

These minutes will be adopted at the Regular Council meeting on June 14, 2005.



REPORT TO COUNCIL
STANDING COMMITTEE OF COUNCIL
ON PLANNING AND ENVIRONMENT

MAY 12, 2005

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, May 12, 2005, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Anne Roberts, Chair
*Mayor Larry Campbell
*Councillor Fred Bass
Councillor David Cadman
Councillor Jim Green, Vice-Chair
Councillor Peter Ladner
*Councillor Raymond Louie
Councillor Tim Louis
*Councillor Tim Stevenson
*Councillor Sam Sullivan

ABSENT: Councillor Ellen Woodsworth (Leave of Absence - Civic Business)

CITY MANAGER'S OFFICE: Brent MacGregor, Deputy City Manager
July Rogers, City Manager

CITY CLERK'S OFFICE: Diane Clairmont, 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 April 14, 2005, were adopted.

RECOMMENDATION

1. Vancouver Heritage Foundation - 2004 Annual Report (File 5054)

The Committee had before it an Other Report dated March 18, 2005, in which the Executive Director, Vancouver Heritage Foundation, sought approval of the Foundation's 2004 Annual Report according to its operating agreement with the City of Vancouver. The City Manager recommended approval.

Diane Switzer, Executive Director, Vancouver Heritage Foundation, responded to questions relating to environmental/economic considerations for heritage issues.

MOVED by Councillor Cadman
THAT the Committee recommend to Council

THAT Council approve the 2004 Annual Report of the Vancouver Heritage Foundation, Appendix A to the Other Report *Vancouver Heritage Foundation - 2004 Annual Report*, dated March 18, 2005.

CARRIED UNANIMOUSLY
(Councillor Sullivan and Mayor Campbell not present for the vote)

2. 665 East 30th Avenue - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated April 19, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 665 East 30th Avenue, in order to warn prospective purchasers of by-law violations related to the building. Council was also asked to authorize staff to seek injunctive relief, if deemed necessary, in order to bring the building into compliance with City By-laws. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspections Branch, reviewed the report and along with Carlene Robbins, By-law Administration, responded to questions relating to history of the building, permitting process, FSR, legal standards, purchasers' due diligence process, enforcement options, by-law compliance and City liability.

Janice Ebenstiner and Paul Van Peenen, owners, spoke in opposition to the recommendation. Their comments included:

- situation previously unknown prior to October 7, 2004, when they received a letter from Building Inspection;
- did offer opportunity for City to inspect status of the property;
- Staff not willing to share information relating to prior history;
- as current owners, they have done nothing wrong;
- requested time to resolve issue with staff;
- 336D notice will impede selling house, which is not planned;
- cannot determine what was done to the house in 1996 by previous owner; and
- they are willing to apply for appropriate permitting, but are not clear on issues.

In response to questions, staff advised they are willing to assist the owners, reviewed costs incurred by the City relating to the 336D notice process, policies relating to sharing of information (files, drawings), process for inspections, and financial implications for owners related to imposition of 336D notice.

Brent MacGregor, Deputy City Manager, recommended the 336D Notice be applied immediately to protect potential purchasers and that staff would work with the owners to resolve the situation as soon as possible.

MOVED by Councillor Ladner
THAT the Committee recommend to Council

THAT the City Clerk be directed to file a 336D Notice against the title to 665 E 30th Avenue (Lot C Blocks 203 and 204 of Blocks 10 to 13 and 22 to 25, District Lots 391 and 392, Plan 3724) in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.

carried

AMENDMENT MOVED by Councillor Louie

THAT the following be added to the motion:

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 665 E 30th Avenue (Lot C Blocks 203 and 204 of Blocks 10 to 13 and 22 to 25, District Lots 391 and 392, Plan 3724) 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.

lost

POSTPONEMENT MOVED by Councillor Louis

THAT consideration of the Administrative Report *665 East 30th Avenue - Warning to Prospective Purchasers*, dated April 19, 2005, be postponed to the July 12, 2005 meeting of Standing Committee on Planning and Environment, to provide time for staff and owners to resolve the concerns.

