

REGULAR COUNCIL MEETING MINUTES

JANUARY 18, 2011

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, January 18, 2011, at 2:05 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT:

- Mayor Gregor Robertson
- Councillor Suzanne Anton
- Councillor David Cadman
- Councillor George Chow
- Councillor Heather Deal*
- Councillor Kerry Jang
- Councillor Raymond Louie
- Councillor Geoff Meggs*
- Councillor Andrea Reimer*
- Councillor Tim Stevenson
- Councillor Ellen Woodsworth

CITY MANAGER'S OFFICE: Penny Ballem, City Manager

CITY CLERK'S OFFICE: Marg Coulson, City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by Councillor Deal.

CONDOLENCES - TOM ROBINSON

The Mayor expressed condolences on behalf of Vancouver City Council to the family and friends of Tom Robinson, and noted his significant achievements and contributions to the city of Vancouver. Mr. Robinson was the Chair of the Remembrance Day Observance Committee for 40 years, and was the recipient of the City's "Civic Merit Award" in 1993.

"IN CAMERA" MEETING

MOVED by Councillor Louie
SECONDED by Councillor Cadman

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 paragraphs:

(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;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(g) litigation or potential litigation affecting the city.

CARRIED UNANIMOUSLY
(Councillor Meggs absent for the vote)

ITEMS ARISING FROM THE "IN CAMERA" MEETING OF DECEMBER 14, 2010

Council made the following appointments to Civic Agencies:

- Chinatown Historic Area Planning Committee
 - Henry Tom (Chinatown Merchants' Association Representative)
 - James Tan (Member at Large)
- Gastown Historic Area Planning Committee
 - Dorothy Martin (Community Business Representative)
- Vancouver Public Library Board
 - Councillor Tim Stevenson
- Vancouver International Airport Aeronautical Noise Management Committee
 - Jonathan Parker
 - Meg Brown
- Vancouver Economic Development Commission
 - Mayor Gregor Robertson (Honourary Chair)
 - Tom English (Interim Chair)
 - Glen Entis (Director)
 - Bruce Flexman (Director)
 - Moura Quayle (Director)
 - Penny Ballem (Director)

ADOPTION OF MINUTES

1. Regular Council - December 14, 2010

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

2. Special Council (Public Hearing) - December 14, 2010

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

3. Regular Council (City Services and Budgets) - December 16, 2010

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

4. Regular Council (Planning and Environment) - December 16, 2010

MOVED by Councillor Reimer
SECONDED by Councillor Deal

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

5. Special Council (Extensions for Infrastructure Projects under Canada's Economic Action Plan) - January 10, 2011

MOVED by Councillor Louie
SECONDED by Councillor Jang

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Meggs

THAT Council adopt Communication 1, and Administrative Reports A1, A2 and A3, on consent.

CARRIED UNANIMOUSLY

REPORT REFERENCE

1. citizenU - Anti-Racism and Intercultural Leadership

Mary Clare Zak, Director, Social Policy, introduced Steven Dang, Social Planner, who provided an overview on the citizenU - Anti-Racism and Intercultural Leadership project.

COMMUNICATIONS

1. Appointment of Council Representative to Lower Mainland Treaty Advisory Committee

THAT Councillor Stevenson be appointed as the Council Representative to the Lower Mainland Treaty Advisory Committee, effective immediately, to December 4, 2011.

ADOPTED ON CONSENT

ADMINISTRATIVE REPORTS

1. Application for Payment-in-Lieu of Parking at 555 Richards Street January 4, 2011

- A. THAT Council approve in principle the offer of payment-in-lieu in the amount of \$101,000 for the waiver of five parking spaces required by Section 4.1.2 of the Parking By-law for the development application at 555 Richards Street.
- B. THAT the Director of Legal Services be requested to bring forward a By-Law to amend Schedule A of the Parking By-Law pursuant to Section 4.12.5 to effect this waiver.

