



CITY OF VANCOUVER

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REGULAR COUNCIL MEETING MINUTES

MARCH 11, 2008

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, March 11, 2008, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

**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:** Judy Rogers, City Manager  
James Ridge, Deputy City Manager

**CITY CLERK'S OFFICE:** Syd Baxter, City Clerk  
Tarja Tuominen, Meeting Coordinator

\*Denotes absence for a portion of the meeting

**PRAYER**

The proceedings in the Council Chamber were opened with a prayer read by the City Clerk.

**PROCLAMATION - UBC RESEARCH WEEK**

The Mayor proclaimed the week of March 4 to 15, 2008 as UBC Research Week.

**"IN CAMERA" MEETING**

MOVED by Councillor Ball  
SECONDED by Councillor Lee

THAT Council will go into a meeting later this day which is closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraph(s):

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;
- (c) labour relations or other employee relations.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

#### **ADOPTION OF MINUTES**

##### **1. Special Council (Public Hearing) - February 12, 2008**

MOVED by Councillor Stevenson  
SECONDED by Councillor Anton

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

##### **2. Chauffeur's Permit Appeal Hearing - February 26, 2008**

MOVED by Councillor Deal  
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

##### **3. Regular Council - February 26, 2008**

MOVED by Councillor Anton  
SECONDED by Councillor Ladner

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

**4. Regular Council (City Services and Budgets) - February 28, 2008**

MOVED by Councillor Ladner  
SECONDED by Councillor Stevenson

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

**5. Regular Council (Planning and Environment) - February 28, 2008**

MOVED by Councillor Capri  
SECONDED by Councillor Ball

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Deal  
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

**MATTERS ADOPTED ON CONSENT**

MOVED by Councillor Ball

THAT Council adopt the Communication, Administrative Reports A1 to A6, A8 to A10, A12 to A15, and Policy Reports P1 and P2, on consent.

CARRIED UNANIMOUSLY  
(Councillor Chow absent for the vote)

## REPORT REFERENCE

1. **Public Consultation on the Property Tax Policy Review Commission Recommendations (VanRIMS No. 05-4200-10)**

Karen Levitt, Manager of Financial Planning, and Catherine Knause, Ipsos Reid, presented a Report Reference on the results of a public consultation process on the recommendations of the Property Tax Policy Review Commission and the Property Tax Policy Review Commission's three recommendations associated with a redistribution of the tax shares, to 52% residential and 48% non-residential.

The Chair noted requests to speak on Report Reference 1 have been received. Council agreed to refer consideration of the report to the Standing Committee on City Services and Budgets meeting on March 13, 2008, in order to hear the speakers.

2. **By-Law Enforcement and Enhanced Civil Order (VanRIMS No. 08-4000-10)**

Geoff Plant, Civil City Commissioner, presented a Report Reference on the report 'By-Law Enforcement and Enhanced Civil Order' attached as Appendix A to the Administrative Report *Enforcement Review*, dated February 27, 2008. Mr. Plant outlined changes to City by-laws and Provincial enabling legislation to ensure the most effective framework for achieving public order as recommended in consultation with the Enforcement Advisory Committee, which includes key City staff and community stakeholders.

Mr. Plant also referred to the results of the review recently undertaken by City staff of the minimum fine levels set out in the various by-laws referenced in the companion Administrative Report *Increasing the Minimum Fines Set Out in By-laws and Amending Related Provisions of Those By-laws* dated February 27, 2008.

The Chair noted that a request to speak on Report Reference 2 has been received. Council agreed to refer consideration of the reports to the Standing Committee on Planning and Environment meeting on March 13, 2008, in order to hear the speaker.

## UNFINISHED BUSINESS

1. **HRA/Heritage Designation: 190 Prior Street (VanRIMS No. 08-2000-51)**

On February 12 and 21, 2008, Council heard from all registered speakers at the Public Hearing on the proposed HRA/Heritage Designation of 190 Prior Street. The Public Hearing concluded on February 21, and Council referred discussion and decision to the Regular Council meeting on March 11, 2008, in order to allow the applicant and the artists of 190 Prior Street (formerly 901 Main Street) to further develop a proposal for report back by staff.

Yardley McNeill, Heritage Planner, reported on the proposal agreed to by the applicant and the artists, and with Richard Wittstock, representing the applicant, responded to questions.

