

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 15, 2011

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, February 15, 2011, at 2:00 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 Andrea Reimer*
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Councillor Geoff Meggs (Leave of Absence - Civic Business)

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 Jang.

PROCLAMATIONS

- **BLACK HISTORY MONTH** - The Mayor invited Sadie Kuehn, Chair, African Canadian Coalition Against Racism, and Paul Mulangu, Executive Director, Centre for Integration for African Immigrants, Commissioner Constance Barnes, Park Board, Nalda Callendar, National Congress of Black Women, and Larry Kennis, UBC President's Advisory Committee on Equity, Discrimination and Harrassment, to the podium and then proclaimed the month of February as "Black History Month" in the city of Vancouver. Ms. Kuehn and Mr. Mulangu provided a few comments about the month.
- **TOASTMASTERS INTERNATIONAL MONTH** - The Mayor invited Tom Jones, Governor, District 21, Kathy Bengston, City Hall Connaught Club, and Darren Frew, Vice President of Public Relations, District 21, to the podium and then proclaimed the month of February as "Toastmasters International Month" in the city of Vancouver and invited the recipients to say a few words about the month.

"IN CAMERA" MEETING

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT Council will go into a meeting on Thursday, February 17, 2011, 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;

(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;

(i) the receipt of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY
(Councillor Deal absent on Leave of Absence for Civic Business)

ADOPTION OF MINUTES

1. Regular Council (City Services and Budgets) - January 20 and February 1, 2011

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Deal absent on Leave of Absence for Civic Business)

2. Regular Council - February 1, 2011

MOVED by Councillor Cadman
SECONDED by Councillor Jang

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Deal absent on Leave of Absence for Civic Business)

3. Regular Council (City Services and Budgets) - February 3, 2011

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY
(Councillor Deal absent on Leave of Absence for Civic Business)

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY
(Councillor Deal absent on Leave of Absence for Civic Business)

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Cadman

THAT Council adopt Administrative Reports A1 and A2 and Policy Reports P1 and P2 on consent.

CARRIED UNANIMOUSLY
(Councillor Deal absent on Leave of Absence for Civic Business)

REPORT REFERENCE

1. Vancouver Economic Development Commission (VEDC) 2010 Major Achievements and 2011 Funding Request February 9, 2011

Ms. Lee Malleau, CEO, Vancouver Economic Development Commission, provided a presentation regarding the Commission's achievements and activities for 2010 and an overview of their 2011 funding request.

MOVED by Councillor Reimer

- A. THAT Council provide 2011 funding to the Vancouver Economic Development Commission (VEDC) up to a maximum of \$2.6 million to fund the VEDC's operations and programming, with the release of \$600,000 of these funds to be contingent on the VEDC raising matching funds from private sector sources ("matching funding"); the source of this funding be the City's 2011 Operating Budget.
- B. THAT the \$600,000 "matching funding" described in A above be released upon the condition that the Vancouver Economic Development Commission has demonstrated evidence that they have raised the equivalent amount in private sector funding, to the satisfaction of the Director of Finance.
- C. THAT the Service Agreement between the Vancouver Economic Development Commission Society (VEDC) and the City of Vancouver, as attached as Appendix A to the Administrative Report dated February 9, 2011, entitled "Vancouver Economic Development Commission 2010 major Achievements and 2011 Funding Request", be extended from January 1, 2011 to December 31, 2011 without any material change to its current form.
- D. THAT before December 31, 2011, the CEO of the Vancouver Economic Development Commission and the City Manager report back to Council with a revised service agreement to take effect January 1, 2012, and that this agreement be consistent with the VEDC's updated operating structure that was implemented in 2010.

CARRIED UNANIMOUSLY

(Councillor Deal absent on Leave of Absence for Civic Business)

2. Results and Next Steps: Open Data, Open Source and Open Standards

Ms. Shari Wallace, Director of IT Strategy, Business Relationships and Projects, provided a presentation on the Open Data, Open Source and Open Standards project, including an overview of what information is currently available on the City's website, and the timeline for providing additional information.

