



## REGULAR COUNCIL MEETING MINUTES

FEBRUARY 26, 2013

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, February 26, 2013, at 9:35 am, in the Council Chamber, Third Floor, City Hall.

**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  
Sadhu Johnston, Deputy City Manager

**CITY CLERK'S OFFICE:** Janice MacKenzie, City Clerk  
Laura Kazakoff, Meeting Coordinator

*\*Denotes absence for a portion of the meeting.*

### WELCOME

The proceedings in the Council Chamber were opened with welcoming comments read by Councillor Reimer.

### "IN CAMERA" MEETING

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT Council will go into a meeting later this day and/or on Wednesday, February 27, 2013, which is closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraphs:

(c) labour relations or other employee relations;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

#### ADOPTION OF MINUTES

##### 1. Regular Council - February 12, 2013

MOVED by Councillor Deal  
SECONDED by Councillor Jang

THAT the Minutes of the Regular Council meeting of February 12, 2013, be approved.

CARRIED UNANIMOUSLY

##### 2. Regular Council (Planning, Transportation and Environment) - February 13, 2013

MOVED by Councillor Meggs  
SECONDED by Councillor Deal

THAT the Minutes of the Regular Council meeting following the Standing Committee on Planning, Transportation and Environment meeting of February 13, 2013, be approved.

CARRIED UNANIMOUSLY

##### 3. Court of Revision - February 20, 2013

MOVED by Councillor Carr  
SECONDED by Councillor Jang

THAT the Minutes of the Court of Revision meeting of February 20, 2013, be approved.

CARRIED UNANIMOUSLY

**4. Public Hearing - February 5, 19 and 20, 2013**

MOVED by Councillor Carr  
SECONDED by Councillor Jang

THAT the Minutes of the Public Hearing held February 5, 19 and 20, 2013, be approved.

CARRIED UNANIMOUSLY

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Jang  
SECONDED by Councillor Meggs

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

CARRIED UNANIMOUSLY

**MATTERS ADOPTED ON CONSENT**

MOVED by Councillor Meggs

THAT Council adopt Administrative Reports A1, A3, A5 and A6 on consent.

CARRIED UNANIMOUSLY

**REPORT REFERENCE**

**1. Consumer Fireworks Update**

Fire Chief John McKearney provided a presentation with regard to Consumer Fireworks, including a recommended approach for additional but limited periods of consumer fireworks sales and discharge similar to that currently allowed for Halloween. Chief McKearney, along with Deputy Fire Chief Les Sziklai, Fire Prevention Division, and Deputy Chief Constable Doug LePard, Vancouver Police Department, and the City Manager, responded to questions.

MOVED by Councillor Louie

THAT Council approve the staff recommendations put forward in the presentation entitled "Consumer Fireworks Update" at the Regular Council meeting on February 26, 2013, including:

- a ban on all fireworks on private property and non-designated public property;

- allow for community display fireworks on designated public property, on five evening events per year: New Year's Eve, Halloween, Lunar New Year, Vaisakhi and Diwali;

FURTHER THAT Council direct staff to finalize locations and communicate with the Board of Parks and Recreation for their consideration and approval.

amended

\* \* \* \* \*

*Councillor Affleck called Notice under Section 10.3(d) of the Procedure By-law.*

*Councillor Louie rose on a Point of Order to note that his motion was in regard to a matter before Council and therefore calling Notice was not in order. The Mayor agreed.*

\* \* \* \* \*

POSTPONEMENT MOVED by Councillor Ball

THAT the motion be postponed for two weeks to allow for public input.

lost

\* \* \* \* \*

*During discussion on the Postponement Motion, Councillor Louie rose on a Point of Order to note that Councillor Affleck should restrict his comments to the Postponement Motion. The Mayor agreed.*

\* \* \* \* \*

Following discussion, the Postponement Motion was put and LOST with Councillors Deal, Jang, Louie, Meggs, Reimer, Stevenson, Tang and the Mayor opposed.

During further discussion, Council agreed to amend the last paragraph of the motion to read as follows:

FURTHER THAT Council direct staff to communicate with the Board of Parks and Recreation for their consideration and report back to Council with regard to locations and a more detailed plan.

\* \* \* \* \*

*Prior to the vote on the Main Motion, Councillor Ball rose on a Point of Order to note that the Mayor was implying motive with his use of the word "posturing". The Mayor advised it was not his intention to imply motive with his comments.*

\* \* \* \* \*

The Postponement Motion having lost, the motion, as amended, was put and CARRIED UNANIMOUSLY.