MOVED by Councillor Deal

- A. THAT Council add the building at 190 Prior Street to the Vancouver Heritage Register in the "B" category and designate the building as municipally protected heritage property.
- B. THAT Council authorize the City to enter into a Heritage Agreement for the building at 190 Prior Street, containing a Heritage Revitalization Agreement to secure the rehabilitation and long term protection of the building and apply bonus density for use on site resulting in an additional 7,547 sq. ft. (701.1 m<sup>2</sup>) or 1.69 FSR above the permitted maximum in the area.
- C. THAT Council instructs the Director of Legal Services to bring forward for enactment the bylaws to authorize the designation and the Heritage Revitalization Agreement.
- D. THAT the owner enter into an agreement with the City, drawn to the satisfaction of the Director of Legal Services, to confirm the owner-initiated offer not to seek issuance of the Building Permit for 190 Prior Street related to Development Permit 411105 until arrangements to the satisfaction of the Director of Legal Services, Director of Planning and Managing Director of Cultural Services have been met regarding provision for secured artist studio class "A" space at 299 East 7<sup>th</sup> Avenue which will include without limitation, the following provisions:
  - Minimum aggregate artist studio class "A" space of not less than 5,000 square feet;
  - Minimum lease terms of not less than 10 years.

CARRIED UNANIMOUSLY

2. **Amendments to Vancouver Fire By-law No. 8191 Regarding Fireworks**  
(VanRIMS No. 14-1000-01)

On February 14, 2008, at the Standing Committee on City Services and Budgets meeting, Vancouver City Council heard from speakers on the Policy Report *Amendments to Vancouver Fire By-law No. 8191 Regarding Fireworks*, dated January 29, 2008, and referred the decision to the Regular Council meeting on February 26, 2008, as Unfinished Business. Subsequently, the matter was postponed to the March 11 Regular Council meeting.

MOVED by Councillor Deal

THAT Council direct staff to report back on potential family and public fireworks licensing systems, including limitation and insurance requirements.

carried

AMENDMENT MOVED by Councillor Capri

THAT the motion be struck and replaced with the following:

- A. THAT Council approve in principle the proposed amendments to the Fire By-law as summarized in the Administrative Report *Amendments to Vancouver Fire By-law No. 8191 Regarding Fireworks*, dated January 29, 2008, such that the purchase and discharge of fireworks in the City be restricted to individuals who hold a valid certification from the Federal Government, Natural Resources Canada - Explosives Regulatory Division as a Display Fireworks Supervisor, and that the sale, purchase and discharge of fireworks otherwise be banned.
- B. THAT Council authorize the Director of Legal Services to bring forward the By-law amendments generally as shown in Appendix B to the Administrative Report, and any consequential amendments required to any other by-laws.
- C. THAT Fire Prevention's 2009 permit revenue budget be adjusted by \$9,000, without offset subject to budget review, to reflect the estimated reduction to revenue as a result of the By-law amendments.

LOST

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

The amendment having lost, the motion was put and CARRIED UNANIMOUSLY.

COMMUNICATIONS

1. 2008 LMLGA Resolutions (VanRIMS No. 07-2400-10)

THAT the following resolutions received from City departments and the Vancouver Athletic Commission be submitted to the 2008 Lower Mainland Local Government Association Area Association:

A. **BC HYDRO AND GRAFFITI REMOVAL**

WHEREAS municipalities expect all owners of real property, including other government bodies, to exercise good citizenship by removing unsightly accumulations of graffiti from their property.

AND WHEREAS municipalities with graffiti by-laws require owners of real property to remove unsightly accumulations of graffiti from their property.

AND WHEREAS British Columbia Hydro and Power Authority ("BC Hydro"), which owns statutory rights-of-way on which it locates kiosks, except in limited circumstances, refuses to remove graffiti from those kiosks.

AND WHEREAS according to BC Hydro, the Hydro and Power Authority Act provides that the Vancouver Charter, Local Government Act and Community

Charter do not bind BC Hydro, and, hence, that municipal graffiti by-laws do not bind BC Hydro.

THEREFORE BE IT RESOLVED that the UBCM urge the Government of British Columbia to amend the Hydro and Power Authority Act to provide that municipal legislation is to bind BC Hydro to the extent of any by-law that requires owners or occupiers of real property to remove unsightly accumulations of graffiti from their property.

**B. UNBUNDLED PARKING REQUIREMENT**

WHEREAS the Provincial Greenhouse Gas (GHG) Reduction Targets Act requires a GHG emission reduction of 33% from 2007 levels by 2020, and a reduction of 80% from 2007 levels by 2050, with legislated targets for 2012 and 2016 to be put in place by December 31<sup>st</sup>, 2008.

AND WHEREAS sixty British Columbia (B.C.) local governments signed a Climate Action Charter with the Province and with the Union of BC Municipalities in 2007 to develop strategies to become carbon-neutral by 2012 and to create compact energy-efficient communities by making environmentally responsible choices.

AND WHEREAS B.C. municipalities have jurisdiction over land use and parking regulation to achieve community goals such as GHG emission reductions.

AND WHEREAS B.C. municipalities do not currently have the authority to require developers to provide unbundled parking (i.e., the separation of the sale price for a parking space from the sale price for a freehold or leasehold property or strata lot) in new developments, which would provide home-buyers with purchasing flexibility and greater transparency regarding the cost of parking, and would lead to more informed decision making about vehicle ownership and usage.

