



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: May 28, 2007
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RTS No.: 06758
VanRIMS No.: 13-2000-40
Meeting Date: June 12, 2007

TO: Vancouver City Council

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

SUBJECT: Closure and Sale of a Portion of Lane South of 12th Avenue, West of Commercial Drive and Adjacent to 2859 Commercial Drive

RECOMMENDATION

THAT Council close, stop-up and convey to the abutting owner at 2859 Commercial Drive, (legally described as [PID: 015-981-126], Lot D, Except (A) The West 8 Feet Now Lane and (B) Part in Plan 4368, of Lots 18 to 22 Block 170 District Lot 264A Plan 2105 (hereafter, "Lot D")), the 5 foot wide portion of lane adjacent to Lot D, the same as generally shown hatched on the plan attached as Appendix "A", subject to the terms and conditions as noted in Appendix "C".

COUNCIL POLICY

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

PURPOSE

The purpose of this report is to seek Council authority to close, stop-up and convey a 5 foot wide portion of lane south of 12th Avenue, west of Commercial Drive and adjacent to Lot D.

BACKGROUND

The owner of Lot D at 2859 Commercial Drive has made application to purchase a 5 foot by 99 foot portion of lane adjacent to Lot D.

The original 10 foot wide lane south of 12th Avenue between Commercial Drive and Woodland Drive was created by the registration of Plan 222, deposited in the Land Registry Office on July 14, 1887. With the exception of the 10 foot wide portion of lane immediately north of Lot D, additional lane dedications and establishments since that time have created a standard 20 foot wide lane in this block, with a north-south lane outlet to 13th Avenue, west of Commercial Drive. The 10 foot wide portion of lane adjacent to Lot D is not open to vehicles, but is presently open to pedestrians.

DISCUSSION

The owner of Lot D has submitted a Development Permit Application (No. DE410532) to develop Lot D and the adjacent "Remainder" of Lots A, B and C (Plan 2105) with a four-storey mixed-use commercial/residential building. The project design includes the 5 foot wide portion of lane, which is to be occupied by portions of the development, above and below grade. As a result, one of the "prior to permit issuance" conditions established by the Director of Planning in approving the development application on November 17, 2006, is to achieve Council approval for the closure and sale of the subject portion of lane.

Engineering Services has completed a full review of the request to close, stop-up and convey the 5 foot wide portion of lane for inclusion in the development. There are no future utility uses that would require the lane, and although it does provide for local pedestrian access to and from Commercial Drive, the portion of lane is not a particularly safe or pleasant urban environment. As such, one of the concerns which has been identified, and must be resolved as a condition of support for the proposed closure and sale, is to design and treat the remaining 5 foot portion of lane in accordance with Crime Prevention through Environmental Design Principles. The owner of the development site will be responsible for the ongoing maintenance of the residual portion of lane under the provisions of the required encroachment agreement for the anticipated lighting and/or new surface treatments with the remaining portion of lane.

We note that maintaining the residual 5 foot portion as dedicated lane ensures that the northerly adjacent development on Lot A (Plan 16071) at 1650 East 12th Avenue will remain in compliance with the fire and spatial separation requirements of the Building By-law. It also preserves the opportunity to include the remaining 5 foot portion of lane in any subsequent development proposal for Lot A, and is consistent with the Vancouver Charter provision relating to offering other abutting owners the opportunity to purchase an equitable portion of the lane.

Consolidation of all parcels included in the development proposal with the 5 foot portion of lane, and dedication of the easterly 10 feet of the development site for road purposes in accordance with the widening line on Commercial Drive (as shown on the plan attached as Appendix "B"), are to occur in conjunction with both the previously established condition of permit issuance and as a further condition of the lane closure and sale.

The Director of Real Estate Services has negotiated a sale of the 5 foot by 99 foot portion of lane as hatched in Appendix "A" for \$46,000 plus GST if applicable. The Director of Real Estate Services advises that the sale price of \$46,000 represents fair market value for the approximately 495 square foot (46 m²) portion of lane to be conveyed. The owner of Lot D will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance. The purchase price will be credited to the Property Endowment Fund.