ADOPTED ON CONSENT

**2. Appointment of Operator and Approval of Lease Terms and Start Up Funds for the Child Care Centre at 2330 Kingsway
January 11, 2011**

- A. THAT Council appoint Collingwood Neighbourhood House Society (CNHS) as the operator of the new child care centre at 2330 Kingsway (the child care address on East 30th Avenue will be determined at occupancy) and approve entering into a lease with CNHS for five years at the nominal rent of \$10 and upon such terms as approved in this report and also to the satisfaction of the Director of Legal Services in consultation with the Directors of Real Estate Services and Facility Design and Management and the Managing Director of Social Development. CNHS may renew the lease for two additional five year terms.
- B. THAT Council approve operational start up funding to CNHS of up to \$74,000. Source of funding is the Child Care Reserve.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**3. Housing Agreement Amendment for 1803 Frances Street
December 14, 2010**

- A. THAT Council approve a modification of the Housing Agreement and Land Title Act Section 219 covenant with the owner of 1803 Frances Street so as to re-designate the Housing Agreement and Section 219 Covenant from Strata Lot 6 to Strata Lot 3 subject to this variation being approved by the Strata Corporation. No legal rights or obligations are hereby created or will arise until the variation of the Housing Agreement and the Section 219 Covenant are agreed to by the Strata Corporation, signed and registered.
- B. THAT the Director of Legal Services be instructed to bring forward a by-law to amend the Housing Agreement.

ADOPTED ON CONSENT

4. 14 Social and Supportive Housing Sites - Lease Terms

- (a) **Lease Terms and Other Arrangements for Social and Supportive Housing at 215 West 2nd Avenue (one of 14 sites)
November 29, 2010**

MOVED by Councillor Jang

THAT subject to the satisfactory conclusion of rezoning conditions and the enactment of the CD-1 By-law for this site, Council authorize the Director of Real Estate Services to lease City-owned lands located at 215 West 2nd Avenue, legally described as PID: 011-069-651 (Lot 9), PID: 011-069-678 (Lot 10) and , PID: 011-068-515 (Lot 11), all of Block 4, DL 302, Plan 5832) (the "Lands") by

way of ground lease to the Katherine Sanford Housing Society ("KSHS") to enable the development of a non-market housing project, which ground lease will provide for:

- i) a term of 60 years;
- ii) a nominal prepaid rent; and
- iii) a waiver of rent in-lieu of property taxes for the term of the lease for the site, including the construction period, as long as it continues to provide supportive housing for the homeless and as long as BC Housing continues to provide operating subsidies;

and otherwise will be in accordance with the terms and conditions outlined in the Administrative Report dated November 29, 2010, entitled "Lease Terms and Other Arrangements for Social and Supportive Housing at 215 West 2nd Avenue (one of 14 sites)" and to the satisfaction of the Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

- (b) **Lease Terms and Other Arrangements for Social and Supportive Housing at 111 Princess Avenue (one of 14 sites)
January 5, 2011**

MOVED by Councillor Jang

- A. THAT subject to the satisfactory conclusion of rezoning conditions and the enactment of the CD-1 By-law for this site, Council authorize the Director of Real Estate Services to lease City-owned lands located at 111 Princess Avenue (formerly 590 Alexander), legally described as PID 015-603-172(lot 12), PID 015-603-199(lot 13), PID 013-658-034(lot 14), PID 013-658-042(lot 15), and PID 013-658-069(lot 16), Block 42, DL 196, Plan 196 (the "Lands") by way of ground lease to the Portland Hotel Community Services Society ("PHS") to enable the development of a non-market housing project, which ground lease will provide for:
 - i) a term of 60 years;
 - ii) a nominal prepaid rent; and
 - iii) a waiver of rent-in-lieu of property taxes for the term of the lease for the site, including the construction period, as long as it continues to provide supportive housing for the homeless and as long as BC Housing continues to provide operating subsidies;

and otherwise will be in accordance with the terms and conditions outlined in the Administrative Report dated January 5, 2011, entitled "Lease Terms and Other Arrangements for Social and Supportive Housing at 111 Princess Avenue (one of 14 sites)" and to the satisfaction of the

Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services.

