



## COUNCIL REPORT

Report Date: January 30, 2024  
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Meeting Date: February 27, 2024  
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TO: Vancouver City Council

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

SUBJECT: Licence Agreement with the Vancouver Port Authority over a Portion of Victoria Drive, North of Powell Street for the Operation of an Access Control System

### Recommendations

- A. THAT Council authorize the Director of Real Estate Services in consultation with the General Manager of Engineering Services to enter into a licence agreement (the "Licence") with the Vancouver Port Authority (the "VPA") over those portions of Victoria Drive north of Powell Street, as shown in heavy outline on the plan attached hereto as Appendix "B" (the "Access Control Areas"), for the ongoing use and maintenance of such traffic control works necessary to facilitate and control pedestrian and emergency vehicle access to the Port of Vancouver (the "Access Control System"), all to the satisfaction of the Director of Legal Services.
- B. THAT the Licence be subject to the terms and conditions noted in Appendix A.

### Purpose and Executive Summary

This report seeks Council authority for the City to enter into a new licence agreement with VPA for the use and maintenance of a portion of City owned Victoria Drive, north of Powell Street. The City's previous licence with VPA for this portion of City street expired on March 20, 2023. This new Licence will allow for the continued operation of an Access Control System which enables the VPA to limit access to their lands and ensure the security of the Port of Vancouver.

Victoria Drive, North of Powell Street is one of several access points to the Port of Vancouver facilitating pedestrian entry and emergency vehicle access to the Port lands. As part of the Access Control System the VPA has installed traffic barriers, fences, and gates to restrict vehicle access and increase security within the Access Control Areas. The agreement will grant VPA authorization to continue use of this area for ongoing operation and maintenance of the Access Control System for a further term of 20 years.

## **Council Authority/Previous Decisions**

The *Vancouver Charter* provides the authority to create interests over streets and lanes within the City.

On November 2, 2003, (RTS3615) Council authorized a licence agreement (the “Original Access Control Licence”) with the VPA for the Victoria Drive Access Control System for a term of 20 years.

On June 12, 2012, (RTS9587) Council authorized a licence agreement with the VPA for the pedestrian overpass across Canadian Pacific Railway (CPR) tracks (the “Pedestrian Overpass Licence”), within Victoria Drive, north of Powell Street.

## **City Manager’s/General Manager’s Comments**

The City Manager concurs with the forgoing recommendations.

## **Context and Background**

Victoria Drive, from Powell Street to Burrard Inlet was dedicated as city street circa 1885. The VPA manages and controls the lands north of the CPR tracks for Port operations.

In 2003 the Original Access Control Licence was granted by the City to VPA over portions of Victoria Drive, north of Powell Street, in support of VPA initiatives to control port access and increase preventative measures due to heightened global security concerns. The Original Access Control Licence permitted the installation by VPA of security fencing, barricades, gates, bollards, signage, and traffic control to restrict public access beyond the security fence. As a result, the area has been closed to vehicles with pedestrian access utilizing the pedestrian overpass validated through the Pedestrian Overpass Licence, being controlled by a security gate and intercom system.

The proposed new Licence agreement intends to renew the terms of the Original Access Control Licence agreement with minor amendments to the terms, conditions, and dimensions of the Access Control Areas. An additional provision has been added to facilitate any required future alterations to the Access Control Areas as a result of the design and implementation of an enhanced Portside Greenway along Powell Street.

The Access Control Licence Areas will overlap with the Pedestrian Overpass Licence Areas granted in 2012 as shown on the plans attached in Appendix "C". Each of these two licence areas are associated with different uses. The Pedestrian Overpass Licence is to improve railway crossing safety for both pedestrians and trains while this Licence is for controlling and regulating pedestrian and emergency vehicle access to VPA Lands and the Port of Vancouver.

**Discussion**

Victoria Drive is a dedicated road owned by the City of Vancouver. In 2003, as a result of increased global security concerns, VPA was granted permission to occupy portions of Victoria Drive north of Powell Street to control access to the Port of Vancouver. Pursuant to the Original Access Control Licence, VPA installed barricades, gates, bollards, curb and gutter, signage, and other traffic controls necessary to facilitate and control pedestrian and emergency vehicle access to the Port. The installation of those access control works has improved the movement of goods and safety of the people and that of the Port of Vancouver while respecting the existing and essential City utilities located on Victoria Drive. The new Licence will allow the continuation, extension and longevity of such improvements and security measures.

**Financial Implications**

There are no financial implications associated with this report's recommendations.

