



These minutes will be adopted at the next Regular Council meeting.

4

REPORT TO COUNCIL

**STANDING COMMITTEE OF COUNCIL
ON PLANNING AND ENVIRONMENT**

DECEMBER 3, 2009

A Regular Meeting of the Standing Committee of Council on Planning and Environment was held on Thursday, December 3, 2009, at 2:05 pm, in the Council Chamber, Third Floor, City Hall.

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: Titania Lam, Meeting Coordinator (Minutes)
Bonnie Eng, Meeting Coordinator

* Denotes absence for a portion of the meeting.

ADOPTION OF MINUTES

The Minutes of the Standing Committee on Planning and Environment meeting of November 19, 2009, were adopted.

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Louie

THAT the Committee adopt Items 1 and 2 on consent.

CARRIED UNANIMOUSLY
(Councillor Stevenson and the Mayor absent for the vote)

1. **Nuisance and Dangerous Building at 2790 SW Marine Drive
October 29, 2009**

THAT the Committee recommend to Council

- A. THAT Council declare that the building at 2790 SW Marine Drive, Amended Lot 1, (Explanatory Plan 3862), Block 6, District Lot 315, Plan 6938, PID 003-431-410 a nuisance and dangerous to public safety pursuant to section 324 A of the Vancouver Charter.
- B. THAT Council approve the resolution attached to the Administrative Report dated October 29, 2009 entitled "Nuisance and Dangerous Building at 2790 SW Marine Drive", and order the registered owner to pull down and demolish the building, remove all demolition debris from the site and thereafter provide a chain-link fence around the perimeter of the site, within 30 days of a copy of the resolution being served pursuant to Section 324A of the Vancouver Charter.
- C. THAT in the event that the owner fails to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector or his designate, to pull down and demolish the building, remove all demolition debris from the site and thereafter provide a chain-link fence around the perimeter of the site pursuant to Section 324A(1) of the Vancouver Charter.
- D. THAT in the event of the failure of the owner to allow the City Building Inspector and/or his designate access to the site to carry out the work as outlined in recommendation C above, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the property as 2790 SW Marine Drive, and may in her discretion, seek injunctive relief in that action or proceeding in order to bring this property into compliance with Council's resolution.
- E. THAT the City Clerk be directed to file a 336D Warning Notice against the Certificate of Title to the property at 2790 SW Marine, in order to warn prospective purchasers that there are violations of the Vancouver Building, Standards of Maintenance and Untidy Premises By-laws related to this property and that there is a demolition order of Council against the property.

ADOPTED ON CONSENT

(Councillor Stevenson and the Mayor absent for the vote)

2. **1038 Canada Place - 299 Burrard Management Ltd.,
Liquor Primary Liquor Licence Application - Hotel Lounge
Fairmont Pacific Rim Hotel
November 6, 2009**

THAT the Committee recommend to Council

THAT Council, having considered the opinion of local area residents and business operators as determined by site sign, noise impacts and relevant Council policy as outlined in the Administrative Report dated November 6, 2009, entitled "1038 Canada Place - 299 Burrard Management Ltd., Liquor Primary Liquor Licence Application - Hotel Lounge", endorse the request by 299 Burrard Management Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 1 - Hotel Lounge) at 1038 Canada Place (Fairmont Pacific Rim Hotel) subject to:

- i. Standard hours of operation for the first six months are limited to 11 am to 2 am, seven days a week; after which time the Extended hours of operation may be considered which are limited to 9 am to 3 am, seven days a week;
- ii. A maximum total capacity of 36 persons;
- iii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- iv. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- v. A Time-limited Development Permit; and
- vi. Food service to be provided while the establishment is operating.

ADOPTED ON CONSENT

(Councillor Stevenson and the Mayor absent for the vote)

3. **Building B - Unit 106 - 750 Pacific Boulevard - Edgewater Casino ULC,
Liquor Primary Liquor Licence Application (Poker Room)
November 16, 2009**

Liquor Licensing staff responded to questions.