- B. THAT the Director of Legal Services be authorized to execute all necessary agreements, plans and other documents on behalf of the City and that no legal rights or obligations are hereby created and none shall arise hereafter except upon execution of all legal documents required to complete these transactions to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

- (c) Lease Terms and Other Arrangements for Social and Supportive Housing at 606 Powell Street (one of 14 sites)
January 5, 2011

MOVED by Councillor Jang

- A. THAT subject to the satisfactory conclusion of rezoning conditions and the enactment of the CD-1 By-law for this site, Council authorize the Director of Real Estate Services to lease City-owned lands located at 606 Powell Street, legally described as PID 015-370-089(lot 1), PID 015-370-101(lot 2), PID 015-370-135(lot 3), PID 015-370-160(lot 4), PID 015-370-194(lot 5), PID 015-587-126 (lot 6)and PID 015-587-134(lot 7), Block 52, DL 196, Plan 196 (the "Lands") by way of ground lease to RainCity Housing and Support Society ("RainCity") to enable the development of a non-market housing project, which ground lease will provide for:

- i) a term of 60 years;
- ii) a nominal prepaid rent; and
- iii) a waiver of rent-in-lieu of property taxes for the term of the lease for the site (excluding ground floor retail space), including the construction period, as long as it continues to provide supportive housing for the homeless and as long as BC Housing continues to provide operating subsidies;

and otherwise will be in accordance with the terms and conditions outlined in the Administrative Report dated January 5, 2011, entitled "Lease Terms and Other Arrangements for Social and Supportive Housing at 606 Powell Street (one of 14 sites)" and to the satisfaction of the Managing Director of Social Development, the Director of Real Estate Services and the Director of Legal Services.

- B. THAT Council authorize the Director of Real Estate to enter into a sublease between RainCity as sub-landlord and the City as sub-tenant of the retail space, totalling approximately 593.8 m² (6,391 ft²), on the

main floor of the project to be constructed by RainCity on the Lands, which sublease will provide for:

- i) a term which is the term of the ground lease less a day;
- ii) a nominal prepaid rent; and
- iii) the right to exclusively use 5 parking spaces and non-exclusively use the loading bay;

and otherwise will be subject to such other terms and conditions as determined by the General Manager of Business Planning and Services, Community Services and the Director of Legal Services.

- C. THAT Council approve payment to BC Housing of up to \$3,200,000 plus HST equal to the total construction costs of the retail space, disbursed during the construction period in two payments, 50% prior to start of construction and 50% upon completion and subject to the approval of the Director of Real Estate Services; source of funds is the Property Endowment Fund.
- D. THAT Council approve a budget of up to \$250,000 plus HST for required tenant improvements undertaken by the City or negotiated by the Director of Real Estate Services as part of the retail lease negotiations with prospective tenants; source of funds is the Property Endowment Fund.
- E. THAT the Director of Legal Services be authorized to execute all necessary agreements, plans and other documents on behalf of the City and that no legal rights or obligations are hereby created and none shall arise hereafter except upon execution of all legal documents required to complete these transactions to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

POLICY REPORTS

1. **Amendment of the Grandview Boundary Industrial Area Rezoning and Development Policies and Guidelines
January 4, 2011**

MOVED by Councillor Woodsworth

THAT Council amend the Grandview Boundary Industrial Area Rezoning & Development Policies and Guidelines, as contained in Appendix A of the Policy Report dated January 4, 2011, entitled "Amendment of the Grandview Boundary Industrial Area Rezoning and Development Policies and Guidelines", to allow consideration of additional density

for General Office uses and a broader range of General Office uses through applications for site-specific rezoning of properties to CD-1 (Comprehensive District) on sites close to a SkyTrain station, noting that each rezoning would be subject to a full review and a Public Hearing, and to allow the necessary consequential amendments to the Grandview Boundary Industrial Area Plan, as contained in Appendix B of the above-noted Policy Report.