AND WHEREAS if the authority is provided to B.C. municipalities to require developers to unbundle parking, they have the option to exercise that authority as they deem appropriate.

THEREFORE BE IT RESOLVED that the UBCM requests the Province to make the necessary legislative changes to provide B.C. municipalities the authority to have the option to require unbundled parking in new developments, in support of sustainability commitments.

**C. "NON-RETURNABLE" WARRANTS**

WHEREAS it is recognized that police officers throughout the Lower Mainland often come into contact with persons wanted on warrants, where the radius of the warrant is outside of their jurisdiction, and unless the jurisdiction issuing the warrant agrees to provide for transportation, these individuals will likely not ever be held accountable for the offence;

AND WHEREAS it is further recognized that police officers are rarely successful in returning these persons to the issuing jurisdiction because the legal procedures for doing so are excessively cumbersome, time-consuming, and expensive;

THEREFORE BE IT RESOLVED THAT the LMLGA call upon British Columbia's Attorney General and Solicitor General, and the Federal Minister of Justice and the Minister of Public Safety to implement a program to assume responsibility for the return of persons wanted on warrants, where the radius of the warrant is outside of their jurisdiction, thereby enabling an operationally practical and cost-effective transportation policy, and ensuring these individuals cannot bring the administration of justice into disrepute by simply fleeing to another jurisdiction.

**D. CARE OF "DUALY DIAGNOSED" MENTALLY ILL**

WHEREAS it is well-documented that the deinstitutionalization of the mentally ill and the emergence of a large number of "dually diagnosed" (mentally ill and drug addicted) people have resulted in thousands of mentally ill people living extremely marginalized and tragic lives in the Downtown Eastside of Vancouver, as well as in other communities in BC, and;

WHEREAS it has been demonstrated that approximately one third of police-attended incidents in the City of Vancouver involve a person whose mental health was a contributing factor to police attendance, that equates to approximately \$9 million per year in police resources consumed because of the lack of capacity in the mental health system;

THEREFORE BE IT RESOLVED that the LMLGA request that the Provincial Government of B.C. take all necessary steps to expedite the provision of resources to ensure the mentally ill - particularly those who are dually diagnosed - are provided adequate care in the Health system to allow for proper treatment and dignified living circumstances, and to reduce the draw on municipally funded police resources.

**E. PROVINCIAL SANCTIONING BODY FOR PROFESSIONAL COMBAT SPORTS**

BE IT RESOLVED that the Union of BC Municipalities request that the Province of British Columbia establish a provincial body for the purpose of regulating and supervising professional boxing, kick-boxing, wrestling, ultimate fighting, and mixed martial arts contests and exhibitions.

ADOPTED ON CONSENT



## ADMINISTRATIVE REPORTS

1. **Form of Development: 3203 West 10<sup>th</sup> Avenue  
February 26, 2008 (VanRIMS No. 11-4200-10)**

THAT the form of development for the CD-1 zoned site known as 3203-3229 West 10<sup>th</sup> Avenue (3203 West 10<sup>th</sup> Avenue being the application address) be approved generally as illustrated in the Development Application Number DE411022, prepared by Robert Turecki Architect, and stamped "Received, Community Services Group, Development Services, February 5, 2008", provided that the Director of Planning may approve design changes which would not adversely affect either the development character of this site or adjacent properties.

ADOPTED ON CONSENT

2. **Local Improvement Flat Rates - 2007  
February 12, 2008 (VanRIMS No. 13-1200-21)**

THAT the flat rates shown on the "List of Projects Certified Complete in 2007", attached as Appendix A to the Administrative Report *Local Improvement Flat Rates - 2007*, dated February 12, 2008, be approved.

ADOPTED ON CONSENT

3. **Southeast False Creek and Olympic Village - Site Servicing Funding & City  
Development Requirements  
February 13, 2008 (VanRIMS No. 11-2000-14)**

- A. THAT Council approve an additional \$1,500,000 budget for site servicing and other development costs for the Southeast False Creek Development; source of funding to be the Property Endowment Fund: Southeast False Creek Development.
- B. THAT, subject to the conditions set out in C below, the Director of Legal Services be authorized to enter into a contract with Ian Mayall & Associates Inc. ("Ian Mayall") and Millennium Southeast False Creek Properties Ltd. ("Millennium") for occupational health and safety coordination services within the Southeast False Creek ("SEFC") Area 2A site (the "Work Site") for an estimated City cost of \$245,000 plus GST, with the funding to be provided by Property Endowment Fund: Southeast False Creek Development.
- C. THAT the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement B above.
- D. THAT all such legal documents be on terms and conditions satisfactory to the City Manager and the Director of Legal Services.

