



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 28, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, February 28, 2006, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed a to the Zoning and Development and Official Development Plan By-laws and Heritage By-laws.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Kim Capri
Councillor George Chow
Councillor Heather Deal
Councillor B.C. Lee
Councillor Raymond Louie
Councillor Tim Stevenson

ABSENT: Councillor Elizabeth Ball (Leave of Absence - Civic Business)
Councillor David Cadman (Leave of Absence - Civic Business)
Councillor Peter Ladner (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

1. HERITAGE REVITALIZATION AGREEMENT: 51 East Pender Street

An application by Jameson East Ventures Ltd. was considered as follows:

Summary: To enter into a Heritage Revitalization Agreement and Heritage Building Rehabilitation Program incentives to secure the rehabilitation and long-term conservation of the "B" listed heritage building at 51 East Pender Street.

The Director of Current Planning recommended approval.

Staff Comments

Zlatan Jankovic, Planner, Heritage Group, provided an overview of the application, gave a brief history of the site and explained the rehabilitation plan.

Applicant Comments

Tom Pappajohn, Jameson East Ventures Ltd. (Owner) and Walter Francl, Architect, were present to respond to questions.

Summary of Correspondence

Council received two emails expressing concerns regarding alleyways and a response from staff to one of these emails.

Speakers

The Mayor called for speakers for and against the application.

Ryan Mijker expressed concern with regard to the loss of the narrow alleyway between the two structures on the site of the proposed development. He pointed out that the narrow alleyways in this neighbourhood could provide an opportunity for a very unique and important network of pedestrian corridors and felt the proposed development could block one of these alleyways off, eliminating such an opportunity.

Mr. Jankovic, together with Mr. Francl and Larry Beasley, Director of Current Planning, responded to questions regarding concerns raised by the foregoing speaker, whether these narrow alleyways can be preserved, and the Heritage Revitalization Agreement, in particular, the process involved with density bonuses.

With regard to preserving these types of alleyways in future projects, Mr. Beasley advised that Council could ask staff to bring forward a policy for future applications.

Council Decision

MOVED by Councillor Louie

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 51 East Pender Street, to rehabilitate and adaptively re-use the "B" listed heritage building, to vary the provisions of the HA-1 District Schedule as they apply to site frontage and to grant a density bonus of 159,162 sq. ft. available for transfer off-site, to be registered on title as a legal notation.
- B. THAT Council require a covenant providing that the density bonus not be available for transfer until the rehabilitation is complete, unless the owner secures completion of the rehabilitation by a separate agreement, which must be registered on title.

- C. THAT, subject to approval of A, Council instruct the Director of Legal Services to prepare a Tax Exemption Bylaw for 51 East Pender Street for a property tax exemption which is not to exceed a value of \$500,395 or a period of ten (10) years, whichever comes first.
- D. THAT, if the Tax Exemption By-law receives the assent of electors, or is deemed approved by the electors under Section 396(A) of the Vancouver Charter, the Director of Legal Services bring forth a Tax Exemption By-law providing that:
- If issuance of an Occupancy Permit for the heritage rehabilitation work authorized under Development Application Number DE 409639 occurs before October 31st, the tax exemption period for 51 East Pender Street will begin on January 1st of the next calendar year;
 - If issuance of an Occupancy Permit for the heritage rehabilitation work authorized under Development Application Number DE 409639 occurs after October 31st, the tax exemption period for 51 East Pender Street will begin on January 1st of the calendar year after the next calendar year; and
 - If the owner of the property does not fulfill all requirements necessary to obtain an Occupancy Permit within sixty (60) months after the enactment date of the Tax Exemption By-law, it will have no further force or effect.
- E. THAT, subject to the approval of A, Council authorize a façade grant totalling \$50,000, with funding to be provided from the 2005 Capital Budget.
- F. THAT all the agreements, covenants and bylaws in respect to the above be prepared, registered and given priority to the satisfaction of the Director of Legal Services in consultation with the Director of Planning.
- G. AND THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY AND
C AND E BY THE REQUIRED MAJORITY

2. TEXT AMENDMENT: Miscellaneous Text Amendments

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

Summary: Proposed text amendments to the Zoning and Development By-law and two CD-1 By-laws to achieve the intent of earlier rezonings.

The Director of Current Planning recommended approval.

Staff Comments

Grant Miller, Planning Analyst - Rezoning Centre, was available to respond to questions.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Stevenson

THAT the application by the Director of Current Planning to amend the Zoning and Development By-law, and CD-1 By-laws for miscellaneous amendments generally as presented in Appendix A to Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws and Zoning and Development Fee By-law" dated January 18, 2006, be approved.

