



ADMINISTRATIVE REPORT

Report Date: June 19, 2013
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VanRIMS No.: 08-2000-20
Meeting Date: July 23, 2013

TO: Vancouver City Council

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

SUBJECT: 508 Helmcken Street - Closure and Sale of Lanes

RECOMMENDATION

THAT Council close, stop-up and convey to Brenhill Developments Limited (hereinafter "Brenhill") the 288.0 square metre portion of lane (the "Westerly Lane") and the 264.9 square metre portion of lane (the "Southerly Lane"), (together referred to as the "City Lanes") as generally shown hatched on the sketch attached as Appendix "B", to be consolidated with the adjacent property at 508 Helmcken Street subject to the terms and conditions as noted in Appendix "A"; and

FURTHER THAT, the conveyance of the City Lanes to Brenhill be subject to the Land Exchange Contract between the City and Brenhill dated January 28, 2013, and the approval in principle by Council after Public Hearing of the CD-1 Rezoning - 508 Helmcken Street (the "Rezoning").

If Council approves the recommendations as contained in the report, the Formal Resolution to close the City Lanes will be before Council later this day for approval.

REPORT SUMMARY

The purpose of this report is to seek Council Authority to close, stop-up, and convey the City Lanes for consolidation with the adjacent lands at 508 Helmcken Street in accordance with the Land Exchange Contract between Brenhill and the City and in support of the CD-1 Rezoning - 508 Helmcken Street.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

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

On October 31, 2012 Council authorized the Director of Real Estate Services to negotiate the sale of the city owned property at 508 Helmcken Street (the "City Property") and the City Lanes to Brenhill and the acquisition by the City of 1077-1099 Richards Street (the "Brenhill Lands") for re-development of the Brenhill Lands as an affordable housing site. Council also recommended that the closure and sale of the City Lane be subject to the approval in principle by Council of the Rezoning after public hearing and approval by Council to stop-up, close, and convey the City Lane to Brenhill.

In accordance with the above on January 28, 2013 the City entered into a contract with Brenhill (the "Land Exchange Contract"). The Land Exchange Contract contains a provision that on or before July 29, 2013, the City will have received City Council approval with respect to: (i) the closure and stop-up of the City Lanes; and (ii) the conveyance of the City Lanes to Brenhill.

On June 11, 2013 Council referred the CD-1 Rezoning - 508 Helmcken Street (the "Rezoning") to public hearing. The Rezoning is to allow for a 36 storey mixed use building at 508 Helmcken Street.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services and the General Manager of Real Estate and Facilities Management recommends approval of the foregoing.

REPORT

Background/Context

The recommendations in this report are in support of the Land Exchange Contract and the Rezoning prior to enactment conditions and will enable the assembly of the 508 Helmcken Street development site. Council approval of the closure and sale of the City Lanes is one of the conditions in the Land Exchange Contract.

The Westerly Lane contains City and outside utility company infrastructure that must be accommodated by the development. Public access over the Westerly Lane and park facility maintenance access over the City Lanes needs to be retained. Uses of portions of the Westerly Lane by the building at 540 Helmcken Street ("Brookland Court") for loading, ingress and egress, building encroachment, and building code compliance also must be respected.

Strategic Analysis

The recommendations contained in this report support the broader public benefit objectives sought under the Land Exchange Contract and the Rezoning while preserving the essential functions of the City Lanes as a means of access, for building code compliance, and for provision of utility infrastructure.

Future use of the City Lanes for access and utility purposes will be secured via legal arrangements as described in conditions #2 through #7 of Appendix "A".

Pursuant to the provisions of Section 291A(2) of the Vancouver Charter, the Provincial Rental Housing Corporation as owner of Brookland Court has provided a waiver of right to purchase to any portion of the abutting Westerly Lane subject to their interests, and the interests of their tenant, with respect to loading, ingress and egress, encroachment, and building code compliance being secured. The arrangements to secure these interests are described in items #6, #8, #9, and #10 of Appendix "A".

An Engineering Services review of this matter has concluded that the closure and sale of the City Lanes can be supported subject to the conditions contained in this report.

Implications/Related Issues/Risk (if applicable)

Financial

Pursuant to the Land Exchange Contract between the City and Brenhill, the closure and conveyance of the City Lanes is integral to the assembly of the 508 Helmcken Street development site and will enable the redevelopment of an affordable housing project at 1077-1099 Richards Street. The value of the City Lanes has been incorporated in the overall value of the land exchange presented to and approved by Council.

CONCLUSION

The General Manager of Engineering Services in consultation with the Director of Real Estate Services recommends approval of the Recommendations contained in this report.

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APPENDIX A

TERMS AND CONDITIONS OF CONVEYANCE

1. The City Lanes are to be consolidated with Lots 34 to 38 Block 94 District Lot 541 Plan 210 (the "City Property") to form a single parcel, the same as generally shown within bold outline on Appendix "B", to the satisfaction of the Director of Legal Services (DLS).
2. The provision of written confirmation from all outside utility companies (including BC Hydro, Fortis, and Telus) that arrangements have been made to accommodate their services and that they have no objection to the lane closure to the satisfaction of the General Manager of Engineering Services (GMES).
3. Provision of a Statutory Right of Way in favour of the City for all utility purposes, over all of the Westerly Lane, for any City utilities to be retained or new City utilities requiring use of the Westerly Lane. No structures will be permitted within the SRW area but the SRW agreement is to contain provisions for modification such that the SRW area can be reduced to the volumetric space required to accommodate the City utilities.
4. Provision of a Statutory Right of Way in favour of non-City utility companies, over all of the Westerly Lane, for any non-City utilities to be retained or new non-City utilities requiring use of the Westerly Lane. The SRW agreement is to contain provisions for modification such that the SRW area can be reduced to the volumetric space required to accommodate the non-City utilities.
5. Provision of a surface Statutory Right of Way in favour of the City over the Westerly Lane for public non-vehicular access to the adjoining park site. The owner is to maintain the surface of the Westerly Lane.
6. Provision of a legal agreement to ensure continued pedestrian and vehicle access (passenger pick-up and drop-off, and garbage pick-up and loading) over the Westerly Lane for Brookland Court (Lots 1 and 2 Block 94 Plan 210; 540 Helmcken Street). The agreement is to include provisions such that the SRW or easement area may be reduced to accommodate the ultimate configuration of the access.
7. Provision of a surface Statutory Right of Way over all of the City Lanes for 24/7 municipal maintenance-vehicle access to the fountain and pump room in the adjacent park site. The agreement is to include provisions such that the SRW area may be reduced to accommodate the ultimate configuration of the access. The owner is to maintain the surface of the City Lanes.
8. Provision of appropriate legal agreements for all building encroachments from the Brookland Court building into the Westerly Lane (i.e. cornices, window opening etc.).
9. Provision of a legal agreement to ensure a no-build area over the portion of the Westerly Lane adjacent to Brookland Court.
10. Arrangements to the satisfaction of the Chief Building Official and the Director of Legal Services to secure upgrades to address the unprotected openings (windows) on the east wall of Brookland Court as may be required by the Chief Building Official to ensure

11. compliance with the Vancouver Building By-law. These upgrades will be at the cost of Brenhill Developments Ltd.
12. Brenhill to be responsible for all necessary documents, and Land Title Office fees. The initial survey plans for the lane closure, consolidation, and non-volumetric SRW's will be prepared by the City.
13. Any agreements are to be to the satisfaction of the Director of Legal Services.
14. 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.
15. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto.

APPENDIX B

