



REPORT TO COUNCIL
REGULAR COUNCIL MEETING MINUTES

NOVEMBER 3, 2009

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, November 3, 2009, at 2:05 p.m., 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: Sadhu Johnston, Deputy City Manager
David McLellan, General Manager, Community Services

CITY CLERK'S OFFICE: Janice MacKenzie, Deputy 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 Meggs.

ANNOUNCEMENT - UNITED WAY

Fire Chief John McKearney provided an overview of the United Way Employee Campaign for 2009.

ACKNOWLEDGEMENT - HOST CITY OLYMPIC TRANSPORTATION PLAN

The Mayor acknowledged the City of Vancouver's Olympic Transportation team for being awarded a "Vancouver 2010 Sustainability Star" by the Vancouver Organizing Committee for its Host City Olympic Transportation Plan.

CONDOLENCES - JACK POOLE

The Mayor extended condolences to the family and friends of Jack Poole and noted his many achievements and contributions to the city of Vancouver, including leading the bid to bring the 2010 Olympic Games to the city.

"IN CAMERA" MEETING

MOVED by Councillor Deal
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:

(b) personal information about an identifiable individual who is being considered for an award or honour, or who has offered to provide a gift to the city on condition of anonymity;

(d) the security of the property of the city; and

(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 the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

ITEMS ARISING FROM THE "IN CAMERA" MEETING OF OCTOBER 20, 2009

Council made appointments to the following civic bodies:

- Pacific National Exhibition (PNE) Board
- Bicycle Advisory Committee
- LGBTQ Advisory Committee
- Vancouver City Planning Commission

Names of those appointed can be obtained from the City Clerk's Office.

ADOPTION OF MINUTES

1. Special Council (Public Hearing) - October 6 and 8, 2009

MOVED by Councillor Deal
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

2. Regular Council - October 20, 2009

MOVED by Councillor Stevenson
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

3. Regular Council (City Services and Budgets) - October 22, 2009

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

4. Regular Council (Planning and Environment) - October 22, 2009

MOVED by Councillor Reimer
SECONDED by Councillor Woodsworth

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Stevenson

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

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Deal

THAT Council adopt Administrative Reports A1, A2, A4, A5, A7, A8, and Policy Reports P1 and P4, on consent.

CARRIED UNANIMOUSLY

ADMINISTRATIVE REPORTS

General Administration

1. **Proposed Closure of Portions of Street and Lane Adjacent to 12 Water Street
October 6, 2009**
 - A. THAT Council authorize the Director of Legal Services to apply and raise titles in the name of the City of Vancouver to portions of Water Street and Lane south of Water Street, west from Carrall Street (the "Road and Lane") that contains the encroachment by the existing building at 12 Water Street, the said portions are shown on a reduced copy of a Reference Plan attached as Appendix "A" to the Administrative Report dated October 6, 2009, entitled "Proposed Closure of Portions of Street and Lane Adjacent to 12 Water Street".
 - B. THAT all those volumetric portions of Road and Lane included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B" to the Administrative Report dated October 6, 2009, entitled "Proposed Closure of Portions of Street and Lane Adjacent to 12 Water Street", be closed, stopped-up and that an easement be granted to the owner of the abutting Air Space Parcel 1 Block 2 Old Granville Townsite Air Space Plan BCP_____ ("Air Space Parcel 1") to contain the portions of the existing building which encroach onto the Road and Lane. The easement to be for the life of the encroaching portions of the existing building on Air Space Parcel 1 and to be to the satisfaction of the Director of Legal Services.
 - C. THAT fees for the document preparation, registration and use of the easement referred to in "B" above are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.
 - D. THAT the Director of Legal Services be authorized to execute all documents and plans required.
 - E. THAT the authorities granted in "A", "B" "C" and "D" above be subject to the Approving Officer granting approval of the application to convert the previously occupied building situated on Parcel Y Block 2 Old Granville Townsite Plan BCP29043 ("Parcel Y"), to strata title ownership.

