



REPORT TO COUNCIL

STANDING COMMITTEE OF COUNCIL ON PLANNING AND ENVIRONMENT

OCTOBER 19, 2006

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, October 19, 2006, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Suzanne Anton, Chair
Mayor Sam Sullivan
Councillor Elizabeth Ball
Councillor David Cadman
Councillor Kim Capri, Vice-Chair
Councillor George Chow
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie
Councillor Tim Stevenson

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

CITY CLERK'S OFFICE: Diane Clairmont, Meeting Coordinator

ADOPTION OF MINUTES

The Minutes of the Standing Committee on Planning and Environment meeting of September 28, 2006, were adopted.

INFORMATION

1. **Significant New Rezoning Application - 750 Pacific Boulevard**
(VanRIMS No.: 11-3600-03)

The Committee had before it a description of a Significant New Rezoning Application for 750 Pacific Boulevard, prepared by the Planning Department and submitted for information only.

Karen Hoesel, Planner, Rezoning Centre, reviewed the application and along with Phil Mondor, Rezoning Planner, responded to questions relating to the number of gaming tables/slot machines, CD-1 By-law regulations; and status of the bingo hall.

George Cadman, Paragon Gaming, advised the bingo hall will be in place by December 2008.

Council received this item for information.

RECOMMENDATION

2. **5625 - 5699 Senlac Street and 5628 - 5698 Wessex Street - Warning to Prospective Purchasers** (VanRIMS No.: 11-4400-10)

The Committee had before it an Administrative Report dated September 27, 2006, in which the City Building Inspector sought Council approval to file a 336D Notice against the title to thirteen (13) strata units in this building that have been used as an illegal marijuana grow operations and to the one (1) unit that was used as an illegal clandestine lab, and to warn prospective purchasers of By-law violations. The General Manager of Community Services recommended approval.

Carlene Robbins, Manager, By-law Administration and Records, reviewed the report and responded to questions relating to:

- the safety of other units in the complex, including the heating/ventilation systems;
- ownership of units;
- inspection plans and cost recovery options;
- permitting for correction of deficiencies;
- future occupancy and business licensing status for rental of units; and
- hiring of bona fide management company.

MOVED by Councillor Capri

THAT the Committee recommend to Council

THAT the City Clerk be directed to file a 336D Notice against the title to 14 of the strata units in the building at 5625 - 5699 Senlac Street and 5628 - 5698 Wessex Street as set out in Appendix A of the Administrative Report *5625 - 5699 Senlac Street and 5628 - 5698 Wessex Street- Warning to Prospective Purchasers*, dated September 27, 2006, in order to warn prospective purchasers that these particular units (13) were used as illegal marijuana grow operations and that (1) unit was used as an illegal clandestine lab and that there are contraventions of the Vancouver Building and Electrical By-laws related to these unauthorized uses.

CARRIED UNANIMOUSLY

3. Property Use, Development and Building Regulation Review
(VanRIMS No.: 11-2000-20)

The Committee had before it an Administrative Report dated September 19, 2006, in which the Co-Director of Development Services - Policy & Regulations, in consultation with the Director of Planning, Chief Building Official, General Manager of Engineering Services and Co-Directors of Licenses & Inspections, sought Council approval for a combined strategy to manage the City's regulatory framework for property use, development and building. The General Manager of Community Services recommended approval.

Rick Scobie, Co-Director of Development Services, reviewed the report and noted that "PIAC" was incorrectly defined in the Report and stands for "Policy Impact Advisory Committee". Mr. Scobie, and along with Bill Boons, Manager, Processing Centre - Development; responded to questions regarding:

- procedures to determine and eliminate out-dated by-laws;
- process for Council to ensure the original intent of the by-law is maintained;
- how the review was initiated;
- process to receive feedback from the public and relevant industry organizations;
- process to amend by-laws;
- mechanism to incorporate the "voice" of home owners/small businesses;
- land uses and licensing by-laws impacted by the by-laws under review; and
- composition and process of PIAC.

Nora Stevenson, Real Estate Associate, Tim Hortons, spoke in support of the recommendations (letter submitted - on file). Her comments included:

- finding locations for 2,000-3,000 sq. ft. restaurants with suitable parking/loading spaces that comply with by-laws is challenging;
- navigating City processes is difficult;
- developers find it too expensive to provide sufficient parking for a restaurant;
- land use is governed by the parking by-law and not by where a restaurant would best serve the public; and
- Tim Hortons looks forward to reviewing/commenting on proposed regulatory changes.

