

These minutes will be adopted at the Regular Council meeting on July 19, 2005



REPORT TO COUNCIL
STANDING COMMITTEE OF COUNCIL
ON PLANNING AND ENVIRONMENT

JUNE 30, 2005

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, June 30, 2005, at 2:30 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Anne Roberts, Chair
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
Councillor Ellen Woodsworth

ABSENT: Mayor Larry Campbell

CITY MANAGER'S OFFICE: Judy 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 May 26, 2005, were adopted.

RECOMMENDATION

1. Presentation by Vancouver International Airport Authority (File 8025)

Philip Owen, Board of Directors, Larry Berg, President and CEO, and Anne Murray, Vice-President, Community and Environmental Affairs, all representing the Vancouver International Airport Authority, gave a presentation (brief submitted - on file) which included the following:

- 2004 performance;
- the travel industry's recovery and its effect on the airport;
- federal initiatives including new rent formula;
- bilateral agreements with China, India and the United States;

- major construction projects, including the nine-gate international terminal expansion;
- long-term planning process including sustainability framework;
- opportunities for businesses and the public to contribute their views for the future and how to maintain the airport as a major economic generator for British Columbia; and
- environmental and noise management issues.

YVR representatives responded to questions relating to rear door loading on aircraft, preferred customer status with China, airport improvement fees, capital program, artwork, greenhouse gases, expansion limits, incentive programs, rent relaxation, parking stall tax, and route distribution.

MOVED by Councillor Green
THAT the Committee recommend to Council

THAT the presentation by the Vancouver International Airport Authority be received for information.

CARRIED UNANIMOUSLY
(Councillors Green, Ladner and Stevenson not present for the vote)

2. Advisory Committee on Disability Issues: 2004 Annual Report (File 3053-1)

The Committee had before it an Other Report dated June 7, 2005, in which the Advisory Committee on Disability Issues presented the 2004 Annual Report for information. The City Manager submitted the report for information.

Larry Cantrell, Vice-Chair, Advisory Committee on Disability Issues, reviewed the report and responded to questions relating to the visually impaired.

MOVED by Councillor Cadman
THAT the Committee recommend to Council

THAT the Other Report *Advisory Committee on Disability Issues; 2004 Annual Report*, dated June 7, 2005, be received for information.

CARRIED UNANIMOUSLY
(Councillor Green not present for the vote)

3. 6991 Victoria Drive (Penthouse #11) - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated June 2, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 6991 Victoria Drive (Penthouse #11), in order to warn prospective purchasers that

this portion of the building was used as an illegal marijuana grow operation on two occasions and of by-law violations. The General Manager of Community Services recommended approval.

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 6991 Victoria Drive (Penthouse #11), Strata Lot 42, District Lot 735, Group 1 New Westminster District Strata Plan LMS3954, PID 024-570-257 in order to warn prospective purchasers that this portion of the 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
(Councillor Green not present for the vote)

4. 349 East 32nd Avenue - Warning to Prospective Purchasers (File 2701)

The Committee had before it an Administrative Report dated June 6, 2005, in which the City Building Inspector recommended Council direct a 336D Notice be filed against the title to the property at 349 East 32nd Avenue, in order to warn prospective purchasers of by-law violations. The General Manager of Community Services recommended approval.

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 349 E 32nd Avenue, Lot 12, Block 11 & 12, District Lot 634, Plan 1225, PID 014-864-924 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 349 E 32nd Avenue, Lot 12, Block 11 & 12, District Lot 634, Plan 1225, PID 014-864-924 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 Green not present for the vote)

5. **Nuisance and Dangerous Building at 1861 East 56th Avenue (File 2701)**

The Committee had before it an Administrative Report dated June 8, 2005, in which the City Building Inspector recommended Council declare the building at 1861 East 56th Avenue a nuisance and order the owners to demolish the building and provide a chain-link fence around the property. Council was also asked to authorize staff to carry out the work related to this and commence legal action should the owners not comply, and direct staff to file a 336D Notice against the title to the property in order to warn prospective purchasers of by-law violations. The General Manager of Community Services recommended approval.

