These minutes will be adopted at the regular Council meeting on May 24, 2005.



## **REPORT TO COUNCIL**

### STANDING COMMITTEE OF COUNCIL ON PLANNING AND ENVIRONMENT

APRIL 28, 2005

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, April 28, 2005, at 2:20 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT:	Councillor Anne Roberts, Chair Councillor Fred Bass Councillor David Cadman *Councillor Peter Ladner Councillor Tim Louis *Councillor Tim Stevenson *Councillor Sam Sullivan Councillor Ellen Woodsworth
ABSENT:	Mayor Larry Campbell (Sick Leave) Councillor Jim Green (Leave of Absence - Civic Business) Councillor Raymond Louie (Sick Leave)
CITY MANAGER'S OFFICE:	Brent MacGregor, Deputy City Manager
CITY CLERK'S OFFICE:	Laura Kazakoff, Meeting Coordinator

\*Denotes absence for a portion of the meeting.

### ADOPTION OF MINUTES

The Minutes of the Standing Committee on Planning and Environment meeting of March 31, 2005, were adopted.

### VARY AGENDA

The Committee agreed to vary the agenda in order to add an item (No. 9) which was referred from the City Services and Budgets meeting held earlier that day, and to deal with that item first on the agenda, followed by those items which had no speakers signed up. For ease of reference, the agenda items are minuted in numerical order.

### INFORMATION

# 1. Significant New Rezoning Application - 6650 Arbutus Street (St. Vincent's Arbutus site) (File 5303)

The Committee had before it for information a description of a Significant New Rezoning Application which has been received by the Planning Department for the site at 6650 Arbutus Street (St. Vincent's Arbutus site).

Joanne Baxter, Director of Planning Liaison, was present to respond to questions.

## RECOMMENDATION

# 2. 451 East 54<sup>th</sup> Avenue - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated April 6, 2005, in which the City Building Inspector recommended a 336D notice be filed against the title to 451 East 54<sup>th</sup> Avenue to warn prospective purchasers of by-law violations, and further recommended the Director of Legal Services be authorized to commence legal actions at her discretion. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspection, was present to respond to questions.

### MOVED by Councillor Louis

THAT the Committee recommend to Council

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 451 East 54th Avenue (Lot 34, Block 3, District Lot 654, Plan 1696) in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.
- B. THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the premises located at 451 East 54th Avenue (Lot 34, Block 3, District Lot 654, Plan 1696) and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this building into compliance with City By-laws.

# 3. 7811-7815 Fraser Street - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated April 6, 2005, in which the City Building Inspector recommended a 336D notice be filed against the title to the property at 7811-7815 Fraser Street to warn prospective purchasers of by-law violations. It was further recommended the Director of Legal Services be authorized to commence legal actions, at her discretion, to bring the building into compliance. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspection, with the aid of photographs, provided an overview of the report.

Ranjit Ahluwalia, on behalf of the owners, spoke in opposition to staff's recommendations and noted this matter was scheduled to be heard by the Board of Variance on May 4<sup>th</sup>. She advised they had requested staff to postpone this matter pending the outcome of the appeal but were refused. She requested Council not take any drastic measures, noting the owners had served eviction notices to the tenants, and were more than willing to cooperate with the City and do whatever it takes to bring the building into compliance.

In response to a question, Mr. Sweeney advised staff would not initiate legal proceedings until the Board of Variance had dealt with the matter, as per the usual procedure.

### MOVED by Councillor Louis

THAT the Committee recommend to Council

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 7811-7815 Fraser Street (Lot A of 4 & 5, Block 8 to 11, District Lot 326A, Plan 2212) in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.
- B. THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the premises located at 7811-7815 Fraser Street (Lot A of 4 & 5, Block 8 to 11, District Lot 326A, Plan 2212) and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this building into compliance with City By-laws.

CARRIED UNANIMOUSLY (Councillors Stevenson and Sullivan absent)

## 4. 7468 Inverness Street - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated April 7, 2005, in which the City Building Inspector recommended a 336D notice be filed against the title to the property at 7468 Inverness Street in order to warn prospective purchasers there are by-law violations in relation to this property. It was further recommended the Director of Legal Services be authorized to seek injunctive relief at her discretion. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspection, was present to respond to questions.