ADOPTED ON CONSENT

2. **Application for Payment-in-Lieu of Parking at 1101 West Waterfront Road
September 14, 2009**
 - A. THAT Council approve in principle, the offer of payment-in-lieu in the amount of \$121,200 for the waiver of six parking spaces required by Section 4.1.2 of the Parking By-law for the development application at 1101 West Waterfront Road.

- B. THAT Council approve payment of \$121,200 until prior to issuance of a Building Permit for DE 412233 for 1101 West Waterfront Road.
- C. THAT once payment of \$121,200 is received, it is to be transferred from the payment-in-lieu fund into the Parking Site Reserve for allocation to the City parkade #54 at 1095 Waterfront Road.
- D. 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

- 3. **Closure and Sale of a Portion of Lane East of Waterloo Street, Adjacent to 1904 Waterloo Street
October 19, 2009**

MOVED by Councillor Anton

THAT Council close, stop-up and convey to the owner of 1904 Waterloo Street (legally described as [PID: 010-795-871] Lot A of Lot 1 Block 24 District Lot 540 Plan 5011 (hereinafter, "Lot A")), that approximately 480 square foot portion of abutting lane (the 'Lane Portion'), the same as generally shown hatched on the plan attached as Appendix "A" to the Administrative Report dated October 19, 2009, entitled "Closure and Sale of a Portion of Lane East of Waterloo Street, Adjacent to 1904 Waterloo Street", subject to the terms and conditions as noted in Appendix "B" of that report.

CARRIED UNANIMOUSLY

- 4. **Closure and Sale of a Portion of Road Adjacent to 1343 East 18th Avenue
October 19, 2009**

- A. THAT Council close, stop-up and convey to the abutting owners that approximately 231 square foot portion of road being: [PID: 016-517-113] The South 7 Feet of Lot C Block 84 District Lot 301 Plan 1679 (hereinafter, the "Road Portion"), the same as generally shown hatched on the plan attached as Appendix "A" to the Administrative Report dated October 19, 2009, entitled "Closure and Sale of a Portion of Road Adjacent to 1343 East 18th Avenue", subject to the terms and conditions as noted in Appendix "B" of that report.
- B. THAT the sale proceeds of \$35,000.00 be credited to the Property Endowment Fund.

ADOPTED ON CONSENT

**5. Railway Anti-Whistling By-law Amendment
October 13, 2009**

THAT Council approve an amendment to the Railway Anti-Whistling By-law to change the name of the "Heather Street" crossing to the "Moberly Road" crossing, and to allow train whistling in case of emergency; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary amendments to the Railway Anti-Whistling By-law, generally in accordance with Appendix A of the Administrative Report dated October 13, 2009, entitled "Railway Anti-Whistling By-law Amendment".

ADOPTED ON CONSENT

Finance, Budgets, Grants, Contracts

**6. Grants in Lieu of City's General Purpose Taxes
October 19, 2009**

MOVED by Councillor Deal

THAT Council approve the grant-in-lieu of 2008 taxes for general municipal purposes amounting to \$5,192.57 requested by Burnaby Independent School Society doing business as Stratford Hall School at 3070 Commercial Drive, generally as set out in the Administrative Report dated October 19, 2009, entitled "Grants in Lieu of City's General Purpose Taxes", source of funds to be the 2009 Contingency Reserve.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

**7. Contract No. 2009-02 Water Main Supply and Installation -
Recommendation for Award
October 20, 2009**

- A. THAT Contract No. 2009-02 be awarded to the low bidder meeting the tender specifications, Ponte Bros. Ltd., for the supply and installation of distribution water mains for an estimated contract price of \$1,198,826.00 (excluding applicable taxes).
- B. THAT the General Manager of Engineering Services, in consultation with the Director of Legal Services, be authorized to enter into a construction services contract with Ponte Bros. Ltd. for Contract No. 2009-02 for water main supply and installation.
- C. THAT no legal rights or obligations will be created by Council's approval of A and B above unless and until all legal documentation required has been

executed and delivered on terms and conditions satisfactory to the Director of Legal Services.