MOVED by Councillor Deal

THAT the Committee recommend to Council

THAT Council, having considered the opinion of local area residents and business operators as determined by site sign, noise impacts and relevant Council policy as outlined in the Administrative Report dated November 16, 2009, entitled "Building B - Unit 106 - 750 Pacific Boulevard - Edgewater Casino ULC, Liquor Primary Liquor Licence Application", endorse the request by Edgewater Casino ULC, for a 405 seat Liquor Primary liquor licence (Liquor

Establishment Class 4) at Building B - Unit 106 - 750 Pacific Boulevard, subject to:

- i. A maximum capacity of 405 persons;
- ii. Signing a Good Neighbour Agreement with the City prior to the issuance of the business licence;
- iii. An amendment to the existing Time-Limited Development Permit;
- iv. The surrendering of the existing Food Primary liquor licence (#303550 - capacity 34 persons) at the time of issuance of the Liquor Primary liquor licence in the Poker Room;
- v. Patrons being permitted to remain inside the Poker Room after the ceasing of liquor service;
- vi. The cancellation of the Liquor Primary liquor licence if the primary use of the establishment changes from that of a casino; and
- vii. Standard hours of operation for the first six months are limited to 11 am to 2 am weekends and 11 am to 1 am weekdays; after which time Extended hours of operation may be considered which are limited to 9 am to 3 am weekends and 9 am to 2 am weekdays.

CARRIED

(Councillors Cadman and Woodsworth opposed)

(Councillor Stevenson absent for the vote)

4. **Woodward's Non-Profit Generic Office Tenants November 16, 2009**

Social Development and Cultural Services staff provided an overview and an update of the selection process for the Woodward's Non-Profit Generic Office Tenants.

The Committee heard from four speakers, all of whom were in support of the recommendations.

MOVED by Councillor Deal

THAT the Committee recommend to Council

- A. THAT Council approve the following eight (8) non-profit organizations for consideration as tenants in the Non-Profit Generic Office/Assembly space within the City-owned Parcel ("the Parcel") of the Heritage Building in the Woodward's development at 101 East Hastings Street, subject to availability of space on the 2nd and 4th floors (approximately 5,100sf net or 7,000sf gross), and subject to the satisfaction of the Acting Managing Director of Cultural Services, the Deputy General Manager of Community Services and the Director of Real Estate Services:

- EMBERS - Eastside Movement for Business and Economic Renewal Society (requested space 1,000 sf)
 - BC SVP - BC Social Venture Partners (requested space 300 sf)
 - Community Arts Council of Vancouver (requested space 200 sf)
 - Powell Street Festival Society (on behalf of Powell Street Festival Society, Katari Taiko Drum Group Association, Vancouver Chinese Instrumental Music Society, Hard Rubber New Music Society, Barking Sphinx Performance Society and Standing Wave Society) (requested space 1,200 sf)
 - The Geist Foundation (on behalf of the Geist Foundation, Lester's Army a project of Arts in Action Society, The Vancouver Memory Collective Society, Narwhal Magazine and the 3-Day Novel Contest Publishing Society) (requested space 800 - 1600 sf)
 - Urban Ink Production Society (requested space 600 - 800 sf)
 - Vancouver Community Network (requested space 300 - 450 sf)
 - Theatre Terrific Society (requested space 300 - 450 sf)
- B. THAT Council approve one or more of the following three (3) non-profit organizations for consideration as tenants in the Non-Profit Generic Office/Assembly space, should any of the organizations listed in "A" not be able to participate in the Parcel:
- Minerva Foundation for BC Women (requested space 1,500 sf)
 - Vancouver Latin American Film Festival (requested space 500 sf)
 - Documentary Media Society (DOXA Documentary Film Festival) (requested space 900 - 1,200 sf)
- C. THAT non-profit leases, at nominal rent for a term of five (5) years with three (3) subsequent options to renew for a further five (5) years each, be negotiated by Real Estate Services to the satisfaction of the Directors of Real Estate Services, Facilities Design and Management, Legal Services, Deputy General Manager of Community Services and Acting Managing Director of Cultural Services; and that no legal rights or obligations be created or arise by Council's adoption of Recommendations A and B unless and until such legal documents are executed and delivered by the Director of Legal Services.
- D. THAT Council hereby authorize that the successful non-profit organizations chosen as per "A" and "B" above, as well as W2 Community Media Arts Society, as non-profit tenants approved for occupancy in the Woodward's Parcel, be granted in lieu the equivalent amount representing the tenant's proportionate share of real property taxes.