ADMINISTRATIVE REPORTS

1. **Vancouver City Planning Commission - 2011 Operating Grant
February 1, 2011**

THAT Council approve \$58,100 as the 2011 operating grant to the Vancouver City Planning Commission; source of funds to be the 2011 "Other Grants" budget.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

2. **Mountain View Cemetery (MVC) New Services, Fees and By-law Amendments
January 18, 2011**

- A. THAT Council approve amendments to the Cemetery (MVC) By-Law by adding new services and establishing fees for these new services, in accordance with Appendix D of the Administrative Report dated January 18, 2011, entitled "Mountain View Cemetery (MVC) New Services, Fees and By-law Amendments" .
- B. THAT Council authorize a sealed-bid process for the sale of 40 casket interment sites consistent with relevant procurement policies.
- C. THAT Council approve amendments for clarity to the Mountain View Cemetery By-Law in accordance with Appendix E of the Administrative Report dated January 18, 2011, entitled "Mountain View Cemetery (MVC) New Services, Fees and By-law Amendments" .
- D. THAT Council request the Director of Legal Services to bring forward for enactment the necessary amendments to the Mountain View Cemetery By-Law, in accordance with Appendix D and E of the Administrative Report dated January 18, 2011, entitled "Mountain View Cemetery (MVC) New Services, Fees and By-law Amendments", with new fees to take effect the date that Council approval is received.

ADOPTED ON CONSENT

POLICY REPORTS

1. **CD-1 Text Amendment: Riverside East (8683 Kerr Street)
January 31, 2011**

THAT, the Director of Planning be instructed to make application to amend Comprehensive Development (CD-1) #247 (By law No. 6533) for Riverside East, to permit Community Centre and Neighbourhood House use, generally as presented in Appendix A of the Policy Report dated "January 31, 2011, entitled "CD-1 Text Amendment: Riverside East (8683 Kerr Street)", and that the application be referred to a Public Hearing;

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

ADOPTED ON CONSENT

**2. CD-1 Rezoning: 1025 Robson Street
February 2, 2011**

- A. THAT the application by Brook and Associates, to rezone 1025 Robson Street (PID: 007-263-449; Lot E, Block 4, DL 185, Plan 17738) from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) for retail and service uses from 1.00 to 1.83 FSR and for other non-residential uses from 1.00 to 1.17 FSR, be referred to a Public Hearing, together with:
- (i) plans submitted by Brook + Associates, Inc., received September 2, 2010;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B of the Policy Report dated February 2, 2011, entitled "CD-1 Rezoning: 1025 Robson Street";

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 if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (DD), as set out in Appendix C of the Policy Report dated February 2, 2011, entitled "CD-1 Rezoning: 1025 Robson Street", be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally as set out in Appendix C of the above-noted Policy Report for consideration at the Public Hearing.

- C. THAT, subject to approval of the rezoning at the Public Hearing, the Noise Control By law be amended to include this Comprehensive District in Schedule B as set out in Appendix C of the Policy Report dated February 2, 2011, entitled "CD-1 Rezoning: 1025 Robson Street";

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

ADOPTED ON CONSENT

**3. CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)
February 4, 2011**

MOVED by Councillor Anton

- A. THAT the application by Brook + Associates Inc. to rezone 1030 Denman Street (PID: 002-982-455 Lot D, Block 59, D.L. 185, Plan 17575) from C-5 (Commercial) to CD-1 (Comprehensive Development), to enable conversion of the existing hotel to residential (rental) and office uses, be referred to a Public Hearing, together with:
- (i) plans prepared by DA Architects + Planners, received on November 19, 2008;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)"; 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 Public Hearing.