ADOPTED ON CONSENT

Housing, Zoning, Development, Heritage, Culture

**8. Housing Agreement for 2329 West 1st Avenue
October 19, 2009**

THAT Council approve entering into a Housing Agreement and Land Title Act Section 219 Covenant with the owner of 2329 West 1st Avenue, to secure six (6) units, as rental, for the life of the building, as summarized in the Administrative Report dated October 19, 2009, entitled "Housing Agreement for 2329 West 1st Avenue" and subject to the satisfaction of the Managing Director of Social Development, but that no legal rights or obligations be created or will arise until the housing agreement as authorized by by-law and Section 219 covenant are signed and registered; and

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law to enter into the Housing Agreement.

ADOPTED ON CONSENT

**9. Form of Development: 1001 Canada Place
October 14, 2009**

MOVED by Councillor Anton

THAT the form of development for this portion of the CD-1 zoned site known as 201 Burrard Street (1001 Canada Place being the application address) be approved generally as illustrated in the Development Application Number DE412140, prepared by Musson Cattell Mackey Partnership and stamped "Received, Community Service Group, Development Services, September 18, 2009", provided that the Director of Planning may approve design changes which would not adversely affect either the development character of the site or adjacent properties.

CARRIED UNANIMOUSLY

POLICY REPORTS

1. CD-1 Text Amendment - 2727 East 12th Avenue October 19, 2009

THAT the application by AMR Design Works, to amend CD-1 #340 (By-law No. 7459) for the site at 2727 East 12th Avenue (Lot B, South ½ of Section 35, THSL, Plan LMP24400) to reduce the required parking to allow for an outdoor fenced storage area, be referred to a public hearing, together with:

- (i) plans prepared by AMR Design Works, received May 14, 2009, generally as presented in Appendix C of the Policy Report dated October 19, 2009, entitled "CD-1 Text Amendment - 2727 East 12th Avenue";
- (ii) draft CD-1 By-law amendments, generally as set out in Appendix A of the above-noted Policy Report;
- (iii) the recommendation of the Director of Planning to approve the application, subject to conditions contained in Appendix B of the above-noted Policy Report; and

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 the public hearing.

ADOPTED ON CONSENT

2. CD-1 Rezoning and Heritage Designation of Fire Hall #15 - 3003 East 22nd Avenue October 20, 2009

MOVED by Councillor Jang

A. THAT the application by the Director of Planning, to rezone 3003 East 22nd Avenue (PID 026-343-711; Lot B, Block F, Town of Hastings Suburban Lands, Plan BCP18656, Group 1, New Westminster District) from RS-1 (Single-Family Residential District) to CD-1 (Comprehensive Development District), to increase the density from 0.60 FSR to 1.00 FSR, to permit the retention and renovation of the historic Fire Hall #15 and the addition of a one-storey structure housing three new truck apparatus bays, be referred to a public hearing, together with:

- (i) plans received August 6, 2009;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A of the Policy Report dated October 20, 2009, entitled "CD-1 Rezoning and Heritage Designation of Fire Hall #15 - 3003 East 22nd Avenue"; 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, subject to approval of the rezoning at Public Hearing, Council add the building at 3003 East 22nd Avenue, known as Fire Hall #15 to the Vancouver Heritage Register in the "B" category and designate the site as protected heritage property; and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary Designation By-law for consideration at public hearing.

CARRIED UNANIMOUSLY

3. **CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street October 20, 2009**

MOVED by Councillor Anton

THAT this matter be referred back to staff to amend the report so as to be transparent about the costs and benefits of the bonus density (excluding the density for the heritage building) as follows:

1. The 49,785 sq ft bonus density for the rental housing is worth \$6.5m (49,785 x \$130 per sq ft);
2. The city could achieve a community amenity contribution (CAC) of \$4.5m from the bonus density (70% of \$6.5m);
3. Alternative uses for \$4.5m in the West End could include contributions to the Aquatic Centre renewal, community centre, child cares or library;
4. The \$4.5m foregone revenue represents an average of \$91,836 per unit of rental housing; and
5. The other foregone revenue set out in part 8 of the report is \$20,537 per unit, for a total foregone revenue to the city of \$112,373 per unit.

