

These minutes will be adopted at the Regular Council meeting on July 12, 2005



REPORT TO COUNCIL

STANDING COMMITTEE OF COUNCIL ON PLANNING AND ENVIRONMENT

JUNE 16, 2005

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, June 16, 2005, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Anne Roberts, Chair
*Mayor Larry Campbell
Councillor David Cadman
Councillor Jim Green, Vice-Chair
Councillor Peter Ladner
Councillor Tim Stevenson
*Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Councillor Fred Bass (Leave of Absence)
Councillor Raymond Louie (Leave of Absence)
Councillor Tim Louis (Sick Leave)

CITY MANAGER'S OFFICE: Brent MacGregor, Deputy 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 May 14, 2005 were adopted.

RECOMMENDATION

1. **6962 Fleming Street - Warning to Prospective Purchasers (File 2701)**

The Committee had before it an Administrative Report dated April 28, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 6962 Fleming Street, in order to warn prospective purchasers of by-law violations. The General Manager of Community Services recommended approval.

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

MOVED by Councillor Cadman
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 6962 Fleming Street (Lot F, Block 4, District Lot 737, Plan 8577) 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 6962 Fleming Street (Lot F, Block 4, District Lot 737, Plan 8577) 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
(Councillor Sullivan and Mayor Campbell not present for the vote)

2. 1331 West 59th Avenue - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated May 1, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 1331 West 59th Avenue, in order to warn prospective purchasers that the building has been used as an illegal marijuana grow operation on two occasions and of by-law violations. The General Manager of Community Services recommended approval.

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

Pattie Wong, real estate agent, spoke on behalf of the owner. She advised that the use of the building as a illegal grow-up is noted on the real estate listing and that she is also verbally advising prospective purchasers. She stated this should be sufficient and a 336D notice is not required. She also noted that a 336D notice will have a negative financial impact on the potential sale of the building.

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 1331 West 59th Avenue, Lot 4 of A of 14, Block 17A, District Lot 526, PID 010-683-950 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
(Councillor Sullivan and Mayor Campbell not present for the vote)

3. 2284 East 40th Avenue - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated May 13, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 2284 East 40th Avenue, in order to warn prospective purchasers that the building has been used as an illegal marijuana grow operation on two occasions and of by-law violations. The General Manager of Community Services recommended approval.

Peter Sweeney, Manager, Building Inspection 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 2284 East 40th Avenue, Lot 20, Block 15, District Lot 394, Plan 7098, PID 010-729-038 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
(Councillor Sullivan and Mayor Campbell not present for the vote)

4. Hours of Liquor Service Policy: Amendments to Davie Village including the Odyssey at 1251 Howe Street (File 2611)

The Committee had before it a Policy Report dated May 31, 2005, in which the Chief License Inspector recommended Council not reclassify Davie Village as "primarily commercial" at this time and that the Odyssey at 1251 Howe Street remain classified as "primarily residential", but that extended hours of liquor service equivalent to those of "primarily mixed-use" area be implemented. The General Manger of Community Services recommended approval.

Karen Hoese, Planning Analyst, along with Guy Gusdal, Licensing Coordinator and Paul Teichroeb, Chief License Inspector, reviewed the report and responded to questions relating to process and the timeframe relating to the proposed land use study for the area.

The following spoke in opposition to the report recommendations:

Jim Deva, Davie Village Business Improvement Association
Tommy Dolanjski
John Teti, BarWatch
James Steck, Director of Operations, The Oasis, Sugar Daddy's, Numbers
Simon Pearson
Mckenzie McMillan
Alan Herbert
Ross Pascuzzo, General Manager, Celebrities Nightclub
Angus Praught, President, Gayvan.com Travel Marketing
Aaron Jasper

Kenneth Hamlin
Micheal Lamb
Rick Hurlbut, President, Bent Events Inc.
Lyn Hellyar, Executive Director, Davie Village BIA
Vince Marino, PumpJack Pub
Michael Levy, The Odyssey
Robert Kaiser
Steve Bauer, PumpJack Pub

Speakers' comments included:

