



**CITY OF VANCOUVER**  
**SPECIAL COUNCIL MEETING MINUTES**  
**OCTOBER 6, 2005**

A Special Meeting of the Council of the City of Vancouver was held on Thursday, October 6, 2005, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development and Sign By-laws and Heritage By-laws.

**PRESENT:** Mayor Larry Campbell  
Councillor Fred Bass  
Councillor Jim Green  
Councillor Tim Louis  
Councillor Anne Roberts  
Councillor Tim Stevenson  
\*Councillor Sam Sullivan  
Councillor Ellen Woodsworth

**ABSENT:** Councillor David Cadman (Leave of Absence)  
Councillor Peter Ladner (Leave of Absence)  
Councillor Raymond Louie (Leave of Absence)

**CITY CLERK'S OFFICE:** Diane Clairmont, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Louis  
SECONDED by Councillor Stevenson

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development and Sign By-laws and Heritage By-laws.

**CARRIED UNANIMOUSLY**

**1. TEXT AMENDMENT: 2020 Harrison Drive**

An application by the Director of Current Planning was considered as follows:

Summary: To amend the existing CD-1 By-law to include the standard floor area calculation regulations which were originally omitted.

The Director of Current Planning recommended approval.

### **Summary of Correspondence**

Council received no correspondence on this application since the date it was referred to Public Hearing.

### **Speakers**

The Mayor called for speakers for and against the application and none were present.

### **Council Decision**

MOVED by Councillor Louis

THAT the application by the Director of Current Planning to amend By-law No. 9111 for 2020 Harrison Drive to include standard floor area calculation inclusion and exclusion clauses, generally in accordance with Appendix A of the Policy Report entitled "Administrative CD-1 Text Amendment - 2020 Harrison Drive" dated August 5, 2005 be approved.

CARRIED UNANIMOUSLY  
(Councillor Sullivan not present for the vote)

## **2. TEXT AMENDMENT: 1402-1436 Kingsway and 4050 Knight Street**

An application by Keith Hemphill, Architect was considered as follows:

Summary: To amend the existing CD-1 By-law to include a portion of the closed lane in the site area calculation and thereby to permit the development of additional floor space.

The Director of Current Planning, recommended approval subject to conditions set out in the agenda of the Public Hearing.

### **Staff Comments**

Joanne Baxter, Rezoning Planner, Rezoning Centre, reviewed the application.

### **Applicant Comments**

Keith Hemphill, Architect, was present to respond to questions.

### **Summary of Correspondence**

Council received no correspondence on this application since the date it was referred to Public Hearing.

## Speakers

Antonio Morra spoke in opposition expressing concerns related to traffic, parking, problems at the Kingsway and Knight intersection and inability to discuss the situation amicably with the developer.

## Council Decision

MOVED by Councillor Roberts

THAT the application by Keith Hemphill, Architect to amend CD-1 By-law No. 8880 for 1402-1436 Kingsway and 4050 Knight Street to increase the site area figure, generally in accordance with Appendix A of the Policy Report entitled "CD-1 Text Amendment: 1402-1436 Kingsway and 4050 Knight Street" dated August 24, 2005, be approved subject to the following conditions:

- (a) That prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

Lane Closure

- (i) make arrangements to the satisfaction of the Director of Current Planning, the General Manager of Engineering Services and the Director of Legal Services for the delivery of \$137,347 representing 30 percent of the 2004 land value for the 466.4 m<sup>2</sup> (5,020 sq. ft.) portion of the lane closed and consolidated with the development site.

Community Amenity Contribution (CAC)

- (ii) deliver to the City a CAC offering in the amount of \$57,228.

CARRIED UNANIMOUSLY

### 3. REZONING: 3585 Graveley Street

An application by the Director of Real Estate Services was considered as follows:

Summary: To rezone this City-owned site from Industrial District (I-2) to Comprehensive Development District (CD-1) for the purpose of permitting General Office use in the total floor area of two existing buildings. Consequential amendments to the Sign By-law and Noise Control By-laws (at time of enactment) are required.

The Director of Current Planning, recommended approval subject to conditions set out in the agenda of the Public Hearing.

### Summary of Correspondence

Council received no correspondence on this application since the date it was referred to Public Hearing.

### Speakers

The Mayor called for speakers for and against the application and none were present.

