



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 7, 2005
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CC File No.: 1203
Meeting Date: June 28, 2005

TO: Vancouver City Council

FROM: Director of Real Estate Services in consultation with the Directors of Legal Services and Social Planning and the General Manager of Engineering Services

SUBJECT: Lease with British Columbia Transit and Licence of City-owned Lanes

RECOMMENDATION

- A. THAT Council approve the lease by the City, on terms and conditions satisfactory to the Directors of Real Estate and Legal Services, of the vacant lots at 11th Avenue identified in Appendix A (the BC Transit Lands) from British Columbia Transit (BC Transit) for ten years, for a nominal rent of one dollar a year plus property taxes, which will be paid by My Own Backyard Community Association, with an option to renew for a further ten years on the same general terms and conditions as the original lease.
- B. THAT Council approve the licence of the BC Transit Lands from the City to My Own Backyard Community Association. The terms and conditions of the licence are to be drawn to the satisfaction of the Directors of Legal and Real Estate Services and Social Planning.
- C. THAT Council authorize the Director of Legal Services to enter into a licence with My Own Backyard Community Association for the use of portions of City-owned lane, between the lane south of 10th Avenue and 12th Avenue, the same as shaded and labelled on Appendix A. The terms and conditions of the licence are to be drawn to the satisfaction of the General Manager of Engineering Services and the Directors of Legal and Real Estate Services.
- D. THAT Council approve the execution of an Indemnity Agreement in favour of BC Transit on terms and conditions to the satisfaction of the Directors of Real Estate and Legal Services.

GENERAL MANAGER'S COMMENTS

The General Managers of Corporate, Community and Engineering Services recommend approval of A, B, C and D.

GENERAL MANAGER OF ENGINEERING SERVICES COMMENTS

The General Manager of Engineering Services is supportive of the proposed uses on the City-owned lanes between the lane south of 10th Avenue and 12th Avenue subject to a number of conditions to be contained in a licence to be drawn to the satisfaction of the General Manager of Engineering Services and the Directors of Legal and Real Estate Services. The conditions will include, but not be limited to:

- the uses are to be temporary in nature and to be restricted to community green space, including gardens, access to a play ground and public art; there shall be no structures, building or permanent improvements on the City-owned lanes;
- the City and the public utility companies are to have access at all times to the existing 42" diameter sewer main in the lanes and the City reserves the right to install any new utilities as required, the design and use of the community gardens to reflect the existing utilities;
- the use on the lanes to be designed to be open and visible, respecting CPTED principles and act to discourage mid-block crossings through the use of landscaping or other pedestrian buffers and should encourage pedestrians to use Commercial Drive and not a route through these lands;
- the design to be approved by the Structures and Greenways Engineer on behalf of the General Manager of Engineering Services and should include a maintenance plan;
- the licensee to be responsible for maintenance and liability for their use of the City-owned lanes, noting in particular the requirements for re-grading and drainage
- the licence to contain a thirty (30) day termination clause should the lanes ever be needed for civic purposes

COUNCIL POLICY

At its meeting on June 24, 2004 Council approved the allocation of \$208,000 for a community amenity in the Broadway and Commercial Drive area to develop a community garden, children's playground, neighbourhood greenway and public art on five vacant BC Transit and three City-owned sites along the Skytrain guideway, as proposed by the My Own Backyard Community Association (MOBY).

Council has the authority to lease or licence City streets and lanes.

PURPOSE

The purpose of this report is to request Council approval to enter into a lease with BC Transit and a licence of the BC Transit Lands to MOBY, a licence of City-owned lanes to MOBY, and the execution of an Indemnity Agreement in favour of BC Transit.

BACKGROUND

On June 24th, 2004, Council approved the development of a community amenity on East 11th and East 12th Avenues, east of Commercial Drive for a community garden. It would comprise of five fee-simple owned lots owned by BC Transit and three unopened portions of City-owned lanes.

On December 16, 2004 Council approved a grant of \$93,000 to MOBY to develop the community garden on East 11th and East 12th Avenues east of Commercial Drive. Source of funding is reallocation of funds approved for this purpose by Council on June 24, 2004.

DISCUSSION

BC Transit has agreed to lease to the City the five vacant lots they own on 11th Avenue for ten years at a nominal sum plus property taxes with an option to renew for a further ten years. In 2005 the property taxes for two of the five lots was \$2,479. The remaining three lots are not taxable because they are located under the Skytrain guideway. BC Transit has also requested that the City sign an Indemnity Agreement protecting them against liability claims.

Social Planning staff has been working closely with the community group MOBY in order to facilitate the development of the community garden. The licence would give MOBY care and custody of the BC Transit Lands and City-owned lanes and at the same time providing public access to the garden. The General Manager of Engineering Services has reviewed the proposed uses of the City-owned lanes and concluded that a temporary use as "community" green space, including community gardens and access to a playground and public art could be supported.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The Directors of Real Estate Services and the General Manager of Community Services are of the opinion that the proposed lease terms with BC Transit are reasonable. The General Manager of Engineering Services and the Director of Legal and Real Estate Services will finalize the licence with MOBY to allow for the use of the BC Transit Lands and the City-owned lanes.

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Vacant Lots at 11th Avenue and Commercial Drive



Legend

- City-owned lane
- BC Transit owned
- SkyTrain Guideway

Notes

- A** 1727 East 11th Avenue
Lot 5, except part in Explanatory Plan 19599 of Lots C and D Block 162 District Lot 264A
- B** 1737 East 11th Avenue
That Part of Lot 6 in Explanatory Plan 19599 of Lots C and D Block 162 District Lot 264A Plans 1059 and 1771
- C** 1734 East 11th Avenue
Amended Lot 48 (Explanatory Plan 5587), Except Part in Explanatory Plan 19600 of Lots C and D Block 162 District Lot 264A Plans 1059 and 1771
- D** 1736 East 11th Avenue
Lot 47, Except Part in Explanatory Plan 19600 of Lots C and D Block 162 District Lot 264A Plans 1059 and 1771
- E** 1725 East 12th Avenue
Lot J of Lots C and D Block 162 District Lot 264A Plan 20879