- B. THAT the application to amend Schedule C of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (C-5), be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally as set out in Appendix C of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)" 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, generally as set out in Appendix C of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)";

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

amended

AMENDMENT MOVED by Councillor Woodsworth

THAT A be amended to insert the following prior to the FURTHER THAT paragraph:

FURTHER THAT Appendix B, section (c)(5), which deals with Housing, be amended to add a condition that requires that at least 50 % of the residential units in the building be used for affordable housing and that such commitment would be secured by a covenant in favour of the City;

lost

REFERRAL MOVED by Councillor Cadman

THAT this matter be referred to staff for a report back on ways to provide affordability in this project.

LOST

(Councillors Anton, Chow, Deal, Jang, Louie, Stevenson, and the Mayor opposed)
(Councillor Reimer absent for the vote)

The motion to refer having lost, the amendment by Councillor Woodsworth was put and LOST with Councillors Anton, Chow, Deal, Jang, Louie, Stevenson and the Mayor opposed, and Councillor Reimer absent for the vote).

AMENDMENT MOVED by Councillor Louie

THAT the motion be amended to insert the following at the end:

THAT staff, as part of the Public Hearing process, be directed to return with information in relation to the possibility of embedding affordable housing into this development.

CARRIED

(Councillor Anton opposed)

(Councillor Reimer absent for the vote)

The amendment by Councillor Louie having carried, the main motion as amended was put and CARRIED UNANIMOUSLY with Councillor Reimer absent for the vote.

FINAL MOTION AS APPROVED

- A. THAT the application by Brook + Associates Inc. to rezone 1030 Denman Street (PID: 002-982-455 Lot D, Block 59, D.L. 185, Plan 17575) from C-5 (Commercial) to CD-1 (Comprehensive Development), to enable conversion of the existing hotel to residential (rental) and office uses, be referred to a Public Hearing, together with:
- (i) plans prepared by DA Architects + Planners, received on November 19, 2008;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)"; 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 Public Hearing.

- B. THAT the application to amend Schedule C of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (C-5), be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally as set out in Appendix C of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)" 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, generally as set out in Appendix C of the Policy Report dated February 4, 2011, entitled "CD-1 Rezoning: 1030 Denman Street (Coast Plaza Hotel)";

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 to C be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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.
- E. THAT staff, as part of the Public Hearing process, be directed to return with information in relation to the possibility of embedding affordable housing into this development.

4. CD-1 Text Amendment: 2803 West 41st Avenue (Crofton Manor)
February 3, 2011

MOVED by Councillor Anton

- A. THAT the application by Neale Staniszkis Doll Adams Architects, on behalf of Revera Inc., to amend CD-1 (Comprehensive Development) District By-law No. 4674 for 2803 West 41st Avenue (PID: 007-752-202, Lot 1, Block 9, DL 2027, Plan 14745.), to increase the maximum density from 0.6 to 1.12 FSR and the maximum height from 10.1 m (33.0 ft.) to 24.3 m (79.7 ft.), to permit additions to the existing seniors facility, be referred to a public hearing, together with:
- (i) plans received March 2, 2010;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated February 3, 2011, entitled "CD-1 Text Amendment: 2803 West 41st Avenue (Crofton Manor)"; 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 text amendments to the CD-1 By-law generally in accordance with Appendix A of the above-noted Policy Report for consideration at public hearing.

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

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Jang

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

CARRIED UNANIMOUSLY

1. A By-law to amend Housing Agreement By-law No. 9794 for 1803 Frances Street (By-law No. 10206)
2. A By-law to amend Street Name By-law No. 4054 regarding Pierview Crescent and Riverwalk Avenue (By-law No. 10207)

MOTIONS

A. Administrative Motions

1. Establishing Road on the west side of Knight Street, between 55th Avenue and 57th Avenue, adjacent to 7195 Knight Street, for a widening strip for the installation of left turn bays on Knight Street at 55th Avenue

MOVED by Councillor Louie

SECONDED by Councillor Chow

THAT WHEREAS the registered owner will be conveying to the City of Vancouver for road purposes lands in the City of Vancouver, Province of British Columbia, more particularly known and described as follows:

All that portion of Lot 61, Except that part in Explanatory Plan 3945, Blocks 29 to 31, District Lot 200, Plan 1770 as shown heavy outlined on plan of survey completed January 28, 2011, attested to by James E. Gregson, B.C.L.S. and marginally numbered LD5010.

