



CITY OF VANCOUVER

REPORT TO COUNCIL

STANDING COMMITTEE OF COUNCIL  
ON PLANNING AND ENVIRONMENT

MARCH 13, 2008

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, March 13, 2008, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

**PRESENT:** Councillor Kim Capri, Chair  
Mayor Sam Sullivan  
Councillor Suzanne Anton, Vice-Chair  
Councillor Elizabeth Ball  
Councillor David Cadman  
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:** Tina Hildebrandt, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

**ADOPTION OF MINUTES**

The Minutes of the Standing Committee on Planning and Environment meeting of February 28, 2008, were adopted.

**RECOMMENDATION**

1. **1062 Granville Street - Jasper Morgan  
Non-Alcohol Cabaret (Dance Hall)  
February 11, 2008 (VanRIMS No. 11-4600-22)**

Staff from the License Office provided an overview of the report and, together with staff from Police Services, responded to questions.

The Committee heard from the applicant and two other speakers, all of whom spoke in support of the request for a Non-Alcohol Cabaret (Dance Hall) in the basement at 1062 Granville Street.

MOVED by Councillor Cadman  
THAT the Committee recommend to Council

THAT, as Jasper Morgan has applied for a Non-Alcohol Cabaret (Dance Hall) at 1062 Granville Street, Council endorse the request for a Non-Alcohol Cabaret (Dance Hall) in the basement of 1062 Granville Street, provided that police access and police concerns can be covered off based on the following conditions:

- Good Neighbour Agreement;
- Time limited Development Permit;
- Police Access Agreement;
- Capacity limited to 200 patrons;
- No outside lineups;
- Mandatory identification scanner and wand of all patrons; and
- Patron age limited to 19 or older.

CARRIED  
(Councillors Anton, Capri and the Mayor opposed.)  
(Councillor Stevenson absent for the vote.)

2. **Future of 390 Main Street**  
February 26, 2008 (VanRIMS No. 11-2000-14)

Staff from Central Area Planning and Real Estate Services, together with the City Manager responded to questions in relation to the use of the building.

The Committee heard from seven speakers, all of whom spoke in support of the continuation of the lease agreement with the Aboriginal Community Career Employment Society (ACCESS) for 390 Main Street.

MOVED by Councillor Louie  
THAT the Committee recommend to Council

- A. THAT the Director of Real Estate Services negotiate a head lease with the Aboriginal Community Career Employment Society (ACCESS) for 390 Main Street legally described as: Parcel Identifier 015-684-016, Amended Lot 10 (see 135890 L), Block 10, District Lot 196, Plan 184 for five years commencing April 1, 2008, for a nominal rent of \$1.00 per year, subject to the following terms:
- Leases to be full net leases to the City of Vancouver, subject to Building Services funding set out in the Administrative Report *Future of 390 Main Street* dated February 26, 2008;
  - Tenant to obtain and maintain Tenant's insurance satisfactory to the City of Vancouver;

- Tenant to be solely responsible for all non-structural repairs and maintenance identified in the Tenant/Landlord Service Level Agreement to be appended to the Lease;
  - Tenant agrees to contract with a single property management company for their maintenance, janitorial and security responsibilities;
  - No right to sublease, assign or change use without prior written approval from the City of Vancouver;
  - Tradeworks Training Society to be permitted to sublease space for Pathways to Employment under the same or similar conditions as the space it currently occupies in the building;
  - Tenant shall be wholly responsible for the consumption of any and all utilities;
  - Any and all work, renovations or alterations to the premises are the sole responsibility of the Tenant, including appropriate permits and licenses; and
  - Other terms and conditions acceptable to the Directors of Legal Services, Risk Management, Facilities Design and Management, and Planning.
- B. AND THAT Council authorize \$32,000 to be added to Building Services' operating budget without offset starting in 2009, subject to annual budget review, to provide for base building maintenance and property insurance in accordance with the terms of the Tenant/Landlord Service Level Agreement outlined in Appendix A of the Administrative Report *Future of 390 Main Street* dated February 26, 2008. The 2008 operating costs will be absorbed within Building Services' operating budget.
- C. AND THAT no legal relations are hereby created and none shall arise until the indenture of lease, drawn to the satisfaction of the Director of Legal Services is executed by her on behalf of the City.

amended

AMENDMENT MOVED by Councillor Ladner

THAT A be amended to strike out the word "five" and replace it with "two";

amended

AND THAT the following be added:

FURTHER THAT renewal of the lease be based on a proposal call to non-profit agencies based on the following criteria:

- Would the applicant offer services to Downtown Eastside residents, including those on low income?
- Will the proposed services contribute significantly to the VA Economic Revitalization Plan or Employment Strategy?

- Would the applicant's services and design generate pedestrian interest and take advantage of the building's location and historic character?
- Have the services of the applicant been positively evaluated by City staff and/or other major funders?
- Are the proposed services funded in a sustainable manner?
- Can the applicant pay a portion of building rent, insurance or maintenance of base building systems?
- If there are several subtenants, have they demonstrated an ability to work in a cooperative manner?

not put

AMENDMENT TO THE AMENDMENT MOVED by Councillor Louie

THAT A be amended to strike out the word "two" and replace it with "four".

