



COUNCIL REPORT

Report Date: May 28, 2024
Contact: Lon LaClaire
Contact No.: 604-873-7336
RTS No.: 14959
VanRIMS No.: 08-2000-20
Meeting Date: May 28, 2024
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: The General Manager of Engineering Services in Consultation with the Acting General Manager of Real Estate, Environment, and Facilities Management

SUBJECT: Arbutus Greenway – Establishment of City Land for Street and Public Space Purposes

Recommendation

THAT Council approve the establishment of the lands comprising the Arbutus Greenway as described in Appendix B for street and public pathway purposes pursuant to the *Vancouver Charter*.

Purpose and Executive Summary

This report seeks Council authority to establish the Arbutus Greenway as street under the *Vancouver Charter* to change how the City holds title to the lands. In the current state, there are limitations on the management of the corridor particularly as it relates to:

- how adjacent properties interface with the greenway, such as windows, doors and patio spaces;
- the ability to permit uses that we typically allow in streets; and
- how upgrades along the corridor can be delivered by adjacent developments.

As such, the recommendation is to establish as 'street' (as defined in the *Vancouver Charter*), the entirety of the City-owned properties forming the Arbutus Greenway (the "**Greenway**") from Fir Street in the northeast, to Arbutus Street in the west, and to Milton Street in the south. These properties total of 15.91 hectares (39.3 acres), more specifically described in Appendix B, the same as shown cross-hatched on the sketches attached hereto as Appendix A. The term "street" is used in the *Vancouver Charter* and applied interchangeably with "road" under the *Land Title Act*. This change does not mean that the Greenway will be turned into a vehicle traffic corridor, but this establishment will allow for easier implementation of the Greenway vision, particularly as it relates to an improved public space integration with adjacent developments, and will provide clarity on the City's maintenance and liability responsibilities for the Greenway.

Council Authority/Previous Decisions

- The authority for establishing streets and lanes is set out in Section 291 of the *Vancouver Charter*.
- Council approved the [Arbutus Greenway: Design Vision and Implementation Strategy](#) on July 11, 2018.
- The Arbutus Corridor [Official Development Plan](#) was adopted on July 25, 2000.
- On May 17, 2022, Council referred the report dated April 14, 2022 entitled "[Arbutus Greenway \(Zones 2,3,4,5,6 and 8\)- Establishment of City Land for Road and Public Space Purposes](#)" to a future Council meeting until after Council has considered the Broadway Plan.
- [Sidewalk and Street Hazard Inspection Policy](#) adopted by Council on July 24, 2012.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

In 2016, the City purchased the Arbutus corridor from Canadian Pacific Railway for the purpose of creating a high-quality public space for walking, cycling, and future streetcar use that connects people, parks, and places from False Creek to the Fraser River.

Approximately nine (9) kilometres in length, the Greenway extends from West 6th Avenue and Fir Street in the north to Milton Street in the south, while passing through the Fairview, Kitsilano, Arbutus Ridge, Shaughnessy, Kerrisdale, and Marpole neighbourhoods.

The City has constructed temporary pathways along the Greenway for walking, wheeling, and cycling, as an interim condition, prior to the development of the Arbutus Greenway Design Vision. The planning and design process to develop an overall vision for the Greenway concluded in July 2018 with Council approving the Arbutus Greenway Design Vision and Implementation Strategy.

Staff advised in the 2018 Report – [Arbutus Greenway Design Vision and Implementation Strategy](#) that:

Conversion of Properties to "Road" – The corridor purchased by the City comprises a large number of small, abutting parcels of real property, which together made up the Arbutus rail corridor. To simplify design, construction, and ongoing operation of the Greenway corridor, staff intend to report back to Council with recommendations on the consolidation of the real property and considerations for the establishment of the corridor as a "road" under Section 291a of the *Vancouver Charter*.

Surplus Lands – Where there are Surplus Lands, Recital C of the 2018 report said: "*THAT Council direct staff to prepare recommended amendments to the Arbutus Corridor Official Development Plan to remove lands not required for transportation or greenway purposes, develop planning programs for areas along the greenway where appropriate and in alignment*

with City priorities, and work toward the development of surplus City-owned lands along East Boulevard between West 37th Avenue and approximately West 40th Avenue."

The Implementation Strategy provides a framework for how the Greenway can be developed over numerous Capital Plans to account for future Council priorities and approved funding. The Implementation Strategy uses several criteria to determine which areas should be implemented first.

Currently, the focus is on providing key safety and operational improvements along the Greenway. Specific projects include:

- Safety upgrades and path realignment at King Edward and Arbutus Street; and
- Safety upgrades and path realignment at 41st Avenue and Arbutus Street in 2025.

Portions of the Greenway north of 16th Avenue will be delivered through the Broadway Plan.

