

REPORT TO COUNCIL

STANDING COMMITTEE OF COUNCIL
ON PLANNING AND ENVIRONMENT

APRIL 7 AND 19, 2011

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, April 7, 2011, at 2:08 pm, in the Council Chamber, Third Floor, City Hall. Subsequently, the meeting was recessed and reconvened on Tuesday, April 19, 2011 at 9:34 am and 7:32 pm. The minutes have been consolidated for ease of reference.

PRESENT:

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

CITY MANAGER'S OFFICE: Penny Ballem, City Manager

CITY CLERK'S OFFICE: Bonnie Kennett, Meeting Coordinator

*Denotes absence for a portion of the meeting.

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Deal
THAT the Committee recommend to Council

THAT the Committee adopt Item 2 on consent.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

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VARY ORDER OF AGENDA

MOVED by Councillor Woodsworth

THAT Items 3 and 4 be dealt with first.

*CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)*

Note from Meeting Coordinator: For clarity, the minutes are recorded in numerical order.

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At this point in the meeting, prior to hearing item 1, Councillor Anton rose to a Point of Order

MOVED by Councillor Anton

THAT the report be referred back to staff for further community consultation prior to bringing the report forward to Council with a revised report.

*LOST
(Councillors Cadman, Chow, Deal, Jang, Meggs, Reimer, Stevenson and Woodsworth and the Mayor opposed)
(Councillor Louie absent for the vote)*

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**1. Structures for Public Expression on City Streets
April 5, 2011**

**Amendments to the Street and Traffic By-law to Facilitate use of Structures on
Streets for Political Expression
April 14, 2011**

On April 7, 2011, the General Manager of Engineering provided an overview of the Administrative report dated April 5, 2011, entitled "Structures for Public Expression on City Streets" and along with Transportation and Streets Administration staff responded to questions. To address issues and questions raised by both Council and the speakers, staff brought forward an amended Administrative report dated April 14, 2011, entitled "Amendments to the Street and Traffic By-law to Facilitate use of Structures on Streets for Political Expression".

The Committee heard from 24 speakers, five in support of the recommendations who also expressed concerns and 19 opposed to the recommendations.

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On April 7, 2011, during the hearing of speakers at approximately 12:00 pm, it was,

MOVED by Councillor Cadman

THAT, under Section 2.3 (c) of the Procedure By-law, Council extend the length of the Standing Committee on Planning and Environment meeting by one hour or less in order to continue hearing from the current speaker and ask questions of staff.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

At this point in the meeting, it was

MOVED by Councillor Woodsworth

THAT the Standing Committee on Planning and Environment recess and reconvene on Tuesday, April 19, 2011, at 9:30 am in order to continue hearing from speakers.

*CARRIED
(Councillors Chow, Deal, Louie and Reimer and the Mayor opposed)*

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The Committee recessed at 6:22 pm on April 7, 2011, and reconvened at 9:34 am on April 19, 2011, with the same members present, except for Councillors Chow, Deal, Stevenson and the Mayor who were not in the Chamber.

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On April 19, 2011, the General Manager of Engineering provided an overview of the amended Administrative report dated April 14, 2011, entitled "Amendments to the Street and Traffic By-law to Facilitate use of Structures on Streets for Political Expression", and responded to questions. He also responded to questions following the hearing of speakers that evening.

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On April 19, 2011, during the hearing from speakers at approximately 12:00 pm, it was

MOVED by Councillor Deal

THAT, under Section 2.3 (c) of the Procedure By-law, Council extend the length of the Standing Committee on Planning and Environment meeting by one hour or less.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY
(Councillor Meggs absent for the vote)*

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At this point in the meeting, it was

MOVED by Councillor Woodsworth

THAT the Standing Committee on Planning and Environment recess and reconvene at 7:00 pm in order to continue hearing from speakers.

CARRIED UNANIMOUSLY

Council agreed to reconsider the time to reconvene the meeting. Subsequently, it was

MOVED by Mayor Robertson

THAT the Standing Committee on Planning and Environment recess and reconvene at 7:30 pm in order to continue hearing from speakers.

CARRIED UNANIMOUSLY

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The Committee recessed at 1:03 pm on April 19, 2011 and reconvened at 7:32 pm on the same day, with the same members present, except for Councillors Deal and Meggs and the Mayor who were not in the Council Chamber.