### Council Decision

MOVED by Councillor Louis

- A. THAT the application by the Director of Real Estate Services to rezone 3585 Graveley Street Lot 3, Block 113, Section 28 of THSL, Plan LMP 34147) from I-2 Industrial District to CD-1 Comprehensive Development District, to allow General Office use in two existing buildings generally in accordance with Appendix A of the Policy Report entitled "3585 Graveley Street: Proposed Rezoning from I-2 to CD-1" dated September 7, 2005, be approved subject to the following conditions:

#### FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as shown in approved Development Permit drawings for 1570 Kootenay Street (DE 217013) prepared by Waisman Dewar Grout Carter Inc. and approved Development Permit drawings for 3585 Graveley Street (DE 405241) prepared by CEI Architecture, the relevant excerpts of which are stamped "Received City Planning Department July 25, 2005", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application for a change of use by the Director of Planning or Development Permit Board, who shall have particular regard to the following:

#### PARKING, LOADING, AND BICYCLE PARKING

- (i) Provision of parking, loading, and bicycle spaces to meet Parking By-law requirements.

Note to Applicant: It appears that parking and loading requirements will be met, but confirmation will be required. It appears that additional bicycle parking spaces will be required.

#### AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, the registered owner shall:

#### ENGINEERING

- (i) make arrangements to the satisfaction of the General Manager of Engineering Services for the provision of adequate water service for the proposed development.

Note to Applicant: As the application does not contain adequate information to determine if water system upgrading is necessary, fire flow demand data will be needed to determine if system upgrading is necessary.

- B. THAT the Sign By-law be amended to establish regulations for this CD-1 in accordance with Schedule B (I-2) as set out in Appendix C of the above noted report.

#### CARRIED UNANIMOUSLY

#### 4. AREA REZONING: Kingsway and Knight Housing Plan (RT-10/RT-10N and RM-1/RM-1N)

An application by the Director of City Plans was considered as follows:

Summary: To rezone various RS-1, RS-1A, RS-2 and RT-2 properties near the Kingsway and Knight Neighbourhood Centre to new district schedules RT-10/RT-10N or RM-1/RM-1N as proposed in the Kingsway and Knight Housing Plan. Consequential amendments to the Subdivision By-law and Parking By-law are required at time of enactment. The "RT-10/RT-10N Small House/Duplex and RM-1/RM-1N Courtyard Rowhouse Guidelines" will accompany the By-laws at the time of enactment.

The Director of City Plans recommended approval.

#### Staff Comments

Pat St. Michel, Planner, Central Area Planning, reviewed the report, and along with June Christy, Planner, Neighbourhood Centres, Trish French, Assistant Director of Current Planning, and Pat Wotherspoon, Assistant Director, City Plans, responded to questions relating to numbers of units and potential population increase in the area, similar projects in Vancouver and other jurisdictions, economic analysis, timeframes, rationale, potential community benefits, and the impact on individuals wishing to remain in their own neighbourhoods.

## Summary of Correspondence

Council received one (1) letter of support on this application since the date it was referred to Public Hearing.

## Speakers

The following spoke in support of the application:

John Buckberrough, Kensington Cedar Cottage City Plan Committee  
Colin Boyd, Kingsway Knight Housing Advisory Working Group

Speakers' comments included:

- this application is an element in revitalization of community;
- resulting densification will be gradual and is not to be feared;
- affordability is an increasingly important issue;
- provides a viable opportunity for various types of housing;
- there are not many small lots to build on in Vancouver and this provides a great opportunity for builders to build small but strong market; and
- will allow various demographic groups to stay in their own affordable neighbourhoods.

John Colenuit expressed concern regarding increase in property taxes if an owner does not want to develop on his lot.

Staff advised that based on economic analysis, property taxes are not expected to increase.

## Council Decision

MOVED by Councillor Roberts

THAT the application by the Director of City Plans to:

- i) amend the Zoning and Development By-law to create a new RT-10/RT-10N Districts Schedule generally in accordance with Appendix A of the Policy Report entitled "RT-10/RT-10N and RM-1/RM-1N Districts Schedules" dated September 7, 2005,
- ii) amend the Zoning and Development By-law to create a new RM-1/RM-1N Districts Schedule, generally in accordance with Appendix B of the above noted report,
- iii) rezone the "Kingsway and Knight Housing Plan" area shown as shaded in Figure 1 of the above noted report from RS-1, RS-1A, RS-2 and RT-2 to RT-10/RT-10 N,
- iv) rezone the "Kingsway and Knight Housing Plan" area shown as shaded in Figure 2 of the above noted report from RS-1, RT-2 and RS-1A to RM-1/RM-1N, and

- v) amend the Zoning and Development By-law for consequential amendments generally in accordance with Appendix C of the above noted report, be approved; and

FURTHER THAT, as part of the forthcoming neighbourhood greening and linkages plan, staff report on options for convenient, surface-level bicycle parking for those visiting retail, community and multi-unit residential facilities.

