



COUNCIL REPORT

Report Date: September 29, 2023
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Meeting Date: October 31, 2023
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TO: Vancouver City Council

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

SUBJECT: Closure of a Portion of Road Adjacent to 181 West Georgia Street

Recommendations

THAT Council close, stop-up and raise title in the name of the City of Vancouver to a portion of road at the corner of Beatty and West Georgia Streets as generally shown outlined in bold on the plan attached as Appendix A (the "Road Portion"), subject to the terms and conditions noted in Appendix B.

Purpose and Executive Summary

This report seeks Council authority to close, stop-up, and raise title in the name of the City of Vancouver to the Road Portion for consolidation with the adjacent City-owned property located at 688 Cambie Street ("Block 48"). It has been determined that Engineering Services no longer requires the Road Portion for road purposes.

The closure of the Road Portion and consolidation with the abutting Block 48 in conjunction with a leasehold subdivision to create a ground lease comprising the southern portion of the site will enable the required land tenure to develop a new Art Gallery as contemplated under a current Development Application.

Council Authority/Previous Decisions

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

It is Council policy that civic properties declared surplus to the City's needs be transferred to the Property Endowment Fund.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

The Vancouver Art Gallery Association is proposing to develop a new Art Gallery building and associated operations on the southern two-thirds of Block 48 under Development Application No. DP-2021-00171, enabling the construction and management of a new nine-storey building with two below grade levels (the "VAGA Project"). The City, through the Real Estate Services, Arts, Culture and Community Services and Legal Services departments, has been negotiating a 99-year ground lease (the "Ground Lease") to provide for a new Vancouver Art Gallery to be constructed on this City-owned site as approved by Council in 2013.

Block 48 currently exists as a surface parking lot owned by the City of Vancouver. Block 48 is held within the Property Endowment Fund (PEF) and is zoned Downtown District (DD) within Area "C1". Its boundaries are W. Georgia St. to the south, Cambie St. to the west, and Beatty St. to the east. At the intersection of W. Georgia and Beatty Streets there is a section of dedicated road bounding the development site. This Road Portion currently contains landscaping elements and a stairway from street level to the existing surface parking lot.

The Road Portion was dedicated as road on Plan 8970 in 1954 as part of the original Georgia-Harris Viaduct with the anticipation of a proposed freeway system extending through the downtown core. Upon the eventual construction of the Georgia and Dunsmuir Viaducts in 1972 and the subsequent cancellation of additional downtown freeway expansion plans, the Road Portion has continued to exist as dedicated City street.

Enabling the proposed VAGA Project to utilize the Road Portion will allow the development to maximize the available site area, responding to an increased need for art and cultural spaces in the City and an improved public realm at this significant location in the cultural precinct.

The closure of the Road Portion and the consolidation with the abutting Block 48 are conditions under Development Application No. DP-2021-00171, approved by the Development Permit Board at its meeting of May 30th, 2022.

Discussion

Engineering Services has conducted a comprehensive review and has determined that the Road Portion is no longer needed for road purposes and is available to be closed, stopped-up and consolidated with the adjacent City-owned Block 48, subject to the conditions detailed in Appendix B of this report. A portion of dedicated road at this corner will continue to remain as road (as shown hatched in Appendix A) to accommodate future intersection upgrades and existing Telus infrastructure which cannot be removed or relocated.

Application was made to Engineering Services by Real Estate Services, as the owner's representative for Block 48, seeking support for the closure and consolidation of the Road Portion to enable maximum use of the southern two-thirds of Block 48 under the Ground Lease, and optimal development of the proposed VAGA Project.

Financial Implications

The Road Portion will be registered in the name of the City of Vancouver and consolidated with the adjacent City-owned Block 48. It is Council policy that civic properties declared surplus to the City’s needs be transferred to the PEF; accordingly, there is no City-payment required to transfer and consolidate the Road Portion with PEF-held Block 48.