Councillor Louie requested a memo back from staff on the status of the investigation relating to by-laws on non-confirming buildings, secondary suites, and transition between new development and adding of suites. Jacquie Forbes-Roberts, General Manager of Community Services, advised a memo will be provided and a report will be submitted by Fall 2005.

MOVED by Councillor Louis
THAT the Committee recommend to Council

- A. THAT Council declare that the building at 1861 East 56th Avenue, Lot 19, Block 1, Fraserview Plan 8393, PID 010-117-806 is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the Resolution attached to Administrative Report *Nuisance and Dangerous Building at 1861 East 56th Avenue*, dated June 8, 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 1861 East 56th 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.

- E. THAT the City Clerk be directed to file a 336D Notice against the Certificate of Title to the property at 1861 East 56th Avenue, 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.

CARRIED UNANIMOUSLY

(Councillors Green and Ladner not present for the vote)

6. Management of Commercial Garbage Containers in Vancouver (File 3756)

The Committee had before it an Administrative Report dated June 14, 2005, in which the General Manager of Engineering Services, presented findings of the pilot program to secure commercial garbage containers and sought Council approval relating to changes in the Solid Waste and Recycling By-law to provide staff the tools necessary to improve lane cleanliness and reduce the number of waste container fires.

Councillor Cadman rose on a point of order, questioning the validity of the recommendation before Council as it was similar to a motion previously defeated by Council on April 26, 2005, and, therefore, reconsideration might be required to deal with the recommendation.

Tom Timm, General Manager of Engineering, responded regarding the rationale for the recommendation. Council agreed to determine the need for reconsideration following staff presentation and speakers.

Kevin Van Vliet, Solid Waste Management Engineer, reviewed the report and along with Mr. Timm, and Brian Davies, Assistant City Engineer, Solid Waste Services, responded to questions which included the effect of locking dumpsters, the impact on marginalized communities, bin locations, and enforcement issues.

The following spoke in favour in favour of the recommendations generally, but expressed concerns:

Todd Allan

Robert Gateman (brief submitted - on file)

Louise Yako, Waste Management Division, BC Trucking Association

Maks Golabka, Mount Pleasant BIA (brief submitted - on file)

Svetlana Fouks, President, Yaletown BIA (brief submitted - on file)

Speakers' comments included:

- bins are used to hide behind for drug, prostitution, and washroom use;
- residents pay high taxes, property values are rising, and City has to provide more services to clean alleys/compress garbage at suitable times of the day;

- condition of alleys creates health hazards;
- bins/nearby walls are in terrible condition (tags/graffiti) and attract vandalism;
- bins should be removed from problem alleys;
- people will take advantage of by-laws due to lack of enforcement/discipline issues;
- consider attaching compliance enforcement to Business Licenses;
- identification of bin users would be beneficial for enforcement purposes;
- cost is a major factor;
- fire department needs to spend time on something other than bin fires;
- aggressive penalty system should be implemented;
- burden should not be placed on downtown alley dwellers;
- reviewed Yaletown concerns including
 - area is unique and must be treated appropriately;
 - state of alleyways/streets with dumpsters locked and unlocked; many proprietors must store garbage inside premises as there is no room in dumpsters;
 - community feels abandoned by City; receives no value for high taxes;
 - residential area/business/tourism is suffering from negative public perception and beautification program does not help as problems continue and increase;
 - strategy for oil bins (restaurants) also required; and
 - a radical/aggressive approach is needed for long-term strategy.