LOST

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

Staff agreed to provide a Memorandum clarifying the methodology used in regard to the recommended amount of bonus density.

MOVED by Councillor Louie

- A. THAT the application, by Henriquez Partners Architects on behalf of Millennium English Bay Properties Ltd, to rezone 1201-1215 Bidwell Street and 1702-1726 Davie Street (PID: 015752551, 015752640, 015752674, 014-499-029) Lot 8, Lot 9

except the west 50.75 feet and Lot A (see 17609K) of Lot 9, Block 62, District Lot 185, Plan 92) from C 5 (Commercial District) to CD-1 (Comprehensive Development District), to increase the density from 2.2 to 6.27 FSR to permit construction of a mixed-use development containing rental and condominium housing and at-grade commercial uses, be referred to a Public Hearing, together with:

- (i) plans prepared by Henriquez Partners Architects received June 15, 2009, represented in Appendix G of the Policy Report dated October 20, 2009, entitled "CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street";
- (ii) draft CD-1 By-law provisions, generally in accordance with Appendix A of the above-noted Policy Report; and
- (iii) the recommendation of the Director of Planning to approve the application subject to approval of conditions contained in Appendix B of the above-noted Policy Report;

FURTHER THAT the Director of Legal Services be instructed to prepare the 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 the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E [assigning Schedule "B" (C-5)], also 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 October 20, 2009, entitled "CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street", 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 October 20, 2009, entitled "CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street"; and

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, subject to the approval of the rezoning, Council approve the heritage designation of the building façade of 1215 Bidwell Street, listed in the "C" category on the Vancouver Heritage Register, as a protected heritage property; and

FURTHER THAT the Director of Legal Services be instructed to prepare a Heritage Designation By-law for consideration at Public Hearing.

- E. THAT, subject to the approval of the rezoning, Council enter into a Heritage Revitalization Agreement for the building façade at 1215 Bidwell Street, to secure the restoration, long-term maintenance and preservation of the façade, subject to conditions contained in Appendix B of the Policy Report dated October 20, 2009, entitled "CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street";

FURTHER THAT the Director of Legal Services be instructed to prepare a Heritage Revitalization Agreement and accompanying by-laws for consideration at the Public Hearing, and to process and to bring forward for enactment the necessary by-laws related to the Designation and Heritage Revitalization Agreement; and

FURTHER THAT the Director of Legal Services be instructed to prepare side agreements for the timely restoration and protection of the façade during the construction.

- F. THAT A to E 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
(Councillor Stevenson absent for the vote)

**4. CD-1 Text Amendment: 1055 Canada Place
October 13, 2009**

THAT the application by Vancouver Convention Centre Expansion Project (VCCEP), a Division of BC Pavilion Corporation, to amend Comprehensive Development District (CD-1) By-law No. 7679 (reference No. 363, 201 Burrard Street) for 1055 Canada Place (Parcel 1 of the Public Harbour Burrard Inlet Plan, BCP 30843), be referred to a Public Hearing, together with:

- (i) plans received August 25, 2009 and represented in Appendix B of the Policy Report dated October 13, 2009, entitled "CD-1 Text Amendment: 1055 Canada Place";
- (ii) draft CD-1 By-law amendments, generally as contained in Appendix A of the above-noted Policy Report; and
- (iii) the recommendation of the Director of Planning to approve the application; and

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.

ADOPTED ON CONSENT

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY
(Councillors Jang and Stevenson absent for the vote)

BY-LAWS

The Mayor advised that By-law No. 2 had been withdrawn from the agenda, at the request of staff.