CARRIED UNANIMOUSLY

**2. CD-1 Text Amendment: 2900 East Broadway (Broadway Tech Centre)
January 4, 2011**

MOVED by Councillor Anton

THAT the application by Bunting Coady Architects, to amend the density section of By-law No. 9693, CD-1 (470), for the Broadway Tech Centre at 2900 East Broadway, to remove restrictions on the amount of floor space allowed for General Office Use, be referred to a Public Hearing, together with:

- (i) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated January 4, 2011, entitled "CD-1 Text Amendment: 2900 East Broadway (Broadway Tech Centre)"; and
- (ii) the recommendation of the Director of Planning to approve;

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

CARRIED UNANIMOUSLY

**3. CD-1 Text Amendment: 475 Alexander Street
January 4, 2011**

MOVED by Councillor Anton

THAT, to enable a proposed child day care facility to proceed, the Director of Planning be instructed to make application to amend CD-1 #337 (By-law No. 7434) for 475 Alexander Street to add Child Day Care Facility as a permitted use and that the application be referred to a Public Hearing, together with:

- (i) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated January 4, 2011, entitled "CD-1 Text Amendment: 475 Alexander Street"; and
- (ii) the recommendation of the Director of Planning to approve;

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

CARRIED UNANIMOUSLY
(Councillors Deal and Meggs absent for the vote)

4. CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)
January 4, 2011

David McLellan, General Manager, Community Services, provided a presentation on Gaming Issues in Vancouver, and along with Penny Ballem, City Manager, responded to questions from Council.

MOVED by Councillor Louie

A. THAT the application by BC Pavilion Corporation (PavCo) to rezone the following:

- a portion of 777 Pacific Boulevard (PID: 008-332-614, Lot 153 False Creek Plan 20421 ("BC Place Site");
- a portion of Terry Fox Way to be closed and conveyed to the registered owner of the BC Place Site (the "Surplus Road Area");
- a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288 False Creek Plan BCP1977) to be dedicated as road (the "Smithe Street Extension");
- portions of 10 Terry Fox Way (PID: 025-540-866, Lot 288 False Creek Plan BCP1977) east of the Smithe Street Extension (the "Triangle Site");

collectively, the "Rezoning Site" and shown within heavy bold outline on an Explanatory Plan as in Map 1 of Appendix D of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)" from BCPED (BC Place/Expo District) to CD 1 (Comprehensive Development) District, to permit development of a mixed-use hotel/entertainment complex, that includes the relocation and expansion of the Edgewater Casino, be referred to a Public Hearing, together with:

- (i) plans prepared by IBI/HB Group received August 9, 2010;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the above-noted Policy Report; and
- (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B of the above-noted 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 above-noted Policy Report for consideration at the Public Hearing.

- B. THAT, subject to approval of the rezoning after Public Hearing, Council approve the relocation of the casino operated by Paragon Gaming (Paragon Holdings [Smithe Street] ULC) at the Plaza of Nations (750 Pacific Boulevard), known as the Edgewater Casino, to the Rezoning Site on the terms set out in this report.
- C. THAT, subject to approval of the rezoning after Public Hearing, Council approve the expansion of the casino operated by Paragon Gaming (Paragon Holdings [Smithe Street] ULC) at the Plaza of Nations (750 Pacific Boulevard), known as the Edgewater Casino from 600 slot machines and 75 gaming tables to up to 1,500 slot machines and up to 150 gaming tables.
- D. THAT, if the application is referred to a Public Hearing, the Director of Planning be instructed to make application to amend the Zoning and Development By-law to amend the definition of Casino - Class 2 to remove the restriction on pari-mutuel betting and to make housekeeping amendments to the definitions of both Casino - Class 1 and Casino - Class 2, in order to update the reference in both definitions to Provincial gaming legislation and to remove an obsolete reference to non-player operated video lottery terminals, and that the application be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by law, generally in accordance with Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)", for consideration at the Public Hearing.

- E. THAT if the application is referred to a Public Hearing, the application from PavCo to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by law, generally in accordance with Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)", for consideration at the Public Hearing.

- F. THAT subject to approval of the rezoning after Public Hearing, the Noise Control By law be amended to include this CD-1 in Schedule B, as set out in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)";

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the Noise Control By-law at the time of enactment of the CD-1 By law.