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

5. Assistance to Shelter Act

Vancouver City Council, at its meeting on December 1, 2009, referred this matter to the Standing Committee on Planning and Environment meeting on December 3, 2009, in order to hear from speakers.

The Committee heard from eight speakers, all of whom expressed concern regarding the Assistance to Shelter Act.

MOVED by Councillor Woodsworth
THAT the Committee recommend to Council

WHEREAS:

1. The Provincial government has passed Bill 18 the Assistance to Shelter Act that allows police officers to use reasonable force to transport a person at risk to an emergency shelter under an extreme weather conditions as declared by the Minister of Housing and Social Development;
2. The City of Vancouver, police, and other levels of government and local service providers are mandated to ensure the health and safety of all of our residents, including our homeless population;
3. Many of the existing shelters are at or nearing capacity during extreme weather events;
4. Many homeless individuals consciously choose not to access shelters for fear of losing their belongings, and as a result may seek to actively avoid police making them more difficult for outreach and health workers to find thus increasing risks to life and limb during extreme weather events;
5. Homeless individuals, in particular, women, Aboriginals, youth and members of the gay community have expressed concerns about personal safety entering group shelters composed of mixed populations.

THEREFORE BE IT RESOLVED

1. THAT Council ask the VPD to work with the City to ensure that protocols are developed that will ensure the rights of the homeless are protected should the Assistance to Shelter Act be enforced;
2. THAT Council ask the Minister for Housing and Community Development to work with the City to ensure that there is additional overnight shelter capacity; warming centers and other forms of emergency response during extreme weather event and that best

efforts be made to encourage homeless people to seek shelter rather than coercion;

3. THAT Council reiterate its commitment to working cooperatively with the Provincial Government to address the high rate of homelessness in Greater Vancouver.
4. THAT Council call upon the Federal Government to increase funding for social housing to address the problem of homelessness in Vancouver.
5. THAT Council write to the Minister of Housing, Rich Coleman, expressing concerns about the harmful effects of enforcing the Assistance to Shelter Act in Vancouver, and requesting he convene consultations between the Minister, City Council and community representatives, including shelter providers and housing advocates, to address problems with the Assistance to Shelter Act and provide alternatives.

carried

AMENDMENT MOVED by Councillor Anton

THAT 5 be amended to insert the word "possible" before "harmful effects"

LOST

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

The amendment having lost, the Motion was put and CARRIED with Councillor Anton opposed to 5.

6. **2010 Winter Games By-law No. 9908 ("Existing By-law") and proposed 2010 Winter Games By-law ("Proposed By-law") regarding the Vancouver 2010 Olympic and Paralympic Winter Games ("Games")
November 25, 2009**

Vancouver City Council, at its meeting on December 1, 2009, referred this matter to the Standing Committee on Planning and Environment meeting on December 3, 2009, due to time constraints.

Olympics and Paralympic Operations along with City Manager staff responded to questions.

MOVED by Councillor Cadman

THAT the Committee recommend to Council

- A. THAT Council approve replacement of the Existing By-law with the Proposed By-law, provided in draft form in Appendix A of the Administrative Report dated November 25, 2009, entitled "2010 Winter Games By-law No. 9908 ("Existing By-law") and proposed 2010 Winter Games By-law ("Proposed By-law") regarding the Vancouver 2010 Olympic and Paralympic Winter Games ("Games")", in order, for the purposes of the Games, to reflect recent changes to the *Vancouver Charter*, address changes to the Games plans, and ensure a fair balance between the regulation of commercial activities in public spaces and freedom of expression with the specific proviso that none of these provisions are intended in any way to limit protests allowed under the Charter of Rights.

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the Proposed By-law which repeals and replaces the Existing By-law.

- B. THAT Council amend the *Fire By-law* to permanently increase the maximum fines under that by-law from \$2,000 to \$10,000.