MOVED by Councillor Deal
SECONDED by Councillor Cadman

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 and 3 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillors Jang and Stevenson absent for the vote)

1. A By-law to amend Electrical By-law No. 5563 regarding contractors' declarations and the Canadian Electrical Code (By-law No. 9939)
2. A By-law to amend License By-law No. 4450 regarding restaurant liquor service - WITHDRAWN
3. A By-law to amend Vancouver Development Cost Levy By-law No. 9755 regarding 2010 rate adjustments (By-law No. 9940)

MOTIONS

A. Administrative Motions

1. Closure and Sale of a Portion of Road adjacent to 3410 Lougheed Highway

MOVED by Councillor Woodsworth
SECONDED by Councillor Meggs

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. There is a proposal to re-develop privately owned Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250 ("Lot A");
3. The proposal requires the closure of a portion of Cassiar Street lying to the south of Lougheed Highway, and being adjacent to Lot A;
4. The said portion of Cassiar Street to be closed was dedicated by the deposit of Plan 1314, circa 1907, and by the deposit of Plan 5134 on May 26, 1922;
5. The said portion of road to be closed is no longer required for municipal purposes;

6. The proposal requires the consolidation of the said portion of Cassiar Street to be closed with Lot A to create a single parcel.

THEREFORE BE IT RESOLVED THAT the 330.0 square metre portion of Cassiar Street dedicated by the deposit of Plans 1314 and 5134 and being adjacent to Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250 the same as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 3rd day of September, 2009, and marginally noted "Dwg: 3704-RD", be closed, stopped up and conveyed to the abutting owner; and

BE IT FURTHER RESOLVED THAT the said portion of Cassiar Street to be closed be consolidated with Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250 to form a single parcel, as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 3rd day of September, 2009, and marginally noted "Dwg: 3704-RF", to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY
(Councillors Jang and Stevenson absent for the vote)

2. Proposed Closure of Portions of Street and Lane Adjacent to 12 Water Street

MOVED by Councillor Woodsworth
SECONDED by Councillor Louie

WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. Portions of the building constructed on Air Space Parcel 1 Block 2 Old Granville Townsite Air Space Plan BCP_____ encroach onto the southerly side of Water Street;
3. Portions of the building constructed on Air Space Parcel 1 Block 2 Old Granville Townsite Air Space Plan BCP_____ encroach onto the northerly side of the lane south of Water Street, west from Carrall Street ("the "Lane");
4. The portions of Water Street and Lane encroached upon, abutting said Air Space Parcel 1, were dedicated by the deposit of Plan 168;
5. To provide for the registration of an easements to contain the said encroachments onto Water Street and the Lane, as required by Section 244 of the Strata Property Act, it is necessary to raise title to the portions of Water Street and Lane that are encroached upon;

6. To enable Council to grant the required easement to contain the said encroachments it is necessary for Council to close and stop-up the volumetric portions of Water Street and Lane that are encroached upon;

THEREFORE BE IT RESOLVED THAT the Director of Legal Services be authorized to make application on behalf of the City of Vancouver to raise title in the name of the City of Vancouver to those portions of road dedicated by the deposit of Plan 168 and included within the heavy bold outline on the Reference Plan attested to by William P. Wong, B.C.L.S., completed and checked on the 16th day of September, 2009, and marginally numbered V-09-14127-REF-LOT Y; and

BE IT FURTHER RESOLVED THAT all those volumetric portions of Water Street and Lane included within heavy bold outline and illustrated isometrically on an Explanatory Plan attested to by William P. Wong, B.C.L.S., completed and checked on the 16th day of September, 2009, marginally numbered V-09-14127-CORNICE-LOT Y, be closed, stopped-up and that an easement be granted to the owner of abutting Air Space Parcel 1 Block 2 Old Granville Townsite Air Space Plan BCP_____ to contain the portions of the existing building which encroach onto Water Street and Lane; the said easement to be to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY
(Councillors Jang and Stevenson absent for the vote)