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MOVED by Councillor Chow
THAT the Committee recommend to Council

- A. THAT Council approve amendments to the Street and Traffic By-law in order to regulate the placement of structures on city streets for the purpose of political expression.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A of the Administrative Report dated April 14, 2011, entitled "Amendments to the Street and Traffic By-law to Facilitate use of Structures on Streets for Political Expression", with the following additional provisions:

In section 3, after the definition of "Structure", Council adds:

" "Table" in section 71E of this By-law means an article of furniture supported by one or more vertical legs and having a flat horizontal surface."

In section 71B(3)(l), Council changes "1.3 meters" to "1.6 meters"

And Council adds:

TABLES CONVEYING POLITICAL EXPRESSION

- 71E. Despite section 71A of the By-law, a table which conveys political expression does not require a permit under section 71B of this By-law if:
- (a) it is no larger than 1 meter in depth by 1.8 meters in width by .75 meters in height;
 - (b) it is placed on the street for no more than thirty consecutive days;
 - (c) it is removed from the street between the hours of 8 pm and 8 am daily;
 - (d) it is attended at all times;
 - (e) no more than one table is placed on any city block at any time;
 - (f) the name of the sponsoring organization or person is clearly displayed on the table;
 - (g) it does not obstruct or interfere with pedestrian or vehicular traffic;
 - (h) it does not obstruct or interfere with any utility, postal or similar installation;
 - (i) it does not obstruct or interfere with any other structure, object, substance or construction works which occupy the street pursuant to a permit;

- (j) it does not obstruct or interfere with the use of street furniture;
- (k) it does not obstruct or interfere with City works, on or adjacent to the street;
- (l) it is more than 5 meters from any building entrance or exit;
- (m) it is more than 5 meters from any bus stop, street intersection, driveway crossing, loading zone, taxi zone, or wheelchair ramp;
- (n) it is more than 0.5 meters from any curb;
- (o) it contains no moving parts, electrical or electronic components or lights;
- (p) it is structurally safe and stable;
- (q) it is not used in association with any electronic signs, electric or gas lighting or appliances, extension cords, open flames, propane tanks, gas or electric heaters, barbecues; and
- (r) it does not contain obscene or defamatory content and does not promote hatred or violence.

EMERGENCIES ON STREETS

71F. In the case of an emergency, the City Engineer may temporarily remove a structure or table that is permitted on a street.

- B. THAT Council approve a new city program to place and maintain free standing city sponsored structures on city streets in order to facilitate free political expression in locations designated by the City Engineer, generally as outlined in Administrative Report dated April 14, 2011, entitled "Amendments to the Street and Traffic By-law to Facilitate use of Structures on Streets for Political Expression".
- C. THAT based on the lack of precedents from other jurisdictions, Council requests staff monitor the implementation over the coming year and report back to Council on the need for any refinements.

amended

AMENDMENT MOVED by Councillor Woodsworth

THAT the motion be amended to add to Section 71A of the By-law and the motion be endorsed in principle:

- (f) who is homeless and erects a tent or temporary shelter on a Vancouver street, does not require a permit under section 71B of this By-law subject to the following conditions:
1. There remains less available shelter space than the best estimate of homeless people in Vancouver.
 2. Tents or temporary shelters shall not be erected in the middle of the sidewalk, on a curb, in a roadway, or in such a manner as to cause an obstruction to pedestrian or vehicular traffic.
 3. Tents or temporary shelters shall allow a minimum 1.5 meter (5 ft) passage space for pedestrians.
 4. Tents or temporary shelters shall allow a minimum 1.5 meter (5 ft) distance from any "obstruction" such as trees, lamp standards, bike racks, bus stop or parking meters.
 5. Areas around tents or temporary shelters shall be kept in a neat, clean and orderly manner.
 6. Tents or temporary shelters shall not block access to any Fire Department equipment, connections or exits from any buildings;
 7. Tents or temporary shelters shall not, in any way, be a safety hazard.
 8. Tents or temporary shelters shall be taken down during the business hours of adjacent businesses, or in the case of residential areas, between 8:00 am and 8:00 pm.

LOST

(Councillors Anton, Chow, Deal, Jang, Louie, Meggs, Reimer and Stevenson and the Mayor opposed)

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At 10:00 pm, during debate and decision, it was

MOVED by Councillor Deal

THAT under Section 6.8 of the Procedure By-law Council suspend Section 2.3(e) of the Procedure By-law with regard to meeting end time, in order to complete item 1.

*CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY*

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AMENDMENT MOVED by Councillor Cadman

THAT the following be added to the motion as part "D".

THAT Council refer to staff for advice regarding inclusion and consultation of temporary shelters on Vancouver streets as part of the Homelessness Strategy.