CARRIED

(Councillors Anton and Ladner opposed.)

The Committee had a discussion on whether the amendments included the option to renew the lease as outlined in Appendix A of the report.

MOVED by Councillor Capri

THAT the Committee accept the intent of the amendment to the amendment to A, concerning the length of the lease at 390 Main Street, to include a revision to Appendix A, to be consistent with four years.

CARRIED

(Councillors Anton, Ladner and the Mayor opposed.)

The amendment to the amendment having carried, the amendment was put and CARRIED with Councillor Anton opposed.

The amendment having carried, the Motion as amended was put. The Committee agreed to separate the vote on the components of B (*identified as B.1 and B.2 for clarity*).

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- Leases to be full net leases to the City of Vancouver, subject to Building Services funding set out in the Administrative Report *Future of 390 Main Street* dated February 26, 2008;

- Tenant to obtain and maintain Tenant's insurance satisfactory to the City of Vancouver;
- Tenant to be solely responsible for all non-structural repairs and maintenance identified in the Tenant/Landlord Service Level Agreement to be appended to the Lease;
- Tenant agrees to contract with a single property management company for their maintenance, janitorial and security responsibilities;
- No right to sublease, assign or change use without prior written approval from the City of Vancouver;
- Tradeworks Training Society to be permitted to sublease space for Pathways to Employment under the same or similar conditions as the space it currently occupies in the building;
- Tenant shall be wholly responsible for the consumption of any and all utilities;
- Any and all work, renovations or alterations to the premises are the sole responsibility of the Tenant, including appropriate permits and licenses; and
- Other terms and conditions acceptable to the Directors of Legal Services, Risk Management, Facilities Design and Management, and Planning.

CARRIED

(Councillor Anton opposed.)

- B.1 AND THAT Council authorize \$32,000 to be added to Building Services' operating budget without offset starting in 2009,

CARRIED UNANIMOUSLY

- B.2 subject to annual budget review, to provide for base building maintenance and property insurance in accordance with the terms of the Tenant/Landlord Service Level Agreement outlined in Appendix A of the Administrative Report *Future of 390 Main Street* dated February 26, 2008. The 2008 operating costs will be absorbed within Building Services' operating budget.

CARRIED

(Councillor Anton and the Mayor opposed.)

- C. AND THAT no legal relations are hereby created and none shall arise until the indenture of lease, drawn to the satisfaction of the Director of Legal Services is executed by her on behalf of the City.

CARRIED UNANIMOUSLY

FINAL MOTION AS ADOPTED

THAT the Committee recommend to Council

- A. THAT the Director of Real Estate Services negotiate a head lease with the Aboriginal Community Career Employment Society (ACCESS) for 390 Main Street legally described as: Parcel Identifier 015-684-016, Amended Lot 10 (see 135890 L), Block 10, District Lot 196, Plan 184 for four years commencing April 1, 2008, for a nominal rent of \$1.00 per year, subject to the following terms:
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  - Tenant shall be wholly responsible for the consumption of any and all utilities;
  - Any and all work, renovations or alterations to the premises are the sole responsibility of the Tenant, including appropriate permits and licenses; and
  - Other terms and conditions acceptable to the Directors of Legal Services, Risk Management, Facilities Design and Management, and Planning.
- B. AND THAT Council authorize \$32,000 to be added to Building Services' operating budget without offset starting in 2009, subject to annual budget review, to provide for base building maintenance and property insurance in accordance with the terms of the Tenant/Landlord Service Level Agreement outlined in Appendix A of the Administrative Report *Future of 390 Main Street* dated February 26, 2008. The 2008 operating costs will be absorbed within Building Services' operating budget.
- C. AND THAT no legal relations are hereby created and none shall arise until the indenture of lease, drawn to the satisfaction of the Director of Legal Services is executed by her on behalf of the City.

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

The Chief Building Official provided background information on the issue and together with staff from the Southeast False Creek & Olympic Village project office, responded to questions.

The Committee heard from two representatives of the Access and Inclusion Advisory Committee, who encouraged Council to proceed with the recommendations.

MOVED by Councillor Deal

THAT the Committee recommend to Council

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;

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.

CARRIED UNANIMOUSLY

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*The Committee recessed at 6:05 p.m., and reconvened at 7:00 p.m. with the same members present.*

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#### 4. By-Law Enforcement and Enhanced Civil Order

Staff from the Project Civil City office were available to respond to questions.

- (a) **Enforcement Review**  
February 27, 2008 (VanRIMS No. 08-4000-10)

The Committee also had before it the following:

- (i) a Memorandum dated March 3, 2008, from the Project Civil City Commissioner in consultation with the General Manager of Engineering Services, Chief License Inspector and Chief Constable, requesting an additional recommendation regarding the Secondhand Dealers and Pawnbrokers By-Law be added to the Administrative Report *Increasing the Minimum Fines Set Out in By-laws and Amending Related Provisions of Those By-laws*, dated February 27, 2008;



- (ii) a Memorandum dated March 12, 2008, from the Project Civil City Commissioner, in consultation with the General Manager of Community Services, putting forth a revised *Appendix A: Minimum Fines and By-law Changes Table*.

