



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: May 25, 2006
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Meeting Date: June 13, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services in Consultation with the Director of Legal Services

SUBJECT: Proposed Closure of Portions of Unnamed City Streets for VCCEP

RECOMMENDATION

- A. THAT Council rescind its motion of June 22, 2004 approving Recommendations A to D, contained in the June 1, 2004 report from the General Manager of Engineering Services, (the "GMES") and as contained in Appendix "A"; subject to the approval of Recommendations B to G as follows.
- B. THAT Council close, stop-up and convey to the owner of the abutting lands, the Vancouver Convention Centre Expansion Project Ltd. ("VCCEP"), all those portions of Unnamed City street as shown within the heavy outline on the plan attached as Appendix "B", subject to the following conditions:
 1. That VCCEP convey to the City, for a nominal fee of \$10.00, all that portion of Lot 22 of the Public Harbour of Burrard Inlet Plan LMP 29892 ("Lot 22") [approximately 1.61 hectares] as shown within the heavy outline on the plan attached hereto as Appendix "C". The portion of Lot 22 to be conveyed for road purposes;
 2. That VCCEP convey to the City, for a nominal fee of \$10.00, all that portion of Lot 23 of the Public Harbour of Burrard Inlet Plan LMP 29892 ("Lot 23") [approximately 0.323 hectares] as shown within the heavy outline on the plan attached hereto as Appendix "D". The portion of Lot 23 to be conveyed for road purposes;
 3. The approximate 0.593 hectare portion of closed road to be consolidated with the balance of Lot 22, the balance of Lot 23 and Parcel D and Parcel E, both of the Public Harbour of Burrard Inlet Plan BCP 1698 ("Parcel D" and "Parcel E") to form a single parcel ("proposed Parcel 1") as shown in heavy outline on the plan attached as "Appendix "E";

4. The portion of closed road to be conveyed for a nominal fee of \$10.00;
 5. That VCCEP grant to the City, an option to purchase and statutory right-of-way (the "Option") over the approximate 511 square metre portion of proposed Parcel 1 as shown within the heavy outline on the plan attached as Appendix "F". The Option is to be secured at no cost to the City now, or when the option area is delivered to the City;
 6. VCCEP to be responsible for the preparation of all necessary plans and Land Title Office registration fees.
- C. THAT Council authorize the Director of Legal Services (the "DLS") to enter into an agreement or agreements with VCCEP, as necessary, to complete the exchange described in Recommendation B, including any further security for a waterfront walkway / bikeway around the VCCEP site and any other things as may be required or deemed necessary by the DLS, GMES or the City Manager.
- D. THAT the DLS be instructed to bring forward to Council such resolutions as are required to establish as Road the portions of Lot 22 and lot 23 to be conveyed to the City by VCCEP.
- E. THAT once the form of all legal documentation and plans has been approved by the DLS that she be authorized to execute and deliver such documentation and plans on behalf of the City.
- F. THAT no legal rights shall arise and no consents, or permissions, are granted hereby and none shall arise or be granted hereafter unless and until all contemplated legal documentation has been executed, delivered by all parties, and registered in the Land Title Office where applicable.
- G. THAT Council authorize the DLS in consultation with the GMES to approve minor amendments to the exchange should either field survey or minor and inconsequential VCCEP design changes warrant such minor variations.

Recommendations A and B will require a 2/3rds majority vote of the members of Council present.

CITY MANAGER'S COMMENTS

The City Manager notes that the exchange of lands at no cost has been done often on projects. In this case the Unnamed City streets proposed to be closed were to provide for waterfront pedestrian and bike movements. Alternate public access will be provided along the water side of the new Convention Centre.

COUNCIL POLICY

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

On June 22, 2004 Council approved Recommendations A to D contained in a report dated June 1, 2004 from the GMES pertaining to the closure and conveyance of Unnamed City streets for inclusion in the VCCEP site.