AND WHEREAS it is deemed expedient and in the public interest to accept and allocate the said lands for road purposes.

BE IT RESOLVED that the above described lands to be conveyed are hereby accepted and allocated for road purposes and declared to form and to constitute a portion of a road.

CARRIED UNANIMOUSLY

B. Motions on Notice

1. Request for Leaves of Absence - Councillors Deal, Louie and Stevenson

MOVED by Councillor Cadman

SECONDED by Councillor Jang

THAT Councillors Deal, Louie and Stevenson be granted Leaves of Absence for Civic Business from meetings to be held March 1, 2011 and March 3, 2011.

CARRIED UNANIMOUSLY

2. Reducing Regulations for Small Businesses

MOVED by Councillor Anton

SECONDED by Councillor Woodsworth

WHEREAS

1. In 2007 a number of changes were made to C zones allowing greater flexibility in regulations affecting small businesses, that is, businesses occupying space less than 200 sq meters (RTS 06532, 13 Feb 2007 report, meeting date 1 Mar 2007);
2. In particular, the changes in regulations were helpful to limited food service restaurants and allowed them to become full service restaurants;
3. Changes included reducing parking requirements and allowing more flexible loading arrangements;
4. Many small businesses in other "C" zones would like the opportunity to benefit from similar regulation changes.

THEREFORE BE IT RESOLVED THAT staff be directed to report back with recommended changes in bylaws to help small businesses, including consideration of:

- i. Expanding the changes made in 2007 to all commercial zones;
- ii. Whether small businesses in CD-1 zones can be included;
- iii. Whether the washroom requirements may be reduced from two to one where it is impracticable to build a second washroom.

referred

The Mayor noted a request to speak to Motion B2 had been received.

MOVED by Councillor Reimer

SECONDED by Councillor Jang

THAT the motion be referred to the Standing Committee on City Services and Budgets meeting on Thursday, February 17, 2011, in order to hear from speakers.

CARRIED UNANIMOUSLY

NOTICE OF MOTION

1. Neighbourhood Impacts from Installation of Wireless Antenna Systems in Vancouver

Councillor Louie submitted the following Notice of Motion. The motion will be placed on the agenda of the Regular Council meeting of March 1, 2011, as a Motion on Notice.

MOVER: Councillor Raymond Louie

WHEREAS on January 1st 2008 Industry Canada set out procedures for antenna installations throughout Canadian municipalities; and

WHEREAS telecommunications providers are currently carrying out installations in Canadian municipalities based on their understanding of these procedures; and

WHEREAS over the past few months several antenna installations have been undertaken in Vancouver without receiving City approval, which have produced many complaints to the City of Vancouver, Councillors, and local MPs from Vancouver residents; and

WHEREAS telecommunications companies in Vancouver are an important part of the future economic development of the City and require the City of Vancouver's support to ensure a proper relationship with neighbourhoods; and

WHEREAS currently the Industry Canada procedures for the installation of antennas shorter than 15 meters are not aligned with Council adopted zoning regulations for antenna installations and existing City processes and urban design considerations; and

WHEREAS telecommunications companies have agreed to cease further installation of monopoles in Vancouver while City staff work with them to develop appropriate protocols and processes.

THEREFORE BE IT RESOLVED THAT City Council direct the City Manager to ensure citizen and industry concerns are identified and integrated into a coherent approach to this issue; and

BE IT FURTHER RESOLVED THAT staff continue to work with telecommunications companies, federal agencies, and Vancouver Coastal Health in a collaborative process to develop clear protocols and guidelines for the installation of all antennas in the city that balance citizen, industry and city needs in addressing current challenges in regards to permitting, public process and urban design issues.

notice

The Council adjourned at 5:15 pm

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