MOVED by Councillor Ladner

THAT the Committee recommend to Council

- A. THAT Council support a combined strategy of managing the City's regulatory framework for property use/development/building via:
 - (i) a program of on-going review of existing regulations for currency and effectiveness; and
 - (ii) review of proposed new regulations for ease and effectiveness of administration.

- B. THAT the staff program for review of existing by-law regulations pertaining to property use/development/building focus initially on small commercial and residential projects involving existing buildings, with applicants having little

previous experience with City requirements, as outlined in Administrative Report *Property Use, Development and Building Regulation Review*, dated September 19, 2006.

- C. THAT the existing Policy Impacts Advisory Committee (PIAC) review proposed new or amended City by-law regulations pertaining to property use/development/building in terms of:
- (i) effective integration with the existing regulatory framework; and
 - (ii) impact on delivery of application, inspection and compliance services, and organizational sustainability, including resources.
- D. THAT PIAC include a commentary in reports to Council on proposed new or changes to regulations, based on the review carried out in recommendation C above.

CARRIED UNANIMOUSLY

4. 455 Abbott Street - Lotus Hotel Ltd. - Liquor Primary Liquor License Application for an Increase in Patron Capacity (VanRIMS No.: 11-4600-50)

The Committee had before it an Administrative Report dated October 3, 2006, in which the Chief License Inspector sought Council endorsement of the application by Lotus Hotel Ltd. for an increase in patron capacity to their existing Liquor Primary liquor license from 45 to 58 seats from the existing Food Primary liquor license at Honey Lounge located at 455 Abbott Street. The General Manager of Community Services recommended approval.

Guy Gusdal, License Coordinator, reviewed the report and responded to questions relating to:

- food service;
- notification process;
- enforcement history and due diligence process;
- Good Neighbour Agreement and Time Limited Development Permit;
- neighbourhood consultation process;
- impact of street scene, noise concerns and police incidents; and
- geographic boundaries of the DTES.

The following spoke in opposition to the recommendation:

Danny Kostyshin, representing residents of The Pendera (*submitted petition - on file*)
Hans Schmid, Right to Quiet Society

Speakers' comments included:

- noise level, including sub-sonic bass migration, negatively impacts health of residents and quality of life at inappropriate hours
- current by-law does not address sub-sonic bass migration noise;
- concern expressed that contents of Time-limited Development Permit and Good Neighbour Agreement are not stated in the staff report; and
- City inspectors do not have resources to enforce noise by-law effectively.

The following spoke in favour of the recommendation:

Jamie Lee Hamilton
Fraser Boyer, Mark James Group, speaking on behalf of Applicant

Speakers' comments included:

- establishment is a good neighbour to DTES residents;
- Honey Lounge has two sides (one food required, one not); makes it difficult to monitor;
- application is not to increase seats, but to bring full room to same licensing status;
- this is not a noise issue, but a liquor issue; and
- Applicant will adhere to all agreements.

Staff, including Constable Cheryl Leggett, Vancouver Police Department, responded to questions regarding:

- noise concerns, including status of noise by-laws and enforcement;
- procedure for hearing/dealing with complaints;
- obligations of operator to meet agreement criteria;
- backdoor issue (relating to street concerns); and
- police endorsement of this application.

MOVED by Councillor Lee

THAT the Committee recommend to Council

THAT Council, having considered the opinions of area residents and business operators notified by an on-site sign and flyers, the proximity of residential developments, noise impacts and relevant city policy as outlined in Administrative Report *455 Abbott Street - Lotus Hotel Ltd., Liquor Primary Liquor License Application for an Increase in Patron Capacity*, dated October 3, 2006, endorse the request by Lotus Hotel Ltd. for an increase in person capacity for the Liquor Primary Liquor License (license #73737) from 45 to 103 seats (Liquor Establishment Class 2) at Honey Lounge, 455 Abbott Street, subject to:

- i. Adhering to clean air practices, and sound requirements as stipulated in noise by-laws;
- ii. Signing a Good Neighbour Agreement with the City; and
- iii. A Time-limited Development Permit.