#### FINAL MOTION AS APPROVED

THAT Council approve the staff recommendations (*noted below*) put forward in the presentation entitled "Consumer Fireworks Update" at the Regular Council meeting on February 26, 2013, including:

- a ban on all fireworks on private property and non-designated public property;
- allow for community display fireworks on designated public property, on five evening events per year: New Year's Eve, Halloween, Lunar New Year, Vaisakhi and Diwali;

FURTHER THAT Council direct staff to communicate with the Board of Parks and Recreation for their consideration and report back to Council with regard to locations and a more detailed plan.

#### STAFF RECOMMENDATIONS:

- 1) Ban fireworks on private property and non-designated public property
- 2) Allow restricted community fireworks events on designated public property (such as Parks, Community Centers)
- 3) Allow permits for 5 evening events per year: New Year's Eve, Halloween, Lunar New Year, Diwali and Vaisakhi
- 4) Proposed fireworks event plan reviewed, and permit issued by VFRS
- 5) VFRS and Fire By-law will continue to restrict sale of types of fireworks; control timelines for sale of fireworks; ensure safe and appropriate location for sale of fireworks

#### UNFINISHED BUSINESS

##### 1. Rezoning: 1600 Beach Avenue and 1651 Harwood Street

At the Public Hearing held February 5, 19 and 20, 2013, Vancouver City Council concluded the public hearing with regard to the above-noted rezoning application, and referred discussion and decision to the Regular Council meeting on February 26, 2013, as Unfinished Business.

The Mayor noted that Councillors Ball, Deal and Tang were absent for all or a portion of the public hearing on February 19 and 20, and were therefore ineligible to participate in the vote unless they confirmed they had reviewed the proceedings for the portion of public hearing they missed, including the video and/or audio recordings. The three Councillors advised they had not reviewed the proceedings and would therefore not be participating in the vote.

*Note: the following motion contains additions (shown in bold/italics) to the original recommendations as contained in the Summary and Recommendation for this item.*

MOVED by Councillor Stevenson

A. THAT the application by IBI/HB Architects:

- (a) on behalf of Beach Towers Investments Inc. to rezone 1600 Beach Avenue [PID: 009-004-726, Lot A, except portions in Explanatory Plan 9688, Block 63, District Lot 185, Plan 11809] to increase the allowable floor area on the site from 27 773.3 m<sup>2</sup> (298,959 sq. ft.) to 36 050.2 m<sup>2</sup> (388,054 sq. ft.) to allow for the infill development of 118 secured market rental residential units; and
- (b) on behalf of English Bay Investments Inc. to rezone 1651 Harwood Street [the East ½ of Lot 27, the West ½ of Lot 27, the East ½ of Lot 28, the West ½ of Lot 28, the East ½ of Lot 29 and the West ½ of Lot 29, Block 63, District Lot 185, Plan 92, PIDs: 015-750-825, 015-750-922, 015-750-841, 015-750-931, 015 750-906, and 015-750-957 respectively] to increase the allowable floor area on the site from 7 933.5 m<sup>2</sup> (85,398 sq. ft.) to 8 946.6 m<sup>2</sup> (96,304 sq. ft.) to allow for the infill development of 15 secured market rental residential units;

each from RM-5A (Multiple Residential) District to a CD 1 (Comprehensive Development) District, generally as presented in Appendices A1 and A2 of the Policy Report dated January 15, 2013, entitled "CD-1 Rezoning - 1600 Beach Avenue and 1651 Harwood Street", be approved subject to the following conditions:

#### CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development for each site be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received City Planning Department, May 22, 2012", provided that the General Manager of Planning and Development Services may allow minor alterations to the 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 of each site, the applicants shall obtain approval of development applications by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1600 Beach Avenue Site

- 1. Design development to the new buildings for a contemporary architectural character that is distinctive but complementary with the existing on-site residential buildings contributing to the incremental character of the built form and visual quality of the West End.

2. Provision of high quality material treatments.

Note to applicant: Consider passive design shading elements on the south and west facades to address solar heat gain. Detailed sections and elevations illustrating high quality material treatments are required.

3. Design development to the public realm and building interfaces to further engage and enhance the public experience, utilizing high quality materials contributing to the existing mature landscape streetscape character of the West End.

Note to applicant: Along Beach Avenue and Cardero Street, any new retaining walls, below grade slabs or privacy fences should be set back 0.9 m (3 ft.) from property lines.

4. Design development to the overall proportion of the building at Harwood and Cardero streets (Building B), to minimize its apparent bulkiness, in particular along the Harwood Street frontage.
5. Design development to enhance the amenity building at Beach and Cardero streets (Building D) as a special building element while also contributing to the pedestrian experience and landscaped streetscape character of Cardero Street and Beach Avenue.