LOST

(Councillors Green, Ladner, Louie, Roberts, Stevenson and Sullivan opposed)

The postponement having lost, the amendment was put and LOST with Councillors Bass, Cadman, Green, Ladner, Louis, Sullivan and Mayor Campbell opposed.

The amendment having lost, Councillor Ladner's motion was put and CARRIED with Councillors Bass and Louis and Mayor Campbell opposed.

3. 2345 Rupert Street - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated April 22, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 2345 Rupert Street, in order to warn prospective purchasers that the building was used as an illegal marijuana grow operation on two occasions and that there are by-law violations related to the building. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspections Branch, reviewed the report.

MOVED by Councillor Cadman
THAT the Committee recommend to Council

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 2345 Rupert Street, Lot 18, Block 20, District Lot Sec 37 H Nif, THSL Plan 1314, PID 014-696-797 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.

CARRIED UNANIMOUSLY

4. Nuisance Building at 1095 East 41st Avenue (File 2701)

The Committee had before it an Administrative Report dated April 20, 2005, in which the City Building Inspector recommended Council declare the building at 1095 East 41st Avenue a nuisance and order the owners to demolish the building and provide a chain-link fence around the building. Council was also asked to authorize staff to carry out the work related to this and commence legal action should the owners not comply. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspections Branch, reviewed the report.

MOVED by Councillor Louis
THAT the Committee recommend to Council

- A. THAT Council declare that the building at 1095 East 41st Avenue, Lot 15 of 4, Block 12 to 21, District Lot 666, Plan 1378 Expl PL 17020, PID 008-172-561 is a nuisance pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the Resolution attached to Administrative Report *Nuisance Building at 1095 East 41st Avenue*, dated April 20, 2005, 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 paragraph (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 paragraph (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 1095 East 41st Avenue, 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.

CARRIED UNANIMOUSLY

(Councillors Louie and Stevenson not present for the vote)

5. **1628 Station Street - Request for Extension of Building Permit No. BU421214**
(File 2608)

The Committee had before it an Administrative Report dated April 15, 2005, in which the Chief Building Official, in consultation with the Director of City Plans, asked Council to consider refusing a request for an extension of the Building Permit for 1628 Station Street. The General Manager of Community Services submitted the recommendation for consideration.

Peter Sweeney, Manager, Building Inspections Branch, and Thor Kuhlmann, Planner, Financing Growth, reviewed the report and responded to questions relating to procedure on extending building permits.

Mark Betteridge, Executive Director & CEO, Discovery Parks Trust, spoke in opposition to the recommendation. His comments included:

- VANOC looking for space and finding it difficult to find location they like; it is possible 1628 Station Street would be an appropriate location;
- reality of the current marketplace is that costs are up about 60% and reapplying for permit would be costly and time consuming;
- Discovery Parks is working with various groups to find industry user for site.

Mr. Beasley responded to questions relating to zoning and confirmed that this is industrial land which would allow up to a maximum of 1/3 of floor space for office use.

MOVED by Councillor Louis
THAT the Committee recommend to Council

THAT City Council refuse a request for an extension of Building Permit No. BU421214 for 1628 Station Street.

LOST
(Councillors Bass, Green, Ladner, Stevenson, Sullivan and Mayor Campbell opposed)

MOVED by Councillor Bass
THAT the Committee recommend to Council

THAT the City approve a final extension of Building Permit No. BU421214 for 1628 Station Street.

amended

AMENDMENT moved by Councillor Sullivan

THAT the word "final" be deleted.

lost

MOVED by Councillor Louis

THAT the question be put on the amendment to the motion.

LOST
(Councillors Bass, Green, Ladner, Stevenson, and Mayor Campbell opposed)
(Councillor Cadman not present for the vote)

When debate was completed, the amendment was put and LOST (tie vote) with Councillors Bass, Cadman, Louie, Louis and Roberts opposed.

AMENDMENT MOVED by Councillor Bass

THAT the words "for a period of 12 months" be added to the motion.