CARRIED UNANIMOUSLY

5. 1780 Davie Street - Denman St. Free House Enterprises Ltd. - Liquor Primary Liquor License Application (VanRIMS No.: 11-4600-50)

The Committee had before it an Administrative Report dated October 3, 2006, in which the Chief License Inspector sought Council's endorsement of the application by Denman St. Free House Enterprises Ltd. for a 65 seat Liquor Primary liquor license (Liquor Establishment Class 1) at 1780 Davie Street.

Guy Gusdal, License Coordinator, reviewed the report. He noted that on Page 3 of the Administrative Report, under "Area Surrounding Premises", the number of seats for Private Club should be 510 seats, (not 520) for a total of 957 total liquor seats.

The following spoke in favour of the recommendation

Dennis Coates, Mair, Jensen, Blair, agent for the Applicant
Jeff Donnelly, Denman St. Free House Enterprises Ltd., Applicant

Speakers' comments included:

- benefits of Time Limited Development Permit/Good Neighbour Agreement;
- all conditions are agreeable to Applicant;
- Applicant agrees to no dancing/no live entertainment, including amplified music;
- Applicant will sign all agreements and comply with all conditions;
- does not want to turn away tourists; wants to attract local customers in off-peak periods;
- there have been no police or sound complaints;
- retractable roof is closed nightly at 10:30 p.m.; and
- does not have a bass bin (equipment used in dance clubs) in this establishment.

Frauke Owen spoke in opposition to the recommendation (*material submitted - on file*). Her comments included:

- pub is already nuisance to neighbourhood;
- music starts at 11:30 p.m. - sophisticated sound system sounds like boom car until between 2:00 and 5:00 a.m.;
- phone calls made requesting music be turned down; operators sometimes comply or blame other establishments; area was physically checked and sound is from this establishment;
- intoxicated patrons exit at very late (early) hours; operators, City staff, Health Department staff, and Vancouver Police Department have been advised, but no change;
- Staff report does not mention loud amplified music; and

- does not believe Good Neighbour Agreement will help; problems will increase if application approved.

Staff, including Constable Cheryl Leggett, Vancouver Police Department, responded to questions regarding number of complaints received regarding this establishment over several years; procedure for dealing with complaints, and on-going monitoring.

MOVED by Councillor Deal

THAT the Committee recommend to Council

THAT Council, having considered the opinions of area residents and business operators in the community as determined by neighbourhood notification, an on-site sign, and public meeting, the proximity of residential developments, noise impacts and relevant city policy as outlined in the Administrative Report, *1780 Davie Street - Denman St. Free House Enterprises Ltd, Liquor Primary Liquor License Application*, dated October 3, 2006, endorse the request by Denman St. Free House Enterprises Ltd, for a 65 seat Liquor Primary liquor license (Liquor Establishment Class 1) at 1780 Davie Street subject to:

- i. A Time-Limited Development Permit to review compliance and mitigation of traffic, noise, parking and other zoning issues;
- ii. The signing of a Good Neighbour Agreement prior to the issuance of a Business License;
- iii. Standard hours of operation limited to 11:00 a.m. to 1:00 a.m., Sunday to Thursday, 11:00 a.m. to 2:00 a.m., Friday and Saturday; or
Extended hours of operation limited to 9:00 a.m., Sunday to Thursday, 9:00 a.m. to 3:00 a.m., Friday and Saturday; and
- iv. Adherence to clean-air principles.

CARRIED UNANIMOUSLY

6. Moratorium on SRA Conversions (VanRIMS No. 11-2200-21)

At its meeting immediately following the Standing Committee on City Services and Budgets meeting on October 5, 2006, Vancouver City Council referred this item to the Standing Committee on Planning and Environment meeting on October 19, 2006, in order to hear speakers.

Accordingly, the following motion was before the Committee:

WHEREAS:

1. the number of homeless in Vancouver's streets is steadily climbing;
2. conversions of single room accommodation units is increasing despite the SRA bylaw; and
3. these conversions within a few blocks of the Olympic village may constitute a violation of the City of Vancouver's commitments to the IOC under the Inclusivity Intent Statement with our bid to host the 2010 Olympic Winter Games and Winter Paralympic Games.

