



REGULAR COUNCIL MEETING MINUTES

MAY 31, 2016

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, May 31, 2016, 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 Melissa De Genova
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Janice MacKenzie, City Clerk
Leslie Tuerlings, Meeting Coordinator

IN CAMERA MEETING

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT Council will go into meetings later this week which are 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;
- (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;
- (g) litigation or potential litigation affecting 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 - May 17, 2016

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT the Minutes of the Regular Council meeting of May 17, 2016, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing - May 17, 2016

MOVED by Councillor Deal
SECONDED by Councillor Louie

THAT the Minutes of the Public Hearing of May 17, 2016, be approved.

CARRIED UNANIMOUSLY

3. Regular Council (City Finance and Services) - May 18, 2016

MOVED by Councillor Jang
SECONDED by Councillor Deal

THAT the Minutes of the Regular Council meeting following the Standing Committee on City Finance and Services meeting of May 18, 2016, be approved.

CARRIED UNANIMOUSLY

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Following adoption of the minutes, Councillor Carr rose on Points of Order under Sections 64 and 17 of Robert's Rules of Order, to note that at the Public Hearing of May 24, 2016, at the point where the quorum was lost, there was no motion to adjourn the meeting, nor did the Chair declare the meeting adjourned. Therefore, according to Robert's Rules, the meeting was not adjourned, and the business that was underway at the time of the loss of quorum should be taken up again as unfinished business at the next meeting, immediately following the adoption of minutes.

The City Clerk advised that Council was in Committee of the Whole at the time of the loss of quorum, and therefore, Section 17 of Robert's Rules of Order does not apply. The Mayor concurred with the advice of the City Clerk.

Councillor Louie rose on a Point of Order to note that at the time of the loss of quorum, the clerk at the meeting advised that the meeting had lost quorum and then declared the meeting was adjourned. He concurred with that declaration.

Councillor Carr rose on a Point of Order to note that in her review of the webstream she did not hear a declaration by the Chair that the meeting was adjourned.

The Mayor reiterated the advice of the City Clerk that as the Council was in Committee of the Whole at the time, the section of Robert's Rules was not applicable.

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The mayor noted that requests to speak to Motion B.3 had been received.

VARY AGENDA

*MOVED by Councillor Louie
SECONDED by Councillor Reimer*

THAT the agenda be varied in order deal with Motion on Notice B.3 as the next item of business.

CARRIED UNANIMOUSLY

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Motion B.3 Re-examination of Fencing on the Burrard Bridge

The Mayor advised that under section 9.9 of the Procedure By-law, this motion was considered a motion to rescind a previous decision of Council. In order to bring forward a motion to rescind, the Council member must have voted with the majority and no action is to have taken place based on the motion. The minutes of the July 22, 2015, Planning, Transportation and Environment meeting indicate that Councillor Affleck did not vote with the majority, and therefore, the motion was ruled out of order.

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Deal

THAT Council adopt Administrative Reports A2 and A3 and Policy Reports P2, P3 and P4, on consent.

CARRIED UNANIMOUSLY

REPORT REFERENCE

1. **2015 Housing and Homelessness Strategy Report Card: Part Two May 14, 2016**

Celine Mauboules, Senior Planner, Housing Policy and Projects, along with Dr. William Honer, Professor and Head, Department of Psychiatry, University of British Columbia, and Ethel Whitty, Director, Carnegie Community Centre, provided a presentation on the 2015 Housing Report Card - Part 2, which included an overview on why people become homeless, who is living on our streets and in our shelters, what actions have been taken, and what the City is doing moving forward.

Abi Bond, Director, Housing Policy and Projects, along with Ms. Whitty and Mukhtar Latif, Chief Housing Officer, responded to questions.

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

REFERRAL MOVED by Councillor Deal

THAT consideration of the Administrative Report dated May 14, 2016, entitled "2015 Housing and Homelessness Strategy Report Card: Part Two", be referred to the Standing Committee on City Finance and Services meeting on Wednesday, June 15, 2016, in order to hear from speakers.