CARRIED UNANIMOUSLY

3. TEXT AMENDMENT: 2775 Laurel Street (Size)

An application by Peter Arbuckle, Development Consultant, was considered as follows:

Summary: To amend the Vancouver General Hospital CD-1 By-law size restrictions for Retail Use (Hospital) to accommodate a change of use from a Restaurant to a Home Health Care Store for one of the Commercial Retail Units on the ground floor of the Academic Ambulatory Care Centre at 2775 Laurel Street.

The Director of Current Planning recommended approval.

Staff Comments

Tom Phipps, Planner - Major Projects Group, was available to respond to questions.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Capri

THAT the application by Peter Arbuckle, Development Consultant, to amend CD-1 Bylaw No. 4472 for Vancouver General Hospital, to permit a change in Retail Store (Hospital) Size Limits, generally in accordance with Appendix A to Policy Report "CD - 1 (59) Text Amendment Vancouver General Hospital - Retail Store (Hospital) Size" dated December 22, 2005, be approved.

CARRIED UNANIMOUSLY

4. TEXT AMENDMENT: 2775 Laurel Street (Frontage)

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

Summary: To amend provisions of the Vancouver General Hospital CD-1 By-law, to exclude the Academic Ambulatory Care Centre at 2775 Laurel Street from retail frontage provisions.

The Director of Current Planning recommended approval.

Staff Opening Comments

Tom Phipps, Planner - Major Projects Group, was available to respond to questions.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Capri

THAT the application by the Director of Current Planning to amend the CD-1 Bylaw No. 4472 for Vancouver General Hospital to permit a change in frontage provisions, generally in accordance with Appendix A to Policy Report "CD-1 (59) Text Amendment Vancouver General Hospital - Frontage" dated December 22, 2005, be approved.

CARRIED UNANIMOUSLY

5. TEXT AMENDMENT: 149 West Hastings Street and 150 West Cordova Street

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

Summary: To amend the Downtown Official Development Plan to enlarge the boundaries of sub-area "C1" of the Downtown District to incorporate the properties at 149 West Hastings Street and 150 West Cordova Street, immediately west of the Woodward's site, which will be acquired by the developer to accommodate an expanded project. It is also proposed to increase the maximum floor space ratio in this sub-area.

The Director of Current Planning recommended approval.

Staff Comments

Phil Mondor, Rezoning Planner - Rezoning Centre, provided a brief overview of the application and explained the rationale. Mr. Mondor, together with Larry Beasley, Director of Current Planning, and Michael Flanigan, Deputy Director - Real Estate Services, responded to questions concerning changes in the mix of uses on the project site and related financial implications, as well as property tax implications.

Summary of Correspondence

One email expressing support for the application had been received since referral to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Deal

- A. THAT the application by the Director of Current Planning to amend the Downtown Official Development Plan to include the properties at 149 West Hastings Street (Lot 11 E 46 ft., Lot 12 W 25 ft. & Lot 12 E 25 ft. of W 50 ft., Block 4, Old Granville Townsite, Plan 168) and 150 West Cordova Street (Lot B of 5 & 6, Lot 6 W 33 ft. & Lot 7 E Half, Block 4, OGT, Plan 168) in subarea "C1" of the Downtown District, generally in accordance with Appendix A of the Policy Report dated January 11, 2006, entitled "Downtown Official Development Plan - Text Amendment to include 149 West Hastings Street and 150 West Cordova Street in Downtown District Sub-area "C1" (Woodward's Site)", be approved.

- B. THAT the Parking By-law be amended to establish parking standards for Sub-area "C1" as set out in Appendix A of the memorandum dated February 15, 2006, entitled " Downtown Official Development Plan - Text Amendment to include 149 West Hastings Street and 150 West Cordova Street in Downtown District Sub-area "C1" (Woodward's Site): PARKING BY-LAW AMENDMENTS".

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law at the time of enactment of the Downtown Official Development Plan amending by-law.

CARRIED UNANIMOUSLY

6. TEXT AMENDMENT: Live-Work Use in the Victory Square, Gastown, Chinatown and Hastings Street Areas

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

Summary: To amend the Zoning and Development By-law, the Downtown Official Development Plan and the Downtown-Eastside/Oppenheimer Official Development Plan to define Live-Work Use and permit it as a conditional approval use in the heritage areas east of the downtown core. At the time of enactment, the by-laws would be accompanied with Guidelines to be adopted by resolution of Council. A consequential amendment to the Parking By-law is also required.

The Director of Current Planning, in consultation with the Chief Building Official, the Director of Housing Centre, the General Manager of Engineering Services, the Director of Finance and the Director of Legal Services, recommended approval.