CARRIED UNANIMOUSLY

#### 5. TEXT AMENDMENT: Restaurant Class 1 and Class 2

An application by the Director of City Plans was considered as follows:

Summary: To amend the definitions of Restaurant - Class 1 and Restaurant - Class 2 in the Zoning and Development By-law to permit a greater variety of entertainment. Consequential amendments to License By-law and Noise Control By-law will be required at the time of enactment.

The Director of City Plans in consultation with the Directors of Licenses and Inspection, Health Protection, and Legal Services, recommended approval.

#### Staff Comments

Marco D'Agostini, Planner, City Plans, reviewed the application and along with Paul Teichroeb, Chief License Inspector, and Guy Gusdal, License Coordinator, responded to questions relating to regulations, enforcement, and impact on restaurant operations.

#### Summary of Correspondence

Council was advised the following correspondence was received since the date the application was referred to Public Hearing:

- 96 e-mails/letters in support
- 7 e-mails/letters in opposition
- 1 other e-mail

#### Speakers

The following spoke in opposition to the application:

Dave Crown, President, ABLE BC (material submitted - on file)  
Des Vassos

Speakers' comments included:

- approval means Council is turning 100 restaurants into bars;
- will create destructive competition and saturation of licensed seats all competing for a market share that is too small;
- policies/regulations/laws will be ignored in order to make a profit;
- enforcement will be difficult;
- will be easier for criminal element to participate in liquor industry;
- noise levels will increase and impact residents' to an even greater degree; and
- owners should consider other options to retain business.

The following spoke in general support of the application:

Wayne Morris, Secretary, and Bobby Hales, President, Vancouver Musicians Assn.  
John Teti, BarWatch  
Vance Campbell, BarWatch  
Brent Lawrence  
Arni May, Rossini's Restaurants  
Vince Marino, BarWatch  
Emad Yacoub  
Molly Caron

Speakers' comments included:

- good opportunity for employment and learning opportunities for musicians;
- there is "head and foot" music; "foot" music means people want to dance; amplification means dance music;
- restaurants will benefit financially; more customers for entertainment and peripheral business, work for musicians;
- if implemented in various areas of Vancouver, more people can take advantage in their own neighbourhood and not be driving distances causing safety concerns;
- will add to restaurant ambience;
- Vancouver needs to be entertainment mecca and open up;
- reservations expressed regarding food primary licensees who act outside of their license regulations and the law; to alleviate this concern, City should encourage those operators who want to become entertainment primary to apply for liquor primary license;
- all liquor/entertainment should stop at midnight for food primary licensees;
- there are equal number of violations in Vancouver against restaurants and bars;
- music is an integral part of culture and it is against democratic rights and freedoms to prohibit;
- musical education would be a by-product of approval;
- must be approved for Olympics; step in right direction to providing entertainment 24/7;
- owners offering live music must be aware of those negatively affected by entertainment and consider remedies such as air conditioning/fans, noise baffles, opinion forms, participation in community meetings, fines for musicians who contravene noise by-laws; and certain quantity of food to be served before drinks are served;
- only difference between Class 1 and Class 2 licenses is the right to allow dancing;



- most restaurant owners would not think exclusion of music after midnight a problem;
- it is a public relations nightmare to have to ask people not to dance;
- if approved, would provide minors with quality exposure to live entertainment; and
- no validity to perception that there will be an increase in danger from alcohol and noise.

Messrs . Gusdal and Teichroeb, along with Nick Losito, Regional Director, Health Protection, and Pat Wotherspoon, Assistant Director, City Plans, responded to questions relating to the differentiation between licenses/liquor regulations, impact of the proposed changes, enforcement of by-laws/regulations relating to noise levels, and notification provided to owners relating to neighbouring licensed operators in mixed-use environments.

### **Council Decision**

MOVED by Councillor Green

THAT the application by the Director of City Plans to amend Section 2 of the Zoning and Development By-law to revise the definition for Restaurant - Class 1 and Restaurant - Class 2, generally in accordance with, Appendix A of the Policy Report entitled "Amendments to Restaurant Class 1 and Class 2 Definitions" dated June 17, 2005, be approved.

CARRIED UNANIMOUSLY

### **RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Roberts

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

### **ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Louis  
SECONDED by Councillor Bass

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 9:20 p.m.

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