MOVED by Councillor Louis THAT the Committee recommend to Council

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 7468 Inverness Street (Lot 27, Block 24, District Lot 200, Plan 2591, LD 36) in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.
- B. THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the premises located at 7468 Inverness Street (Lot 27, Block 24, District Lot 200, Plan 2591, LD 36) and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this building into compliance with City By-laws.

## CARRIED UNANIMOUSLY

## 5. 4704 Fleming Street - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated April 11, 2005, in which the City Building Inspector recommended a 336D notice be filed against the title to the property at 4704 Fleming Street to warn prospective purchasers it had been used twice as an illegal marijuana growing operation and there are by-law contraventions in relation to that unapproved use. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspection, was present to respond to questions.

### MOVED by Councillor Louis

THAT the Committee recommend to Council

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 4704 Fleming Street, Lot 1, Block 3, District Lot 705, Plan 2318, PID 006-407-374 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation on two occasions and there are contraventions of the Vancouver Building and Electrical By-laws related to this unapproved use.

## 6. Nuisance and Dangerous Building at 1966 Prestwick Drive (File 2701)

The Committee had before it an Administrative Report dated April 8, 2005, in which the City Building Inspector recommended Council declare the building at 1966 Prestwick Drive a nuisance and dangerous to public safety and order it demolished and a chain-link fence erected around the property's perimeter. It was also recommended the City Building Inspector and Director of Legal Services be authorized to take appropriate actions as necessary to bring this building and site into compliance with City by-laws, and further that a 336D notice be filed against the title to warn prospective purchasers of by-law violations and of Council's order. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspection, was present to respond to questions.

## MOVED by Councillor Louis

THAT the Committee recommend to Council

- A. THAT Council declare that the building at 1966 Prestwick Drive, Lot 6, Block 13 Fraserview Plan 8393, PID 010-110-712 is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the Resolution attached to the Administrative Report dated April 8, 2005, entitled "Nuisance and Dangerous Building at 1966 Prestwick Drive" and order the property owners to pull down and demolish the building and to provide a chain-link fence around the perimeter of the property within 30 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter.
- C. THAT in the event that the owners fail to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector, in his discretion, to carry out the work outlined in B above pursuant to Section 324A(2) of the Vancouver Charter.
- D. THAT in the event of the failure of the owners to allow the City Building Inspector and/or his designate access to the site to carry out the work as outlined in B above, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the building located at 1966 Prestwick Drive, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the building and site into compliance with the City By-laws and Council's resolution.
- E. THAT the City Clerk be directed to file a 336D Notice against the Certificate of Title to the property at 1966 Prestwick Drive, in order to warn prospective purchasers that there are violations of the Vancouver Building, Standards of Maintenance and Untidy Premises By-laws related to this property and that there is an order of Council against the property.

# 7. Specific Rezoning and Development Application Fee Increases to Achieve Recovery of Costs (File 1758)

The Committee had before it an Administrative Report dated April 12, 2005, in which the Directors of Development Services and Current Planning recommended specific rezoning and development application fee increases and new categories to achieve the appropriate level of cost recovery. The General Manager of Community Services recommended approval.

Rick Scobie, Director, Development Services and Rob Jenkins, Assistant Director, Current Planning Initiatives Branch, were present to respond to questions.

MOVED by Councillor Louis

THAT the Committee recommend to Council

- A. THAT Council approve increases to specific rezoning and development application fees (reflected in column 2 in the fee schedules Appendix A of the Administrative Report dated April 12, 2005, entitled "Specific Rezoning and Development Application Fee Increases to Achieve Recovery of Costs"), and to add new fee categories to increase recovery of real corporate City costs incurred in providing these services.
- B. THAT the Director of Legal Services bring forward for enactment the necessary by-law amendment to the Zoning and Development Fee By-law No. 5585, generally in accordance with Appendix A of the Administrative Report dated April 12, 2005, entitled "Specific Rezoning and Development Application Fee Increases to Achieve Recovery of Costs".
- C. THAT the Director of Development Services advise the development and building industry of these changes.

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

## 8. Carrall Street Greenway Concept Design (File 5767)

The Committee had before it a Policy Report dated April 12, 2005, in which the Director of Current Planning and General Manager of Engineering Services, in consultation with the General Manager of Parks and Recreation, provided an update on recent developments concerning the Carrall Street Greenway and sought Council approval of the concept design and strategy for the greenway. The General Manager of Community Services recommended approval.

Also before the Committee was a letter dated April 28, 2005, from the General Manager of Parks and Recreation, advising the Park Board had passed a motion of support for the Carrall Street Greenway at its meeting on April 25, 2005.