Note to applicant: Design development should consider a more pedestrian friendly corner and interface with the buildings. Consider circulation at the corner and adding a public resting space with street furniture, special paving and landscaping. Public art could also be considered at this corner.

#### 1651 Harwood Street Site

6. Design development to the new buildings to develop a contemporary architectural character that is distinctive but complementary with the existing residential building while contributing to the character and visual quality of the West End.
7. Provision of high quality material treatments.

Note to applicant: Consider passive design shading elements on the south and west facades to address solar heat gain. Detailed sections and elevations illustrating high quality material treatments are required.

8. Design development for enhanced landscape treatments along the street and lane edges that contributes to the existing mature landscaped streetscape character of the West End.

### Sustainability

9. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

Note to Applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration of the project is also required under the policy.

### Crime Prevention Through Environmental Design (CPTED)

10. Design development to respond to CPTED principles, having particular regards for:
  - (a) theft in the underground parking;
  - (b) residential break and enter;
  - (c) mail theft; and
  - (d) mischief in alcove and vandalism, such as graffiti.

### Landscape

11. Design development to the entry court areas to mitigate conflicts between pedestrians and vehicles.
12. Provision of adequate soil depths for planting on slabs.

Note to Applicant: To ensure the long term viability of planting on slabs, soil depths must meet or exceed BCLNA planting standards. At the edges, new slabs should angle down to provide deeper soils. Planters on slab above parking areas should take advantage of opportunities to lower the slab, where possible, to create planters that extend above and below the slab.

13. Expansion and detailing of the urban agriculture program.

Note to Applicant: The urban agriculture component requires further design development. The overall number of garden plots and size of planters should be reasonable in proportion to total amount of outdoor space on sites. The metal planters proposed appear too small to have a presence and viability. Locate the garden plots strategically near amenity areas. Provide tool storage, hose bibs, compost bins, outdoor furniture and a starter plant list. Edible plantings may be integrated into the overall planting plan.



14. Repair and revitalisation of existing planters, where applicable.

Note to Applicant: The scope of work should include an investigation into the health of existing plants, planter soil health and membrane integrity.

15. At time of development permit application, the following:

- (a) Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

Note to Applicant: the Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

- (b) Clarification of "new" and "existing to be retained" landscape elements.

Note to Applicant: Clarify locations of the two existing on-site metal sculptures (2).

- (c) Provision of a Tree Plan, including dimensioned tree protection barriers.

Note to Applicant: Refer to Protection of Trees Bylaw (sec. 4.0, 4.3). A substantial number of new trees are encouraged; the tree plan should respond to the unique waterfront location with regard to location and species.

- (d) Provision of high quality landscape treatments.

Note to Applicant: Provide large scale sections [typical] through the landscaped areas, including the townhouse interface, the slab-patio-planter relationship, the lane interface and common areas.

- (e) Illustration of spot elevations to all outdoor areas (including top/bottom walls), including offsite context spot elevations in proximity (such as the public sidewalks, inner boulevards and lanes, for example).

16. New street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan, "Final spacing, quantity, and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

17. Provision of an efficient irrigation system for all common outdoor planters (existing and new) and individual hose bibs to be provided for all patios (new construction) of 9.3 m<sup>2</sup> (100 sq. ft.) or greater. Specification notes and irrigation symbols to should be added to the drawing.

18. Design development to mitigate blank walls.

Note to Applicant: In consideration of CPTED principles, exposed walls should be textured to discourage graffiti. In addition, "vine pockets" can be located near the lane edge to establish plants on walls.

19. Provision of planting on city property along the streetscape edge, where space permits.

Note to Applicant: Expand the planting plan to fill the inside boulevard. Substitute hardy, layered planting for lawn, wherever possible. Refer to City of Vancouver Guidelines for planting on City boulevards.

#### Engineering

20. Delete the planter shown straddling the south property line of Lot A on Page RZ4.03 (note: this planter does not appear on any other view).
21. Clarification of any existing building encroachments onto the city street (indicated in Easement and Indemnity Agreement BB1120698 and reproduced on page RZ6.01) that are intended to be removed as part of the site development. If so, arrangements for discharge of related agreements are required following removal of the encroachments and in any event prior to occupancy of the first new building on the site.

22. Clarify existing and proposed garbage and recycling storage provisions and pick up operations for both sites. Additional on-site storage space is to be provided where necessary and pick up operations are not to rely on any on-street storage.
23. Arrangements for removal of all boulevard crossings (driveways) no longer required for access as a result of this site redevelopment.
24. Class A and B bicycle parking is required for all dwelling units on the sites (existing and proposed) and where practical, for the bicycle spaces which will be provided in the existing buildings, electric outlets shall be provided all in accordance with Parking By-Law requirements.
25. Disability parking spaces are required in accordance with the requirements of the Parking By-Law for all existing and new dwelling units on the site.
26. 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 provisions 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.
27. 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.
28. 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.