CARRIED
(Councillors Cadman, Louie, Louis and Roberts opposed)

The amendment having carried, Councillor Bass' motion as amended was put and CARRIED with Councillors Cadman, Louie, Louis and Roberts opposed.

Motion as amended:

THAT the Committee recommend to Council

THAT Council approve a final extension of Building Permit No. BU421214 for 1628 Station Street for a period of 12 months.

CARRIED

**6. Single Room Accommodation Permit for 309 Carrall Street (the Rainier Hotel)
(File 4657)**

The Committee had before it an Administrative Report dated April 12, 2005, in which the Director of the Housing Centre, in consultation with the Directors of Current Planning and Legal Services, recommended Council approve a Single Room Accommodation (SRA) conversion permit for 48 rooms at 309 Carrall Street (the Rainier Hotel) to include specific facilities and a 15-year Housing Agreement securing specific rental fees with specific conditions and all 48 rooms remain designated in the SRA By-law. Staff also submitted Consideration B for Council's review which was basically the same, but tied rental fees to increases in property taxes and the Canada Mortgage and Housing Corporation Expense formula. The City Manager recommended approval of Recommendation A.

Cameron Gray, Director of Housing Centre, reviewed the report, and along with Daniel Naundorf, Planner, and Catherine Wong, SRA By-law Coordinator, responded to questions relating to determination of base rates and the monitoring process.

MOVED by Councillor Green

THAT the Committee recommend to Council

THAT Council approve a Single Room Accommodation conversion permit for all 48 designated rooms at 309 Carrall Street (The Rainier Hotel) to include washrooms and cooking facilities, with the condition that the owner enter into a 15-year Housing Agreement to be registered on the title of the Rainier Hotel securing:

- rents between \$385 to \$450, for a period of 5 years;
- rent increases for remaining 10 years to be no more than the Vancouver Consumer Price Index; and

with the condition that all 48 rooms remain designated in the Single Room Accommodation By-law.

CARRIED

(Councillor Sullivan opposed)

Councillors Bass and Stevenson not present for the vote)

RECONSIDERATION

Rick Barbieri, Director, 565543 B.C. Ltd., owner, was inadvertently missed as a speaker, and Council agreed to hear him. His comments included:

- hotel will be brought up to code;
- became aware only recently that an agreement must be reached with the City as well as the CMhC;
- wants to install bathrooms in rooms, but only if their proposal is accepted;
- needs ability to offset taxes in order to install washrooms; and
- requested Council approve Consideration B in Staff report.

Mr. Gray responded to questions relating to financial implications for the City and procedures relating to SRAs.

MOVED by Councillor Green

THAT Council reconsider the motion passed this day relating to Administrative Report *Single Room Accommodation Permit for 309 Carrall street (the Rainier Hotel)*, dated April 12, 2005.

CARRIED UNANIMOUSLY
(Councillor Louie not present for the vote)

MOVED by Councillor Green
THAT the Committee recommend to Council

THAT Council approve a Single Room Accommodation conversion permit for all 48 designated rooms at 309 Carrall Street (The Rainier Hotel) to include washrooms and cooking facilities, with the condition that the owner enter into a 15-year Housing Agreement to be registered on the title of the Rainier Hotel securing:

- rents between \$385 to \$450, for a period of 5 years with rent increases tied to increases in residential property taxes;
- rent increases for remaining 10 years to be no more than the Vancouver Consumer Price Index; and

with the condition that all 48 rooms remain designated in the Single Room Accommodation By-law.

carried

Judy Rogers, City Manager, clarified process relating to tax abatement issues.

AMENDMENT MOVED by Councillor Sullivan

THAT the following words be added to the end of the 2nd bullet in the motion "and those elements of the Canada Mortgage and Housing Corporation Expense formula that staff consider legitimate".

LOST

(Councillors Bass, Cadman, Green, Ladner, Roberts and Mayor Campbell opposed)
(Councillors Louie and Stevenson not present for the vote)

The amendment having lost, Councillor Green's motion was put and CARRIED with Councillors Louis and Sullivan opposed, and Councillors Louie and Stevenson not present for the vote)

MOVED by Councillor Green

THAT the Committee recommend to Council

THAT staff provide a memo back to Council regarding options to allow increases to rent, if necessary, because of residential property rate increases and review opportunities for abatement of residential taxes in some form including examining heritage applications, so that rent increases are not passed on to tenants.