Staff Comments

Abigail Riley, Planning Analyst - City Plans, provided a brief overview of the application, reviewed public consultation and, together with Ken Bayne, Director of Financial Planning & Treasury, and Larry Beasley, Director of Current Planning, responded to questions concerning the property assessment component of live-work use and taxation implications.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Jean Swanson, Carnegie Community Action Project, spoke in opposition to the application and advised that the proposed rezoning to live-work use may put pressure on land values and make sites for social housing more difficult to secure. She urged Council to stop this

proposal, buy some more housing sites and buildings, and put more funding into developing them, adding the City would be purchasing assets that will appreciate in value.

The following spoke in support of the application:

Jon Stovell, Developer, Alliance Holdings Ltd.
Rob Leshgold, Chair - Gastown Historic Area Planning Committee
Vincent Fodera

A summary of speakers' comments follows:

- have converted 225 buildings in the neighbourhood from vacant or dilapidated warehouses and out-of-use office buildings to live-work spaces and have never displaced SRO or low-income residents;
- the live-work use is very compatible and supports the viability of the warehouse buildings in Gastown, which are very deep and lack windows; and
- pleased the Planning Department is serious about changing the Downtown Eastside into a more residential-friendly neighbourhood.

Staff, together with Ben Johnson, Housing Planner - Housing Centre, responded to questions concerning impacts related to the proposed use and whether there are assurances low income residents in the area will not be displaced, whether there is a maximum unit size for live-work use, and whether there will be any changes to storefronts in the area.

Council Decision

MOVED by Councillor Louie

- A. THAT the application by the Director of Current Planning to amend the Zoning and Development By-law, Downtown District Official Development Plan, and Downtown-Eastside/Oppenheimer Official Development Plan to define and permit Live-Work Use generally as outlined in Appendix A of the Policy Report dated August 30, 2005, entitled "Live-Work Use in the Victory Square, Gastown, Chinatown, and Hastings Street Areas", be approved.
- B. THAT, if approved, the by-laws be accompanied at the time of enactment by amendment to the Parking By-law and other guideline documents as set out in the Policy Report dated August 30, 2005, entitled "Live-Work Use in the Victory Square, Gastown, Chinatown, and Hastings Street Areas".

CARRIED UNANIMOUSLY

7. TEXT AMENDMENT: Victory Square

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

Summary: To amend the Downtown Official Development Plan by defining the Victory Square area as a separate sub-area and adopting regulations for the sub-area to implement provisions of the Victory Square Policy Plan.

The Director of Current Planning, in consultation with the Director of Legal Services, the General Manager of Engineering Services and the Co-Director of Development Services, recommended approval.

Staff Comments

Yan Zeng, Central Area Planning, explained the application and provided background information on the project.

Summary of Correspondence

One letter expressing concerns had been received since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application.

Vincent Fodera, property owner in the area, spoke in general support of the application. He pointed out that the Downtown Eastside has about 450 empty stores and suggested these buildings be converted into social housing. He presented a proposal to create ground floor living, adding it would be a quick, economical solution to addressing the current issues in the neighbourhood. Mr. Fodera also added this proposal should be acted on soon with the Olympics approaching. He asked that Council consider this proposal and advise the Planning Department to go ahead with it.

Richard Evans, business owner in the area, spoke in support of the application and felt this plan meets the intent of what is being proposed in the neighbourhood. He pointed out that Victory Square is a character neighbourhood in the downtown peninsula which is a distinct alternative to the tower developments seen in the rest of the area. Mr. Evans added that unless there's mediation on development pressure, there won't be such a neighbourhood.

Ms. Zeng, together with Larry Beasley, Director of Current Planning, responded to questions concerning the application, including impacts to heritage buildings and the possible loss of "saw tooth" facades.

Council Decision

MOVED by Councillor Lee

- A. THAT the application by the Director of Current Planning to amend the Downtown Official Development Plan (DODP) to create a separate sub-area to define Victory Square as a heritage character area and to provide density and height provisions, be approved.

- B. THAT if the amendment to the DODP is approved, at the time of enactment the Victory Square Guidelines be approved, generally in accordance with Appendix C of the Policy Report dated January 12, 2006, entitled "Downtown District Official Development Plan Amendment for Victory Square".

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Capri
SECONDED by Councillor Lee

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

BY-LAWS

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT Council enact the by-laws listed as numbers 1 and 2, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend the DD ODP By-law re Woodward's site (By-law No. 9232)
2. A By-law to amend the Parking By-law re Woodward's site (By-law No. 9234)

The Special Council adjourned at 9:14 p.m.

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