- E. THAT no legal rights or obligations will be created or arise by Council's adoption of B above unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

4. **Cultural Amenities - MOU Regarding Disposition of Facility Endowment Funds  
January 28, 2008 (VanRIMS No. 11-2600-10)**

- A. THAT Council authorize the City to enter into agreements among the City, respective foundations and civic cultural amenity tenants who hold or are establishing Facility Operating Endowment Funds, and who may be eligible for matching grants from funds such as the BC Renaissance Fund, to ensure that should a cultural tenant leave an amenity space or cease to exist, the Facility Operating Endowment would be either assigned to the new cultural tenant leasing that space or reassigned to another arts/culture group within one of the City's cultural amenity spaces; and
- B. THAT the Director of Legal Services be given standing authority to execute such agreements on behalf of the City, from time to time, recognizing that they may obligate the City to indemnify one or more of the participating parties, provided that all agreements are drawn to the satisfaction of the Director of Legal Services.

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

5. **Grant Request: 2008 National Conference of the Canadian Housing & Renewal  
Association  
February 27, 2008 (VanRIMS No. 05-5000-10)**

THAT Council approve a grant of \$15,000, with funding to be provided from the Affordable Housing Fund, for the 2008 National Conference of the Canadian Housing & Renewal Association (CHRA) that is being held in Vancouver from April 2 - 5, 2008.

ADOPTED ON CONSENT AND  
BY THE REQUIRED MAJORITY

6. **Borrowing Authority for Neighbourhood Energy Utility  
February 26, 2008 (VanRIMS No. 05-2000-30)**

THAT Council approve borrowing authority of \$5.0 million for the Neighbourhood Energy Utility and authorize the Director of Finance to conclude an agreement with the Federation of Canadian Municipalities (Green Municipal Fund) for a loan of the same value on terms as generally outlined in Appendix A of the Administrative Report *Borrowing Authority for Neighbourhood Energy Utility*, dated February 26, 2008 .

ADOPTED ON CONSENT

7. **Annual Report on Property Tax Exemptions  
February 27, 2008 (VanRIMS No. 05-4200-10)**

MOVED by Councillor Anton

THAT Council resolve that:

- a) The City of Vancouver does not support the creation of further classes of property tax exemptions; and
- b) The Mayor be requested to write a letter to the province to inform them of the City's position.

CARRIED UNANIMOUSLY

8. **Amendment to Vancouver Development Cost Levy By-law No. 8149 and Area Specific Development Cost Levy By-law No. 9418 for South East False Creek: Community Energy Centre  
February 26, 2008 (VanRIMS No. 11-2000-14)**

- A. THAT the Vancouver Development Cost Levy (DCL) By-law No. 8149 be amended to provide a reduced flat rate DCL for a community energy centre of \$10.00 per Building Permit.
- B. THAT the Area Specific Development Cost Levy (DCL) By-law No. 9418 as it pertains to South East False Creek be amended to provide a reduced flat rate DCL for a community energy centre of \$10.00 per Building Permit.
- C. THAT the Director of Legal Services be instructed to bring forward the necessary By-law amendments, generally as set out in Appendices A and B of the Administrative Report *Amendment to Vancouver Development Cost Levy By-law No. 8149 and Area Specific Development Cost Levy By-law No. 9418 for South East False Creek: Community Energy Centre*, dated February 26, 2008 .

ADOPTED ON CONSENT

9. **Neighbourhood Energy Utility - Contract Change Order for Consultant Services February 25, 2008 (VanRIMS No. 03-1200-30)**

THAT a change order to the contract with FVB Energy Inc. ("FVB Energy") be authorized for the inclusion of engineering support and temporary boiler system professional services, at an estimated cost of \$188,750 plus GST; source of funding to be the NEU interim Budget approved by Council on March 2, 2006;

FURTHER THAT such change order be on terms and conditions satisfactory to and approved by the City Manager and Director of Legal Services;

FURTHER THAT the Director of Legal Services be authorized to execute and deliver such change order on behalf of the City; and

FURTHER THAT no legal rights or obligations will be created or arise by Council's authorization unless and until the change order is executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

10. **Approval of 2008 - 2009 Business Improvement Area (BIA) Budgets February 26, 2008 (VanRIMS No. 11-2000-14)**

THAT Council approve the BIA Business Promotion Schemes and Budgets listed below for the 2008-2009 year and instruct staff to bring forward the appropriate rating by-laws:

<u>BIA</u>	<u>LEVY</u>
Downtown	\$1,981,994
Robson	487,431
Kerrisdale	291,000
Gastown	370,000
Mount Pleasant	210,000
West End	570,000
South Granville	450,000
Yaletown	295,000
Chinatown	226,270
Commercial Drive	248,400
Commercial Drive Exp.	150,000
Marpole	150,000
Strathcona	586,329
Collingwood	175,776
Hastings North	250,000
Kitsilano Fourth Avenue	135,000
Point Grey Village	75,000
Victoria Drive	95,000
Cambie Village	100,000

Fraser Street	96,000
Dunbar Village	135,000
TOTAL	\$7,078,200

ADOPTED ON CONSENT

11. **Councillor Elizabeth Ball's Travel to Calgary for the Juno Awards April 4-7, 2008 March 3, 2008 (VanRIMS No. 08-2200-20)**

MOVED by Councillor Capri

THAT Council authorize Councillor Ball to attend the Juno Awards being held in Calgary, Alberta, from April 4 - 7, 2008, at an estimated cost of \$1,810.00, to be funded from the Councillors 2008 Travel Budget.