THEREFORE BE IT RESOLVED

1. THAT Council impose a moratorium on any conversions of SRA accommodation pending a report from staff on the threat to this crucial housing;
2. THAT Council direct staff to recommend measures necessary to strengthen the SRA bylaw, including increasing the conversion fee; and
3. THAT Council, through the Mayor, call on both senior levels of government to commit to restore funding for affordable housing to confront the crisis.

amended

Cameron Gray, Director, Housing Centre, Barb Windsor, Deputy Chief License Inspector, and Brent MacGregor, Deputy City Manager, responded to questions relating to the following:

- status of Empress Hotel and American Hotel;
- clarification of the intent of the proposed moratorium timeframe;
- current SRA conversion process;
- status of staff report to council on SRA update, including guidelines to SRA operators;
- number of SRA conversion approvals over the past 5 years;
- how Olympic commitment can be fulfilled to ensure people are not displaced;
- status of developers who want to assist in developing housing;
- current status/vacancy rates of SRA stock including all units less than 320 sq. ft.; and
- message to be sent to SRA owners/operators.

The following spoke in favour of the motion:

Jenny Kwan, MLA, Vancouver-Mt. Pleasant
Paul Faoro, President, CUPE 15
David Eby, Pivot Legal Society
Kim Kerr, Executive Director, DERA
Martha Lewis, Executive Director, Tenants' Rights Action Coalition
Susan Henry, Community worker/advocate

Jean Swanson, Coordinator, Carnegie Community Action Project
Tammie Tupechka, Neighbourhood Helpers Project, DTES Seniors Centre
Chuck Gammon, Neighbourhood Helpers Project, DTES Seniors Centre
Sister Elizabeth Kelliher, Franciscan Sisters of the Atonement (*material submitted - on file*)
Doug Aason, Urban Core Community Workers' Association
Cecily Nicholson, Coordinating Collective, Vancouver Status of Women
Alice Kendall, Centre Coordinator, DTES Women's Centre
Richard Tylman
Thomas Malenfant, Anti-Poverty Committee
Chris Laird
Matthew Matthew
Audrey LaFerriere
Colleen Carrall
Lisa Poole
Muggs Sigurgeirson, Carnegie Community Centre
Andrea Schmidt, Save Low Income Housing Coalition
Sam Snobelen
Lily Loncar, Downtown Eastside Residents Association
Joan Morelli
Tom Sandborn
Mel Lehan
Dalannah Gail Bowen

Speakers' comments included:

- SRA/affordable housing stock has diminished greatly, while homelessness has doubled;
- Council should send strong message to SRA operators that they either fix the units or the City will fix them and operators will be billed; should not aid developers to gain profits over housing those in need;
- Council should use available City-owned sites and Property Endowment Fund for affordable housing, and also buy one hotel each year for conversion;
- Council should not wait for provincial/federal governments to step up, but use available tools and encourage them to develop housing programs;
- approving moratorium is opportunity to compensate for cuts to Homeless Action Plan;
- homelessness should be first on Council's agenda - every citizen is entitled to a roof over his/her head in a safe setting; this issue is more important than littering/graffiti;
- SRA is last resort before homelessness; City should honour commitment to no evictions due to Olympics;
- evictions are reality, not rumour; women and seniors will be most affected;
- when buildings are emptied, public disorder/fire hazards increase;
- Standards and Maintenance By-law provides ability to fix/raze buildings, but has not been acted upon in 25 years;
- moratorium can be time limited: to cover cold winter season, post-Olympics (4 years) or until Staff report is submitted to Council;
- income discrepancies are widening, while affordable housing is shrinking;
- governments cannot continue to depend on faith-based charities to pick up slack for providing food and shelter;

- do not allow one SRA to close without opening a new one; City is far behind 1-1 replacement;
- other municipalities/jurisdictions have moratoriums that work e.g. San Francisco;
- operators “work the system”; they convert room by room and when buildings are empty, they are converted to backpacker hostels and ESL student housing;
- many SRA residents do not have physical or emotional coping skills;
- three points essential to address issues: continuum of housing, adequate income and support services, working with developers to build more housing;
- SRAs essential to keep people alive and off streets, warm and not harassed;
- Council should commit to war on poverty at home, not war abroad;
- use Storyeum space as a shelter;
- social housing financing could be generated through Property Transfer Tax and distributed Province-wide;
- homelessness in many areas of City and has negative impact on tourism;
- staff reports are good, but not implemented; staff should be assigned to monitor by-laws – this would give strong message to SRA operators; and
- moratorium should be in place until decent alternative housing available.

Council recessed at 6:00 p.m. and reconvened at 7:05 p.m. with the same members present, to continue to hear from speakers.

Staff responded to questions relating to:

- the number of homeless in Vancouver;
- content of staff report being developed, including what other municipalities are doing regarding this issue; and staffing/resources related to SRAs;
- implementation and legal implications, including scope and limitations of Standards and Maintenance By-law;
- seismic concerns in SRA buildings; and
- whether specific establishments are in contravention of by-laws.

Council recessed at 8:40 p.m. and reconvened at 8:50 p.m. with the same members present.

The following reflects changes to the Motion:

MOVED by Councillor Stevenson
THAT the Committee recommend to Council:

WHEREAS:

1. the number of homeless in Vancouver's streets is steadily climbing;
2. conversions of single room accommodation units is increasing despite the SRA bylaw; and
3. these conversions within a few blocks of the Olympic village may constitute a violation of the City of Vancouver's commitments to the IOC under the Inclusivity Intent Statement with our bid to host the 2010 Olympic Winter Games and Winter Paralympic Games.

THEREFORE BE IT RESOLVED

1. THAT Council impose a moratorium on any conversions or demolitions of SRA accommodation with the exception of conversions or demolitions that result in the development of social housing, shelters or SRAs, pending a report from staff on the threat to this crucial housing;
2. THAT Council direct staff to recommend measures necessary to strengthen the SRA bylaw, including increasing the conversion fee; and
3. THAT Council, through the Mayor, call on both senior levels of government to commit to restore funding for affordable housing to confront the crisis.

referred

MOVED by Mayor Sullivan
THAT the Committee recommend to Council

THAT speakers having been heard, discussion and decision on the motion *Moratorium on SRA Conversions* be referred to the future meeting of Council which will include the staff report on SRAs.

CARRIED

(Councillors Cadman, Chow, Deal, Louie and Stevenson opposed)

Meeting Coordinator's Note: Subsequent to this meeting, it was determined that all speakers having been heard, discussion and decision relating to this motion will be dealt with at the December 14, 2006, Council meeting immediately following the Standing Committee on Planning and Environment meeting.

The Committee adjourned at 9:30 p.m.

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CITY OF VANCOUVER

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

OCTOBER 19, 2006

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, October 19, 2006, at 9:30 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 Sam Sullivan
- Councillor Suzanne Anton
- Councillor Elizabeth Ball
- Councillor David Cadman
- Councillor Kim Capri
- Councillor George Chow
- Councillor Heather Deal
- Councillor Peter Ladner
- Councillor B.C. Lee
- Councillor Raymond Louie
- Councillor Tim Stevenson

CITY MANAGER'S OFFICE: Jacquie Forbes-Roberts, General Manager of Community Services

CITY CLERK'S OFFICE: Diane Clairmont, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Capri

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

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Report of Standing Committee on Planning and Environment October 19, 2006

Council considered the report containing the recommendations and actions taken by the Standing Committee on Planning and Environment. Its items of business included:

1. Significant New Rezoning Application - 750 Pacific Boulevard

2. 5625 - 5699 Senlac Street and 5628 - 5698 Wessex Street - Warning to Prospective Purchasers
3. Property Use, Development and Building Regulation Review
4. 455 Abbott Street - Lotus Hotel Ltd. - Liquor Primary Liquor License Application for an Increase in Patron Capacity
5. 1780 Davie Street - Denman Street Free House Enterprises Ltd., Liquor Primary Liquor License Application
6. Moratorium on SRA Conversions

Items 1-5

MOVED by Councillor Lee

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of Thursday, October 19, 2006, as contained in items 1 to 5 be approved.

CARRIED UNANIMOUSLY

Item 6

MOVED by Councillor Lee

THAT the recommendation and action taken by the Standing Committee on Planning and Environment at its meeting of Thursday, October 19, 2006, as contained in Item 6 be approved.

CARRIED

(Councillors Cadman, Chow, Deal, Louie, Stevenson opposed.)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

SECONDED by Councillor Chow

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

CARRIED UNANIMOUSLY

The Council adjourned at 9:35 p.m.

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