- G. THAT subject to approval of the rezoning after Public Hearing, the BCPED (BC Place/ Expo District) By-law be amended to delete sub-area 10 from the by-law, as set out in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex)";

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the BCPED (BC Place/Expo District) By-law at the time of enactment of the CD-1 By-law.

- H. THAT, subject to approval of the rezoning after Public Hearing, Council approve in principle the proposal to stop-up, close and lease a volumetric portion of the Smithe Street Extension (to be dedicated as road) to the registered owner of the BC Place Site to accommodate the underground parking structure proposed to be within the Smithe Street Extension, and the Director of Real Estate Services be instructed to report back to Council on the terms of the lease;

FURTHER THAT subject to approval of the rezoning after Public Hearing, the General Manager of Engineering Services be instructed to bring back to Council, prior to occupancy of the development, a report to seek Council approval to stop-up, close and lease this volumetric portion of the Smithe Street Extension.

- I. THAT A through H above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.
- J. THAT staff be directed to undertake further consultation with the general public on the issue of gaming expansion in Vancouver and report back on such consultation at the Public Hearing on February 17, 2011.

CARRIED UNANIMOUSLY

5. CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)
January 4, 2011

MOVED by Councillor Anton

- A. THAT the application by IBI Group, on behalf of One West Holdings Ltd ("Concord") to rezone a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288, False Creek, Plan BCP1977) which portion is shown in heavy bold outline in Map 1 (Appendix D) from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of two residential towers with two floors of commercial development, be referred to a Public Hearing, together with:
- (i) plans prepared by IBI Group received August 11, 2010;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)"; and
 - (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B of the above-noted 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 dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)" for consideration at the Public Hearing.

- B. THAT if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) be referred to the same Public Hearing;

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

- C. THAT subject to approval of the rezoning, the Noise Control By-law be amended to include this CD-1 in Schedule B, as set out in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b East)";

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- D. THAT A, B, and C above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and

- any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any appeal that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

6. CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b West)
January 4, 2011

MOVED by Councillor Anton

- A. THAT the application by Pacific Place Development Corp. ("Concord") to rezone a portion of 10 Terry Fox Way (PID: 025-540-866, Lot 288, False Creek, Plan BCP1977), which portion is shown in heavy bold outline in Map 1, Appendix D from BCPED (BC Place/Expo District) to CD-1 (Comprehensive Development) District, to permit development of two residential towers with two floors of commercial development, be referred to a Public Hearing, together with:
 - (i) plans prepared by James KM Cheng Architects, received December 11, 2007;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b West)"; and
 - (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B 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 dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b West)" for consideration at the Public Hearing.

- B. THAT if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigning Schedule "B" [DD]) be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by law, generally in accordance with Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b West)", for consideration at the Public Hearing.

- C. THAT subject to approval of the rezoning, the Noise Control By-law be amended to include this CD-1 in Schedule B, as set out in Appendix C of the Policy Report dated January 4, 2011, entitled "CD-1 Rezoning - 10 Terry Fox Way (Concord Area 5b West)";

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- D. THAT A, B, and C above be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any appeal that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

CARRIED UNANIMOUSLY

**7. Amendments to the False Creek North Official Development Plan
January 10, 2011**

MOVED by Councillor Meggs

THAT the Director of Planning be instructed to make application to amend the False Creek North Official Development Plan, By-law No. 6650 generally as presented in Appendices A, B and C of the Policy Report dated January 10, 2011, and that this application be referred to Public Hearing, together with draft by-law amendments and the recommendation of the Director of Planning to approve;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-laws, generally in accordance with Appendices A, B and C for consideration at the Public Hearing.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth

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 Woodsworth

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Meggs

SECONDED by Councillor Cadman

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1, 2 and 4, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

MOVED by Councillor Meggs

SECONDED by Councillor Cadman

THAT Council, except for those members ineligible to vote as noted below, enact the by-law listed on the agenda for this meeting as number 3, and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED UNANIMOUSLY

1. **A By-law to establish the Board of Variance and to set out its procedure**
(By-law No. 10200)
2. **A By-law to amend the Vehicles for Hire By-law No. 6066**
(By-law No. 10197)
3. **A By-law to amend CD-1 By-law No. 10131 regarding 745 Thurlow Street**
(By-law No. 10198)
(Councillors Chow and Deal ineligible for the vote)

4. **A By-law to amend Protection of Trees By-law No. 9958 regarding miscellaneous text amendments (By-law No. 10199)**

MOTIONS

A. Administrative Motions

None.