Note to Applicant: An interconnected water service is required for this project. Please contact Engineering Water Design Branch for details.

#### Renewable Energy

29. Provide for any further feasibility studies and/or technical investigations required to confirm the economic and technical viability

of the preferred approach(es) to reducing greenhouse gas emissions and energy consumption as presented in the Low Carbon Energy Supply Feasibility Screening Study, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: If results of further analysis do not support the preferred approach to reducing energy consumption and GHG emissions then a suitable alternative shall be investigated and implemented, where available, to the satisfaction of the General Manager of Engineering Services.

30. Greenhouse gas emissions associated with space and domestic hot water heating of the development as a whole (including both new and existing components) shall be reduced by a minimum of 40% over a business-as-usual approach to space and domestic hot water heating, where business-as-usual takes into consideration the status of the existing buildings and mechanical system at the time of submission of the rezoning application as well as a typical approach to space and domestic hot water heating for new construction.

Note to Applicant: Measures to reduce energy consumption and GHG emission may include implementation of demand site management strategies (for example, reducing air leakage within existing buildings), low carbon energy supply, boiler replacement, etc.

31. The heating energy system for the development shall include a central energy plant serving all new and existing buildings within the development without the use of electric baseboard heaters, distributed heat generating equipment, or heat producing fireplaces. Detailed design of the energy system must be to satisfaction of the General Manager of Engineering Services.
32. Energy demand management measures described in the Low Carbon Energy Supply Feasibility Screening Study shall be implemented in accordance with an Implementation Plan to be provided by the Applicant prior to the issuance of development permit(s), all to the satisfaction of the General Manager of Engineering Services.

#### Heritage

33. Provision of a letter from the owner which supports bringing forward the addition of the Beach Towers sites to the Vancouver Heritage Register.
34. Design development to reduce the size of the areas at the ground floor proposed to be infilled at the Laurier, MacDonald and Douglas Towers in order to maximize views through the site and beneath the towers.

35. Design development to the areas at the ground floor proposed to be infilled to ensure that the glazing is set back from the columns; that the glazing be reversible; and that the window treatments in these areas be consistent throughout.

#### CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owners shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of both such registered owners, make arrangements to be jointly and severally liable for the following for each of the sites, as applicable:

#### Engineering

1. Consolidation of East ½ of Lot 27, East ½ of Lot 28, West ½ of Lot 27, West ½ of Lot 28, East ½ of Lot 29 and West ½ of Lot 29, Block 63, District Lot 185, Plan 92 to create a single lot.
2. Discharge of any of the existing driveway crossing agreements made redundant through elimination of driveways as a result of this application, all prior to occupancy of the first new building on the site.
3. Provision of appropriate agreements to secure provision of and access from the street to the bicycle parking spaces that are being provided on the 1600 Beach Avenue site.
4. Provision of a Services Agreement, that facilitates a phased approach to development, to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. The agreement shall include, but not be limited to the following provisions to the satisfaction of the General Manager of Engineering Services:
  - (a) no development permit will be issued for a building until the design of the services required for that particular phase of development are completed;
  - (b) no occupancy of any new buildings until the services required for that particular phase of development are completed; and

- (c) shall include the following works to the satisfaction of the General Manager of Engineering Services:
  - i. Provision of pedestrian countdown timers at the intersections of Bidwell Street and Beach Avenue and at Cardero Street and Beach Avenue.
  - ii. Provision of pedestrian level lighting on the west side of Cardero Street adjacent the site.
  - iii. Provision of corner bulges at the intersection of Cardero Street and Harwood Street on the sides of the street where parking is permitted.
  - iv. Provision of improved curb ramps on all corners adjacent the site and on the south side of Beach Avenue opposite the site.
  - v. Provision of widened concrete sidewalk on Beach Avenue adjacent the site to a minimum 2.4 m (7.87 ft.) in width.
  - vi. Provision of street trees adjacent both sites where space permits.
  
- 5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the sites must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and 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 sites will be provided with all services being underground.
  
- 6. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

#### Housing Agreement

- 7. Execute Housing Agreements pursuant to the Short Term Incentives for Rental (STIR) Program to secure all 118 new residential units at 1600 Beach Avenue and all 15 new residential units at 1651 Harwood Street, as rental for the life of the building or 60 years, whichever is longer, and to include registerable covenants in respect of all such units

prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such other terms and conditions as are satisfactory to the Director of Legal Services and the Managing Director of Social Development.