3. Closure and Sale of a Portion of Lane East of Waterloo Street, Adjacent to 1904 Waterloo Street

MOVED by Councillor Louie
SECONDED by Councillor Jang

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. The owner of [PID: 010-795-871] Lot A of Lot 1 Block 24 District Lot 540 Plan 5011 ("Lot A") at 1904 Waterloo Street has made application to purchase the abutting 8 foot wide portion of lane east of Waterloo Street, south from 3rd Avenue;
3. The said portion of lane was dedicated by the deposit of Plan 5011 on December 24, 1920;
4. The said portion of lane to be closed is no longer required for municipal purposes;
5. The said portion of lane will be conveyed to the owner of Lot A and consolidated with Lot A to form a single parcel;

6. The City is to take back a Right of Way for sewer purposes over a portion of the single parcel.

THEREFORE BE IT RESOLVED THAT all that portion of lane east of Waterloo Street, south from 3rd Avenue, as dedicated by the deposit of Plan 5011, and being adjacent to Lots A and B, Plan 5011 and The West ½ of Lot 2, Plan 229, All of Block 24, District Lot 540, Group 1, New Westminster District, the same as shown in heavy outline on the Reference Plan attested to by Edmund T. Wong, B.C.L.S., completed and checked on the 24th day of June, 2008 and marginally numbered FILE: SU-1870, be closed, stopped-up and conveyed to the owner of abutting Lot A; and

BE IT FURTHER RESOLVED THAT the said portion of lane to be closed is to be consolidated with said Lot A to form a single parcel, to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

4. Closure and Sale of a Portion of Road Adjacent to 1343 East 18th Avenue

MOVED by Councillor Louie
SECONDED by Councillor Jang

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. The owners of [PID: 014-472-805] Lot C, Except the South 7 Feet Now Lane, Block 84 District Lot 301 Plan 1679 ("Lot C") have made application to purchase a 7 foot wide portion of 18th Avenue abutting Lot C;
3. The subject 7 foot portion of road to be closed, stopped-up and conveyed to the owners of abutting Lot C is legally described as [PID: 016-517-113] The South 7 Feet of Lot C Block 84 District Lot 301 Plan 1679 ("The South 7 Feet of Lot C");
4. The South 7 Feet of Lot C was established as road by document filed 33185, deposited in the Land Title Office on September 6, 1941;
5. The said portion of road is no longer required for municipal purposes.

THEREFORE BE IT RESOLVED THAT [PID: 016-517-113] The South 7 Feet of Lot C Block 84 District Lot 301 Plan 1679 established as road by document filed 33185 be closed, stopped-up and conveyed to the owners of abutting [PID: 014-472-805] Lot C, Except the South 7 Feet Now Lane, Block 84 District Lot 301 Plan 1679 subject to the said

portion of closed road being consolidated with the said Lot C to create a single parcel to the satisfaction of the Director of Legal Services.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

B. Motions on Notice

1. McBride Park

MOVED by Councillor Anton
SECONDED by Councillor Woodsworth

WHEREAS

1. The Vancouver Park Board has supported the unification of McBride Park by the closure of the 2000 block of Waterloo Street since the 1970s.
2. A survey of residents in 2006 determined 53% support for the closure.
3. City council voted against the permanent closure on 14 Nov 2006.
4. At the same time curbs and paving were approved for the 2000 block of Waterloo, which work is scheduled for this fall and would have the effect of keeping the street open indefinitely.
5. The Greenest City Action Plan expresses interest in more green space in Vancouver.

THEREFORE BE IT RESOLVED

THAT Vancouver City Council requests staff to delay the curb and pavement work in the 2000 block of Waterloo St until such time as this council has the opportunity to reconsider the previous council decision as to the possible permanent closure of the 2000 block Waterloo St.

referred

The Mayor advised that a request to speak to this motion had been received. Council agreed to refer the motion to the Standing Committee on City Services and Budgets meeting on Thursday, November 5, 2009, in order to hear from the speaker.

2. Vancouver Participation in the GVRD Labour Relations Bureau

The following motion reflects amendments to the original Motion on Notice, which were accepted by the Council.