CARRIED UNANIMOUSLY (Vote No. 1271)

2. Vancouver Affordable Housing Agency Update

Mukhtar Latif, Chief Executive Officer, Vancouver Affordable Housing Agency, provided an update on the Vancouver Affordable Housing Agency which included their mission and objectives, guiding principles, target groups and affordability, a report back on 2015-2016 key activities and the key activities to come in 2016-2017.

Mr. Latif responded to questions.

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Council recessed at 12:00 pm, during questions to staff and reconvened at 2:44 pm.

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ADMINISTRATIVE REPORTS

**1. 2015 Annual Report on Community Amenity Contributions and Density Bonusing
May 18, 2016**

MOVED by Councillor Louie

THAT Council receive the Administrative Report dated May 18, 2016, entitled "2015 Annual Report on Community Amenity Contributions and Density Bonusing" for information.

CARRIED UNANIMOUSLY (Vote No. 1262)

**2. 2015 Annual Report on Development Cost Levies
May 20, 2016**

THAT Council receive the Administrative Report dated May 20, 2016, entitled "2015 Annual Report on Development Cost Levies" for information.

ADOPTED ON CONSENT (Vote No. 1272)

**3. Temporary Heritage Protection of 1550 West 29th Avenue
May 19, 2016**

- A. THAT Council considers that the exterior and interior of the house at 1550 West 29th Avenue [PID: 011-009-276; Lot 2, Block 750, District Lot 526, Plan 6011] may be heritage property.
- B. THAT pursuant to Section 589 of the Vancouver Charter, Council orders that the whole of the exterior and the interior of the house be subject to temporary protection in accordance with the provisions of Section 591 of the Vancouver Charter for a period of 120 days from May 31, 2016.
- C. THAT Council directs the form of this order shall be satisfactory to the City's Director of Legal Services and that the Order shall be executed on behalf of the Council by the Director of Legal Services.

ADOPTED ON CONSENT (Vote No. 1273)

POLICY REPORTS

**1. City-wide Community Amenity Contribution (CAC) Policy Update
May 19, 2016**

MOVED by Councillor Louie

- A. THAT Council adopt the Development Cost Levy (DCL) annual inflationary rate adjustment system, as described in the Policy Report dated May 19, 2016, entitled "City-wide Community Amenity Contribution (CAC) Policy Update", for all Community Amenity Contribution (CAC) targets and for all density bonus zone 'affordable housing and amenity share' contributions;

FURTHER THAT Council direct staff to report back with the recommended 2016 inflation adjusted rates for these contributions, including a one-time catch-up for past inflation, no later than July 2016, with all inflation adjusted rates to be effective on September 30, 2016.

- B. THAT Council amend City-wide CAC administrative policy to improve fairness and consistency, generally as found in Appendix A of the Policy Report dated May 19, 2016, entitled "City-wide Community Amenity Contribution (CAC) Policy Update", as follows:
 - a. Remove the \$3.00 per sq.ft. CAC target for 'standard rezonings', and the CAC exemption for small sites rezoned from single family to less than 1.35 FSR in the City-wide CAC area, and replace with the negotiated CAC approach; and
 - b. Clarify that CAC payments in-lieu (in cash) are payable prior to rezoning enactment.

- C. THAT Council instruct staff to notify the development industry and affected stakeholders regarding Council approved changes to City-wide CAC policy.

carried

AMENDMENT MOVED by Councillor De Genova

THAT B(a) be amended to replace the words "the negotiated" with the words "a fixed flat rate" and the words "specific to individual neighbourhoods or community plans" be added after the words "CAC approach", so that B(a) reads:

Remove the \$3.00 per sq.ft. CAC target for 'standard rezonings', and the CAC exemption for small sites rezoned from single family to less than 1.35 FSR in the City-wide CAC area, and replace with a fixed flat rate CAC approach specific to individual neighbourhoods or community plans; and

LOST (Vote No. 1263)

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

The amendment having lost, the motion was put and CARRIED with Councillors Affleck, Ball and De Genova opposed. (Vote No. 1264)

2. **CD-1 Rezoning - 1037 West King Edward Avenue May 24, 2016**

- A. THAT the application by Shape Architecture, on behalf of Wescorp Development Inc., the registered owner, to rezone 1037 West King Edward Avenue [PID 008-577-625; Lot 8, Block 73, District Lot 526, Plan 4502] from FSD (First Shaughnessy) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.45 to 1.48 FSR to permit the development of a four-storey residential building, containing a total of 36 secured rental dwelling units, be referred to a Public Hearing together with:

- (i) plans prepared by Shape Architecture, received July 17, 2015;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated May 24, 2016, entitled "CD-1 Rezoning - 1037 West King Edward Avenue"; and
- (iii) the recommendation of the Acting General Manager of Planning and Development Services to approve the application, subject to the conditions contained in Appendix B of the above-noted Policy 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 Policy Report, for consideration at Public Hearing.

- B. THAT, if after Public Hearing, Council approves in principle this rezoning and the Housing Agreement described in section(c) of Appendix B of the Policy Report dated May 24, 2016, entitled "CD-1 Rezoning - 1037 West King Edward Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law.
- C. THAT A and B above be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditures of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 (Vote No. 1274)

**3. CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)
May 17, 2016**

- A. THAT the application by James Evans, on behalf of Brookhouse Residences Ltd., to rezone 1872 Parker Street [*Lots 11 and 12, Block 30, District Lot 264A, Plans 1077 and 1771; PIDs: 005-703-921 and 005-703-956 respectively*], from RT-5 (residential two-family) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.75 to 1.35 and height from 10.7 m (35.1 feet) to 13.2 m (43.3 feet) to enable expansion and conversion of the existing heritage building into a six-unit multiple dwelling and the addition of a new four-unit infill building at the lane, be referred to public hearing together with:
 - (i) plans prepared by Ankenman Marchand Architects, received December 10, 2015;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)"; and
 - (iii) the recommendation of the Acting General Manager of Planning and Development Services to approve, subject to conditions contained in Appendix B of the above-noted Policy 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 Policy Report, for consideration at public hearing.

- B. THAT, subject to the approval in principle of the rezoning, the existing heritage building, known as the "Brookhouse Residence" (the "heritage building") at 1872 Parker Street be added to the Vancouver Heritage Register in the 'B' evaluation category.
- C. THAT, if the rezoning application is referred to public hearing, then the designation of the heritage building as protected heritage property be referred to the same public hearing and, pursuant to Sections 593 and 594 of the Vancouver Charter, Council consider the designation of the heritage building as protected heritage property;

FURTHER THAT the Director of Legal Services be instructed to bring forward the Heritage Designation By-law generally as set out in Appendix D of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)", for consideration at the public hearing.

- 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 May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 1872 Parker Street (Brookhouse Residence)";

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-law.

- E. THAT A to D 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.

ADOPTED ON CONSENT (Vote No. 1275)

4. **CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)
May 17, 2016**

A. THAT the application by Formwerks Architectural, on behalf of Symphony Projects (Nanaimo 34) Corp., to rezone 2308 East 34th Avenue [*PID: 013-365-304; Lot 57, Block 3, District Lot 394, Plan 2911*], from RM-7 (residential multi-family) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.90 to 1.35, to allow retail/service use enabling restoration of the existing heritage building on the site with grade-level commercial space and an upper-level dwelling unit, and to permit the addition of three townhouse units to the site, be referred to public hearing together with:

- (i) plans prepared by Formwerks Architectural, received October 16, 2015;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)"; and
- (iii) the recommendation of the Acting General Manager of Planning and Development Services to approve, subject to conditions contained in Appendix B of the above-noted Policy 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 Policy Report, for consideration at public hearing.

B. THAT, subject to the approval in principle of the rezoning, the existing heritage building, known as the "B&K Grocery" (the "heritage building") at 2308 East 34th Avenue be added to the Vancouver Heritage Register in the 'C' evaluation category.