*The Housing Agreement to secure the rental units will include:*

- (i) a rent roll indicating the initial monthly rents for each rental unit;*
- (ii) a covenant from the owner securing those rents for the first 12 months of occupancy at the initial monthly rents, after which time the rental rates will be subject to the provisions of the provincial Residential Tenancy Act;*
- (iii) a covenant from the owner to , prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Managing Director of Social Development and Director of Legal Services that reflect the rental rates in the Housing Agreement on either a per unit or a per square foot basis in order to address potential changes in unit mix and/or sizes between the rezoning and development permit stage; and*
- (iv) such other terms and conditions as the Director of Legal Services may request and the owner agree.*

#### Amenity Space

8. Execute an agreement satisfactory to the Director of Legal Services and General Manager of Planning and Development Services to secure access to the amenity space located at 1600 Beach Avenue for residents of 1651 Harwood Street.

#### Community Amenity Contribution

9. Deliver, prior to enactment of either of the rezoning by-laws the Community Amenity Contribution of \$243,000 which the developer has offered to the City.

Note: The Community Amenity Contribution is to be allocated to public benefits in the West End, with specific allocations to be brought forward after the West End Community Plan and the associated public benefits strategy has been endorsed by Council.

### Public Art

10. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application

### Soils Agreement

11. If applicable:
  - (a) Submit a site profile to the Environmental Protection Branch (EPB).
  - (b) The property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.
  - (c) Enter into a remediation agreement for the remediation of the sites and any contaminants which have migrated therefrom on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any of the new buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Water, Land and Air Protection, has been provided to the City.

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 are 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.

- B. THAT, subject to enactment of the CD-1 By-laws, the Parking By-law be amended to include these CD-1s and to provide parking regulations generally as set out in Appendix C of the Policy Report dated January 15, 2013, entitled "CD-1 Rezoning - 1600 Beach Avenue and 1651 Harwood Street";

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

- C. THAT, if after Public Hearing Council approves in principle these rezonings and the Housing Agreements described in part (c) of Appendix B of the Policy Report dated January 15, 2013, entitled "CD-1 Rezoning - 1600 Beach Avenue and 1651 Harwood Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-laws for enactment prior to enactment of the CD-1 By-laws contemplated by the aforementioned report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.

- 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; 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

REFERRAL MOVED by Councillor Affleck

THAT Council refer decision on the rezoning of 1600 Beach and 1651 Harwood to the first Council meeting following approval of the West End Community Plan;

FURTHER THAT the 1600 Beach and 1651 Harwood rezoning be included as part of the West End Community Planning process to ensure community wide consultation.

not put

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*Councillor Louie rose on a Point of Order to note that the referral motion was out of order as Council had previously decided to refer this matter to Public Hearing. The Mayor noted that the question of whether to consider a referral motion was at Council's discretion.*

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During discussion on the referral motion, it was agreed to postpone further consideration to later in the meeting in order to obtain advice from the City's legal department.

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*The Council recessed at 11:17 am, and reconvened at 11:35 am for the Civic Merit Award ceremony, with all Council Members present.*

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#### **CIVIC RECOGNITION - CIVIC MERIT AWARD - FRED MAH**

The Mayor and Council recognized Fred Mah, recipient of the Civic Merit Award in honour of his many achievements and contributions to art, culture and community in the city of Vancouver. The Mayor presented Mr. Mah with the Civic Merit Award medal and Proclamation and invited him to say a few words.

The Mayor invited guests and Council members to a reception in the foyer in honour of the Civic Merit Award recipient, Fred Mah.

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*The Council recessed at 11:55 am and reconvened at 2:35 pm with all Council members present except for Councillor Deal, who was not in the Chamber.*

\* \* \* \* \*

#### **UNFINISHED BUSINESS**

##### **Rezoning: 1600 Beach Avenue and 1651 Harwood Street (continued)**

The Mayor requested the City Clerk to clarify the next steps with regard to the Referral Motion which was tabled prior to the Council recess.

The City Clerk advised that Councillor Affleck had requested to withdraw his Referral Motion, which required the consent of Council.

With the unanimous consent of Council, the Referral Motion was therefore WITHDRAWN.

The referral having been withdrawn, the Motion was put and CARRIED with Councillors Affleck and Carr Opposed. Councillors Ball, Deal and Tang were ineligible for the vote and absent from the Chamber.