On July 23, 2002, at a Public Hearing, Council approved a series of recommendations contained in a report dated May 16, 2002 from the Director of Current Planning permitting a Convention and Exhibition Centre at this location.

On May 28, 2002, Council approved a series of recommendations contained in a report dated May 1, 2002 from the GMES pertaining to reconfiguration of the adjacent road network including creation of Canada Place and the current Parcel D and Parcel E.

On October 22, 1996, Council approved the following recommendation contained in a report dated September 26, 1996 from the GMES:

“THAT Council approve, at no cost, an exchange of streets and rights-of-way dedicated for the Burrard Landing commercial development rezoning with new streets and right-of-ways dedicated for convention centre development rezoning, if approved at public hearing.”

SUMMARY

The Vancouver Convention Centre Expansion Project Ltd. (VCCEP) has proceeded with pile driving and foundation work while continuing with detailed design for a new facility on the lands north of Canada Place, generally between Thurlow Street and Burrard Street. On June 20, 2005 the Development Permit Board (the “DP Board”) approved, subject to conditions, Development Application No. DE408490.

The design footprint of the facility has expanded such that VCCEP now proposes to incorporate portions of Unnamed City streets beyond those approved to be closed by Council on June 22, 2004, into their site. VCCEP proposes to convey to the City, in return, portions of Lot 22 and Lot 23 for road purposes and to grant a future option to purchase.

To facilitate continued design development of the new Vancouver Convention Centre and Exhibition Centre (“VCEC”) including provision of a waterfront walkway / bikeway, it is necessary to seek Council authority to close, stop-up and convey the portions of Unnamed City street as shown within the heavy outline on Appendix “B”. The subject road was originally acquired, at no cost to the City, as part of a more complex road network to ensure access to the water around an earlier development scheme.

The City has secured, through a covenant, a waterfront walkway / bikeway as part of the development.

The conveyance of the closed roads will not be completed until agreements between the City and VCCEP are concluded.

PURPOSE

The purpose of this report is to obtain formal Council authorities to close, stop-up and convey to VCCEP the Unnamed City streets shown on Appendix “B” in exchange for portions of Lot 22 and Lot 23 shown on Appendix “C” and Appendix “D”.

BACKGROUND

On September 15, 1995 Council approved the rezoning of the Burrard Landing site, generally the lands bounded by Thurlow Street, Burrard Street and West Cordova Street. The street system associated with the rezoning was dedicated to the City on November 22, 1996 upon deposit in the Land Title Office of Plan LMP 29892 and Plan LMP 29895. The rezoning approval included creating areas for shoreline protection and a waterfront walkway / bikeway system.

On May 28, 2002, Council approved a series of recommendations contained in a report dated May 1, 2002 from the GMES. Those recommendations resulted in the closure of portions of Thurlow Street and Burrard Street that were dedicated in 1996, and their consolidation with the existing lands identified for the VCEC expansion, and the creation of Parcel D and Parcel E. This exchange also resulted in the creation of Canada Place between Burrard Street and Thurlow Street.

On July 23, 2002 Council approved, at a Public Hearing, a City initiated Rezoning for portions of Burrard Landing to facilitate a VCEC expansion.

Preliminary design work identified that the new VCEC would occupy not only portions of Parcel D and Parcel E but also portions of Lot 23 and portions of Unnamed City streets in the northwest corner of the site.

In the spring of 2004, VCCEP made application to the GMES to acquire ownership of the portions of Unnamed City streets, at no cost, in return for amended arrangements for a waterfront walkway / bikeway around their site and alternative access points to Burrard Inlet.

On June 22, 2004, Council approved Recommendations A to D in a report dated June 1, 2004, from the GMES. These recommendations are detailed in Appendix "A". The legal documentation to implement those recommendations was never completed.

On September 13, 2004, the DP Board granted preliminary approval (Approval in Principle) for the new VCEC subject to an extensive array of conditions.