CARRIED

(Councillors Chow, Deal, Louie and Stevenson opposed)

12. **Business License Hearing Panels for April 2008 February 29, 2008 (VanRIMS No. 08-2000-40)**

THAT Council delegate the holding of the Business License Hearings presently scheduled for April 1, 2008, from 9:30am to 12:30pm; April 3, 2008, from 7:30pm to 10:30pm; April 23, 2008, from 9:30am to 12:30pm; and April 29, 2008, from 9:30am to 12:30pm, to a panel of three Council Members, pursuant to Section 277.1 of the Vancouver Charter, as follows:

The Business License Hearings pursuant to Section 275 of the Vancouver Charter regarding referrals to Council by the Chief License Inspector for the year 2008 business licenses and the power to make a Council decision in relation to those hearings be delegated to:

**April 1, 2008 - 9:30am**

Councillor David Cadman, Chair  
Councillor Suzanne Anton  
Councillor Raymond Louie  
Councillor Peter Ladner, Alternate

**April 3, 2008 - 7:30pm**

Councillor Elizabeth Ball, Chair  
Councillor George Chow  
Councillor Heather Deal  
Councillor Tim Stevenson, Alternate

**April 23, 2008 - 9:30am**  
Councillor Tim Stevenson, Chair  
Councillor Suzanne Anton  
Councillor Elizabeth Ball  
Councillor Raymond Louie, Alternate

**April 29, 2008 - 9:30am**  
Councillor George Chow, Chair  
Councillor David Cadman  
Councillor BC Lee  
Councillor Kim Capri, Alternate

Should any of the above Members of Council be unable to attend the hearings, the hearings and the power to make a Council decision in relation to those hearings be delegated to the remaining two Councillors and alternate Councillors.

ADOPTED ON CONSENT

13. **Award of Consulting Contract for Wayfinding Signage Strategy (Request for Proposals PS07144)  
February 19, 2008 (VanRIMS No. 03-1200-30)**
- A. THAT, subject to the conditions set out in B, C, and D below, Council authorize a consultancy contract with Karo Group Inc. for the development of a Wayfinding Signage Strategy, up to a maximum total cost of \$114,686 inclusive of GST & disbursements, with funding from the 2008 Operating Budget for Street Furniture Revenue, and an award received in 2007 from UBCM and carried forward for this project.
  - B. THAT the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required to implement A above.
  - C. THAT all such legal documents be on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services.
  - D. THAT no legal rights or obligations will be created by Council's adoption of A, B, and C above unless and until such legal documents are executed and delivered by the Director of Legal Services

ADOPTED ON CONSENT

**14. Provincial Grant Funding for Vancouver Twinning Relationships  
March 4, 2008 (VanRIMS No. 05-5000-20)**

THAT Council direct the City Manager to enter into an agreement with the Province of British Columbia that will allow the City of Vancouver to receive a grant of \$25,000 for the purpose conducting a strategic review of the City's Sister City Program with particular emphasis on strengthening the City's twinning relationships with local governments in the Asia-Pacific countries.

ADOPTED ON CONSENT

**15. Southeast False Creek and Olympic Village - Cost Consulting and Project Monitoring Services  
March 5, 2008 (VanRIMS No. 11-2000-14)**

THAT, Council authorize the Director of Legal Services (on behalf of the City) to enter into a contract with BTY Quantity Surveyors B.C. Ltd. ("BTY") for cost consulting and project monitoring services for the City's buildings in Southeast False Creek ("SEFC") Area 2A (the site for the Olympic Village) at an estimated cost of \$300,000 plus GST; source of funding to be the existing project budgets for the City's Affordable Housing buildings (Parcels 2, 5 and 9), Civic Centre (Parcel 11) and Salt Building (Parcel 7);

AND THAT the Director of Legal Services be authorized to execute and deliver on behalf of the City all legal documents required for the City to contract with BTY, and that such legal documents be on terms and conditions satisfactory to the City Manager and the Director of Legal Services, and that no legal rights or obligations will be created or arise unless and until such legal documents are executed and delivered by the Director of Legal Services.

