



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: February 10, 2006
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VanRIMS No.: 13-2000-30
Meeting Date: February 28, 2006

TO: Vancouver City Council

FROM: The General Manager of Engineering Services in Consultation with the Director of Real Estate Services and Director of Legal Services

SUBJECT: Closure and Sale of Lane Between 350 Kingsway and 2710 Sophia Street

RECOMMENDATION

- A. THAT Council close, stop-up and convey the 284.8 m² lane between 350 Kingsway and 2710 Sophia Street (south west from Kingsway) to the owner of adjacent [PID: 008-764-948] Lot B, Plan 12914, and [PID: 011-699-396] Lot D, Plan 21843, Both of Block 113, District Lot 301, as shown hatched and cross-hatched on the plan attached hereto as Appendix "A", with the owner to pay \$390,000 plus GST if applicable in accordance with the recommendation of the Director of Real Estate Services, subject to the conditions as noted in Appendix "B"; and
- B. THAT the sale proceeds are to be credited to the 2004 Budget and Recoveries Urban Transportation Showcase (UTS) Program - Account No. CB2EA6DX1, and to be used for installation of traffic bulges on Main Street at 10th Avenue and 14th Avenue and a study related to traffic calming in the Mount Pleasant Community.

COUNCIL POLICY

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

It is Council policy that civic property declared surplus to the City's needs be transferred to the Property Endowment Fund, with a recommendation on any consequential sale being brought forward by the Director of Real Estate Services.

On June 28, 2005, at the Standing Committee on Transportation and Traffic, Council approved the implementation of the Main Street Showcase Project ("Showcase"). Showcase is a partnership between the City, Translink and Transport Canada to make improvements on Main Street to promote alternative modes of transportation including transit and walking. As part of this project, bulges were identified for future implementation within the Mount Pleasant Community. Specifically, bus and pedestrian bulges were proposed at the intersections of Main Street and East 10th Avenue and East 14th Avenue, which were approved by Council subject to technical review by staff and funding.

SUMMARY

On August 29, 2005, the Development Permit Board approved the form of development for the subject site as proposed under Development Permit Application No. DE409433, subject to a variety of conditions including closure of the subject lane. The development application seeks to acquire the lane so as to capture the density from Lot B and the closed lane in the development, and provide public open space within the south westerly portion (Lot B) of the site. The public open space will be an addition to the Wellness Walkway.

The General Manager of Engineering Services has reviewed the request and determined that, subject to a number of conditions, the lane can be closed, stopped-up and conveyed.

PURPOSE

The purpose of this report is to seek Council authority to close, stop-up and convey the lane between 350 Kingsway and 2710 Sophia Street (south west from Kingsway).

BACKGROUND

Plan 187 was deposited at the Land Title Office in 1885 dedicating the subject lane. The original parcels adjacent to the lane have either been consolidated or partially dedicated as road to form the existing parcel pattern in the block. The deposit of Plan 12914 in 1968 created Lot B, and the deposit of Plan 21843 in 1988 created Lot D.

The lane presently functions only as access and parking ancillary to the former use on Lot D, and is therefore redundant from a broader public access standpoint. Public utilities within the lane allowance will remain in situ, or be relocated underground, and will be protected under various rights of way.

Lot D is presently occupied by a now defunct automobile dealership and repair facility with associated surface parking.

DISCUSSION

The developer has made application to acquire the City-owned lane that divides the development site. The project design provides for access to the residential and commercial components of the development over the closed lane area. A demountable canopy over the residential front door and entry lobby will extend approximately 8 feet into the closed lane, and the residential tower will be cantilevered into the closed lane, at two locations, by approximately 4 feet. Vehicle access to the underground residential parking, service bays and customer parking of the proposed automobile dealership will be over the north westerly portion of the development site. No underground structures will extend into the closed lane.

The site is surrounded by Kingsway, East 12th Avenue and Sophia Street. Access to and from the development site onto East 12th Avenue will be limited to right turn in, right turn out only. Additional access to and from the development site onto Sophia Street will be provided, as noted above. The developer is required to pay for a portion of the cost of the installation of a new traffic signal at Sophia Street and East 12th Avenue.