The following spoke in general opposition to the recommendations:

Kim Kerr, Executive Director, DERA
Ken Lyotier, United We Can
Tony Shinkawa

Speakers' comments included:

- real issue is poverty and how abundance is shared;
- people regularly eat out of garbage containers, and this is increasing;
- people recycle many useable items; recycling programs should be expanded;
- no one supports rats or dirty alleys - use of alleys as a bathroom is out of necessity;
- locking cans will not solve problem; must develop better solution for social problem;
- City should be respectful of residents who live on lanes;
- dumpster fires not defined accurately in report;
- approval of Recommendations C & D of report would be useful;
- social impact assessment/strategy should be considered through Vancouver Agreement;
- over past year, improvement in condition of a specific alley has occurred where landlord has taken a real interest in his property; this attitude should be encouraged; and
- if all containers are locked, overflow garbage will be left on top of locked containers, in streets and alleys, everywhere but in a container.

Staff responded to questions relating to:

- crushing schedule is related to street cleaning and is done at night to allow alley access; staff will pass concern on to street cleaning operations;
- potential for removing bins and revising collection schedule;
- Gastown BIA is investigating a dumpster-free process using labour from marginalized communities (similar to system in Seattle); staff is working with Gastown BIA to see if this would be an appropriate model for various areas in Vancouver;
- bin locations, reasons for bin overflow and permitting requirements on public property;
- use of City vs private companies for clean-up;
- enforcement/system of payment issues including graffiti concerns and residential users who contravene regulations; and
- staff will meet with Yaletown BIA to review specific concerns.

MOVED by Councillor Ladner

THAT the Committee recommend to Council

- A. THAT Council move towards requiring locked lids on all commercial-size garbage and recycling containers, on the street or visible from the street, over one cubic yard in volume, in a three-step process that begins with education to encourage re-using, donating, and recycling over disposing of items of value and that ends with notices of By-law violation, including notice of the City's right to impound problem containers, and that a decision on requiring containers to be locked be deferred for six months subject to a report back on the success of other measures included in these recommendations.
- B. THAT the user address or addresses of commercial garbage and recycling containers, including the business name and address except for medical offices or supply companies be prominently displayed on all containers on the street or visible from the street, and that the responsibility for ensuring compliance with this requirement rests with the person who contracts for the service.
- C. THAT mandatory garbage and paper fibre recycling service be imposed on all non-residential properties unless the owners or occupiers thereof can demonstrate that they contract for removal of the waste generated from their property as required by the By-law.
- D. THAT the current maximum penalty of \$100 for violation of the Solid Waste and Recycling By-law be changed to a minimum penalty of \$50 to a maximum of \$2,000.
- E. THAT communication with commercial garbage container users affected by this policy include instructions to place clear plastic bags, separate from the containers to enable pickup by people whose incomes depend on collection recyclables; and

- F. THAT the City work with United We Can and commercial garbage users to facilitate making recyclables available for pickup by people whose incomes depend on collecting recyclables.

amended

AMENDMENT moved by Councillor Green

THAT the following replace A of the motion: "staff work with Vancouver Agreement and related organizations such as United We Can and effected BIAs to develop solutions for the difficulties highlighted in the Administrative Report *Management of Commercial Garbage Containers in Vancouver*, dated June 14, 2005".

CARRIED

(Councillors Ladner and Sullivan opposed)
(Councillor Louis not present for the vote)

POSTPONEMENT MOVED by Councillor Cadman

THAT the Administrative Report *Management of Commercial Garbage containers in Vancouver*, dated June 14, 2005, be postponed so staff can provide a report back on a comprehensive City of Vancouver garbage container management program including waste separation of recyclables and enforcement mechanisms to cover all commercial garbage in the City of Vancouver in consultation with Business Improvement Associations and United We Can.

withdrawn

AMENDMENT MOVED by Councillor Cadman

THAT the following be added to the motion: "staff provide a report back on a comprehensive City of Vancouver garbage container management program, including waste separation of recyclables and enforcement mechanisms, to cover all commercial garbage in City of Vancouver in consultation with the Business Improvement Associations and United We Can".