ADOPTED ON CONSENT

**POLICY REPORTS**

**1. CD-1 Rezoning - 335, 337 & 349 East 33rd Avenue  
February 26, 2008 (VanRIMS No. 11-3600-10)**

A. THAT the application by Springbank Development Corporation to rezone 335, 337 & 349 East 33rd Avenue (Lots A & B, Plan 11568, and Lot A Plan 10388, Block 10, DL634, GRP.1 NWD) from RS-1 to CD-1 to permit a multiple dwelling consisting of 24 units in 8 rowhouses, two triplexes, and two fiveplexes, under the Neighbourhood Housing Demonstration Program, at a floor space ratio of 0.97, be referred to a Public Hearing, together with:

- (i) plans received May 14, 2007;

- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report *CD-1 Rezoning - 335, 337 & 349 East 33rd Avenue*, dated February 26, 2008; and
- (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix C of the Policy Report;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A of the Policy Report for consideration at the Public Hearing.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B of the Policy Report *CD-1 Rezoning - 335, 337 & 349 East 33rd Avenue*, dated February 26, 2008; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law, or at a time approved by the Director of Legal Services.

ADOPTED ON CONSENT

2. **1181 Seymour Street - Sign By-law Amendment**  
**February 28, 2008 (VanRIMS No. 11-2000-14)**

THAT the Director of Planning be instructed to make application to amend the Sign By-law for 1181 Seymour Street and the application be referred to Public Hearing together with:

- i. draft Sign By-law amendments generally as contained in Appendix A of the Policy Report *1181 Seymour Street - Sign By-law Amendment*, dated February 28, 2008; and
- ii. the recommendation of the Director of Planning to approve, subject to the conditions contained in Appendix B of the Policy Report.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally in accordance with Appendix A of the Policy Report, for consideration at the Public Hearing.

ADOPTED ON CONSENT

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 Lee  
SECONDED by Councillor Ball

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

CARRIED UNANIMOUSLY

## BY-LAWS

MOVED by Councillor Ball  
SECONDED by Councillor Capri

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 9 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Noise Control By-law No. 6555 (re 2 - 88 West 1<sup>st</sup> Avenue, 2 - 26 East 1<sup>st</sup> Avenue, and 27 - 99 West 2<sup>nd</sup> Avenue) (By-law No. 9605)
2. A By-law to designate a business improvement area in Dunbar Village (By-law No. 9606)
3. A By-law to grant money for a business promotion scheme in the Dunbar Village Business Improvement Area (By-law No. 9607)
4. A By-law to assess real property to defray 2007 maintenance costs for the Granville Mall Decorative Lighting Local Improvement Project (By-law No. 9608)
5. A By-law to assess real property to defray 2007 maintenance costs for the Trounce Alley and Blood Alley Square Local Improvement Project (By-law No. 9609)
6. A By-law to assess real property to defray 2007 costs for the East Hastings Street Collective Parking Project (By-law No. 9610)
7. A By-law to assess real property to defray 2007 costs for the South Fraser Street Collective Parking Project (By-law No. 9611)
8. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 5429 - 5439 Willow Street) (By-law No. 9612)
9. A By-law to amend Subdivision By-law No. 5208 (re 5429 - 5439 Willow Street) (By-law No. 9613)

## MOTIONS

### A. Administrative Motions

#### 1. Form of Development: 5429-5439 Willow Street

MOVED by Councillor Louie  
SECONDED by Councillor Lee

THAT the form of development for the CD-1 zoned site known as 5429-5439 Willow Street be approved generally as illustrated in Development Application No. DE411362 prepared by Stuart Howard Architects Inc., and stamped "Received, City of Vancouver Planning Department, January 25, 2008", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CARRIED UNANIMOUSLY

### B. Motions on Notice

#### 1. No-Smoking Signs (VanRIMS No. 08-4000-01)

MOVED by Councillor Cadman  
SECONDED by Councillor Lee

WHEREAS:

1. Smoking remains the number one cause of premature deaths in British Columbia accounting for over 5,000 deaths a year and hospitalizations annually;
2. In 2007, the Provincial Legislature unanimously passed a number of regulatory changes prohibiting smoking in all indoor public places, workplaces and at entryways;
3. Provincial legislation takes effect on March 31, 2008 designating all fully or substantially enclosed public places and workplaces, entryways, common areas of buildings and dormitories, including: hallways, foyers, stairways, elevators, laundry rooms, amenity areas and wash rooms, transit shelters, and school grounds as smoke free areas;
4. The prescribed distance of 6 meters from entryways including a doorway, window or air intake, is applicable within the City of Vancouver;
5. Vancouver Health By-Law 9535 states that "A responsible person must display, or ensure the display of, a sign at all times:
  - (a) at each entrance to a building or customer service area or to premises, or in a vehicle for hire, where section 2.2 prohibits smoking, stating:  
THIS IS A SMOKE FREE ENVIRONMENT - NO SMOKING; and
  - (b) on each exterior wall of a building, where section 2.2 prohibits smoking, stating:

SMOKING IS PROHIBITED WITHIN SIX METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE. "

6. A variety of sign templates are available from Vancouver Coastal Health.

THEREFORE BE IT RESOLVED THAT the City of Vancouver partner with Vancouver Coastal Health to produce and place appropriate signage in all civic buildings and facilities including libraries, community and recreation centres, swimming pools, ice rinks, theatres, galleries, museums and fire halls, to inform the public and ensure compliance with provincial regulations and the Vancouver Health By-law.