Engineering Services has completed a full review of the request to close, stop-up and convey the lane for inclusion in the development. Although a number of concerns were identified, these concerns can be resolved through the provision of rights of way over the site, as per conditions 4, 5 and 6 to Recommendation "A" (listed in Appendix "B").

The Director of Real Estate Services has negotiated the sale of the 284.8 m² subject lane for \$390,000 plus GST if applicable, and advises that this sale price represents fair market value for the 284.8 m² lane to be conveyed. The applicant will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance. All rights of way are to be registered concurrently with the subdivision plan (the plan required to consolidate the closed lane with adjacent lots and dedicate the portions of the site required for road purposes).

As shown in Appendix "A", a 2.1 m² portion of the subject lane is adjacent to [PID: 004-859-659] Lot 2 Block 113 District Lot 301 Plan 187. The developer must therefore convey the 2.1 m² lane portion to the owner of said Lot 2, for consolidation with [PID: 004-859-600] Lot 1 Block 113 District Lot 301 Plan 187 and said Lot 2, as a condition of the lane sale. If the developer fails to successfully arrange with the abutting owner for the conveyance, the developer will be required to provide the City with an option to purchase over the 2.1 m² lane portion, and to obtain a Quit Claim Deed from the owner of said Lot 2, giving up its rights to acquire the 2.1 m² lane portion.

FINANCIAL IMPLICATIONS

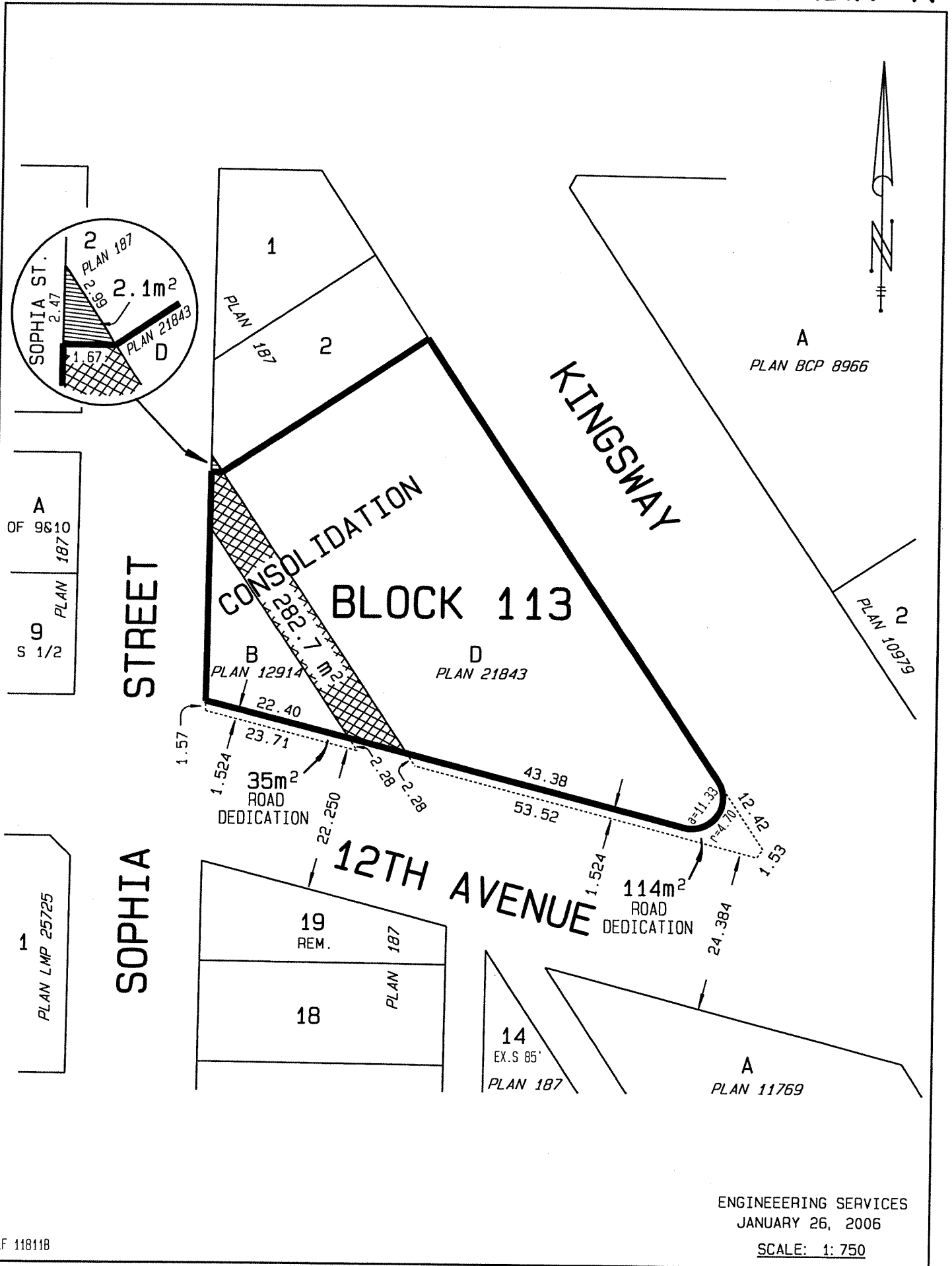
Under normal circumstances, Council policy requires the proceeds from the sale of lands deemed surplus to civic needs to be credited to the Property Endowment Fund. However, this disposition is of a different character. The lane to be closed, rather than being surplus, is still required for utility purposes and the movement of people and goods. There are, however, benefits as described above, in creating a single development site, which includes a public open space over the westerly portion of the site. The civic needs for the closed lane and open space are secured through various rights of way, the addition to the Wellness Walkway and restrictions on form of development.