CARRIED UNANIMOUSLY

(Councillor Louis not present for the vote)

MOTION AS AMENDED:

THAT the Committee recommend to Council

- A. THAT staff work with the Vancouver Agreement and related organizations such as United We Can and affected Business Improvement Associations to develop solutions for the difficulties highlighted in the Administrative Report *Management of Commercial Garbage Containers in Vancouver* dated June 14, 2005.
- B. THAT enforcement of locked containers be a three step process that begins with education to encourage re-use, donation, and recycling over disposing of items of value and that ends with notices of By-law violation.
- C. THAT the user address or addresses of commercial garbage and recycling containers be prominently displayed on all containers on the street or visible from the street and that the responsibility for ensuring compliance with this requirement rest with the person who contracts for the service.
- D. THAT mandatory garbage and paper fibre recycling service be imposed on all non-residential properties unless the owners or occupiers thereof can demonstrate that they contract for removal of the waste generated from their property as required by the By-law.
- E. THAT the current maximum penalty of \$100 for violation of the Solid Waste and Recycling By-law be changed to a minimum penalty of \$50 up to a maximum of \$2,000.
- F. THAT the Director of Legal Services be instructed to bring forward the necessary amendments to the Solid Waste and Recycling By-law to give effect to the recommendations of the Administrative Report dated June 14, 2005 entitled "Management of Commercial Garbage Containers in Vancouver".
- G. THAT the General Manager of Engineering Services, the General Manager of Fire and Rescue Services, and the Director of Legal Services look into necessary consequential amendments to the Fire By-law and, if appropriate, that the Director of Legal Services bring forward any necessary amendment.

- H. THAT staff provide a report back on a comprehensive City of Vancouver garbage container management program, including waste separation of recyclables and enforcement mechanisms, to cover all commercial garbage in the City of Vancouver in consultation with the Business Improvement Associations and United We Can.

CARRIED UNANIMOUSLY

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 30, 2005

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, June 30, 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: Deputy Mayor Fred Bass
Councillor David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Anne Roberts
Councillor Tim Stevenson
Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Mayor Larry Campbell
Councillor Tim Louis

CITY MANAGER'S OFFICE: Judy Rogers, 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, Deputy Mayor Bass in the Chair.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Report of Standing Committee on Planning and Environment June 30, 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. Presentation by the Vancouver Airport Authority
2. Advisory Committee on Disability Issues: 2004 Annual Report
3. 6991 Victoria Drive (Penthouse #11) - Warning to Prospective Purchasers
4. 349 East 32nd Avenue - Warning to Prospective Purchasers
5. Nuisance and Dangerous Building at 1861 East 56th Avenue
6. Management of Commercial Garbage Containers in Vancouver

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 30, 2005, as contained in items 1-6, 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 Green

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

CARRIED UNANIMOUSLY

MOTIONS

A. Administrative Motions

None

B. Motions on Notice

1. Highway Oriented Retail Rezoning Policies and Guidelines: Marine Drive Industrial Area (File 5317)

At its meeting earlier this day, Council referred consideration of a motion from Councillor Roberts to the June 30, 2005 meeting of Regular Council immediately following Standing Committee on Planning and Environment.

MOVED by Councillor Roberts
SECONDED by Councillor Cadman

THAT staff report back on the implications of repealing the "Highway Oriented Retail (HOR) Rezoning Policies and Guidelines: Marine Drive Industrial Area"; and

FURTHER THAT the report back occur at the same time as the staff report on "Non-Industrial Conditional Uses in Industrial Zones"; and

FURTHER THAT Council will not entertain rezoning applications submitted under the Marine Drive HOR Policy pending a report back from staff on the HOR policy for Marine Drive, and will begin consultations with the adjacent neighbourhoods of Fraserview, Killarney and Sunset on the use of this area.

CARRIED
(Councillor Sullivan opposed)

ENQUIRIES AND OTHER MATTERS

1. Collector Streets - Blenheim Street (File 5762)

Councillor Louie requested an update on the status of the process relating to Blenheim Street as a neighbourhood collector. Citizens are concerned regarding delays, the consultative process and City's commitment to the issue being resolved in time for next year's construction period.

The Council adjourned at 6:35 p.m.

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