#### ADMINISTRATIVE REPORTS

1. **Business License/Chauffeur's Permit Hearing Panels - May to December 2013  
February 4, 2013**

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:

**May 21 - 9:30 AM**

Councillor Reimer - Chair  
Councillor Affleck  
Councillor Carr  
Councillor Stevenson - Alternate

**June 18 - 9:30 AM**

Councillor Affleck - Chair  
Councillor Ball  
Councillor Deal  
Councillor Tang- Alternate

**June 25 - 6:00 PM**

Councillor Carr - Chair  
Councillor Stevenson  
Councillor Tang  
Councillor Deal- Alternate

**July 16 - 9:30 AM**

Councillor Louie - Chair  
Councillor Jang  
Councillor Reimer  
Councillor Ball- Alternate

**October 15 - 9:30 AM**

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

**November 12 - 9:30 AM**  
Councillor Ball - Chair  
Councillor Reimer  
Councillor Tang  
Councillor Stevenson - 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.

There are no dates scheduled for the month of December.

ADOPTED ON CONSENT

2. **East Fraser Lands Area 2 South (Phase 2 Subdivision):**
  - (i) **Establishment as Road of Riverfront Lot East of Kinross Street and Log Storage Use of the Riverfront; and**
  - (ii) **Extension of Closing Date for Sale of Portions of East Kent Avenue South and Kinross Street**

**February 8, 2013**

MOVED by Councillor Carr

- A. THAT Council authorize the Director of Legal Services in consultation with the General Manager of Engineering Services to enter into such agreements as are required to transfer to the City, at no cost to the City, and establish as road Lot 21 District Lot 330 Group 1 New Westminster District Plan EPP 23174, the same as shown cross-hatched on the sketch attached as Appendix "A" to the Administrative Report dated February 8, 2013, entitled "East Fraser Lands Area 2 (Phase 2 Subdivision): (i) Establishment as Road of Riverfront Lot East of Kinross Street and Log Storage Use of the Riverfront; and (ii) Extension of Closing Date for Sale of Portions of East Kent Avenue South and Kinross Street" ("Lot 21").
- B. THAT Council authorize the Director of Legal Services in consultation with the General Manager of Engineering Services to enter into an agreement with Western Forest Products ("WFP") to confirm the City's support for the continued use of the Fraser River adjacent to City owned road and park lands to be subdivided from Lots 25, 26, 27, and 28 Blocks 9, 10, and 16 to 19 District Lots 330 and 331 Plan 2593, for log storage use by WFP and their assignees.
- C. THAT Council authorize the Director of Real Estate Services to extend the closing date for the sale of portions of East Kent Avenue South and Kinross Street to Park Lane River District Developments Ltd. ("Park Lane"), for up to six months.

- D. THAT Council authorize the Director of Legal Services to include in the agreements such other terms and conditions satisfactory to the Director of Legal Services and the General Manager of Engineering Services.

CARRIED UNANIMOUSLY

**3. Local Improvement Flat Rates - 2012  
January 28, 2013**

THAT the flat rates shown on the "List of Projects Certified Complete in 2012", listed in Appendix A of the Administrative Report dated January 28, 2013, entitled "Local Improvement Flat Rates - 2012", and on file in the City Clerk's Office be approved.

ADOPTED ON CONSENT

**4. 2012 Property Tax Exemptions  
February 8, 2013**

MOVED by Councillor Carr

THAT Council receive the 2012 Property Tax Exemption Report for information.

CARRIED UNANIMOUSLY

**5. Vancouver City Planning Commission 2013 Operating Grant  
February 1, 2013**

THAT Council approve \$58,100 as the 2013 operating grant to the Vancouver City Planning Commission; source of funds to be the 2013 Grants budget.

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

**6. 2013 Heather Marina Moorage Rates and Other Fees  
February 13, 2013**

- A. THAT Council approve adjustments to fees and charges at Heather Marina, including a 2.0% general increase in moorage fees and a 1.44% increase in fees for electricity, as detailed in Appendix B of the Administrative Report dated February 13, 2013, entitled "2013 Heather Marina Moorage Rates and Other Fees", effective April 1, 2013.

- B. THAT Council approve a Condition Assessment Report at a maximum cost of \$15,000 for Heather Marina; source of funding to be the Property Endowment Fund ("PEF").