VCCEP returned to the DP Board on June 20, 2005 seeking final approval for construction of a convention centre with an approximate floor area totalling 78,871 square metres (848,988 square feet), including exhibition hall, associated ballrooms and meeting rooms, retail/service area, parking (442 cars) accessed off Canada Place, loading (24 bays along the [north] water side of the site) accessed off Waterfront Road, a perimeter walkway / bikeway, a partial lower level walkway (northwest portion of the site), a major public plaza at the west part of the site (foot of Thurlow Street), and a landscaped transition zone to Harbour Green Park, all subject to conditions.

DISCUSSION

As part of the approval of the VCCEP application the DP Board on June 20, 2005 established condition 1.16 requiring the creation of a single site:

- "1.16 arrangements to the satisfaction of the City Manager in consultation with the General Manger of Engineering Services and the Director of Legal Services for creation of a single parcel for the VCCEP site;

Note to Applicant: This will require first an approved plan of approach, the follow through of full registration of alternatives for access to the water, including various options to purchase and rights of way currently under negotiation. This will also require resolution of all matters pertaining to proposed construction on portions of Lot 22. Consideration to be given to all agreements registered on these sites and the appropriate modifications, extensions, releases and replacements (see also Standard Engineering Conditions A.2.16 and A.2.17);"

In the period after the DP Board preliminary arrival (Approval in Principle) of the project and the June 20, 2005 complete review by the DP Board the VCEC footprint has expanded so that it now encompasses the previously identified lands and portions of Lot 22, northwest of the previous footprint. The construction footprint has also crept west to include an additional portion of Unnamed City street in the northwest corner of the site.

On May 25, 2006 VCCEP proposed an exchange with the City where-by VCCEP would acquire, at no cost (a nominal fee), all those portions [approximately 0.593 hectares] of Unnamed City street as shown within the heavy outline on Appendix "B" in exchange for:

1. all that portion of Lot 22 [approximately 1.61 hectares] as shown within the heavy outline on the plan attached hereto as Appendix "C".
2. all that portion of Lot 23 [approximately 0.323 hectares] as shown within the heavy outline on the plan attached hereto as Appendix "D".
3. VCCEP granting to the City, an Option over the approximate 511 square metre portion of proposed Parcel 1 as shown within the heavy outline on the plan attached as Appendix "F".

The portions of Lot 22 and Lot 23 will be conveyed to the City for road purposes, at no cost (a nominal \$10.00 fee). The portion of Lot 23 to be conveyed to the City is outside the current design VCCEP building design and is desirable as it facilitates an expansion of Burrard Street to a 20.00 metre width to the Harbour Headline. The City will accept minor project related encroachments from the VCEC onto the expanded Burrard Street.

Lot 22 is currently owned by FHR Properties Inc. and VCCEP will be required to exercise an option to purchase (BW161686) that they currently hold over Lot 22. The portion of Lot 22 proposed to be conveyed to the City currently contains the "Floating Walkway Works" as described in the "Park Agreement" BK373176 - BK373193 (and as modified). The floating walkway, and ancillary features are owned and maintained by the Park Board, and were constructed to the satisfaction of the Park Board so as to provide a means of public passage through Lot 22 and for short term moorage.

The arrangements proposed here-in do not seek to change these ownership and maintenance responsibilities, as the Park Agreement will remain in place over the established road. It is still intended that the Park Board be responsible for the Floating Walkway Works.

Lot 22 is the subject of a number of other charges and has limited development potential. Lot 22 lies north of Harbour Green Park, beyond the Coal Harbour Seawalk. The Coal Harbour Seawalk is dedicated City street. The addition of the subject portion of Lot 22 to the City's street network will help preserve the pristine nature of Harbour Green Park and the Coal Harbour Seawalk by placing the subject portion of Lot 22 squarely in the City's control.

The Option will be drafted to the satisfaction of the DLS and GMES, noting the Option is to be secured at no cost to the City now or when the option area is delivered to the City. The 511 square metre portion is desired by the City as, if the Option is ever exercised, it would complete the acquisition of a 20 metre wide strip for Burrard Street from Canada Place to the Harbour Headline. The VCCEP footprint will place portions of the VCEC within the option area, and this Option could only be exercised once the VCEC facility no longer occupies the option area. The Option is intended to preserve the City's long term future ability to improve our street and lane network.

As a condition of the conveyance by the City of the approximate 0.593 hectare portion of closed road it will be consolidated with the adjacent balance of Lot 22, balance of Lot 23 and Parcel D and Parcel E to form a single parcel, proposed Parcel 1, as shown in heavy outline on the plan attached as "Appendix "E". The creation of the single parcel will, in the long term, facilitate the VCCEP construction, and in the short term facilitate the issuance of further development approvals.

The current proposal expands on the various road closures dealt with by Council on June 22, 2004 using the principles established by Council on October 22, 1996.

VCCEP will be responsible for the preparation of all necessary plans and Land Title Office registration fees. Once the form of all legal documentation and plans have been agreed to, Recommendation E authorizes the DLS to execute such documentation and plans. The DLS will also advance to Council resolutions, as required, to establish the portions of Lot 22 and Lot 23 as road.

As legal work related to the VCCEP development permit application proceeds the covenant that currently secures a waterfront walkway / bikeway will be refined to a site specific right-of-way.

In addition to the exchange described here-in a number of elements related to VCCEP may require future Council approval. It is anticipated that the GMES will be returning to Council on matters related to the use of City streets for building encroachments, roof overhangs and for a connection between the VCEC and the existing trade and convention centre to the east. However, the creation of a single site is critical to ensure that on-going construction and on-going design can proceed with minimal delay and to facilitate issuance of further development approvals.

CONCLUSION

The General Manager of Engineering Services, in consultation with the Director of Legal Services, recommends approval of Recommendations A-G so as to facilitate, for VCCEP, a new expanded Vancouver Convention and Exhibition Centre.

Appendix A

Motions of June 22, 2004 contained in the report from the GMES of June 1, 2004

5. Proposed Closure of Portions of Unnamed City Streets for Vancouver Convention Centre Expansion Project Ltd. (VCCEP)
June 1, 2004 (File 6007)
- A. THAT Council close, stop-up and convey to the owner of the abutting lands, Vancouver Convention Centre Expansion Project Ltd. (VCCEP), all those portions of unnamed City Streets as shown hatched on the plan attached as Appendix A to the Administrative Report *Proposed Closure of Portions on Unnamed City Streets for Vancouver Convention Centre Expansion Project Ltd. (VCCEP)* dated June 1, 2004, subject to the following conditions:
 - 1. The approximate 0.540 hectare portion of closed road to be consolidated with the adjacent Parcel D and Parcel E, both Plan BCP1698 and Lot 23, Plan LMP29892, all of the Public Harbour of Burrard Inlet to form a single parcel as shown in heavy outline and labelled Proposed Consolidation on Appendix A to the Administrative Report;
 - 2. The portion of closed road to be conveyed for a nominal fee of \$10.00;
 - 3. That the agreement contemplated in B be executed prior-to conveyance of the portions of unnamed City Streets;
 - 4. VCCEP to be responsible for the preparation of all necessary plans and Land Title Office registration fees;
 - B. THAT Council authorize the City Manager to negotiate and implement an agreement with VCCEP, including reports back to Council as necessary for replacement connections, roads or access points to Burrard Inlet as well as around the VCCEP site, including a waterfront walkway/bikeway and any other things as may be required or deemed necessary by the General Manager of Engineering Services, the Director of Legal Services and the City Manager;
 - C. THAT no legal rights shall arise and no consents, or permissions, are granted hereby and none shall arise or be granted hereafter unless and until all contemplated legal documentation has been executed, delivered by all parties, and registered in the Land Title Office where applicable.
 - D. THAT once the form of all legal documentation and plans has been approved by the Director of Legal Services that she be authorized to execute and deliver such documentation and plans on behalf of the City.

ADOPTED ON CONSENT