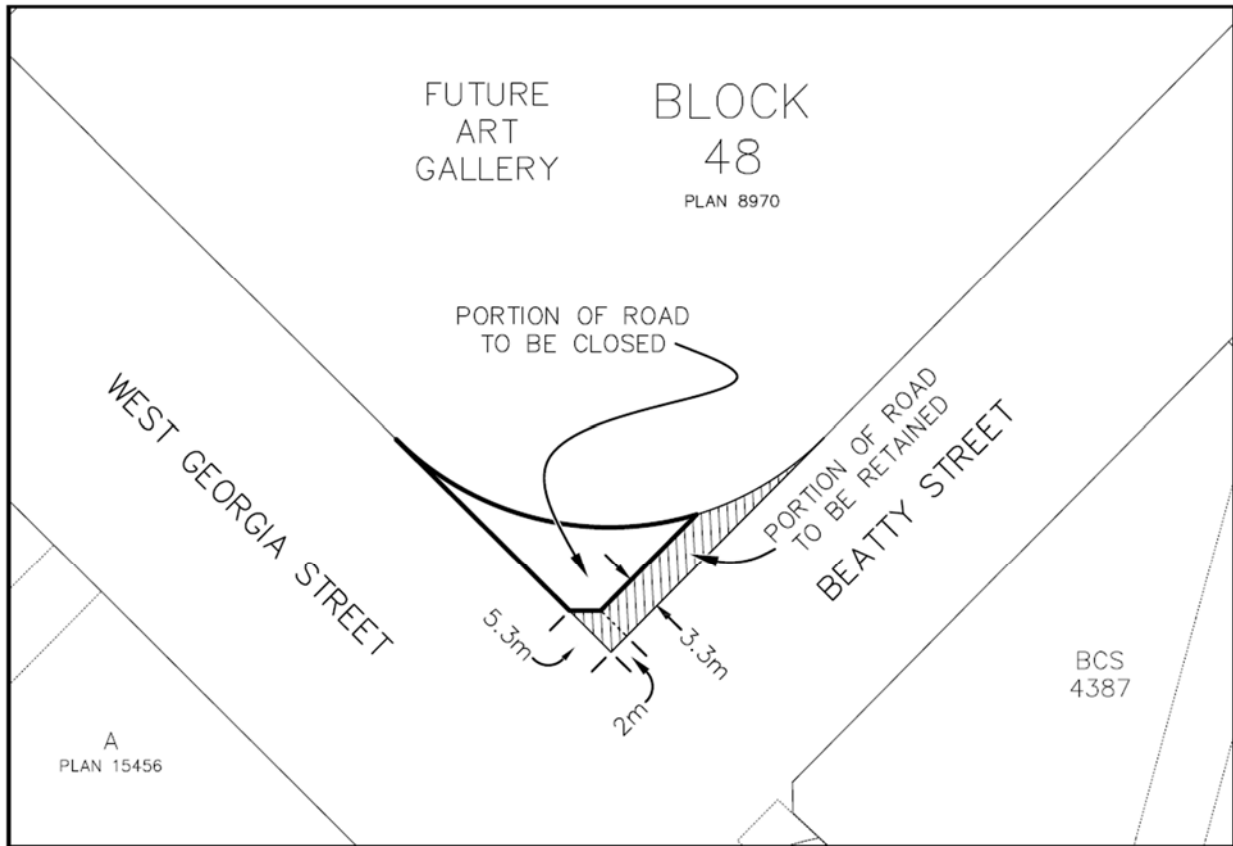
In accordance with the Miscellaneous Fees By-law, a Road Closure Fee of \$12,240.00 will be charged and collected from the Vancouver Art Gallery Association as applicant of development application DP-2021-00171 and tenant of the Ground Lease with the City over the southern two-thirds portion of Block 48.

Legal Implications

There are no legal implications associated with this report’s recommendations.

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APPENDIX A SKETCH PLAN OF ROAD PORTION



APPENDIX B
TERMS AND CONDITIONS OF ROAD CLOSURE

- 1) The approximately 98.3 square metre (1058 square foot) portion of road to be closed is to be consolidated with the abutting Block 48 (PID:009-860-991, Block 48, District Lot 541, Group 1, New Westminster District, Plan 8970) to form a single parcel, to the satisfaction of the Director of Legal Services;
- 2) The Vancouver Art Gallery Association is to be responsible for all necessary survey plans, administration costs, and Land Title Office fees. Since there is no title to the Road Portion (dedicated to the City by the registration of Plan 8970 in 1954), a Reference Plan to Accompany Resolution of the Council of the City of Vancouver and a Consolidation Plan will be required;
- 3) Registration of a temporary Statutory Right of Way agreement over the Road Portion for public access and public utility purposes, to be discharged once all utilities impacted by the road closure have been abandoned, relocated or otherwise protected, as necessary, and any associated street reconstruction works have been completed to the satisfaction of the General Manager of Engineering Services (GMES);
- 4) City records indicate that Telus infrastructure may be located near the Road Portion. As such, submission of written consent from Telus to the proposed road closure acknowledging that their infrastructure remains adequately clear of the Road Portion;
- 5) The Road Portion will be registered in the name of the City and consolidated with the adjacent Block 48. A long term ground lease will be executed with the Vancouver Art Gallery Association to establish a leasehold parcel over approximately the southern two-thirds portion of the consolidated Block 48 as contemplated under Development Permit DP-2021-00171.
- 6) Any agreements are to be drawn to the satisfaction of the Director of Legal Services;
- 7) No legal right or obligation shall be created and none shall arise hereafter until the documents are executed by the parties thereto;
- 8) City Council approval will be required, with the report only being advanced to Council following receipt of the required survey plans and payment of the Road Closure Fee (\$12,240.00, as per the Miscellaneous Fees By-law);