



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: April 14, 2008  
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VanRIMS No.: 13-2000-13  
Meeting Date: April 29, 2008

TO: Vancouver City Council

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

SUBJECT: 396 and 375 East 1st Avenue - Land Exchange

#### RECOMMENDATION

- A. THAT Council close, stop-up and convey to the owner of Lot 3 District Lots 200A, 264A and 2037 Group 1 New Westminster District Plan LMP50588 ("Lot 3"), that 527± square metre portion, and that 0.106± hectare portion of Prince Edward Street north of Great Northern Way; and that 37.1± square metre portion of lane south of 1<sup>st</sup> Avenue, east from Scotia Street, each as generally shown in heavy bold outline on the plan attached as Appendix "B" (the "Old Road and Lane"), subject to the following conditions:
1. The Old Road and Lane to be exchanged for the 0.601± hectare portion of Lot 3 generally shown hatched on plan attached as Appendix "C" (the "New Road") such that no money changes hands for the closures or dedications;
  2. The owner of Lot 3 (the "Owner") to subdivide the Old Road and Lane with Lot 3, and Lot N District Lot 200A Group 1 New Westminster District Plan LMP46480 ("Lot N") to dedicate the New Road and create three new lots as generally shown on plan attached as Appendix "C", to the satisfaction of the Director of Legal Services and the Approving Officer.
- B. THAT Council close, stop-up and convey to the City as owner of Lot J Block 4 District Lot 200A Plan 15843 ("Lot J"), that 17.3± square metre portion of lane south of 1st Avenue, east from Scotia Street, as generally shown in heavy bold outline on the plan attached as Appendix "B" (the "Old Lane"), subject to the following condition:

1. The Old Lane to be consolidated with Lot J to form a single lot as generally shown within heavy bold outline on the plan attached as Appendix "D" to the satisfaction of the General Manager of Engineering Services, the Director of Real Estate Services, and the Director of Legal Services.
- C. THAT Recommendations A and B be subject to the additional conditions (the "Additional Conditions") described in Appendix "A".
- D. THAT any agreements are to be to the satisfaction of the Director of Legal Services.
- E. THAT Council authorize the Director of Legal Services in consultation with the General Manager of Engineering Services to approve minor amendments to the exchange should either field survey or minor and inconsequential road design changes warrant such minor variations.
- F. THAT the Director of Legal Services or the Director of Real Estate Services, as applicable, be authorized to execute all plans, transfers, and documents as required.

## COUNCIL POLICY

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

As a condition of the rezoning of the Great Northern Technology Park to Comprehensive District (CD-1) in 1999, an option to purchase agreement and a services agreement were granted to the City to secure the re-alignment and construction of Prince Edward Street (proposed to be renamed "Thornton Street").

## PURPOSE

The purpose of this report is to seek Council authority to:

1. Close, stop-up, and convey two portions of Prince Edward Street north of Great Northern Way and a 37.1± square metre portion of lane south of 1<sup>st</sup> Avenue, east from Scotia Street each as generally shown on Appendix "B" attached to this report (the "Old Road and Lane") for subdivision with the adjacent lands to form 3 lots and dedicate road as generally shown on plan attached as Appendix "C".
2. Close, stop-up, and convey a 17.3± square metre portion of lane south of 1<sup>st</sup> Avenue, east from Scotia Street as generally shown on Appendix "B" attached to this report (the "Old Lane") for consolidation with the adjacent City owned lot as generally shown on plan attached as Appendix "D".

## BACKGROUND

The site is located between Great Northern Way and the Burlington Northern Santa Fe (BNSF) Railway and extends from west of Prince Edward Street to Fraser Street.

The subject property east of Prince Edward Street i.e. Lot 3 District Lots 200A, 264A and 2037 Group 1 New Westminster District Plan LMP50588 ("Lot 3"), is part of the Great Northern Technology Park and zoned CD-1. Lot 3 is owned, as tenants in common, by The University of British Columbia, Simon Fraser University, Emily Carr Institute of Art and Design, and the British Columbia Institute of Technology, together, referred to as the Great Northern Way Campus Trust (the "Owner").

The subject property west of Prince Edward Street i.e. Lot N District Lot 200A Group 1 New Westminster District Plan LMP46480 ("Lot N"), is zoned IC-3 and owned by Finning International Inc.

The Owner has found a buyer for proposed Lot O and has requested the closure and conveyance of Prince Edward Street.

The City seeks to improve the safety and functionality of the intersection at Prince Edward Street (proposed to be renamed "Thornton Street") and Great Northern Way and extend Thornton Street from Great Northern Way through Lot 3 (and ultimately to Industrial Avenue) as a major arterial street and Greenway.