CARRIED

(Councillor Sullivan opposed)
(Councillors Louie and Stevenson not present for the vote)

7. Southeast False Creek Project Office Staffing and Budget (File 8206)

The Committee had before it an Administrative Report dated April 29, 2005, in which the City Manager sought Council approval to establish staff positions and a budget for the Southeast False Creek Project Office, including consulting services.

MOVED by Councillor Louis

THAT the Committee recommend to Council

- A. THAT Council approve the establishment of the Southeast False Creek Project Office with an annual operating budget of \$615,000 (\$712,000 in 2005); source of funding to be the Property Endowment Fund: Southeast False Creek Development.
- B. THAT Council approve the establishment of five regular full time exempt positions, subject to classification by the Director of Human Resources, as follows: Project Manager; Development Officer; Financial Manager/Planner; Civil Engineer; and Project Administrative Manager.

- C. THAT Council approve an increase to the City fleet of one Smart car at a capital cost of approximately \$22,000, to be funded from the Plant Account, with annual cost of approximately \$8,000 per year, to be funded from the annual budget in Recommendation A.
- D. THAT Council authorize the City Manager to allocate the \$200,000 in consultant funds included in Recommendation A, and enter into contracts with the appropriate consultants, in consultation with the Southeast False Creek Steering Committee.

CARRIED UNANIMOUSLY

(Councillor Stevenson not present for the vote)

8. Southeast False Creek: Work Program, Budget and Staffing for the Rezoning of the Sub-area 2A - The Olympic Village (File 8206)

The Committee had before it an Administrative Report dated April 26, 2005, in which the Director of Current Planning in consultation with the General Managers of Engineering Services and Vancouver Parks and Recreation, Directors of Legal Services, Finance, Real Estate, Social Planning and the Housing Centre, and Managing Director of Cultural Services, sought Council approval for a process to create a CD-1 zoning for the Olympic Village as contemplated in sub-area 2A of the City-owned lands in Southeast False Creek (SEFC) including a work program, staff resources, and budget. The General Manager of Community Services recommended approval.

MOVED by Mayor Campbell

THAT the Committee recommend to Council

- A. THAT the Director of Current Planning be instructed to proceed with the planning process to create a Comprehensive Development District (CD-1) for sub-area 2A of the Southeast False Creek Official Development Plan, to accommodate the Olympic Village.
- B. THAT the staffing and budget outlined in this report totalling up to \$503,200 be approved for this work; source of funding to be the Property Endowment Fund: Southeast False Creek Development with the PEF to receive equivalent credit against rezoning fees for the site.
- C. THAT staff report back, in a timely manner, on the work program, staffing and resources required to complete the rezoning of the Private Lands (sub-areas 1B, 2B, 3B and 3C of the Southeast False Creek Official Development Plan).

CARRIED UNANIMOUSLY

(Councillor Stevenson not present for the vote)

9. Northeast False Creek Area 5B Zoning (and consequential ODP Amendments): Cost Recovery Program

The Committee had before it a Policy Report dated May 11, 2005 in which the Director of Current Planning sought approval for staff to undertake an expedited processing of a zoning application by Concord Pacific for Area 5B in False Creek North and related ODP amendments. The General Manager of Community Services recommended approval.