The development and the Mount Pleasant Community both benefit by the lane sale and the use of the sale proceeds for public realm improvements and a traffic study in the immediate vicinity of the site. Bus and pedestrian bulges have proven to be effective measures in safety improvement and comfort for pedestrians and transit users. It is recommended that the funds received through the sale of the lane be allocated to fund the cost of the bulges on Main Street at East 10th Avenue and East 14th Avenue. Allocating the \$390,000 sale proceeds to the 2004 Budget and Recoveries UTS Program (Account No. CB2EA6DX1) will allow the City's public realm work to proceed in a timely manner and could be ready with occupancy of the new development.

CONCLUSION

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, recommends approval of Recommendations A and B so as to facilitate the proposed development at 350 Kingsway. An opportunity exists to credit proceeds from the lane closure into a source of funding for public realm improvements within the Mount Pleasant Community.

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ENGINEERING SERVICES
 JANUARY 26, 2006
 SCALE: 1: 750

1. The closed lane, less a 2.1 m² portion to be transferred to the abutting owner of [PID: 004-859-659] Lot 2 Block 113 District Lot 301 Plan 187, is to be consolidated with Lot B and Lot D to form a single parcel (less the required road dedications as noted under Condition No. 3 below), the same as shown in heavy outline on the plan attached as Appendix "A";
2. The owner to dedicate as road the 35 m² portion of Lot B and the 114 m² portion of Lot D, each as identified on the plan attached as Appendix "A", to the satisfaction of the Director of Legal Services and the Approving Officer;
3. The City to take back a right of way for all public utility purposes over the closed lane, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
4. The City to acquire a right of way for public access and use of the open space, to the satisfaction of the Director of Planning, General Manager of Engineering Services and the Director of Legal Services;
5. The owner to acquire, on behalf of the City, sign-off in writing from B.C. Hydro, Telus, Terasen Gas and Shaw Cable, in a form satisfactory to the General Manager of Engineering Services, acknowledging and accepting the lane closure and right of way in the name of the City.
6. The owner to be responsible for the underground relocation of all existing overhead B.C. Hydro, Telus and Shaw Cable infrastructure within the subject lane allowance, or around the project site, to the satisfaction of the General Manager of Engineering Services;
7. The owner to convey the 2.1 m² lane portion to the abutting owner of said Lots 1 and 2, for consolidation with Lots 1 and 2; alternatively, the owner must provide the City with an option to purchase over the 2.1 m² lane portion, and obtain a Quit Claim Deed from the owner of said Lot 2, giving up its rights to acquire the 2.1 m² lane portion;
8. The owner to be responsible for any necessary plans, documents and Land Title Office fees;
9. Any agreements are to be to the satisfaction of the Director of Legal Services;
10. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed.