



REGULAR COUNCIL MEETING MINUTES

FEBRUARY 7, 2017

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, February 7, 2017, at 9:36 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
Nicole Ludwig, Meeting Coordinator

*Denotes absence for a portion of the meeting.

WELCOME

Mayor Robertson acknowledged that we are on the unceded traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations.

IN CAMERA MEETING

MOVED by Councillor Deal
SECONDED by Councillor Jang

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:

(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;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act;

(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 - January 24, 2017

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT the Minutes of the Regular Council meeting of January 24, 2017, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing - January 24, 2017

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT the Minutes of the Public Hearing of January 24, 2017, be approved.

CARRIED UNANIMOUSLY

3. Regular Council (Policy and Strategic Priorities) - January 25, 2017

MOVED by Councillor Deal
SECONDED by Councillor Stevenson

THAT the Minutes of the Regular Council meeting following the Standing Committee on Policy and Strategic Priorities meeting of January 25, 2017, be approved.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Stevenson
SECONDED by Councillor Jang

THAT Council adopt Policy Report 1, on consent.

CARRIED UNANIMOUSLY

REPORT REFERENCE

1. **Opioid Overdose Crisis Update - Rescheduled**
2. **Renewable Energy Demonstration Plan for City Buildings**

Craig Edwards, Manager of Energy and Utilities, Real Estate and Facilities Management, provided a presentation on this matter and, along with Sadhu Johnston, City Manager, responded to questions.

3. **Energy Efficiency Updates to Vancouver's Building By-law and Related Additional Changes**
January 26, 2017

Mayor Robertson explained that Council will receive the presentation on "Energy Efficiency Updates to Vancouver's Building By-law and Related Additional Changes" today and, as noted on the agenda, will refer discussion and decision on the related Administrative Report to the Standing Committee on City Finance and Services meeting on February 8, 2017, in order to hear from speakers.

REFERRAL MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT the Administrative Report dated January 26, 2017, entitled "Energy Efficiency Updates to Vancouver's Building By-law and Related Additional Changes" be referred to the Standing Committee on City Finance and Services meeting on February 8, 2017, in order to hear from speakers.

CARRIED UNANIMOUSLY

Chris Higgins, Green Building Planner, Planning, Urban Design and Sustainability, provided a presentation on this matter and along with Sean Pander, Green Buildings Program Manager, and Kaye Krishna, General Manager of Development, Building and Licensing, responded to questions.

4. Update on Energy Retrofit Strategy for Existing Buildings

Micah Lang, Senior Green Buildings Planner, Planning, Urban Design, and Sustainability, presented on this matter and along with Chris Higgins, Green Building Planner, and Sean Pander, Green Buildings Program Manager, and Kaye Krishna, General Manager of Development, Building and Licensing, responded to questions.

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At 11:47 am, it was

*MOVED by Councillor Stevenson
SECONDED by Councillor Carr*

THAT the length of the meeting be extended to complete questions to staff on this matter.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

Council recessed at 12:07 pm and reconvened at 2:06 pm.

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UNFINISHED BUSINESS

1. Facilitating Growth in Vancouver's Innovation Economy - Mount Pleasant Industrial Area - Amendments to the Zoning and Development By-law

At the Public Hearing on January 26 and 31, 2017, Council concluded hearing from speakers and closed the receipt of public comments on this matter, and referred discussion and decision to the Regular Council meeting on February 7, 2017, as Unfinished Business.

Gil Kelley, General Manager of Planning, Urban Design and Sustainability, noted that although both items of Unfinished Business on today's agenda are connected, staff are requesting Council to act on the application related to Mount Pleasant, and refer discussion and decision on the application related to Railtown to a later date, in order to allow staff more time to respond to questions sent to them by Council following the close of the speakers list and receipt of public comments.

Prior to discussion and decision on this matter, Mayor Robertson noted that Councillor Affleck was not present as he had previously declared conflict of interest on this matter, due to having a business in the area. As well, Councillor De Genova noted she had reviewed the parts of the Public Hearing which she had missed on January 26, 2017, and would be participating in discussion and decision.

MOVED by Councillor Reimer
SECONDED by Councillor Stevenson

- A. THAT the following amendments to the Zoning and Development By-law, generally as set out in the Policy Report dated November 29, 2016, entitled "Facilitating Growth in Vancouver's Innovation Economy - Mount Pleasant Industrial Area - Amendments to the Zoning and Development By-law", be approved:
- (i) Remove outdated definitions related to computer technology and replace them with updated definitions pertaining to the digital innovation economy generally in accordance with Appendix A of the above-noted Policy Report;
 - (ii) Create new Districts I-1A and I-1B, generally in accordance with Appendix A of the above-noted Policy Report; and
 - (iii) Rezone those areas of the Mount Pleasant Industrial Area outlined in bold on Schedule A of Appendix A of the above-noted Policy Report from I-1 and M-2 to I-1A and from I-1 to I-1B.
- B. THAT A above be adopted on the following conditions:
- (i) THAT passage of the above resolution creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; 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. 01740)
(Councillor Carr opposed)
(Councillor Affleck absent for the vote due to Conflict of Interest)
(Councillors Jang and Louie ineligible for the vote)

2. Facilitating Growth in Vancouver's Innovation Economy - Railtown - Zoning and Development By-law Amendments for I-4 (Historic Industrial) District

At the Public Hearing on January 26, 2017, Council concluded hearing from speakers and closed the receipt of public comments on this matter, and referred discussion and decision to the Regular Council meeting on February 7, 2017, as Unfinished Business.

Earlier in this meeting, Gil Kelley, General Manager of Planning, Urban Design and Sustainability, drew Council's attention to a memo dated February 6, 2017, which contained a request from staff to postpone discussion and decision on this matter to the Regular Council meeting on March 28, 2017, to provide staff with the opportunity to further consider and investigate the implications and questions received at the Public Hearing, while ensuring the provisions of the Regional Growth Strategy ODP are observed.

MOVED by Councillor Reimer
SECONDED by Councillor Ball

THAT discussion and decision on this matter be postponed to the regular Council meeting on March 28, 2017, as Unfinished Business.

CARRIED UNANIMOUSLY (Vote No. 01744)
(Councillors Jang and Louie ineligible for the vote)

ADMINISTRATIVE REPORTS

**1. Application for Payment-in-Lieu at 601 West Hastings Street
January 12, 2017**

Councillor Louie requested staff review the payment-in-lieu of parking rate as it has been the same since 2009, and update it so that the rate is closer to actual costs of providing parking. The City Manager agreed, and noted staff would work on developing a system to update the rates more regularly, similar to development cost levies.

MOVED by Councillor Louie
SECONDED by Councillor Jang

- A. THAT Council approve in principle the offer of payment-in-lieu in the amount of \$1,333,200 for the waiver of 66 commercial parking spaces required by Section 4.1.2 of the Parking By-law for the development application at 601 West Hastings Street.
- B. THAT Council direct the payment of \$1,333,200 into the Pay-in-Lieu Parking Reserve: Off-Street Parking.
- C. THAT the Director of Legal Services be requested to bring forward a By-law to amend Schedule A of the Parking By-law pursuant to Section 4.12.5 to effect this waiver.

CARRIED UNANIMOUSLY (Vote No. 01741)
(Councillors Meggs and Reimer absent for the vote)

POLICY REPORTS

1. CD-1 Rezoning: 371 West 2nd Avenue January 9, 2017

A. THAT the application by DYS Architecture, on behalf of Aurmon False Creek Development Ltd., to rezone 371 West 2nd Avenue [*Lot D, Block 3, District Lot 302, Plan LMP3168; PID: 017-680-026*] from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to allow for a 12-storey residential building and a six-storey residential podium, containing 133 strata-titled housing units, with a total height of 37.54 m (123 ft.) and density of 4.07 FSR, be referred to a public hearing, together with:

- (i) plans prepared by DYS Architecture, received December 23, 2015;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated January 9, 2017, entitled "CD-1 Rezoning: 371 West 2nd Avenue"; and
- (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, 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 the public hearing.

B. THAT, if the application is referred to a public hearing, consequential amendments to Sections 4.2 in the Southeast False Creek Official Development Plan (By-law No. 9073) to increase maximum permitted floor area for residential uses in Area 1B from 83,848 m² to 85,106 m², as set out in Appendix C of the Policy Report dated January 9, 2017, entitled "CD-1 Rezoning: 371 West 2nd Avenue", also be referred to the same public hearing and be approved, subject to the public hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with 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 Schedule B, generally as set out in Appendix D of the Policy Report dated January 9, 2017, entitled "CD-1 Rezoning: 371 West 2nd Avenue";

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.

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

ADOPTED ON CONSENT (Vote No. 01745)

BY-LAWS

MOVED by Councillor Stevenson
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 11 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend the Noise Control By-law No. 6555 (225 Smithe Street) (By-law No. 11730)
2. A By-law to amend the Parking By-law No. 6059 with regard to CD-1 Districts Parking requirements (225 Smithe Street) (By-law No. 11731)
3. A By-law to amend Sign By-law No. 6510 (225 Smithe Street) (By-law No. 11732) (*Mayor Robertson ineligible for the vote*)
4. A By-law to amend Subdivision By-law No. 5208 (5189-5289 Cambie Street) (By-law No. 11733)
5. A By-law to amend CD-1 (644) By-law No. 11669 (3365 Commercial Drive and 1695-1775 East 18th Avenue) (By-law No. 11764)

6. A By-law to amend Zoning and Development By-law No 3575 regarding day cares, demolition, artist studios, amenity and affordable housing shares, density bonusing and other miscellaneous amendments (By-law No. 11735)
(Councillors Louie and Meggs ineligible for the vote)
7. A By-law to designate certain real property as protected heritage property (305 West 16th Avenue - Jackson Residence) (By-law No. 11736)
(Councillors Jang and Louie ineligible for the vote)
8. A By-law to amend CD-1 (580) By-law No. 11009 (1461 Granville Street - formerly 1429-1499 Granville Street and 710 Pacific Street) (By-law No. 11737)
(Councillors Jang and Louie ineligible for the vote)
9. A By-law to amend CD-1 (579) By-law No. 11010 (1462 Granville Street - formerly 1410 Granville Street) (By-law No. 11738)
(Councillors Jang and Louie ineligible for the vote)
10. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (755-799 West 14th Avenue - Heather Place - South Lot) (By-law No. 11739)
(Councillors De Genova and Meggs ineligible for the vote)
11. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (706-744 West 13th Avenue - Heather Place - North Lot) (By-law No. 11740)
(Councillors De Genova and Meggs ineligible for the vote)

MOTIONS

A. Administrative Motions

1. Approval of Form of Development - 4988 and 5010 Cambie Street (Formerly 4976-5010 Cambie Street)

MOVED by Councillor Jang
SECONDED by Councillor Louie

THAT the form of development for this portion of the site known as 4976-5010 Cambie Street (4988 and 5010 Cambie Street being the application address) be approved generally as illustrated in the Development Application Number DP-2016-00322, prepared by Shift Architecture Inc., and stamped "Received, Community Services Group, Planning and Development Services", on January 6, 2017, 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 - 755 West 14th Avenue

MOVED by Councillor Jang
SECONDED by Councillor Louie

THAT the form of development for this portion of the site known as 755 West 14th Avenue or "Heather Place South" (733 West 14th Avenue being the development permit application address) be approved generally as illustrated in the Development Application Number DE418890, prepared by NSDA Architects, and stamped "Received, Community Services Group, Planning and Development Services", on July 29, 2015, 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 - 706-744 West 13th Avenue

MOVED by Councillor Jang
SECONDED by Councillor Louie

THAT the form of development for this portion of the site known as 706-744 West 13th Avenue or "Heather Place North" (700 West 13th Avenue being the development permit application address) be approved generally as illustrated in the Development Application Number DE418891, prepared by NSDA Architects, and stamped "Received, Community Services Group, Planning and Development Services", on July 29, 2015, 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

B. Motions on Notice

1. Judicial Review of Provincial Government Decision to Approve Kinder Morgan's Pipeline Expansion Project

MOVED by Councillor Carr
SECONDED by Councillor Reimer

WHEREAS

1. On January 11, 2017, the Province of British Columbia (BC) announced its decision to issue an environmental assessment certificate to Kinder Morgan's Trans Mountain Pipeline Expansion Project in BC, noting that its five conditions, including world-leading oil response capacity, had been met;

2. On January 13, 2016, the BC Supreme Court ruled that the Province must conduct its own environmental assessment review process for the Northern Gateway pipeline project, instead of signing an “equivalency agreement” that gives the federal government sole responsibility for environmental assessment as the Province did with both the Northern Gateway and Kinder Morgan pipeline projects;
3. The Provincial environmental assessment process requires consultation with First Nations, opportunities for the involvement of the public and all interested parties and technical studies to identify and examine potential significant adverse effects, none of which were undertaken by the Province, which appears to have relied on environmental assessments produced by the NEB process in regards to its January 11, 2017, environmental approval of the Kinder Morgan project;
4. The City of Vancouver, in its submissions as an intervenor in the National Energy Board’s Kinder Morgan pipeline expansion project process, noted the faulty environmental assessment process, including the absence of any modelling of the effects of a bitumen spill in Vancouver’s marine environment—making it impossible to develop a “world-leading” oil spill response strategy.

THEREFORE BE IT RESOLVED THAT Vancouver City Council direct staff to proceed with requesting a judicial review of the Province of British Columbia’s decision to give environmental approval to Kinder Morgan’s Trans Mountain Pipeline Expansion Project in BC.

referred

REFERRAL MOVED by Councillor Carr
SECONDED by Councillor Reimer

THAT the motion entitled “Judicial Review of Provincial Government Decision to Approve Kinder Morgan’s Pipeline Expansion Project” be referred to the Standing Committee on City Finance and Services Meeting on February 8, 2017, in order to hear from speakers.

CARRIED UNANIMOUSLY (Vote No. 01747)

2. Requests for Leave of Absence

MOVED by Councillor Jang
SECONDED by Councillor Ball

- A. THAT Councillor Deal be granted Leave of Absence for Civic Business from meetings to be held on Thursday, March 9, 2017.
- B. THAT Councillor De Genova be granted Leave of Absence for personal reasons from any meetings to be held on Thursday, March 2, 2017.

- C. THAT Councillor Louie be granted Leave of Absence for Civic Business from meetings to be held on Wednesday, March 29, 2017.

CARRIED UNANIMOUSLY (Vote No. 01748)

ENQUIRIES AND OTHER MATTERS

1. Lobbyist Registry Follow-up

Councillor Reimer requested a copy of a memo dated November 3, 2015, which responded to a Council enquiry regarding the establishment of an ombudsmen's office for the City of Vancouver, and requested an update on the creation of a lobbyist registry for the City. The City Manager agreed to follow up.

2. Car Share Parking at Hospitals

Councillor Meggs noted a large amount of curbside parking spaces around hospitals is being taken up with car share vehicles and requested a memo on steps that could be taken to spread parking out with a smaller reduction in parking spaces around areas like hospitals where people often need to be close to their destination due to mobility issues.

3. Moorage-free area in False Creek

Councillor Louie requested an update on the Council direction to work with the Ministry of Transportation to provide a moorage-free area in False Creek for the Dragonboat Festival.

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Council adjourned at 2:49 pm.

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