AND BE IT FURTHER RESOLVED THAT the City of Vancouver ask TransLink to place appropriate signage on all transit shelters within the City of Vancouver.

CARRIED UNANIMOUSLY

2. **Request for Leave-of-Absence - Councillor Kim Capri**

MOVED by Councillor Cadman  
SECONDED Councillor Deal

THAT Councillor Kim Capri be granted a Leave of Absence from the Standing Committee on City Services and Budgets meetings to be held Wednesday, April 9 and Thursday, April 10, 2008 due to her attendance at the UBCM Executive Board Meetings being held in Victoria, BC.

CARRIED UNANIMOUSLY

3. **Bike-Sharing Program Funding**

The following motion reflects an amendment by the Mover to the Motion on Notice.

MOVED by Councillor Ladner  
SECONDED by Councillor Louie

WHEREAS:

1. Council has requested staff to report back on a process for removal of non-conforming billboards, and staff is completing the Council Report this Spring;
2. TransLink is examining the feasibility of a bike-sharing program in Vancouver, including finding ways to fund such a program (including billboards as a possible source of revenue) - with the TransLink consultant report due at the end of April;

THEREFORE BE IT RESOLVED THAT staff be directed to include, in the billboard Council Report, a summary of the TransLink findings related to using billboards to generate funding to finance bike-sharing.

CARRIED UNANIMOUSLY

**4. Hope in the Shadows**

The following motion reflects amendments by the Mover to the Motion on Notice.

MOVED by Councillor Ladner  
SECONDED by Councillor Louie

WHEREAS:

1. Hope in the Shadows Inc., a federally registered charity, screens, trains and organizes vendors of an annual calendar to sell on the streets of Vancouver, generating funds for the charity to enhance its work providing part-time jobs to marginalized populations;
2. Having a valid license legitimizes these vendors in the eyes of pedestrians, police and security guards;
3. Hope in the Shadows Inc. would like to expand its product offerings to provide more year-round street-selling opportunities to raise money for the charity's public education and low-threshold employment programs;
4. The City of Vancouver License Bylaw 4450 states that a license is required to permit soliciting for charity on a street may only be issued by Council;

THEREFORE BE IT RESOLVED THAT staff report back by memorandum on issues involved in licensing the activity proposed by Hope & Shadows.

CARRIED UNANIMOUSLY

**5. Raised Balcony Sills in Southeast False Creek (VanRIMS No. 01-9000-70)**

MOVED by Councillor Deal  
SECONDED by Councillor Lee

WHEREAS Vancouver has pledged to host an inclusive Olympic and Paralympic Games in 2010, and

WHEREAS the 2010 Winter Games Inner-City Inclusive Commitment Statement includes a pledge to "Develop barrier free venues for people with disabilities", and

WHEREAS the Canadian Mortgage and Housing Corporation has a defined "best practice" for wheelchair-accessible balconies, and

WHEREAS balconies are considered areas of egress in buildings without sprinkler systems, and

WHEREAS according to the Geological Survey of Canada, Vancouver is sited in a high earthquake-hazard zone, and

WHEREAS balconies should be fully exploited as areas of egress, refuge and rescue in emergency situations, and

WHEREAS there is a precedent of Vancouver City Council approving a residential tower with flush sills, and

WHEREAS developments in Southeast False Creek are designed with balcony sills, and

WHEREAS the City of Vancouver Access and Inclusion Advisory Committee passed the following motion:

“THEREFORE BE IT RESOLVED

THAT the Access and Inclusion Advisory Committee recommends to Council that they direct staff to take timely action on ensuring that building envelope regulations that are creating raised thresholds to the front doors and balconies of developments in Southeast False Creek and other Olympic facilities, are changed to allow for flush transitions; and

FURTHER THAT staff bring recommendations to Council that are more universal for ensuring flush transitions throughout any new developments, and

FURTHER THAT Council send a copy of this Motion to Mayor and Council for the Municipality of Whistler.”

THEREFORE LET IT BE RESOLVED THAT Council direct staff to:

- A. take timely action on ensuring that building envelope regulations that are creating raised thresholds to the front doors and balconies of developments in Southeast False Creek and other Olympic facilities, are changed to allow for flush transitions, and
- B. bring recommendations to Council that are more universal for ensuring flush transitions throughout any new developments, and
- C. send a copy of this Motion to Mayor and Council for the Municipality of Whistler.