CARRIED UNANIMOUSLY

AMENDMENT MOVED by Councillor Louie

THAT the By-law be amended by striking the following from Section 71B(g) of the By-law:

"except that subsection (g) does not apply to any Consulate which is listed with the Government of Canada as a Consular Office."

LOST

(Councillors Anton, Cadman, Chow, Deal, Meggs, Reimer, Stevenson and Woodsworth and the Mayor opposed)

The amended motion having carried, the motion was put and CARRIED, with Councillors Anton, Cadman, Louie and Woodsworth opposed.

FINAL MOTION AS ADOPTED

THAT the Committee recommend to Council

- A. That Council approve amendments to the Street and Traffic By-law in order to regulate the placement of structures on city streets for the purpose of political expression.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A of the Administrative Report dated April 14, 2011, entitled "Amendments to the Street and Traffic By-law to Facilitate use of Structures on Streets for Political Expression", but with the following additional provisions:

In section 3, after the definition of "Structure", Council adds:

" "Table" in section 71E of this By-law means an article of furniture supported by one or more vertical legs and having a flat horizontal surface."

In section 71B(3)(l), Council changes "1.3 meters" to "1.6 meters"

And Council adds:

71E. Despite section 71A of the By-law, a table which conveys

political expression does not require a permit under section 71B of this By-law if:

- (a) it is no larger than 1 meter in depth by 1.8 meters in width by .75 meters in height;
- (b) it is placed on the street for no more than thirty consecutive days;
- (c) it is removed from the street between the hours of 8 pm and 8 am daily;
- (d) it is attended at all times;
- (e) no more than one table is placed on any city block at any time;
- (f) the name of the sponsoring organization or person is clearly displayed on the table;
- (g) it does not obstruct or interfere with pedestrian or vehicular traffic;
- (h) it does not obstruct or interfere with any utility, postal or similar installation;
- (i) it does not obstruct or interfere with any other structure, object, substance or construction works which occupy the street pursuant to a permit;
- (j) it does not obstruct or interfere with the use of street furniture;
- (k) it does not obstruct or interfere with City works, on or adjacent to the street;
- (l) it is more than 5 meters from any building entrance or exit;
- (m) it is more than 5 meters from any bus stop, street intersection, driveway crossing, loading zone, taxi zone, or wheelchair ramp;
- (n) it is more than 0.5 meters from any curb;
- (o) it contains no moving parts, electrical or electronic components or lights;
- (p) it is structurally safe and stable;
- (q) it is not used in association with any electronic signs, electric or gas lighting or appliances, extension cords, open flames, propane tanks, gas or electric heaters, barbeques; and
- (r) it does not contain obscene or defamatory content and does not promote hatred or violence.

EMERGENCIES ON STREETS

- 71F. In the case of an emergency, the City Engineer may temporarily remove a structure or table that is permitted on a street.
- B. THAT Council approve a new city program to place and maintain free standing city sponsored structures on city streets in order to facilitate free political expression in locations designated by the City Engineer, generally as outlined in the Administrative Report dated April 14, 2011, entitled "Amendments to the Street and Traffic By-law to Facilitate use of Structures on Streets for Political Expression",.
- C. THAT Council requests, based on the lack of precedents from other jurisdictions, staff shall monitor the implementation over the coming year and report back to Council on the need for any refinements.
- D. THAT Council refer to staff for advice regarding inclusion and consultation of temporary shelters on Vancouver streets as part of the Homelessness Strategy.
2. **888 West Cordova Street - Terminal City Club Inc. Liquor Primary Liquor Licence Outdoor Patio Application for an Increase in Capacity (Lions Pub)
March 18, 2011**

THAT the Committee recommend to Council

THAT Council, having considered the opinion of area residents and business operators of the community as determined by site sign, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated March 18, 2011, entitled "888 West Cordova Street - Terminal City Club Inc., Liquor Primary Liquor Licence Outdoor Patio Application for an Increase in Capacity (Lions Pub)", endorse the application by Terminal City Club Inc., for an increase in capacity of the Liquor Primary patio (on private property) at the Lions Pub, 888 West Cordova Street subject to:

- i. A maximum capacity of 50 seats;
- ii. The signing of a Good Neighbour Agreement with the City;
- iii. The patio ceasing all liquor service and vacated by 11 pm;
- iv. No music permitted on the patio;
- v. A Time Limited Development Permit for the patio; and
- vi. Food service to be provided while the patio is open.