MOVED by Councillor Louis

THAT the Committee recommend to Council

- A. THAT Council endorse the expedited process outlined in Appendix A of Policy Report, *Northeast False Creek Area 5 B Zoning (and consequential ODP Amendments): Cost Recovery Program*, dated May 11, 2005, for the assessment of the application by Concord Pacific for zoning of Area 5B of False Creek North, and for consequential FCN ODP Amendments;
- B. THAT Council not endorse processing applications for zoning or ODP amendments for Area 6C;
- C. THAT, consistent with Community Amenity Contribution Policy, a contribution in cash or in kind be negotiated for CACs associated with Area 5B rezoning, and previous Area 6A rezoning (June 2004);
- D. THAT a cost-recovered budget of \$433,880 contained in Appendix B of Policy Report, *Northeast False Creek Area 5 B Zoning (and consequential ODP Amendments): Cost Recovery Program*, dated May 11, 2005 be approved to undertake this work; and

FURTHER THAT, consistent with City cost recovery policy, Council accept a contribution from Concord Pacific to fully cover these costs; and

FURTHER THAT the rezoning and ODP amendment fees paid be credited against the cost recovery total, and

FURTHER THAT the balance owing be paid by 4:00 p.m., May 20, 2005.

CARRIED UNANIMOUSLY

(Councillor Stevenson not present for the vote)

The Committee adjourned at 5:00 p.m.

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CITY OF VANCOUVER

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

MAY 12, 2005

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, May 12, 2005, at 5:00 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: Mayor Larry Campbell
Councillor Fred Bass
Councillor David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Tim Louis
Councillor Anne Roberts
*Councillor Tim Stevenson
Councillor Sam Sullivan

ABSENT: Councillor Raymond Louie
Councillor Ellen Woodsworth (Leave of Absence - Civic Business)

CITY MANAGER'S OFFICE: Judy Rogers, City Manager

CITY CLERK'S OFFICE: Diane Clairmont, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Roberts
SECONDED by Councillor Cadman

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

CARRIED UNANIMOUSLY
(Councillor Stevenson not present for the vote)

COMMITTEE REPORTS

Report of Standing Committee on Planning and Environment May 12, 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. Vancouver Heritage Foundation -2004 Annual Report
2. 665 East 30th Avenue - Warning to Prospective Purchasers
3. 2345 Rupert Street - Warning to Prospective Purchasers
4. Nuisance Building at 1095 East 41st Avenue
5. 1628 Station Street - Request for Extension of Building Permit No. BU421214
6. Single Room Accommodation Permit for 309 Carrall Street (The Rainier Hotel)
7. Southeast False Creek Project Office Staffing and Budget
8. Southeast False Creek: Work Program, Budget and Staffing for the Rezoning of the Sub-area 2A - The Olympic Village
9. Northeast False Creek Area 5B Zoning (and consequential ODP Amendments): Cost Recovery Program

Items 1 - 9

MOVED by Councillor Roberts

THAT the recommendations and actions taken by the Standing Committee on **Planning and Environment** at its meeting of May 12, 2005, as contained in items 1 - 9, be approved.

CARRIED UNANIMOUSLY
(Councillor Stevenson not present for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Roberts

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Stevenson not present for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Roberts
SECONDED by Councillor Green

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

CARRIED UNANIMOUSLY
(Councillor Stevenson not present for the vote)

MOTIONS

A. Administrative Motions

None

B. Motions on Notice

B. Motions on Notice

1. Air India Inquiry (File 1263)

On May 10, 2005, Council referred consideration of a motion from Councillor Woodsworth to the May 12, 2005 meeting of Regular Council immediately following Standing Committee on Planning and Environment.

However, as Councillor Woodsworth was on Leave of Absence (Civic Business), Council agreed to postpone this matter to Regular Council on May 24, 2005.

MOVED by Councillor Roberts
SECONDED by Councillor Louis

THAT at the request of Councillor Woodsworth, the motion on the Air India Inquiry be postponed to the Regular Council meeting on May 24, 2005

CARRIED UNANIMOUSLY
(Councillor Stevenson not present for the vote)

ENQUIRIES AND OTHER MATTERS

1. Coal Harbour Arts Complex (File 8103)

Councillor Green requested that staff provide an update on the Coal Harbour Arts Complex negotiations including the aboriginal art gallery and civic theatres negotiations.

2. Public Hearing - June 16, 2005 (File 1401-83)

Councillor Cadman pointed out that the June 30, 2005 back up date for the June 16, 2005 Public Hearing is the evening before the July 1st, 2005 Statutory Holiday. He requested that rescheduling be considered.

Council adjourned at 5:20 p.m.

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