In May 2022 staff brought a report to Council seeking to establish the Greenway as street and Council referred it to a future meeting after consideration of the Broadway Plan.

The Broadway Plan was approved by Council in June 2022. In the Broadway Plan the Greenway is highlighted in a number of sections including the Transportation and Land Use chapters. The Greenway is identified as a key connection for people walking, rolling, and cycling, including to/from the new Arbutus Station. The Broadway Plan also seeks to activate the Greenway through new adjacent development by encouraging active commercial uses to front onto the Greenway.

Development projects located directly adjacent to the Greenway continue to emerge, particularly in relation to the Broadway Plan. The ability to have these projects contribute towards the development of the adjacent Greenway will be most effective upon the formal establishment of the lands comprising the Arbutus Greenway as street.

Discussion

Achieving the vision for the Greenway will be more easily achieved by designating the Greenway as street. The following sections provide a summary of the vision as well as the reasons for designating the Greenway as street.

Arbutus Greenway Vision

The Arbutus Corridor Official Development Plan (2000) designates all of the land constituting the Greenway for use only as a public thoroughfare for the purpose of transportation (including rail, transit and cyclist paths, but excluding motor vehicles and grade-separated transit) and greenways (including pedestrian paths, urban walks, environmental demonstration trails, heritage walks, nature trails, and cyclist paths).

The general character of growth and change for properties adjacent to the Greenway is described in several City policies, including the Council-endorsed Arbutus Corridor Design Vision, two community plans, as well as the Vancouver Plan. Area specific policies, in particular the recently approved Broadway Plan, provide greater detail for specific segments of the Greenway. Guided by the Vancouver Plan, future area planning south of the Broadway Plan's

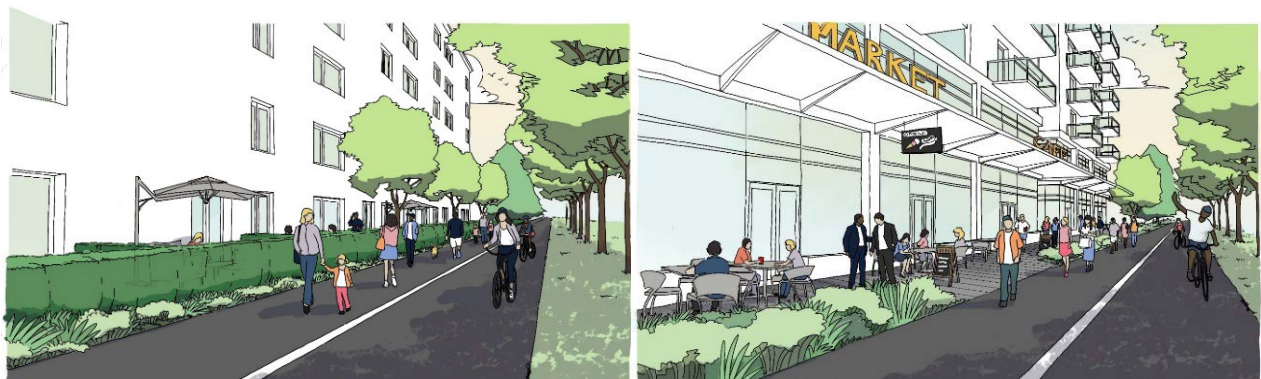
16th Avenue boundary will help to refine and implement Council-approved directions over the coming decades.

Benefits of Establishing the Greenway as Street

Currently, the Greenway is comprised of numerous parcels owned by the City. Establishing the Greenway as street will resolve several issues, such as:

- **Solidifying and validating the intended use of the Greenway as a transportation corridor.** The Arbutus Corridor Official Development Plan designates all of the land within the Greenway for use only as a public thoroughfare for greenway and transportation purposes. The design vision for this space includes a variety of experiences including walking, wheeling, and cycling uses as well as a future streetcar line. Establishing the Greenway as street will provide a clear reference for zoning and rezoning policies, with future adjacent redevelopments more clearly able to use the street as a reference point for calculating setbacks.
- **Allowing better integration with adjacent developments.** Developments that abut the Greenway can better integrate and interface with this space if it were designated as street. Currently, with the Greenway existing as property parcels, this limits the design flexibility, such as restricting the amount of window and door openings allowed, due to the spatial separation requirements contained within the Vancouver Building By-law (VBBL) to meet fire codes. Establishing the Greenway as street will enable a more animated interface with neighbouring developments allowing for additional windows and doors directly facing the Greenway, as well as improved daylight and access to the buildings. See Figure 1 below that illustrates the difference between the two scenarios.