Jessica Chen-Adams, Planner, Central Area Planning Branch, and Brigid Kudzius, Assistant Greenways Engineer, with the aid of an overhead presentation, provided an overview of the proposed Carrall Street Greenway concept design.

Larry Beasley, Director of Current Planning, and Nathan Edelson, Senior Planner, Central Area Planning Branch, responded to questions regarding the downtown eastside economic revitalization plan and the 2006-2008 capital plan.

The following speakers expressed support for the proposed greenway concept design. Speakers also voiced various concerns or suggestions which are summarized below:

Jon Stovell, President, Gastown Business Improvement Society, and member of Gastown Historic Area Planning Committee Michael Ng, Dr. Sun Yat-Sen Garden Caryn Ducan, 4 Sisters Housing Co-op Roger Bayley, Chair, Carrall Greenway Stewardship Group Albert Fok, Chair, Chinatown Merchants Association Fred Mah, Vancouver Chinatown Revitalization Committee Carol Sill Ken Frail Bob Glass, BC Electric Building Eric Lorenz, Vancouver Area Cycling Coalition

Comments provided by the foregoing speakers included the following:

- proposed greenway is a very positive step for the area and represents a divergence of interests working together;
- greenway will provided a north/south connection to Gastown, which is currently a very linear east/west experience along Water Street;
- Dr. Sun Yat-Sen Garden Society supports the greenway concept, which will help connect Chinatown to rest of downtown; however, will also face some challenges with the loss of loading space in front of the garden which will result in some loss of patronage; measures to minimize the impacts of such losses were suggested;
- Alexander Street residents look forward to working with staff, both in relation to the greenway design and the proposed pump station development, in helping to make their neighbourhood more livable; request staff be asked to report back in this regard;
- request staff's recommendation C be revised to direct staff to proceed now with evaluating ways to facilitate the immediate implementation of the long-term vision; several speakers expressed support for moving ahead as quickly as possible with the Community Vision for the revitalization of this area;
- greenway will provide positive benefits to retail and hopefully increased pedestrian traffic will benefit neighbouring communities as well, such as the Chinatown Night Market;
- program needs to produce readily apparent immediate results; recommend assigning necessary funding now;
- suggest that the initial installation be for a three-block section rather than a single block;

- concern expressed regarding the intersection of Carrall and Hastings and the currently unoccupied Pennsylvania Hotel; if it is re-opened as marginal housing with inadequate support, there will be negative impacts to the greenway at that intersection;
- proposed off-street facilities are good, especially for recreational cyclists; suggest commuter cyclists be accommodated with an alternate corridor on Abbott Street;
- suggest traffic calming measures be implemented at the outset as growing residential population is going to increase traffic in the area.

Mr. Edelson, Ms. Kudzius, and Doug Louie, Downtown Transportation Engineer, responded to questions regarding concerns raised by foregoing speakers.

MOVED by Councillor Woodsworth THAT the Committee recommend to Council

- A. THAT Council confirm the following objectives for the Carrall Street Greenway Project, in addition to the general greenway principles:
  - i. A greenway that connects Gastown, the Downtown Eastside and Chinatown and builds on the unique heritage character of these three neighbourhoods;
  - ii. A greenway that completes the downtown recreational seawall loop by linking False Creek to Burrard Inlet; and
  - iii. A greenway that encourages active ground floor uses and facilitates economic revitalization and community development.
- B. THAT Council approve the concept design for the Carrall Street Greenway as described in the Policy Report dated April 12, 2005, entitled "Carrall Street Greenway Concept Design" to enhance Carrall Street, and instruct staff to:
  - i. proceed with the detailed design, in consultation with the community and property and business owners;
  - ii. report back with an implementation strategy that includes the entire heritage zone;
  - iii. continue to work with the senior governments through the Vancouver Agreement and other sources to develop strategies and leverage funding for implementation of the Carrall Street Greenway.
- C. THAT Council instruct staff to review the usage of the Carrall Street Greenway after its construction, including further consultation with the Bicycle Advisory Committee, and evaluate ways to move as quickly as possible toward the long-term vision as described in the Policy Report dated April 12, 2005, entitled "Carrall Street Greenway Concept Design".

# 9. 2005 Property Taxation: Distribution of the Property Tax Levy (File1552)

At its meeting following the City Services and Budgets meeting held earlier this day, Vancouver City Council referred consideration of this matter to this meeting of the Planning and Environment Committee, due to time constraints.