C. THAT, if the rezoning application is referred to public hearing, the designation of the heritage building as protected heritage property be referred to the same public hearing and, pursuant to Sections 593 and 594 of the Vancouver Charter, Council consider the designation of the heritage building as protected heritage property;

FURTHER THAT the Director of Legal Services be instructed to bring forward the Heritage Designation By-law generally as set out in Appendix D of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", for consideration at the public hearing.

D. 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 of the Sign-By-law [assigning Schedule B (C-1)], generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", be referred to the same public hearing.

E. 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 May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)";

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-law.

- F. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)";

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

- G. THAT A to F 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.

ADOPTED ON CONSENT (Vote No. 1276)

**5. East Fraser Lands: Amendments to the Official Development Plan and Associated CD-1 By-laws
May 13, 2016**

MOVED by Councillor Louie

- A. THAT the Acting General Manager of Planning and Development Services be instructed to make application to amend the East Fraser Lands Official Development Plan attached as Schedule A to By-law No. 9393 and associated CD-1 By-laws, and that this application be referred to Public Hearing, together with:
- (i) draft amendments to the East Fraser Lands Official Development Plan attached as Schedule A to By-law No. 9393, generally as set out in Appendix A of the Policy Report dated May 13, 2016, entitled "East

- Fraser Lands: Amendments to the Official Development Plan and Associated CD-1 By-laws” ;
- (ii) draft amendments to repeal CD-1(472) By-law No. 9732, and amend CD-1(473) By-law No. 9733, CD-1(498) By-Law No. 10194, CD-1(499) By-Law No. 10195, CD-1(565) By-Law No. 10942, CD-1(566) By-Law No. 10941 and CD-1(567) By-Law No. 10943; generally as set out in Appendix B; and
 - (iii) draft amendments to the Zoning and Development By-law No. 3575; generally as set out in Appendix C of the above-noted Policy Report.

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-laws, generally in accordance with Appendices A to C of the above-noted Policy Report, for consideration at the Public Hearing.

B. THAT A above be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and expenditure of funds or incurred 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 any bylaw; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY (Vote No. 1265)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Ball
SECONDED by Councillor Jang

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 3 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 (1754-1772 Pendrell Street) (By-law No. 11520)
(Councillors Deal, Louie and Stevenson ineligible for the vote)
2. A By-law to designate certain real property as protected heritage property (616 Princess Avenue) (By-law No. 11521)
(Councillor Jang ineligible for the vote)
3. A By-law to enact a Housing Agreement for 2312-2328 Galt Street (By-law No. 11522)

MOTIONS

A. Administrative Motions

None.

B. Motions on Notice

1. Zero Waste 2040

MOVED by Councillor Reimer
SECONDED by Councillor Stevenson

WHEREAS

1. The Greenest City Action Plan has catalyzed a significant shift in solid waste management approaches in the city of Vancouver that have greatly increased recycling rates and innovative approaches to material recovery;
2. The GCAP and associated targets only project to 2020;
3. Council has passed long term goals for the Greenest City that include a long term goal of 100% material recovery, or "Zero Waste";
4. Plans have been written for other aspects of GCAP where it is desirable to holistically build a long term approach such as Transportation 2040, Renewable Cities, the Food Strategy, and most recently the Rainwater Management and Green Infrastructure Strategy.

THEREFORE BE IT RESOLVED THAT staff be directed to undertake a Zero Waste Strategy that creates a framework to achieve the Greenest City long term goal of zero waste.

CARRIED UNANIMOUSLY (Vote No. 1266)
(Councillor Meggs Absent for the vote)

2. Requests for Leaves of Absence

MOVED by Councillor Deal
SECONDED by Councillor Ball

- A. THAT Councillor Stevenson be granted Leave of Absence for personal reasons from all meetings to be held on July 12, 13 and 14, 2016.
- B. THAT Councillor Meggs be granted Leave of Absence for personal reasons from all meetings to be held on June 16, 2016.
- C. THAT Councillor Louie be granted Leave of Absence for civic business from all meetings to be held on June 1, 2016.