B. Motions on Notice

1. **Business License Hearing Panel - March 9, 2011**

MOVED by Councillor Cadman

SECONDED by Councillor Woodsworth

WHEREAS

1. Vancouver City Council, on December 14, 2010, appointed Councillor Tim Stevenson as Chair of the Business License Hearing Panel for a hearing to be held on March 9, 2011;
2. Councillor Stevenson will be out of town on March 9, 2011;
3. Councillor Kerry Jang has agreed to chair the Business License Hearing Panel on that date.

THEREFORE BE IT RESOLVED THAT Councillor Kerry Jang be appointed as the Chair of the Business License Hearing Panel for a hearing to be held on March 9, 2011, in place of Councillor Tim Stevenson.

CARRIED UNANIMOUSLY

2. **Request for Leave of Absence - Councillor Stevenson**

MOVED by Councillor Cadman

SECONDED by Councillor Jang

THAT Councillor Stevenson be granted Leave of Absence for Civic Business from meetings to be held on Thursday, January 20, 2011, due to his attendance at the UBCM Executive Meeting.

CARRIED UNANIMOUSLY

3. Fatal Fire at 2862 Pandora Street

MOVED by Councillor Anton

SECONDED by Councillor Woodsworth

WHEREAS

1. Three people lost their lives in the fire which occurred on December 22, 2010, at 2862 Pandora Street: Dwayne Rasmussen, Garland McKay and Steven Yellowquill;
2. The house was well known to the City as inspectors had visited it many times;
3. An investigation of the tragedy will be undertaken by Vancouver Fire and Rescue Services and a further investigation may be undertaken by the Coroner;
4. Many questions arise from the tragedy which relate to City processes, such as:
 - (a) Are City by-laws sufficient to allow timely action on problem premises?
 - (b) Are there additional steps the City can take to move more quickly with problem premises?
 - (c) Is there sufficient staffing in the City's by-laws and inspections department to allow staff to take timely action?
 - (d) What is the relationship between the need for affordable housing and substandard housing?
5. Political statements made by a Councillor shortly after the fire concluded that nothing more could have been done by the City to prevent the tragedy;
6. An investigation can question all issues arising from the tragedy relevant to the City and report back with recommendations to prevent a similar occurrence;
7. Public confidence requires that the investigation be undertaken by a third party to the City.

THEREFORE BE IT RESOLVED

- A. THAT Council respectfully requests that the Coroner convene an inquest to review all of these issues.

- B. THAT, if all of the issues are not to be considered by the Coroner, Council appoint a third party Examiner to conduct a review of all City by-laws and processes relating to the fatal fire at 2862 Pandora Street on December 22, 2010, in order to make recommendations and report back to Council as to how such a tragedy might be prevented in the future, the Examiner to have full confidential access to staff.

referred

The Mayor noted that requests to speak to this motion have been received.

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

THAT the motion be referred to the Standing Committee on City Services and Budgets meeting of Thursday, January 20, 2011, in order to hear from speakers.

CARRIED UNANIMOUSLY

4. Online Voting Pilot Project

MOVED by Councillor Reimer
SECONDED by Councillor Louie

WHEREAS

1. Less than 35% of eligible voters in Vancouver cast ballots in the last two civic elections;
2. Voter turnout is considered an important indicator of social cohesion and vital to a healthy democracy;
3. Research conducted by Elections Canada on voter turn out in the last federal election found that 57% of non-voters cited time pressures that prevented them from getting to a voting place in person;
4. Elections Canada will be conducting an online voting pilot in the 2013 federal election;
5. Online voting can greatly improve accessibility by increasing the time and place options available to voters to cast a ballot;
6. Online voting is used in more than three dozen Canadian municipalities ranging from 44 municipalities in Ontario, such as Markham, ON which piloted online voting in 2003, to Halifax, Nova Scotia which conducted successful pilots in a 2008 general election and 2009 by-election;

THEREFORE BE IT RESOLVED THAT the City Clerk report to Council on the feasibility of conducting an online voting pilot in the 2011 municipal elections or, if 2011 is not feasible, what the earliest date for a pilot would be.

referred

The Mayor noted that requests to speak had been received on this motion.