Accordingly, the Committee had before it a Policy Report dated April 18, 2005, in which the General Manager of Corporate Services / Director of Finance, described the main components of the City's property tax system, and identified which are in the control of City Council. Staff recommended that Council reaffirm its current fixed share approach to tax distribution (Recommendation A), and presented options for consideration to either continue the existing distribution among property classes (Consideration B), or, if Council believes there are inequities in the shares of the tax levy borne by the residential and non-residential classes, then a shift in the burden within the current fixed share approach was put forward for consideration (C and D). An option for the development of a long-range tax policy was also provided for consideration (E).

The City Manager recommended approval of A and if Council wished to shift a portion of the taxation distribution and set a target now, also supported the option presented in C and D.

Ken Bayne, Director of Financial Planning and Treasury, with the aid of an overhead presentation, provided an overview of the Policy Report.

The following people spoke in support of shifting a portion of the property tax from the non-residential to the residential classes:

Bob Laurie, Vancouver Board of Trade (materials filed) Dave Park, Vancouver Board of Trade Philip Sullivan, BOMA BC Chuck Juna Geoff Jackson Ed DesRoches, South Granville BIA Leonard Schein, Fair Tax Coalition / Point Grey Village BIA (brief filed) Emad Yacoub, Coast Restaurant Shirley Vaux, Downtown Vancouver Business Improvement Association Mondher Benarfa, Boulangerie La Parisienne Stephanie Williamson, Hastings North BIA Martha Welsh, Mount Pleasant BIA Cheryl Easton, Fair Tax Coalition Don Low Stephanie Clark, Yaletown BIA (materials filed) Cory Cuthbert, Simply Thai Restaurant Mark Brunet, Beauty Mark

A summary of comments provided by the foregoing speakers included the following:

- support expressed for C and D put forward by staff; several speakers also noted support for E;
- support expressed for "fixed share" approach to tax distribution; however, it is imperative that the shares be equitable, which they currently are not;
- the status quo put forward in B is totally unacceptable;
- if no shift in tax burden between business and residential properties, the ratio will increase to 6.2 to 1;
- retailers in Vancouver have unique problem related to high property assessment values;
- small business operators and leassors who cannot afford the high tax rates move out of the city; many properties then get redeveloped as residential resulting in possible loss of commercial base in Vancouver;
- taxes for small business owners are going up every year, yet the properties stay the same and the level of business being conducted remains the same, nor does the level of City services increase; have to pay for garbage collection, graffiti removal; do not see the value in always having to pay more taxes;
- suggest there be a separate classification for smaller businesses and retailers and provide subsidies similar to home-owners grant;
- many local retailers and small businesses outside of downtown core are limited to local base for customers due to loss of street parking; smaller density provides a smaller customer base;
- businesses on South Granville are not rich businesses, but must make a larger investment to do business there; need to locate where customer base is;
- if taxes weren't so high, employees' hourly wages could be increased;
- neighbourhood merchants are paying higher and higher taxes which have no relation to their business profitability;
- most merchants are tenants, not property owners, yet are responsible for paying the property taxes on properties which are constantly rising in assessed value; as tenants, they do not benefit from the increase in property value;
- neighbourhood businesses cannot compete with big box stores and chain stores, which can spread the costs of higher Vancouver taxes among their many stores in other municipalities;
- are seeing a loss in the ability to provide neighbourhood shopping areas, which is part
  of the City's own policy objectives and sustainability goals;
- most people who live in Yaletown are traveling out of the neighbourhood to shop as they are finding the local shops too expensive and do not serve their needs;
- many restaurants in Yaletown no longer open for lunch as most of the office space has been converted to residential;
- many businesses along Denman are closed, which does not make for a vibrant, sustainable community.

Mr. Bayne responded to questions regarding various concerns raised by the foregoing speakers.

## MOVED by Councillor Louis THAT the Committee recommend to Council

- A. THAT Council reaffirm the use of the existing approach for distributing the general purposes property tax levy among the various property classes, in which Council sets a fixed share of the tax levy to be paid by each property class, as described in the Policy Report dated April 18, 2005, entitled "2005 Property Taxation: Distribution of the Property Tax Levy".
- B. THAT the City of Vancouver request the Provincial Government to review Class 6 in order to establish a new class or classes to promote fairer assessment for tax purposes, especially for small businesses including retail establishments; and

FURTHER THAT this motion be forwarded to the Lower Mainland Municipal Association and Union of BC Municipalities conventions.