**Legal Implications**

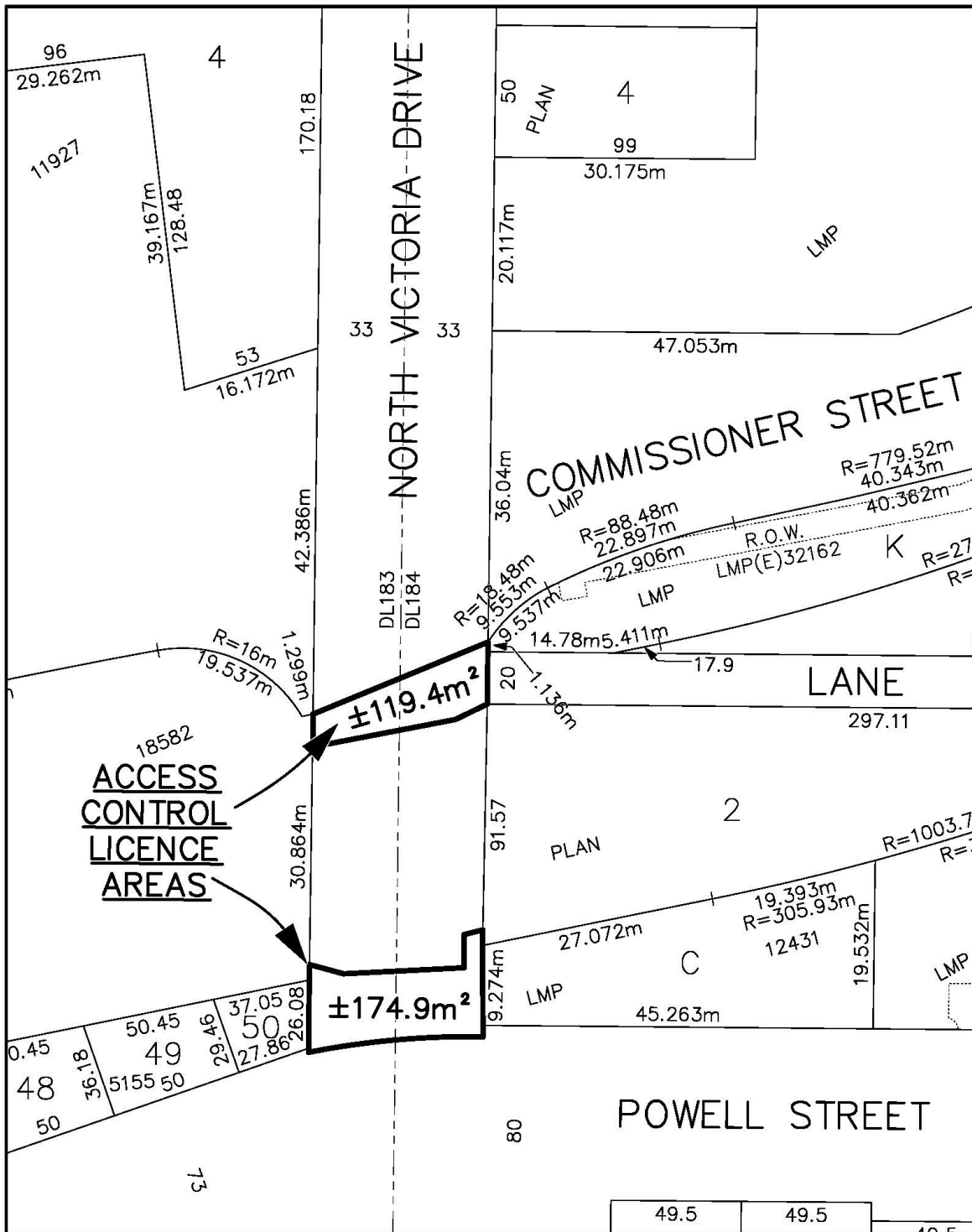
There are no legal implications associated with this report's recommendations.

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## **APPENDIX A TERMS AND CONDITIONS**

1. The Licence to be subject to a six-month termination clause, with cancellation to occur only upon the authorization of City Council.
2. The fee for the term to be a nominal sum of \$10.00.
3. The Access Control Areas to be used only for the provision of security measures, including barricades, gates, bollards, curb and gutter, signage, and traffic control as required by the VPA to control access to the Port of Vancouver. The controls shall be designed such that access for pedestrians (and cyclists) with Port business is provided for.
4. The VPA is to maintain the Access Control Areas, including responsibility for sanitation, in a manner satisfactory to the General Manager of Engineering Services.
5. The City and the utility companies to retain the right of entry, without notice, into the Access Control Areas and to temporarily interrupt the Licence for installation, removal, maintenance, repair, or renewal of any utility, in, under, or above the Access Control Areas.
6. There are to be no permanent structures within the Access Control Areas. Any temporary structures including signage, shall be to the satisfaction of, and will require the written approval of, the General Manager of Engineering Services.
7. Emergency service vehicles to have the right of entry to the Access Control Areas, including passage through the Access Control Areas as required during an emergency.
8. The agreement to contain provisions to ensure that the owners and occupiers of abutting lands have rights of access to the satisfaction of the General Manager of Engineering Services. Such rights of access include the need to use the Access Control Areas for emergency ingress and egress, including fire escape routes, building maintenance and deliveries.
9. Upon termination of the Licence for any reason, the VPA is to be responsible for restoration of the Access Control Areas to the satisfaction of the General Manager of Engineering Services.
10. The VPA to assume full responsibility for liabilities, loss and damages from their occupancy or use of the Access Control Areas, and to carry comprehensive general liability insurance to the satisfaction of the Director of Risk and Emergency Management.

### APPENDIX B ACCESS CONTROL AREAS



### APPENDIX C