- advance of business climate in Davie Village has been exciting and should be encouraged;
- the economic impact of gay culture on Davie Village is huge;
- Davie Village BIA is not gay-specific, but recognizes financial impact of gay community;
- cookie cutter approach to licensing does not serve Davie Village or other areas of Vancouver well;
- Council should recognize that safety is an important factor and Granville Street is not safe for gay community;
- the rollback of bar hours will create a migration of the gay community looking for late night establishments and exacerbate an already negative situation; Davie Village is the preferred locale for this community where they can protect themselves;
- statement in report stating that "gay community is only one component of this large diverse residential community" is offensive;
- one hour extension of closing times has not made a negative impact on this area;
- noise in Davie Village after closing hours is from Granville patrons who are also leaving and from drug and street activity unrelated to licensed establishments;
- contradiction noted in that there is more of a police presence required on Granville Street which is allowed longer hours;
- extending hours in Davie Village does not set a precedent for other Vancouver areas;
- Davie is a 24-hour village within 3 blocks; 25 businesses are open 24 hours/day and do not solely serve the gay community; noise is going to be there despite bar hours;
- bars are quiet and operators are good;
- support of the report recommendations would have a negative impact on tourism; world-class cities already have longer hours; will detract from Vancouver being a gay destination and interpreted as discrimination;
- mixing of very different clienteles is not a good idea;
- safety should be a more relevant factor than noise;
- support of the report recommendations could have financial implications for Davie Village; investors may not invest in clubs that do not have same hours as Granville Street clubs;
- noise is a factor of life in an urban environment - it is not the suburbs;
- gay community should not be penalized for good behaviour;
- concern was expressed regarding the original intent of the use of specific terminology ("transfer" and "relocation") as used in the report;
- later hours are not a draw on police resources;
- patrons will not go to Granville; alternative, due to demand, will be illegal venues;
- approval of report recommendations will decrease revenue generated by clubs on behalf of not-for-profit organizations;
- City should communicate that this is not an attack on the gay community;

- the issue is equal rights, not special rights; Charter of Rights and Freedoms gives special consideration to rights of minorities in Canada;
- BIA mandate is to identify and remove barriers not all within Davie Village;
- report is not clear on how it supports businesses; Council should direct staff to review the report and provide more detail;
- report did not address the question originally proposed by Council to staff relating to equal treatment of Davie Village establishments;
- including The Odyssey as part of Davie Village will benefit community;
- Davie Street is more regulated than other areas of the City and this could be considered discrimination; and
- concern was expressed relating to aspects of the liquor licensing process and classifications of licensed establishments.

Staff, along with Constable Peter Ryan, Liquor Co-ordinator, Vancouver Police Department, answered questions relating to the following:

- differences in hours of operation for commercial and mixed use areas;
- noise concerns and the impact of change of hours;
- impact on neighbourhood of late hours, numbers of people in licensed establishments;
- clarification of proposed hours in relation to Davie Village and Granville Street;
- VPD support of staff recommendation; availability of data on number of noise complaints;
- hours of operation for bars outside of 'Granville Street Entertainment District and proposed hours for all mixed-use areas of Vancouver to be submitted in a future report.

Note from Meeting Coordinator: At this point in the meeting the Committee recessed for 5 minutes.

MOVED by Councillor Stevenson

THAT the Committee recommend to Council

- A. THAT Council amends the Hours of Liquor Service policy for the 1000 to 1200 blocks of Davie Street to allow extended hours of liquor service that are equivalent to those in the "primarily commercial" areas.
- B. THAT Council approve a site specific amendment to the Hours of Liquor Service policy for 1251 Howe Street (The Odyssey) to allow extended hours of liquor service that are equivalent to those in the Davie Village area, subject to the Chief License Inspector reporting back under the following circumstances:

- a. Significant neighbourhood complaints regarding impacts associated with the Odyssey; or
 - b. Redevelopment of the site.
- C. THAT Council instruct the Chief License Inspector to consider applications for extended hours for special events, as provided for under the Hours of Liquor Service policy, generally as outlined in Administrative Report *Hours of Liquor Service Policy: Amendments to Davie Village including the Odyssey at 1251 Howe Street*, dated May 31, 2005.

CARRIED

(Councillor Sullivan opposed)

5. Hours of Liquor Service Policy: Amendments to Granville Street Area (1000 to 1300 Blocks) (File 2611)

The Committee had before it a Policy Report dated May 31, 2005, in which the Chief License Inspector recommended Council not extend the Entertainment District to include the 1000 to 1300 blocks of Granville Street. The General Manger of Community Services recommended approval.

Karen Hoese, Planning Analyst, along with Guy Gusdal, Licensing Coordinator, reviewed the report and responded to questions relating to area notification.

The following spoke in opposition to the recommendations:

Sam Campbell
John Teti, BarWatch
Gus Greer, Owner, The Royal
Brian Peers, Buffalo Club and St. Helen's Hotel
Dave Kershaw, Owner, Stone Temple Nightclub

Speakers' comments included:

- there is a need to expand the Granville Street Entertainment District as other blocks have been removed from the District; extension would enhance refurbishment of the area;
- living downtown means living in a vibrant area and residents should be aware of this;
- police resources should not be a problem;
- extension should be to Granville Bridgehead;
- of approximately 9,000 notified, approximately 100 opposed and none showed up to Council meeting;
- customers want extension;
- owners in 1000 - 1300 blocks of Granville Street want equal playing field with those blocks already in the Granville Entertainment District; and
- owners of club on the block proposed for extension has made extensive financial commitment to improve establishment and want equal opportunity to be competitive.