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law amending the *Fire By-law*, provided in draft form in Appendix B of the Administrative Report dated November 25, 2009, entitled "2010 Winter Games By-law No. 9908 ("Existing By-law") and proposed 2010 Winter Games By-law ("Proposed By-law") regarding the Vancouver 2010 Olympic and Paralympic Winter Games ("Games")".

- C. THAT Council approve the protocol, set out in Appendix D, for the use of the temporary powers of entry, under the *Municipalities Enabling and Validating Act (No. 3) (MEVA)*, during the Games, and instruct staff to use those powers of entry only in accordance with that protocol.
- D. THAT Council direct the Chief License Inspector to communicate to the Province the City's support for temporary liquor licences allowing liquor service until 2:00 am during the Games.
- E. THAT within 90 days of the Games, staff report back to Council on by-law enforcement activity during the Games.

carried

AMENDMENT MOVED by Councillor Woodsworth

THAT A be amended to add the following:

FURTHER THAT the Proposed By-law be amended as follows,

1. Page 28- Add " except where that interference is the incidental effect of otherwise lawful protest" at the end of 4Ab.
2. Page 2- At the end of the "celebratory sign" definition, add "and includes signs whose content is critical of the 2010 Winter Games."
3. Page 29 - Delete section 5.2 and rely on owner consent and existing powers for very rare scenario where owner would not consent to city removing graffiti at city expense.
4. Page 44/45 - Delete "police officer" as individual who can enforce by-law for Table 8 s.66.1 "displaying merchandise", Table 8 s.67(2) "street performing", and Table 9 s. 7(a) "street vending"
5. Page 1- Amend "advertising matter" definition to read " ... but excluding (communications by not for profit groups or registered charities and) any newspaper that ..."
6. Page 1- Amend preamble of the bylaw by adding "the specific proviso that none of these provisions are intended in any way to limit protests allowed under the Charter of Rights and Freedoms."

LOST

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

The amendment having lost, the Motion was put and CARRIED, with Councillor Woodsworth opposed to A and C.

The Committee adjourned at 4:37 pm

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

DECEMBER 3, 2009

A Regular Meeting of the Council of the City of Vancouver was held on Thursday, December 3, 2009, at 4:37 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.

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 Manger
David McLellan, General Manager of Community Services Group

CITY CLERK'S OFFICE: Titania Lam, Meeting Coordinator (Minutes)
Bonnie Eng, 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
December 3, 2009

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

1. Nuisance and Dangerous Building at 2790 SW Marine Drive
2. 1038 Canada Place - 299 Burrard Management Ltd.,
Liquor Primary Liquor Licence Application - Hotel Lounge
Fairmont Pacific Rim Hotel
3. Building B - Unit 106 - 750 Pacific Boulevard - Edgewater Casino ULC,
Liquor Primary Liquor Licence Application (Poker Room)
4. Woodward's Non-Profit Generic Office Tenants
5. Assistance to Shelter Act
6. 2010 Winter Games By-law No. 9908 ("Existing By-law") and proposed 2010 Winter Games By-law ("Proposed By-law") regarding the Vancouver 2010 Olympic and Paralympic Winter Games ("Games")

Items 1 -6

MOVED by Councillor Cadman

THAT the recommendations and actions taken by the Standing Committee on Planning and Environment at its meeting of December 3, 2009, as contained in Items 1-6, be approved.

CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY

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 Deal
SECONDED by Councillor Cadman

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Chow
SECONDED by Councillor Woodsworth

THAT Council enact the by-laws listed on the agenda for this meeting, as number 1, to 3 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. 2010 Winter Games By-law (By-law No. 9962).
2. A By-law to amend Fire By-law No. 8191 regarding fines (By-law No. 9963).
3. A By-law to amend Street and Traffic By-law No. 2849 regarding snow removal from private property (By-law No. 9964).

NEW BUSINESS

1. **Request for Leave of Absence - Mayor Robertson**

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT Mayor Robertson be granted Leave of Absence from the Council meeting, and the Special Council meeting (SRA By-law) to be held December 15th, 2009, and from the City Services and Budget Committee meeting, and the Planning and Environment Committee meeting to be held December 17th, 2009, on a matter of civic business.

CARRIED UNANIMOUSLY

The Council adjourned at 4:59 pm

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