CARRIED UNANIMOUSLY (Vote No. 1277)

4. Public Art Boost

MOVED by Councillor Deal
SECONDED by Mayor Robertson

WHEREAS

1. Vancouver has a successful public and community art program which has resulted in over 400 pieces of public art and community art installations of various forms throughout the City over the past 25 years;
2. Vancouver is well situated to expand the profile of public art in the city, with opportunities for public art such as numerous blank walls and public spaces;
3. Many local organizations, Business Improvement Areas in particular, are interested in expanding the amount of murals and other public and community art in their areas;
4. The City recently adjusted funding options for developers in an effort to increase funding for public art on civic, park, and private property through a process managed by the City;
5. Vancouver's public and community art should provide more opportunities to integrate local First Nations artwork in the public realm and reflect the multicultural nature and changing demographics of the City;

6. There are identified barriers to public art installations, including murals, which can and should be addressed;
7. Other cities such as San Francisco have examples of robust public art programs with high profiles and numerous opportunities for local artists.

THEREFORE BE IT RESOLVED THAT Council direct staff to create a “public art boost” with the following efforts:

- Quick starts to be brought back to Council as soon as possible and no later than the end of July. These should include:
 - Identification of barriers to public art and suggestions of what steps are necessary to remove them;
 - Identification of projects already in process which can be enabled to be installed during the Summer of 2016;
- Opportunities to use the Innovation Fund to leverage community partners to enable significant new public art projects for 2016 and 2017;
- Consultation with cultural and business communities, other organizations and interested residents on expansion of public and community art opportunities and projects;
- A robust plan to ensure existing public art is maintained;
- A public awareness campaign about Vancouver's public art.

CARRIED UNANIMOUSLY (Vote No. 1267)

NOTICE OF MOTION

1. **Increasing the Supply of Affordable Townhouses and Row Houses in the City of Vancouver**

Councillor De Genova submitted a Notice of Motion for the next Regular Council meeting regarding the above-noted matter. The motion will therefore be placed on the Agenda of the Regular Council meeting of June 14, 2016, as a Motion on Notice.

NEW BUSINESS

1. **Outstanding Business Related to Public Hearing of May 24, 2016**

The Mayor noted that there were outstanding issues from the Public Hearing held May 24, 2016, which needed to be dealt with. Due to loss of quorum, Council did not adopt the report of the Committee of the Whole for items 1 and 2. Further, the Mayor noted with respect to item 3, procedural concerns have been raised and staff now recommend that a new public hearing be held on this application.

MOVED by Councillor Deal
SECONDED by Councillor Stevenson

THAT Council adopt the report of the Committee of the Whole from the Public Hearing held May 24, 2016, for items 1 and 2 on the agenda for that meeting.

CARRIED UNANIMOUSLY (Vote No. 1268)

MOVED by Councillor Stevenson
SECONDED by Councillor Louie

THAT Council void the public hearing held On May 24, 2016, for item 3 and re-refer the application to a new public hearing as set out in the recommendations of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th Avenue":

- A. THAT the application by Cressey 18th Avenue Holdings Ltd. (Inc. No. 0969486), to rezone 3365 Commercial Drive [Lot 4, Blocks A and B, District Lot 753, Plan 8865; PID: 009-908-056], 1695 East 18th Avenue [Lot 5, Blocks A and B, District Lot 753, Plan 8865; PID: 009-649-123], 1707 East 18th Avenue [Lot 3 Except the South 7 feet, Now Road Block A, District Lot 753, Plan 1795; PID: 014-282-810], and 1775 East 18th Avenue [Lot 1, Block A, District Lot 753, Plan 1795; PID: 005-338-115], together with City-owned land at 1733 East 18th Avenue [Lot 2, Block A, District Lot 753, Plan 1795; PID: 009-908-200], from RS-2 (Residential) District to CD-1 (Comprehensive Development) District to among other things, increase the floor space ratio (FSR) to 2.40 to permit the construction of a 3½- to six-storey residential building containing 110 secured for profit affordable rental units, and to restore, rehabilitate and designate the exterior of a heritage building known as the Myers Residence on the westerly portion of the site into two strata residential units adjacent to a new two-unit strata infill building, be referred to a Public Hearing together with:
- (i) plans prepared by Yamamoto Architecture Inc., received on March 12, 2015, with amendments received on December 2, 2015;
 - (ii) draft CD-1 By-law generally as presented in Appendix A of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th Avenue"; and
 - (iii) the recommendation of the Acting General Manager of Planning and Development Services to approve the application, subject to conditions contained in Appendix B of the above-noted Policy Report;