MOVED by Councillor Green
THAT the Committee recommend to Council

THAT Council extend the Granville Street Entertainment District to include the 1000 to 1300 blocks of Granville Street

LOST (Tie Vote)
(Councillors Ladner, Roberts, Sullivan, and Woodsworth opposed)

**6. 433 Robson Street - Private Liquor Store
Development Application Number DE408859 (File 2608)**

The Committee had before it an Administrative Report dated May 31, 2005, in which the Director of Current Planning, sought Council advice regarding a development application to change the use of an area on the ground floor of an existing building at 433 Robson Street to provide for a private Liquor Store (Type 1 - Beer & Wine only) and to reduce the size of the existing Class A - Lounge. The General Manager of Community Services submitted alternatives for consideration.

Bill Boons, Manager, Processing Centre-Development, reviewed the report.

Steve Pollock, Owner, made the following comments:

- reviewed efforts made by operators to renovate the establishment;
- security has been increased to resolve on-going concerns relating to noise and disruptions by clientele;
- the plan is a viable solution for the greater good of the area;
- a profitable business is being abandoned to make this change; and
- an extensive notification process solicited minimal objections to the proposed change.

The following spoke in favour of the private liquor store (Recommendation B):

David Brown, Chair, Strata Council - 819 Hamilton Street
John Teti, BarWatch
Campbell Pearson
Aaron Fish
Pradeep Puri, General Manager, Westin Grand Hotel
Chris Collacot
Kim Campbell

Speakers' comments included:

- extensive efforts made to reduce concerns related to current occupant (VODA);
- proposal will solve a lot of the policing concerns in the area;
- private liquor store more conducive to residential neighbourhood;
- despite potential loss of revenue for hotel, noise factor will be mitigated;
- while conflicting with current guidelines, suggest guidelines be reviewed and this be an approved exception;

- suggested outlet would be very small and ones close are also very small;
- other outlets in vicinity serve different markets than the one proposed and do not serve residential community;
- it was noted that all 74 applications for private liquor stores were expired on June 1, 2005, by the Province; therefore, proliferation of private liquor stores will not occur.

The following spoke in opposition to the private liquor store (Recommendation A):

David Knowles, BCGEU
Jennifer McKenna, BCGEU

Speakers' comments included:

- provincial liquor policies leave municipalities having to deal with proliferation of private liquor stores;
- liquor industry constantly challenges policy which is clear; policy guidelines and zoning should be upheld;
- there are other government outlets very near and the community is well served;
- the issue is really about money and not serving the community;
- approval will set precedent and open floodgates for applications;
- Council did not approve a similar outlet at Victoria Street and 54th Avenue and should do the same on this application;
- owner has not been a responsible operator of a lounge; there is no reason to assume he will be a responsible operator of a private liquor store;
- Council has opposed privatization of liquor stores in the past and should do so now; and
- proliferation of liquor outlets leads to negative social and health impacts.

MOVED by Mayor Campbell

THAT the Committee recommend to Council

THAT the Director of Planning be advised that Council would favour approval of Development Application Number DE408859 for a Private Liquor Store (Type 1 - Beer & Wine Only) at 433 Robson Street.

CARRIED

(Councillors Roberts and Woodsworth opposed)

The Committee adjourned at 6:10 p.m.

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CITY OF VANCOUVER

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

JUNE 16, 2005

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, June 16, 2005, at 6:10 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 David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Anne Roberts
Councillor Tim Stevenson
Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Councillor Fred Bass (Leave of Absence)
Councillor Raymond Louie (Leave of Absence)
Councillor Tim Louis (Sick Leave)

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

CITY CLERK'S OFFICE: Diane Clairmont, Meeting Coordinator

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

COMMITTEE REPORTS

Report of Standing Committee on Planning and Environment June 16, 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. 6962 Fleming Street - Warning to Prospective Purchasers
2. 1331 West 59th Avenue - Warning to Prospective Purchasers
3. 2284 East 40th Avenue - Warning to Prospective Purchasers
4. Hours of Liquor Service Policy: Amendments to Davie Village including the Odyssey at 1251 Howe Street
5. Hours of Liquor Service Policy: Amendments to Granville Street Area (1000 to 1300 Block)
6. 433 Robson Street - Private Liquor Store - Development Application Number DE408859

Items 1 - 6

MOVED by Councillor Roberts

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of June 16, 2005, as contained in items 1 to 6 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 Roberts
SECONDED by Councillor Cadman

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

CARRIED UNANIMOUSLY

ENQUIRIES AND OTHER MATTERS

1. Protecting Stores from Car Accidents (File 5762)

Further to the original request made at Standing Committee on City Services and Budgets meeting on June 16, 2005, Councillors Sullivan and Cadman requested the lights at the intersection of Granville Street and 12th Avenue be investigated as the possible source of the problem.

The Council adjourned at 6:11 p.m.

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