ADOPTED ON CONSENT

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Jang

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Tang  
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

**BY-LAWS**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

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 5 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1077 Great Northern Way) (By-law No. 10653)
2. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (6110-6170 Oak Street and 975 West 46<sup>th</sup> Avenue) (By-law No. 10654)  
*(Councillor Jang and Mayor Robertson ineligible for the vote)*
3. A By-law to amend Zoning and Development By-law No. 3575 regarding the I-1 District Schedule (Mount Pleasant Industrial District additional uses and housekeeping amendments) (By-law No. 10655)

4. A By-law to amend Zoning and Development By-law No. 3575 regarding "work only" Artist Studio (By-law No. 10656)
5. By-law to amend Parking By-law No. 6059 (1001 Canada Place) (By-law No. 10657)

#### MOTIONS

##### A. Administrative Motions

##### 1. Approval of Form of Development - 1077 Great Northern Way

MOVED by Councillor Jang  
SECONDED by Councillor Louie

THAT the form of development for this portion of the site known as 1077 Great Northern Way be approved generally as illustrated in the Development Application Number 415661, prepared by Proscenium Architecture & Interiors Inc., and stamped "Received, Community Services Group, Development Services", on November 21, 2012, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

##### 2. Approval of Form of Development - 1675 West 3<sup>rd</sup> Avenue

MOVED by Councillor Jang  
SECONDED by Councillor Louie

THAT the form of development for this portion of the site known as 1655-1675 West 3<sup>rd</sup> Avenue (1675 West 3<sup>rd</sup> Avenue being the application address) be approved generally as illustrated in the Development Application Number 416075, prepared by Kasian Architecture, and stamped "Received, Community Services Group, Development Services", on January 30, 2013, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

**3. Approval of Form of Development - 6100 Oak Street**

MOVED by Councillor Jang  
SECONDED by Councillor Louie

THAT the form of development for this portion of the site known as 6110-6170 Oak Street and 975 West 46<sup>th</sup> Avenue (6100 Oak Street being the application address) be approved generally as illustrated in the Development Application Number 416058, prepared by Merrick Architecture, and stamped "Received, Community Services Group, Development Services", on December 13, 2012, provided that the Director of Planning may impose conditions and approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

**4. East Fraser Lands Area 2 South (Phase 2 Subdivision)**

MOVED by Councillor Jang  
SECONDED by Councillor Louie

THAT WHEREAS the registered owner will be conveying to the City of Vancouver for road purposes lands in the City of Vancouver, Province of British Columbia, more particularly known and described as follows:

All of Lot 21 District Lot 330 Group 1 New Westminster District Plan EPP23174 as shown on Subdivision Plan prepared by Gary Sundvick, B.C.L.S., completed on the 19th day of February 2013.

AND WHEREAS it is deemed expedient and in the public interest to accept and allocate the said lands for road purposes.

BE IT RESOLVED that the above described lands to be conveyed are hereby accepted and allocated for road purposes and declared to form and to constitute a portion of road.

CARRIED UNANIMOUSLY



**B. Motions on Notice**

**1. Affordability of STIR Program Rental Housing for Average Vancouverites**

The following motion contains an amendment to the original Motion on Notice.

MOVED by Councillor Carr

SECONDED by Councillor Affleck

WHEREAS

1. Tackling the affordable housing issue has been a focus of the current and recent City Councils in Vancouver with actions that include establishing the Short Term Incentives for Rental (STIR) program from 2009 to 2012;
2. The STIR program was intended to supply affordable rental housing as noted on the City's website (*Frequently Asked Questions* about STIR, May 11, 2010: "The objective is to achieve rents that are affordable to households in the regular housing market looking for rental housing";
3. The Vancouver Housing and Homelessness Strategy 2012 Report Card presented to City Council on February 12, 2013, noted that, based on the average income of a single person household in Vancouver and the Canada Mortgage and Housing Corporation's definition of affordable housing as housing that costs no more than 30 percent of a household income, the average affordable rental rate for singles in Vancouver is \$975 per month.

THEREFORE BE IT RESOLVED THAT staff report back to Council within three months on the number and percentage of total rental units built under the STIR program that were, at the time of project approval, projected to rent at \$975 per month, the affordable rate for the average single person in Vancouver;

BE IT FURTHER RESOLVED THAT staff include in its report information on completed STIR projects comparing the projected rents and actual current rents of STIR units.

CARRIED UNANIMOUSLY

**2. FCM Resolution - Costs of Federal Crime Legislation C10 and on Promoting Prevention**

MOVED by Councillor Louie  
SECONDED by Councillor Deal

WHEREAS

1. Municipal governments are the front-line providers of public safety services and programs, including support services for released offenders who have returned to their home communities;
2. In Canada, various parliamentary committees and national organizations, including Canada's National Municipal Network on Crime Prevention have recognized the need for a coordinated, multi-agency approach to addressing local crime problems and improving community safety;
3. New federal legislation Bill C-10, including the Safe Streets and Communities Act, will result in more people being sentenced to jail due to mandatory minimums as well as increased maximum sentences;
4. Bill C-10 may significantly increase costs to public safety, policing and correctional systems, and community and social services will be challenged to meet the demands of more prisoners who need to be re-integrated into the community;
5. The City of Ottawa has submitted a resolution for the Federation of Canadian Municipalities AGM, calling on the federal government to provide a rigorous cost-benefit analysis of recent crime legislation, including the impact of increased and extended incarceration on police resources, municipal budgets and community safety, with particular attention to impacts on the reintegration of offenders released from prisons into communities.