# CARRIED

(Councillors Ladner and Sullivan opposed to B)

MOVED by Councillor Louis THAT the Committee recommend to Council

THAT Council continue the existing distribution of the general purposes property tax levy among property classes, of approximately 43% residential and 57% non-residential, and instruct staff to report to Council annually on this distribution.

## LOST

(Councillors Bass, Ladner, Stevenson and Sullivan opposed)

MOVED by Councillor Bass

THAT the Committee recommend to Council

THAT Council adopt a policy of shifting the distribution of the general purposes property tax levy from the non-residential to residential classes at a rate to be determined annually, until the relative shares of the tax levy paid are 52% from the residential classes and 48% from the non-residential classes; and

THAT for 2005, Council approve a shift from the non-residential to the residential classes equal to 1% of the general property tax levy (approximately \$4.5 million), which would result in the residential classes paying approximately 44.6% of the tax levy and the non-residential classes paying approximately 55.4% of the tax levy, as outlined in this report.

LOST (Councillors Cadman, Louis, Roberts and Woodsworth opposed) MOVED by Councillor Bass THAT the Committee recommend to Council

THAT Council instruct staff to report back with the terms of reference and cost estimate for an external review of general purposes tax policy, to include the opportunity for input from representatives of residential and non-residential taxpayers.

LOST

(Councillors Cadman, Ladner, Louis, Roberts, Sullivan and Woodsworth opposed)

MOVED by Councillor Bass THAT the Committee recommend to Council

THAT for 2005, Council approve a shift from the non-residential to the residential classes equal to 0.5% of the general property tax levy.

LOST

(Councillors Cadman, Louis, Roberts and Woodsworth opposed)

The Committee adjourned at 7:03 p.m.

\* \* \* \* \*



# CITY OF VANCOUVER

# REGULAR COUNCIL MEETING MINUTES STANDING COMMITTEE OF COUNCIL ON PLANNING AND ENVIRONMENT

## APRIL 28, 2005

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, April 28, 2005, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall, following the Standing Committee on Planning and Environment meeting, to consider the recommendations and actions of the Committee.

PRESENT:	Councillor Anne Roberts, Acting Mayor Councillor Fred Bass Councillor David Cadman Councillor Tim Louis Councillor Tim Stevenson Councillor Sam Sullivan Councillor Ellen Woodsworth
ABSENT:	Mayor Larry Campbell (Sick Leave) Councillor Jim Green (Leave of Absence - Civic Business) Councillor Peter Ladner Councillor Raymond Louie (Sick Leave)
CITY MANAGER'S OFFICE:	Brent MacGregor, Deputy City Manager
CITY CLERK'S OFFICE:	Laura Kazakoff, Meeting Coordinator

### COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman SECONDED by Councillor Louis

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

CARRIED UNANIMOUSLY

## COMMITTEE REPORTS

## Report of Standing Committee on Planning and Environment April 28, 2005

Council considered the report containing the recommendations and actions taken by the Standing Committee on Planning and Environment. Its items of business included:

- 1. Significant New Rezoning Application 6650 Arbutus Street (St. Vincent's Arbutus site)
- 2. 451 East 54<sup>th</sup> Avenue Warning to Prospective Purchasers
- 3. 7811-7815 Fraser Street Warning to Prospective Purchasers
- 4. 7468 Inverness Street Warning to Prospective Purchasers
- 5. 4704 Fleming Street Warning to Prospective Purchasers
- 6. Nuisance and Dangerous Building at 1966 Prestwick Drive
- 7. Specific Rezoning and Development Application Fee Increases to Achieve Recovery of Costs
- 8. Carrall Street Greenway Concept Design
- 9. 2005 Property Taxation: Distribution of the Property Tax Levy

Items 1-9

MOVED by Councillor Louis

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of April 28, 2005, as contained in items 1-9, be approved.

CARRIED UNANIMOUSLY

## RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

## ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Bass SECONDED by Councillor Cadman

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

### **NEW BUSINESS**

1. Leave of Absence - Councillor Green (File 1254)

MOVED by Councillor Stevenson SECONDED by Councillor Cadman

THAT Councillor Green be granted retroactive Leave of Absence for Civic Business for the meetings held on April 28, 2005.

CARRIED UNANIMOUSLY

The Council adjourned at 7:05 p.m.

\* \* \* \* \*