MOVED by Councillor Meggs
SECONDED by Councillor Cadman

WHEREAS Vancouver is the only major municipality maintaining full membership in the GVRD Labour Relations Bureau, providing more than 40 percent of the funding while exercising only a single vote on the 16-member body; and

WHEREAS the decision of the City of Burnaby to give notice of its intention to withdraw from the labour relations function has precipitated a long review of the bureau's policies and structures which will not be completed for some months; and

WHEREAS this Council has requested a staff report on the pros and cons of the city's membership which has been delayed by the long review process at the GVRD; and

WHEREAS the City must give two years notice if it wishes to withdraw from the function; and

WHEREAS a decision to give notice would protect the City's option to withdraw, with potential savings of more than \$500,000 a year starting in 2012, as the GVRD process continues.

THEREFORE BE IT RESOLVED

THAT the City of Vancouver advise the GVRD Labour Relations Bureau of its intention to withdraw from membership.

referred

The Mayor advised a request to speak to this motion had been received. Council agreed to refer the motion to the Standing Committee on Planning and Environment meeting on Thursday, November 5, 2009, in order to hear from the speaker.

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VARY AGENDA

*MOVED by Councillor Chow
SECONDED by Councillor Louie*

*THAT the order of the agenda be varied in order to deal with Motion on Notice 5,
followed by Motion on Notice 4.*

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

Note from Clerk: the items have been minuted in chronological order, to ensure clarity.

* * * * *

5. Request for Leave of Absence - Councillor Cadman

The following motion reflects an amendment to the original Motion on Notice which was accepted by Council.

MOVED by Councillor Chow
SECONDED by Councillor Louie

THAT Councillor Cadman be granted Leave of Absence for Civic Business from the additional Public Hearing meeting scheduled for December 8, 2009, Regular Council and the Special Council meeting scheduled for December 15, 2009, and the Standing Committees on City Services and Budgets and Planning and Environment meetings scheduled for December 17, 2009, in order to attend ICLEI meetings.

CARRIED UNANIMOUSLY
(Councillor Deal absent for the vote)

4. South East False Creek (SEFC) Private Lands

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

MOVED by Councillor Louie
SECONDED by Councillor Jang

WHEREAS planning and construction on private land in SEFC is in process; and

WHEREAS there is need for quick action on "Vancouver 2020 - A Bright Green Future" priorities along with housing affordability and heritage preservation etc.; and

WHEREAS there exists an opportunity for these development properties to contribute to these goals.

THEREFORE BE IT RESOLVED

THAT the Director of Planning report to Council as soon as possible with a recommended policy approach, having regard to planning and urban design considerations, that would enable site-specific rezonings for additional density within the proposed buildings, limiting up to 2 additional partial penthouse stories on buildings across most or all of the South-East False Creek (SEFC) private lands. The additional density is intended to facilitate Council's "Vancouver 2020 - A Bright Green Future" priorities as well as the City's goals for affordability, heritage preservation etc. The land-lift from such additional density would be used to assist in achieving SEFC amenities and public benefits, landing of density from the heritage density bank, and/or rental housing in association with other incentives through the Short-Term Incentives for Rental (STIR) program.

carried

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At this point in the proceedings the Mayor advised the Vancouver Book Awards presentation would begin in the foyer outside of Council Chamber. The Council meeting was therefore recessed at 3:40 pm.

During the recess, the Mayor announced the following 2009 Vancouver Book Award recipients:

- Lee Henderson (The Man Game) - Winner
- Gabor Maté (In the Realm of Hungry Ghosts) - Finalist
- Meredith Quartermain (Nightmarker) - Finalist

Following a reception in the foyer in honour of the award recipients, the Council meeting was reconvened at 4:30 pm with all Council members present.

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AMENDMENT MOVED by Councillor Anton

THAT the Motion be struck and replaced with the following:

WHEREAS the density in the Athlete's Village could be reconsidered in light of the EcoDensity initiative and the Greenest City Action Plan provided that:

- (a) The density leads to a good urban form;
- (b) The public amenities are capable of supporting additional people in the area than currently planned for.