MOVED by Councillor Woodsworth
SECONDED by Councillor Cadman

THAT the motion be referred to the Standing Committee on City Services and Budgets meeting of Thursday, January 20, 2011, in order to hear from speakers.

CARRIED UNANIMOUSLY

5. Density in Vancouver

MOVED by Councillor Woodsworth
SECONDED by Councillor Cadman

WHEREAS

1. The City of Vancouver is planning for future growth;
2. The City of Vancouver is committed to preserving and strengthening the diversity of neighbourhoods;
3. The height and density of buildings and areas within the neighbourhoods are dependent on what zoning capacity is required to meet that growth;
4. Neighbourhoods are supporting the need for more environmentally, affordable housing but are concerned about density that has not led to more overall affordability;
5. In order to plan for the future we need to know what capacity the city has now.

THEREFORE BE IT RESOLVED THAT Council request staff to report back, at a meeting available to the public, the total existing zoned capacity in the City of Vancouver. This report should be transparent and include all zones in the city (including but not limited to RA, RS, RT, RM, FM-1, C, C-2, C-3A, FC-1, IC-3, HA, CD, CD-1, FCCDD, DD, CWD, DEOD, FSD and BCPED);

FURTHER THAT these breakdowns of data should also show total capacity in each zone, methodology and assumptions; and

FURTHER THAT this work should be completed as a priority within 30 days.

referred

The Mayor noted that requests to speak had been received on this motion.

MOVED by Councillor Stevenson

SECONDED by Councillor Deal

THAT the motion be referred to the Standing Committee on City Services and Budgets meeting of Thursday, January 20, 2011, in order to hear from speakers.

CARRIED UNANIMOUSLY

6. Casino Development

Note: The below motion reflects amendments to the original Motion on Notice which were accepted by the Council.

MOVED by Councillor Woodsworth

SECONDED by Councillor Cadman

WHEREAS

1. The proposed expansion of Edgewater Casino on the North East Shore of False Creek in Downtown Vancouver would be the largest casino in British Columbia;
2. Recent news has revealed a concerning link between casinos and organized crime and money laundering;
3. Citizens across Vancouver are concerned about increasing organized crime activity and the accompanying increases in enforcement costs;
4. Recent reports also show record subsidies paid to casinos while non-profits, charities, and arts organizations are being funded at levels lower than during the 1990s;
5. The fact the Gaming Policy Enforcement Branch and the British Columbia Lottery Corporation is being directed by the same ministry represents a serious potential conflict in gaming priorities and raises serious concerns about how gaming will be regulated and promoted in Vancouver;
6. Public confidence in the lottery public system needs to be restored.

THEREFORE BE IT RESOLVED

- A. THAT the City of Vancouver support calls to have the Gaming Policy Enforcement Branch and the British Columbia Lottery Corporation separated into different ministries.
- B. THAT the City of Vancouver call for a review of public gaming in the province of British Columbia in order to restore public confidence in the integrity of the lottery system and that Vancouver Council support the BC Association of Charitable Gaming's call for the Auditor General to investigate, and review the BC government's obligations to charities for gaming revenues.
- C. THAT the City of Vancouver affirms both the inherent and contractual rights and interests of charities and non-profits to gaming proceeds.

referred

The Mayor noted that requests to speak had been received on this motion.

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT the motion be referred to the Standing Committee on City Services and Budgets meeting of Thursday, January 20, 2011, in order to hear from speakers.

CARRIED UNANIMOUSLY

The Council adjourned at 5:30 pm

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