent motion, passed unanimously by Vancouver City Council in January 2012, provoked an informal response from the Provincial Government that they would be amenable to modernizing municipal election and campaign rules if support from a majority of municipalities was garnered.
4. A motion from Vancouver to the UBCM in 2009 was pre-empted from debate with the establishment of the provincial government's Local Government Election Task Force.

THEREFORE BE IT RESOLVED THAT the Lower Mainland Local Government Association support a resolution to the 2012 UBCM Annual Meeting requesting amendments to the *Local Government Act* and the *Vancouver Charter* to allow municipalities to make rules for disclosure and regulation of election campaign finance and civic political party financing between elections that are appropriate for their circumstances;

BE IT FURTHER RESOLVED THAT it is requested these amendments be made before the 2014 municipal elections.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

#### NEW BUSINESS

1. Request for Leave of Absence - Councillor Tim Stevenson

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT Councillor Stevenson be granted Leave of Absence for Civic Business from the Planning, Transportation and Environment Committee meeting to be held on February 29, 2012.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

**2. Increasing Active Transportation Advisory Committee Membership from Twelve to Fifteen**

MOVED by Councillor Reimer  
SECONDED by Councillor Deal

WHEREAS

1. In December 2011 Council established advisory committees for the upcoming terms and directed the Nomination Subcommittee to recommend appointments to these committees by the end of February 2012.
2. The Active Transportation Advisory Committee (ATAC) was created as a new 12 member advisory committee that replaced the 12 member Bicycle Advisory Committee (BAC) while expanding the mandate to pedestrians, land use and other policy matters that expand active transportation.
3. It is the opinion of the Nomination Subcommittee that to ensure a successful transition from BAC to the expanded role of the ATAC it is preferable to both retain institutional knowledge and engage new members with specific interest in pedestrians and system wide policy that supports all active transportation choices.

THEREFORE BE IT RESOLVED THAT Council increase the membership of the Active Transportation Advisory Committee from twelve to fifteen with the aim of appointing five bike-focused, five pedestrian-focused, and five system-wide members to allow the Committee to retain expertise from the past Bicycle Advisory Committee and expand the knowledge base to include pedestrians, land use and transit expertise necessary to effectively advise on active transportation issues;

BE IT FURTHER RESOLVED THAT the name of the Active Transportation Advisory Committee (ATAC) be changed to Active Transportation Policy Council (ATPC) to better reflect their status as a policy advisory committee similar in role to that of the City's Food Policy Council and new Arts and Culture Policy Council.

CARRIED UNANIMOUSLY  
(Councillor Meggs absent for the vote)

The Council recessed at 12:59 pm and 1:46 pm and adjourned at 5:15 pm.

\* \* \* \* \*