CONCLUSION

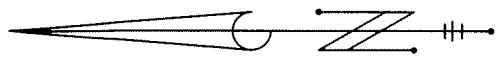
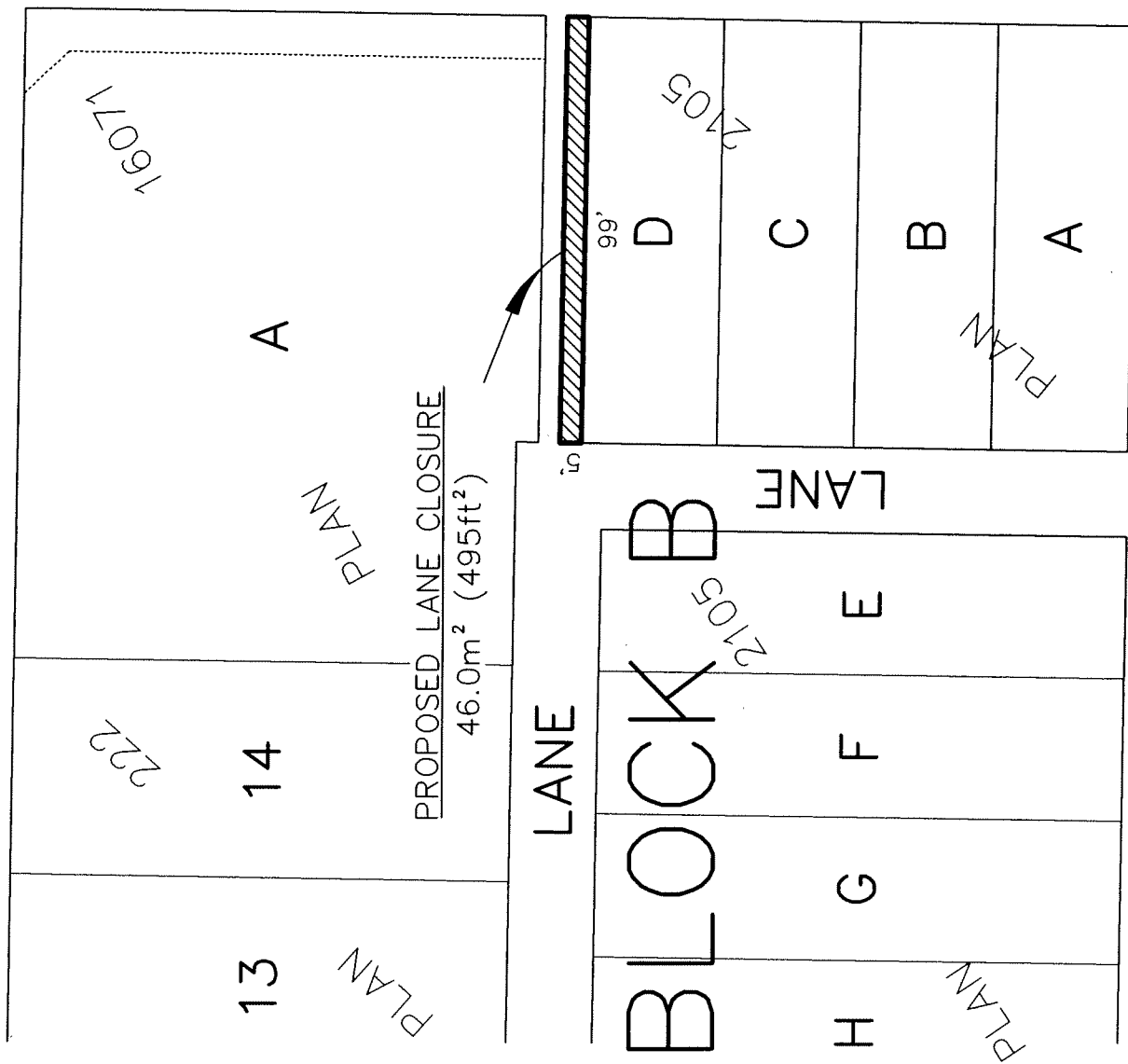
The General Manager of Engineering Services in consultation with the Director of Real Estate Services recommends approval of the foregoing.