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

- B. THAT, if after Public Hearing, Council approves in principle this rezoning and the Housing Agreement described in section(c) of Appendix B of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the

Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law.

- C. THAT, subject to approval in principle of the rezoning, the existing building, known as "The Myers Residence" (the "heritage building ") at 3365 Commercial Drive [Lot 4, Blocks A and B, District Lot 753, Plan 8865; PID: 009-908-056], be added to the Vancouver Heritage Register in the 'C' evaluation category.
- D. THAT, subject to approval in principle of the rezoning, pursuant to Sections 593 and 594 of the Vancouver Charter, Council approve the designation of the exterior of the heritage building as protected heritage property;

FURTHER THAT the Director of Legal Services be instructed to prepare a Heritage Designation By-law for consideration at the Public Hearing.

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

CARRIED (Vote No. 1269)
(Councillors Affleck, Ball, Carr and De Genova opposed)

2. Clarifying Procedural Rules and Ensuring Fairness in Rulings at Public Hearings

MOVED by Councillor Carr
SECONDED by Councillor De Genova

WHEREAS

- 1. During the debate on the motion regarding the Rize Alliance rezoning considered at a Public Hearing in April of 2012, a motion by Councillor Carr to refer the item back to staff was ruled out of order by Mayor Robertson who stated that Council is "charged with either accepting or denying the matter in a public hearing...We need to make a decision: yes or no";
- 2. During the debate on the motion regarding 3365 Commercial Drive on May 24, 2016, a motion by Councillor Stevenson to refer the item back to staff was ruled in order by Chair Louie;

3. At a number of other Public Hearings, when Councillor Carr asked staff if a motion to refer an item would be in order, she was informed that, based on earlier rulings, it would be out of order, and thus she refrained from making such a referral motion;
4. Fair and transparent application of rules of procedure and decision-making is fundamental to democracy and, without such fairness and transparency, citizens' confidence in democratic institutions is undermined.

THEREFORE BE IT RESOLVED THAT Council direct staff to:

- (a) Address concerns and questions arising out of the May 24, 2016, Public Hearing prior to the next scheduled Public Hearing, and clarify the rules of procedures and whether amendments to the Procedural Bylaw may be in order to address such concerns and questions and to ensure that there is fairness and transparency in rulings on whether Councillors' referral motions are in order;
- (b) Report back on the possible impacts on the public hearing process of previous rulings on referral motions, including the ruling on the referral motion made at Rize Alliance rezoning of April 2012.

CARRIED UNANIMOUSLY (Vote No. 1270)
(Councillor Jang absent for the vote)

ENQUIRIES AND OTHER MATTERS

1. Council Chamber Clocks

Councillor De Genova requested clarification as to which clock in the Council Chamber will be the official time in which the Chair conducts the meeting by. The City Manager noted that staff will endeavor to sync all clocks in the Chamber and that it is at the Chair's discretion as to which clock they are referencing.

2. Marine Drive Traffic Management

Councillor Louie requested that the City Manager investigate traffic management issues along Marine Drive. The City Manager noted that he is aware of the issues and has been in discussion with the City Engineer. The City Manager asked that any specific concerns received be forwarded to him and also noted that he will provide a memo to Council outlining steps that the City will take to address the issues.

3. Future of Malkin Avenue

Councillor Meggs inquired with the City Manager as to what are the next steps to bring certainty and resolution to the Malkin Avenue area. The City Manager noted that public engagement is ongoing and that information is currently being gathered in order to bring forward recommendations to Council.

ADJOURNMENT

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Council adjourned at 5:32 pm.

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