THEREFORE BE IT RESOLVED THAT staff report back with:

1. A policy which would allow site specific rezonings on all of the Southeast False Creek properties, both City of Vancouver and other public lands and the private lands, to allow for increased densities; and
2. A discussion of the implications to the SEFC public realm plan arising from increased densities; and
3. Confirmation that City policy does not permit bonus density to be granted as a benefit to a greener building.

LOST

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

AMENDMENT MOVED by Councillor Anton

THAT the end of the first sentence of the RESOLVED be amended to insert the words "public and" prior to the words "private lands".

LOST

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

The amendments having lost, Councillor Louie's motion was put and CARRIED UNANIMOUSLY.

3. Support for BC Film Industry

The following motion reflects amendments to the original Motion on Notice, which were accepted by Council.

MOVED by Councillor Deal
SECONDED by Councillor Meggs

WHEREAS the BC Film Industry spent over \$1.2 Billion on BC productions in 2008; and

WHEREAS over 20,000 people in Greater Vancouver are employed in the film industry with 97% of production crews being made up of local people; and

WHEREAS BC offers a 25% refundable tax credit for film and television production labour; and

WHEREAS the Provinces of Ontario and Quebec offer a 25% refundable tax credit on all labour and qualifying non-labour film and television production costs; and

WHEREAS that tax inequity gives Ontario and Quebec a distinct competitive advantage which is being reflected in future film and television production booking; and

WHEREAS the film and entertainment industry is an important part of the City's Green Capital economic development strategy.

THEREFORE BE IT RESOLVED

1. THAT Council requests the Mayor send a letter to the BC Premier and the BC Minister of Tourism, Culture and the Arts encouraging them to restructure BC Film Industry and digital media tax credits to compete with those of Ontario and Quebec.
2. THAT the City Manager be asked to work with the Vancouver Economic Development Commission to assess what other measures the City may take to enhance the competitiveness of the Vancouver area film and entertainment industry as it relates to Vancouver Green Capital.
3. THAT Council requests the Mayor, working through the Big City Mayors, urge the BC and Canadian governments to coordinate film industry tax credits across the country to prevent future escalation of tax credits.
4. THAT Council forward this motion to the Directors of Metro Vancouver for their consideration.

CARRIED UNANIMOUSLY

NOTICE OF MOTION

1. Vancouver 125 Anniversary Celebration Ideas

Councillor Deal submitted the following Notice of Motion. The motion will be placed on the agenda of the Regular Council meeting to be held November 17, 2009, as a Motion on Notice.

MOVER: Councillor Heather Deal

SECONDER: Councillor Andrea Reimer

WHEREAS

1. 2011 marks the 125th anniversary of the incorporation of the City of Vancouver; and
2. Many people and communities are currently bringing forward ideas for celebration and commemoration of Vancouver's history; and
3. This celebration should reflect the full history of Vancouver and its many communities.

THEREFORE BE IT RESOLVED

THAT Council request the City Manager work with staff to establish a broadly representative working group which will develop a process and criteria for considering celebration ideas and suggestions.

notice

ENQUIRIES AND OTHER MATTERS

1. Operating Budget Consultation

Councillor Anton expressed concern with regard to the public consultation process and communications strategy in relation to the 2010 Operating Budget, noting the online survey has only just appeared on the City's website.

Councillor Woodsworth also expressed concern with the process and noted the online survey should include questions regarding election reforms and campaign spending as per the Council decision on October 20, 2009.

Councillor Louie noted the intent and instruction to staff was to include the questions regarding election reforms and campaign spending and he would be in contact with Communications staff in this regard, if necessary.

2. Former General Manager of Parks and Recreation

Councillor Anton enquired on the payroll status of the former General Manager of Parks and Recreation. David McLellan, General Manager, Community Services, agreed to provide that information to Council.

3. Olympic By-law Amendments

Councillor Woodsworth enquired on the status of the Olympic by-law amendments which are to come back to Council for approval. David McLellan, General Manager, Community Services, advised staff expected to bring the by-law amendments to Council in early December.

The Council adjourned at 5:45 pm

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