The requirement for the realignment and reconstruction of Thornton Street between Great Northern Way and the BNSF Railway was identified as a re-zoning condition in 1999 and registered on the title of Lot 3 as Section 219 Covenant BR180932 and SRW BR180933 (together known as the "Finning Services & Open Space Agreement"). Also, as a condition of the rezoning, the City was granted an option to purchase Lot N (registered on the title to Lot N as Option to Purchase BN316008) to secure the re-alignment of Thornton Street. The Finning Services & Open Space Agreement, and other related registered services agreements (together the "Services Agreements") established a phased servicing plan for Lot 3 and other Owner's lands. The Services Agreements prescribe that the construction of Thornton Street is to occur during the latter phases of the development of the Great Northern Technology Park.

The Owner, in order to create a more viable development site, has further requested that a portion of the lane south of 1<sup>st</sup> Avenue, east from Scotia Street also be closed, stopped up and conveyed for consolidation with the adjacent lands. In accordance with the intent of Section 291A(3) of the Vancouver Charter, the closed lane is to be apportioned accordingly to adjacent properties as the two parcels generally shown as the 37.1± square metre area and the 17.3± square metre area on plan attached as Appendix "B". The said 17.3± square metre area is to be conveyed to the City as owner of adjacent Lot J Block 4 District Lot 200A Plan 15843 ("Lot J") and consolidated with Lot J as generally shown on plan attached as Appendix "D", and the said 37.1± square metre area is to be subdivided with Lot N, Lot 3, and the closed portions of Prince Edward Street as generally shown on plan attached as Appendix "C".

Engineering Services has conducted a review and found that the closure and sale of the road and lane can be supported subject to the Recommendations and Additional Conditions noted in this report.

## DISCUSSION

A subdivision application will be required to complete the subdivision of the Old Road and Lane, Lot N, and Lot 3 into two development sites (proposed "Lot O" and "Lot P") and a remainder to become proposed "Lot Q" as generally shown on plan attached as Appendix "C".

Lot Q will be subject to further subdivision in the future as the development of the Great Northern Technology Park progresses. Since the general concept for the subdivision, road configuration, and open space will differ slightly from that which was proposed in the 1999 Council approved Structure Plan, additional Council authority (presented in a separate report previously this day- see RTS 7365) will be required for amendments to the Structure Plan.

Since this proposed subdivision and the dedication of Thornton Street will require a change in the phased development sequence prescribed in the Services Agreements, further additional Council authority (RTS 7365 presented previously this day) will be required to amend existing Services Agreements. As an interim measure, a Section 219 Covenant for "No Development", until such time as the Services Agreements are modified, and the Structure Plan amendments are approved by Council, will be registered against the title of Lot O (see Additional Condition #12).

The creation of proposed Lot O, as generally shown on plan attached as Appendix C, would create a split zoned site with the former Lot N zoned as IC-3 and the portions from former Lot 3 zoned as CD-1 and therefore additional Council authority (to be presented in a separate report later in 2008) will be required to rezone proposed Lot O to IC-3. As an interim measure, a Section 219 Covenant for "No Development", until such time as the rezoning is complete, will be registered against the title of Lot O (see Additional Condition #13).

The new alignment of Thornton Street will be dedicated at a width of 24.384 metres (80 feet) to accommodate a significant grade change from Great Northern Way down into Lot 3, an improved intersection at Great Northern Way and the provision of a Greenway along Thornton Street. The new alignment of 1<sup>st</sup> Avenue will be dedicated at a width of 20.117 metres (66 feet) to match the existing width of 1<sup>st</sup> Avenue.

The General Manager of Engineering Services has determined that the Old Road and Lane and the Old Lane are surplus to the City's needs and can be closed and subdivided/consolidated with the adjacent lands subject to the conditions in this report. The City has interest in achieving the improved intersection at Thornton Street and Great Northern Way, the provision of the Greenway, and the extension of Thornton Street as an arterial street.

## FINANCIAL IMPLICATIONS

The Director of Real Estate Services supports the land exchange such that no purchase money changes hands for the closures or dedications based on a principle of "No Net Loss" to either party. The City receives a net land area benefit and an improved street network and the Owner benefits from a modified sequence of development and servicing. Council authority to amend or replace the Services Agreements was sought earlier this day as Recommendation B of RTS7365.

## CONCLUSION

The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Services recommends approval of Recommendations A to F.