MOVED by Councillor Ladner  
THAT the Committee recommend to Council

THAT Council endorse the recommendations outlined in the *By-Law Enforcement and Enhanced Civil Order* report, attached as Appendix A to the Administrative Report *Enforcement Review* dated February 27, 2008, and:

- i) Direct staff to report back on by-law amendments to expand the use of Municipal Information tickets (MTIs) and graduated penalties by May 2008;
- ii) Request the Project Civil City Commissioner to formally notify the Provincial government of the City's request for immediate changes to Provincial legislation as outlined in the Administrative Report *Enforcement Review* dated February 27, 2008, and direct staff to report back on the proposed changes once discussions with Provincial officials are complete;
- iii) Direct the Project Civil City Commissioner to seek endorsement of the immediate Provincial legislative changes outlined in the Administrative Report *Enforcement Review* dated February 27, 2008, from the Lower Mainland Local Government Association (LMGLGA) and Union of British Columbia Municipalities (UBCM); and
- iv) Direct staff to initiate discussions with key stakeholders and the Province on the proposed longer-term changes for report back with a progress report in six months.

CARRIED UNANIMOUSLY

- (b) **Increasing the Minimum Fines Set Out in By-laws and Amending Related Provisions of Those By-laws**  
February 27, 2008 (VanRIMS No. 08-4000-10)

MOVED by Councillor Ladner  
THAT the Committee recommend to Council

- A. THAT Council amend the Building By-law No. 9419, Business Premises Regulation of Hours By-law No. 8022, Business Prohibition By-law No. 5156, Mountain View Cemetery By-law No. 8719, City Land Regulation By-law No. 8735, Club Regulation By-law No. 2647, Crossing By-law No. 4644, Electrical By-law No. 5563, Encroachment By-law No. 4243, Gas Fitting By-law No. 3507, Graffiti By-law No. 7343, Granville Mall By-law No. 9272, Health By-law No. 6580, Impounding By-law No. 3519, License By-law No. 4450, Motor Vehicle Noise and Emission Abatement By-law No. 9344, Noise Control By-law No. 6555, Parking

Meter By-law No. 2952, Private Property Tree By-law No. 7347, Secondhand Dealers and Pawnbrokers By-law No. 2807, Security Alarm System By-law No. 7111, Single Room Accommodation By-law No. 8733, Solid Waste By-law No. 8417, Standards of Maintenance By-law No. 5462, Street Distribution of Publication By-law No. 9350, Street and Traffic By-law No. 2849, Street Tree By-law No. 5985, Street Vending By-law No. 4781, Ticket Offences By-law No. 9360, The Trailer Court By-law No. 3644, Untidy Premises By-law No. 4548, Vehicle Licensing By-law No. 4021, Vehicles for Hire By-law No. 6066, Water Shortage Response By-law No. 8912, Waterworks By-law No. 4848 and the Zoning and Development By-law No. 3575, generally as set out in Appendix A of the Administrative Report *Increasing the Minimum Fines Set Out in By-laws and Amending Related Provisions of Those By-laws* dated February 27, 2008.

- B. THAT Council repeal the existing Fines and Penalties By-law No. 3043 and enact a new Fines By-law generally as set out in Appendix B of the Administrative Report *Increasing the Minimum Fines Set Out in By-laws and Amending Related Provisions of Those By-laws* dated February 27, 2008.
- C. THAT Council amend Section 4.2 of the Secondhand Dealers and Pawnbrokers By-law No. 2807 to increase the minimum fine from \$200.00 to \$1,000.00.

CARRIED UNANIMOUSLY

The Committee adjourned at 7:06 p.m.

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**CITY OF VANCOUVER**

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

**MARCH 13, 2008**

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, March 13, 2008, at 7:06 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:**

Judy Rogers, City Manager  
James Ridge, Deputy City Manager

**CITY CLERK'S OFFICE:**

Tina Hildebrandt, Meeting Coordinator

\* Denotes absence for a portion of the meeting.

**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.

CARRIED UNANIMOUSLY  
(Councillors Cadman, Deal and Louie absent for the vote.)

## COMMITTEE REPORTS

### Report of Standing Committee on Planning and Environment March 13, 2008

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

1. 1062 Granville Street - Jasper Morgan  
Non-Alcohol Cabaret (Dance Hall)
2. Future of 390 Main Street
3. Raised Balcony Sills in Southeast False Creek
4. By-Law Enforcement and Enhanced Civil Order

#### Items 1, 3 and 4

MOVED by Councillor Chow

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of Thursday, March 13, 2008, as contained in Items 1, 3 and 4, be approved.

CARRIED UNANIMOUSLY

#### Item 2

MOVED by Councillor Chow

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of Thursday, March 13, 2008, as contained in Item 2 be approved.

CARRIED AND BY THE  
REQUIRED MAJORITY  
(Councillors Anton and Ladner opposed.)

#### 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 Ball  
SECONDED by Councillor Ladner

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

CARRIED UNANIMOUSLY

The Council adjourned at 7:09 p.m.

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