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EAST 12TH AVENUE

EAST 13TH AVENUE

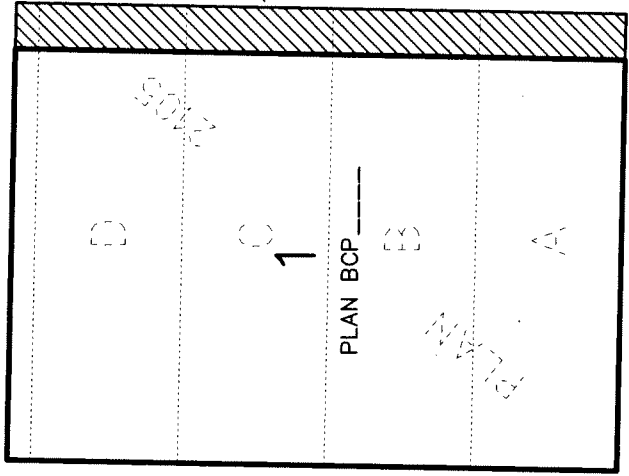
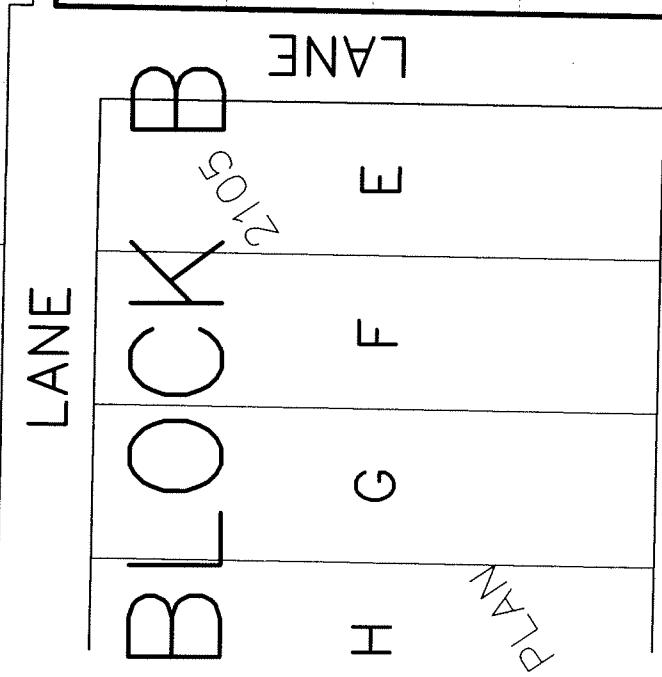
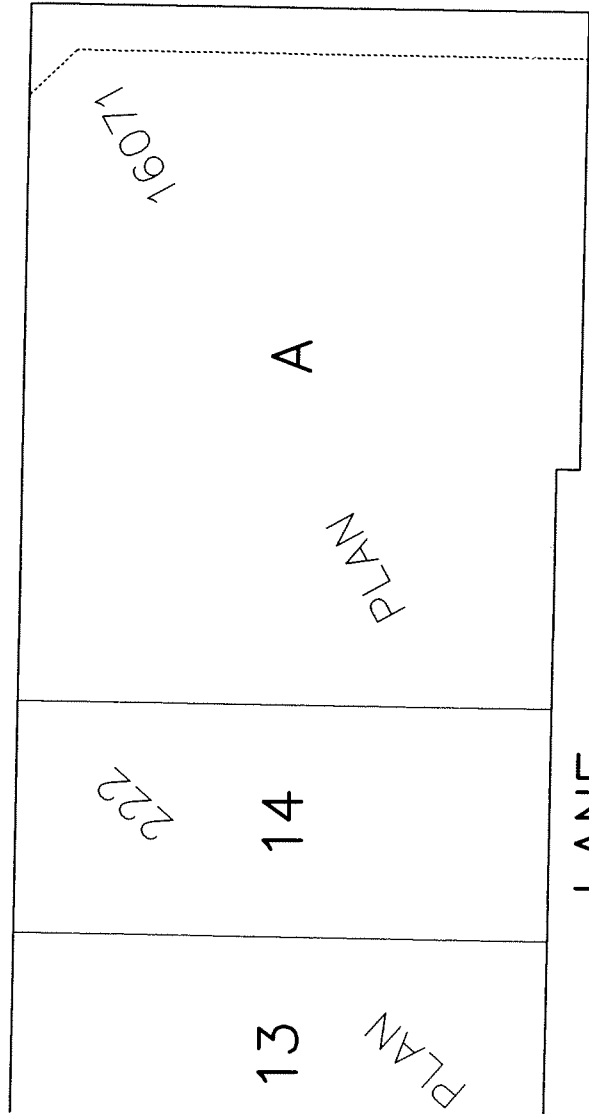
COMMERCIAL DRIVE



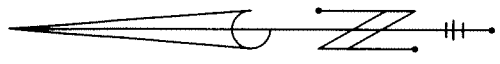
SCALE 1:500

EAST 12TH AVENUE

COMMERCIAL DRIVE



PROPOSED ROAD DEDICATION
122.6m² (1320ft²)



SCALE 1:500

EAST 13TH AVENUE

1. The lane to be closed to be consolidated with Lots A to D inclusive, less the dedication of the east 3.048 metres (10 feet) of the development site for road purposes, to form a single parcel, the same as generally shown within the heavy outline of Appendix "B", to the satisfaction of the Director of Legal Services;
2. The abutting owner to pay \$46,000 plus GST if applicable for the approximately 495 square foot (46 m²) portion of lane to be closed, in accordance with the recommendation of the Director of Real Estate Services;
3. The sale proceeds are to be credited to the Property Endowment Fund;
4. The abutting owner to be responsible for any necessary plans, documents and Land Title Office fees;
5. The abutting owner to enter into an agreement with the City pursuant to the Encroachment By-law, to validate any lighting and/or surface treatments within the residual lane portion, as deemed necessary by the Director of Planning and the General Manager of Engineering Services, and to serve notice on title of the owner's ongoing maintenance responsibilities;
6. The abutting owner to make suitable arrangements with B.C. Hydro and Telus to precisely locate and protect the joint "ductbank" in close proximity to the portion of lane to be closed and conveyed, to the satisfaction of the General Manager of Engineering Services, including potentially granting a Statutory Right of Way in favour of Hydro and Telus;
7. Any agreements are to be to the satisfaction of the Director of Legal Services;
8. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto, and fully registered in the Land Title Office.