ADDITIONAL CONDITIONS

1. The execution by the Owner of a land exchange contract between the City and the Owner for the exchange of the Old Road and Lane for the New Road prepared to the satisfaction of the General Manager of Engineering Services, the Director of Real Estate Services, and the Director of Legal Services;
2. The provision by the Owner of all required legal survey plans related to this land exchange, prepared by a British Columbia Land Surveyor, to a standard suitable for registration in the Land Title Office, to the satisfaction of the City Surveyor, the General Manager of Engineering Services, and the Director of Legal Services;
3. The provision by the Owner of written confirmation from BC Hydro, Telus, Shaw Cable and Terasen Gas that arrangements for the relocation or removal of the utilities from the Old Road and Lane and the Old lane, both above and below ground, have been made to their satisfaction; and that they have no objections to the closure of the Old Road and Lane or the Old Lane;
4. The discharge of SRW 390041M (Explanatory Plan 8083), for public utilities, from the title of Lot N;
5. The discharge of SRW BP108456 (SRW Plan LMP46002), for all utilities, from the title of Lot J;
6. The Owner to be responsible for the decommissioning of the Old Road and Lane and the Old Lane including the relocation and/or abandonment of all utilities that may be required as a result of the closure, including overhead B.C. Hydro and Telus infrastructure, street lighting, underground gas mains, water mains, and sewer mains; to the satisfaction of the General Manager of Engineering Services;
7. The registration of a temporary Statutory Right of Way in favour of the City for all utilities over the closed portions of Prince Edward Street and 1st Avenue until such time as all utilities have been removed or relocated to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
8. The registration of a Statutory Right of Way in favour of the City for public access without vehicles (to accommodate a sidewalk) on the title of proposed Lot O over the 69.3± square metre area generally shown within heavy bold on plan attached as Appendix "E";
9. The registration of a Statutory Right of Way in favour of the City for Automated Light Rapid Transit (A.L.R.T.) purposes over the 508± square metre portion of proposed Lot O as generally shown hatched on plan attached as Appendix "F";
10. The registration of an agreement for lateral support (bulkhead agreement) in favour of the City over the 0.120± hectare portion of proposed Lot P and the 0.129± hectare and 3.7± square metre portions of proposed Lot Q as generally shown on plan attached as Appendix "G";

11. The extension of the bulkhead agreement currently registered on the title of Lot N as BB503160-BB503162 to the whole of proposed Lot O;
12. The registration of a Section 219 Covenant over proposed Lot O for "No Development" until such time as:
  - a. the existing services agreements currently registered on the title of Lot 3 are modified or replaced (or any other agreement required is executed) to recognize the changes to the phased servicing plans for the Great Northern Way Technology Park and to include the obligations of the Owner to construct Thornton Street and realign 1<sup>st</sup> Avenue to the satisfaction of the General Manager of Engineering Services, and to re-grade, revise, and reconstruct the access roads to Lot J from 1<sup>st</sup> Avenue (via SRW BP143532, SRW Plan LMP46481 and the lane south of 1<sup>st</sup> Avenue) in order to preserve the route as a viable access way, all to the satisfaction of the General Manager of Engineering Services;
  - b. Council has approved the amendments to the Structure plan;
  - c. any consequential legal agreements are amended;to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
13. The registration of a Section 219 Covenant over proposed Lot O for "No Development" until Council approval of the rezoning and subsequent enactment, including consequential amendments to legal agreements, is complete to the satisfaction of the Director of Legal Services;
14. All of the lands to be dedicated as road are to be delivered to the City free of all structures or, as applicable, temporary arrangements for encroachments are to be made to the satisfaction of the General Manager of Engineering Services;
15. The Owner to be responsible for all necessary plans, documents and Land Title Office fees;
16. The conveyances to be completed concurrently, with neither conveyance completing independently of the other;
17. No legal right or obligation shall be created and none shall arise hereafter until the documents are executed by the parties thereto;
18. The referral of this land exchange to the Street Naming Committee for review and subsequent reporting to Council, once the preliminary subdivision approval has been issued, for the naming of the new street.













PLAN BCP

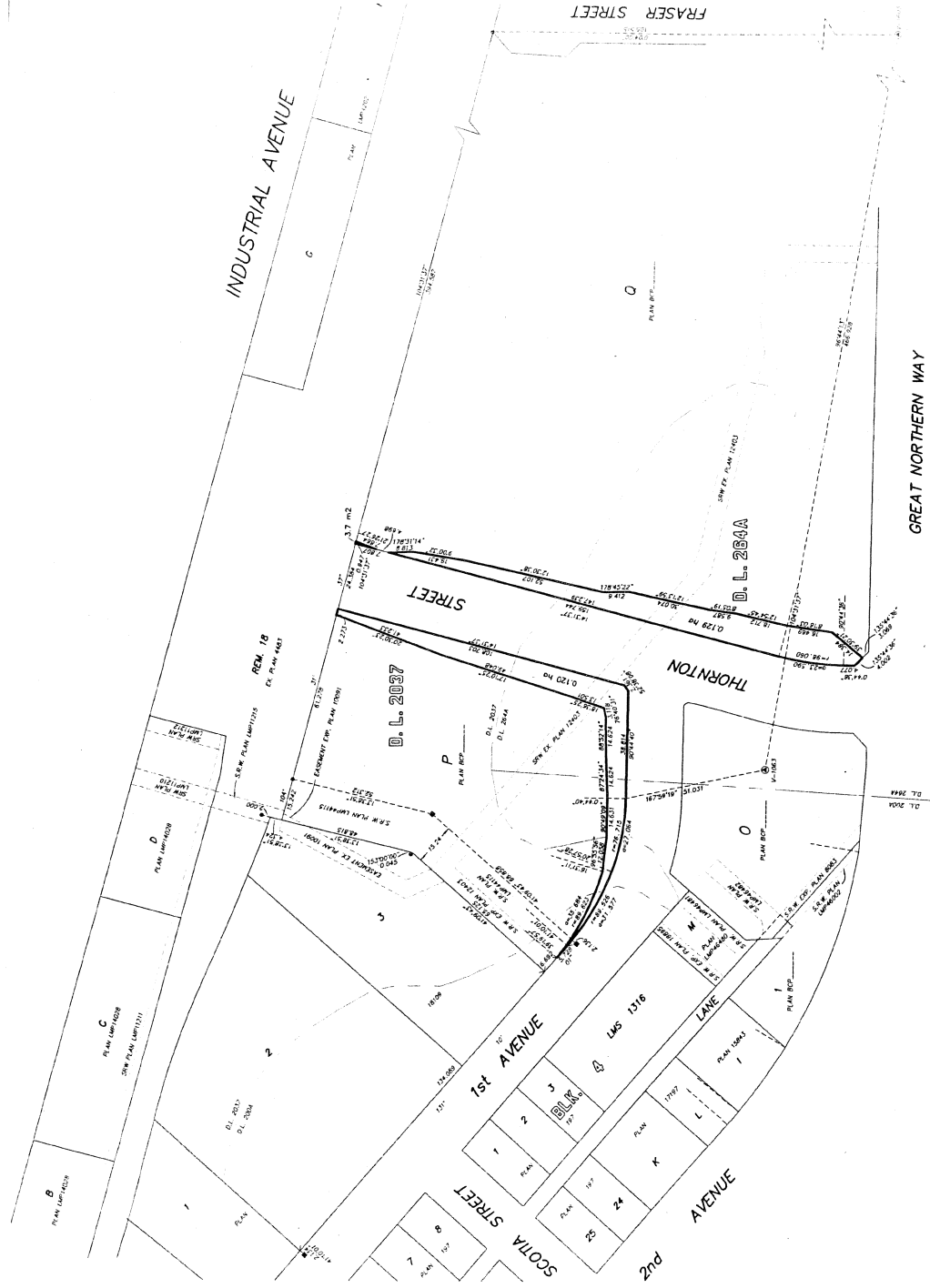
REFERENCE PLAN OF STATUTORY RIGHT OF WAY OF PART OF LOT P DISTRICT LOTS 2004, 2644 AND 2037 PLAN BCP AND PART OF LOT Q DISTRICT LOTS 2644 AND 2037 PLAN BCP BOTH OF GROUP 1 NEW WESTMINSTER DISTRICT PURSUANT TO SECTION 89(1)(a) OF THE LAND TITLE ACT B.C.C.S. 940.025

SCALE 1 : 750 DISTANCES ARE IN METRES

INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER THIS PLAN SHOWS OWNERS' LOTS, MEASURED DISTANCES, METERS BY CHAINING FACTOR 0.9999999, METERS (CBS)

LEGEND

- OWNERS' LOTS, DERIVED FROM AGREEMENTS BETWEEN OWNERS AND THE CITY OF VANCOUVER
- BOUND PLATS
- NOTES ON THE DRAWING
- OWNER'S LOTS
- OWNER'S LOTS
- OWNER'S LOTS



P. 61.5

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER  
 THIS PLAN SHOWS OWNERS' LOTS, MEASURED DISTANCES, METERS BY CHAINING FACTOR 0.9999999, METERS (CBS)