Referred

The Chair advised requests to speak on Motion B.5 have been received. Council agreed to refer consideration of the motion to the Standing Committee on Planning and Environment meeting on March 13, 2008 in order to hear the speakers.

## NEW BUSINESS

### 1. Increase Healthy Food Options in Vancouver

MOVED by Councillor Deal  
SECONDED by Councillor Louie

WHEREAS the current selection of food sold through street vendors does not reflect the wide variety of cultures and tastes in Vancouver, nor does it provide a range of healthy, nutritional options (as defined by Canada's Food Guide);

WHEREAS a wider selection of food sold through Street Vendors could allow for expanding the use of locally grown food, creating local economic benefits and increasing our food security;

WHEREAS one in four children in Canada are overweight;

WHEREAS there are direct links between poverty and obesity;

WHEREAS every person in Vancouver should have access to affordable, nutritional food in their neighbourhood;

WHEREAS there are low-income neighbourhoods that are underserved by food options that are both affordable and nutritional;

WHEREAS increasing nutritional food options in Vancouver will help our city achieve its health and well-being goals as part of the *Active Communities* initiative, as well as the principles of Vancouver's Food Charter;

WHEREAS New York City has recently introduced a "Green Carts" program to facilitate access to healthy food in neighbourhoods throughout the city;

THEREFORE BE IT RESOLVED THAT:

Council request that staff work with the Vancouver Food Policy Council to provide a report on how to proceed with:

1. Expanding the variety of food sold through street vendors in the City of Vancouver, with a focus on foods that are nutritious and represent the cultural diversity of Vancouver;
2. Expanding the geographical area in which street vendors selling food can operate in the City of Vancouver;
3. Increasing access to affordable, nutritious food in low-income communities through the Street Vendor program.

Notice

Councillor Capri called Notice under Section 5.4(c) of the Procedure By-law. The motion will be considered at the Regular Council meeting following the Standing Committee on City Services and Budgets meeting on March 13, 2008.

**2. Redress for Merchants Affected by Canada Line Construction**

MOVED by Councillor Chow

SECONDED by Councillor Deal

WHEREAS Mayor Sullivan and Councillor Ladner have expressed concerns publicly about the negative impacts on businesses and residents arising from the cut-and-cover method of construction; and

WHEREAS the method and schedule of construction on the Canada Line have not proceeded as initially described, particularly along Cambie Street where the cut-and-cover method of construction was used; and

WHEREAS the construction has caused severe financial hardship on businesses along the line due to uncertainty and duration of street closure and limited access, as well as dust, noise, and parking problems;

THEREFORE BE IT RESOLVED THAT Vancouver City Council support the merchants in their negotiations with TransLink for proper redress for the damages suffered by them during the construction of the Canada Line.

Not put

The Mayor ruled the Motion out of order as the issue has already been dealt with by Council.

*Councillor Stevenson challenged the ruling of the Chair. The Chair then put the question:*

*Shall the ruling of the Chair be sustained?*

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

*A two-thirds majority of those present is required to overrule the ruling of the Chair. Therefore, the ruling of the Chair was SUSTAINED.*

**3. Stratford Hall School - Property Tax Issues**

MOVED by Councillor Anton  
SECONDED by Councillor Capri

WHEREAS Stratford Hall School is a school and is exempt from property taxes; and

WHEREAS Stratford Hall School may have paid more property taxes than are equitably required;

THEREFORE BE IT RESOLVED THAT staff be requested to report back on the property tax issues relating to Stratford Hall School

Notice

Councillor Stevenson called Notice under Section 5.4(c) of the Procedure By-law. The motion will be considered at the Regular Council meeting immediately following the Standing Committee on City Services and Budgets meeting of March 13, 2008.

**4. City of Vancouver Contracts with Ken Dobell**

MOVED by Councillor Deal

THAT the City Manager provide a memorandum on a full disclosure of the financial statements related to all contracts which Ken Dobell has with the City.

Not put

The Mayor ruled that the issue was defeated at the Regular Council meeting on January 30, 2007, and therefore Council must agree to reconsider the motion. No motion to reconsider was put.

**5. Request for Apology**

MOVED by Councillor Deal

THAT Council members who made negative statements regarding the concerns of other members of Council a year ago when the Dobell consultancy agreement was discussed at Council, apologize for those statements given recent events.

Not put

The Mayor ruled the motion out of order.



## ENQUIRIES AND OTHER MATTERS

### 1. **Support to Cambie Street Merchants for Canada Line Construction**

Councillor Louie enquired when the Mayor will report back on his discussions with the Province on the issue of support to the Cambie street merchants affected by the Canada Line construction.

The Mayor advised he is in discussions and will report soon.

The Council adjourned at 8:00 p.m.

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