ADOPTED ON CONSENT

**3. 2154 Dundas Street - Recommendation of 336D Notice
March 22, 2011**

Licence and Inspections staff provided an overview of the report and responded to questions.

The Committee heard from one speaker opposed to the recommendation.

MOVED by Councillor Woodsworth
THAT the Committee recommend to Council

THAT the City Clerk be directed to file a 336D Notice in the Land Title Office in relation to the building at 2154 Dundas Street located on Lot 6 & 7, Block 25, Plan 178, District Lot 184, New Westminster Land District, PID 007-702-043; to inform prospective purchasers that there are contraventions of the Vancouver Building By-law, Fire By-law and the Standards of Maintenance By-law related to this building.

CARRIED UNANIMOUSLY
(Councillor Louie and Mayor Robertson absent for the vote)

4. Emergency Response Plan for City of Vancouver

Vancouver City Council, at its meeting on April 5, 2011, referred the following motion to the Standing Committee on Planning and Environment meeting on April 7, 2011, in order to hear from speakers:

MOVED by Councillor Woodsworth
SECONDED by Councillor Cadman

WHEREAS

1. Japan is a leader in having organized its citizenry in earthquake preparedness, and Christchurch has organized a Civil Defence Emergency Management plan involving a series of partnerships between City Council, emergency services, community agencies and neighbourhood volunteers for effective emergency response and relief, and were immediately deployed after the February 22, 2011 earthquake.
2. Vancouver's Neighbourhood Emergency Preparedness Program (NEPP) delivers sessions on family emergency preparedness through Community Centres; while at the same time there is no coordinated Response measures in effect.
3. Vancouver actively supports volunteers in Emergency Social Services and Amateur Radio through the Office of Emergency Management and the Police Department, however does not have programs in place to engage women's and disability organizations to address more specific family needs.

4. There is no single program that consolidates neighbourhood emergency preparedness with response teams through the Office of Emergency Management, the Police Department and Community Centres across the City.

THEREFORE BE RESOLVED

- A. THAT in order to provide the most effective earthquake crisis relief, the City of Vancouver work with the Park Board to expand Emergency Preparedness and Response services at Community Centres and in neighbourhoods, which includes providing tools, training, and support to a network of neighbourhood volunteers.
- B. THAT the City of Vancouver, in consultation with the Park Board and Board of Education, provide coordinated communications support for any such community based response that would include neighbourhood specific printed materials, online resources, and any other support necessary that would enable citizens to clearly understand how to best respond to a large-scale emergency.

The Committee heard from three speakers in support of the recommendations.

Following the hearing of speakers, the motion was put and CARRIED UNANIMOUSLY with Councillor Louie absent for the vote.

The Committee recessed at 6:22 pm on April 7, 2011, 1:03 pm on April 19, 2011 and adjourned at 10:51 pm on April 19, 2011

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

APRIL 7 AND 19, 2011

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, April 7, 2011, at 6:22 pm, 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. Subsequently, the meeting was recessed and reconvened on Tuesday, April 19, 2011, at 10:51 pm. The minutes have been consolidated for ease of reference.

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: Bonnie Kennett, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Cadman

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

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Report of Standing Committee on Planning and Environment
April 7, 2011

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

2. 888 West Cordova Street - Terminal City Club Inc. Liquor Primary Liquor Licence Outdoor Patio Application for an Increase in Capacity (Lions Pub)
3. 2154 Dundas Street - Recommendation of 336D Notice
4. Emergency Response Plan for City of Vancouver

Items 2 to 4

MOVED by Councillor Cadman

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of April 7, 2011, as contained in items 2 to 4, be approved.

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 Deal

SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY

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Council recessed on April 7, 2011 at 6:23 pm and reconvened on April 19, 2011, at 10:51 pm with the same members present.

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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

COMMITTEE REPORTS

Report of Standing Committee on Planning and Environment
April 19, 2011

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

1. Amendments to the Street and Traffic By-law to Facilitate Use of Structures on Streets for Political Expression

Item 1

MOVED by Councillor Deal

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of April 19, 2011, as contained in item 1, be approved.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Jang
SECONDED by Councillor Deal

THAT Council enact By-law 1 on the agenda for this meeting, and authorize the Mayor and City Clerk to sign and seal the enacted by-law.

CARRIED
(Councillors Anton, Cadman and Woodsworth opposed)

1. **A By-law to amend Street and Traffic By-law No. 2849 regarding political expression on structures on streets (By-law 10252)**

The Council recessed at 6:23 pm on April 7, 2011 and
adjourned at 10:52 pm on April 19, 2011.

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