THEREFORE BE IT RESOLVED THAT the City of Vancouver supports the resolution submitted by the City of Ottawa to the Federation of Canadian Municipalities, and calls on the Federal Government to work with all orders of government to continue to strengthen and invest in strategic, successful and proven methods in crime prevention, victim assistance, and the effective integration of offenders released back into our communities.

CARRIED  
(Councillors Affleck and Ball opposed)

### 3. Support for Reconciliation with Aboriginal Peoples

MOVED by Councillor Reimer  
SECONDED by Mayor Robertson

#### WHEREAS

1. The Urban Aboriginal Peoples Advisory Committee is a citizen advisory committee, which provides advice to City Council on issues of importance to urban aboriginal peoples;
2. On January 23, 2013 the Urban Aboriginal Peoples Advisory Committee passed motions making recommendations to City Council;
3. The Truth and Reconciliation Commission (TRC) was set up as part of the federal government's Residential School Survivor's settlement with aboriginal peoples and the TRC event for BC will be held in Vancouver in September 2013;
4. Reconciliation Canada is a non-profit established to expand on the work of the TRC to foster dialogue between aboriginal and non-aboriginal peoples;
5. June 21st is recognized as National Aboriginal Day in Canada;
6. The UN Declaration on the Rights of Indigenous Peoples is an international declaration signed onto by over 145 countries, including Canada, committing to a set of actions in regards to indigenous peoples;
7. The City of Vancouver has taken steps to increase understanding between aboriginal and non-aboriginal communities, through programs such as the Dialogues Project;
8. Reconciling past injustice, and strengthening shared understanding and awareness of history, is vital to both aboriginal and non-aboriginal communities in building a successful future for Vancouver.

#### THEREFORE BE IT RESOLVED

- A. THAT City Council support the Reconciliation Canada recommendation to proclaim June 21st 2013 to June 20th 2014 as the Year of Reconciliation in Vancouver, and that staff report back on the Reconciliation Canada recommendation to name Vancouver a City of Reconciliation.
- B. THAT the City of Vancouver state its support for the UN Declaration on the Rights of Indigenous Peoples.

- C. THAT, in the lead up to the TRC BC event in September 2013, staff work with Reconciliation Canada and the Urban Aboriginal Peoples Advisory Committee to increase opportunities for dialogue and increased understanding between aboriginals and non-aboriginals regarding the experience and rights of indigenous people in Canada.

referred

The Mayor noted requests to speak to this motion had been received.

REFERRAL MOVED by Councillor Louie  
SECONDED by Councillor Ball

THAT the motion be referred to the Standing Committee on City Finance and Services meeting to be held on February 27, 2013, in order to hear from speakers.

CARRIED UNANIMOUSLY

#### NEW BUSINESS

**1. Request for Leave of Absence - Councillor Heather Deal**

MOVED by Councillor Ball  
SECONDED by Councillor Jang

THAT Councillor Deal be granted Leave of Absence for Civic Business from any meetings to be held on March 5, 2013.

CARRIED UNANIMOUSLY

**2. Request for Leave of Absence - Councillor Kerry Jang**

MOVED by Councillor Ball  
SECONDED by Councillor Deal

THAT Councillor Jang be granted Leave of Absence for Civic Business from the Regular Council meeting to be held on March 12, 2013.

CARRIED UNANIMOUSLY

## ENQUIRIES AND OTHER MATTERS

### 1. Street Naming

Councillor Carr enquired on the process for community members to provide input into the naming of a street or alley in the city.

Councillor Reimer noted she is the liaison to the Civic Asset Naming Committee and advised that information regarding the process for submitted suggested names for civic assets are contained on the City's webpage for that committee, including an online form for use by the public.

### 2. Street Lighting

Councillor Ball noted she has received numerous correspondence from the public expressing concern with regard to the length of time it takes to repair malfunctioning street lights, and enquired if the matter could be looked into, including ways of informing the public what the issues are. The City Manager advised that street lights should be reported to 3-1-1 and a process was in place with regard to prioritization of maintenance request responses, and she agreed to follow up with additional information on the system that is in place.

## ADJOURNMENT

MOVED by Councillor Jang  
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Council adjourned at 4:09 pm.

\* \* \* \* \*