Figure 1: Current and Future Potential Integration with Development



Current situation with required separations

Future scenario with street

- **Creating better integration with parks and public space.** There is currently a separation requirement for parks and public spaces adjacent to the Greenway with the current designation.
- **Easier oversight of the use of the space for community infrastructure.** Gardens and community supported equipment-lending services, as well as other related uses of

portions of the Greenway that align with the Design Vision and Implementation Strategy, can be better facilitated through a streamlined process that exist for streets.

- **Validate existing utility infrastructure with the Greenway lands.** There are currently east west streets that cross the corridor where the intersection is a land parcel connected to the adjacent property. This requires rights of way to be established for utilities that cross through these properties. The establishment of the Greenway as street will provide clarity for management of these intersections as well as for various utilities like water, sewer, and other City and third party infrastructure crossing the Greenway, which will be subject to upgrades and replacements in the coming years.
- **Reinforce the ability of the City to enforce by-laws** within the Greenway lands as if they were any other street or lane in the City.

Parks Analysis

The Arbutus corridor is essentially a linear park that plays an important recreation role and delivers public open green space and urban forestry service to residents, in addition to being a transportation corridor. The Greenway advances the Interconnected Network, one of the Bold Moves identified in VanPlay, Vancouver Parks and Recreation Services Master Plan, by linking several parks. Some of these parks are expected to be further developed.

The northern terminus of the Greenway, between Pine Street and Fir Street, falls within the boundary of a new park being developed by the Vancouver Park Board, currently referred to as Burrard Slopes Park. The Council-endorsed Arbutus Greenway Design Vision, envisioned Burrard Slopes Park as the northern portal for the Greenway. In support of this 'portal' the Design Vision recommends relocating the bike path from this section of the Greenway and rerouting it along Pine St (to connect with W 1st Ave and ultimately the Seaside Greenway) and W 5th Ave (to connect with the future Granville Street Bridge Greenway). This rerouting is expected to enable the Park Board to design a cohesive park that occupies almost the entirety of a city block while still supporting active transportation needs and providing for a potential future street car. Establishing this portion of the Greenway as street will allow for more flexibility with development adjacent to the Greenway, such as:

- allowing for addressing and entrances along the park edge which is only allowed along streets,
- streamlining the process for developments to be able to improve edge conditions as part of their development,
- maintaining the ability to enforce regulations from the street and traffic bylaw, which has been a challenge in some areas along the sea wall where it is not designated as street.

Urban Forestry teams maintain the trees on the Greenway, and consolidation of the parcels and establishment as street is expected to have little impact on park operations and will assist with clarity of jurisdiction and ensure that the Greenway continues to meet Park Board objectives to improve public access to greenspace.

Street Establishment

The Greenway will exist as 36 separate City-owned parcels as described in Appendix B. Most of these are properties that will create a new north/ south street corridor, but there are also many areas where this will create continuity for east/west streets, particularly in the 16th Avenue to West Broadway section. This report recommends that Council establish these Greenway parcels as street under the *Vancouver Charter* which will enable the City to retain ownership and title of the Greenway while also clarifying the City's powers and obligations over the Greenway. Parcels established as street pursuant to a resolution of Council create an indefeasible title registered in the Land Title Office endorsed with a legal notation as to the creation of a road parcel. The day-to-day maintenance and oversight of the Greenway will be undertaken by Engineering Services in conjunction with Vancouver Board of Parks and Recreation, similar to all other streets and lanes in the City as well as the False Creek seawall. Designation of the Greenway as street will clarify the maintenance and inspection responsibilities of the City for the Greenway in accordance with the Sidewalk and Street Hazard Inspection Policy.

Surplus Lands

The 2018 report identified an opportunity for development of surplus City-owned lands not needed for greenway, future streetcar, or other transportation purposes, subject to further planning, public engagement, and transportation work. 'Surplus Lands' refer to City-owned lands adjacent to the Arbutus Corridor (outside of the corridor purchased from CPR), which may not be needed for greenway or road-based transportation uses.

The Surplus Lands identified are located along East Boulevard between West 37th Avenue and approximately West 40th Avenue, including the street right-of-way of East Boulevard. Greenway uses, including the future streetcar, will fully utilize the purchased corridor. The appropriate type and scale of potential development at this location requires further investigation, and community engagement, by staff. Full closure of East Boulevard to motor vehicles between West 37th Avenue and West 40th Avenue will have implications for local access, circulation and parking in the Kerrisdale neighbourhood, and will require changes to the road and traffic signal networks to mitigate impacts. The necessary transportation modifications will need to be identified through further technical analysis in a collaborative effort between the Engineering, Planning, Urban Design, and Sustainability departments.

Financial Implications

In 2018, Council endorsed the Arbutus Greenway implementation strategy (Arbutus Greenway: Design Vision and Implementation Strategy) report, which identified an opportunity for development of surplus City-owned lands. As noted in this report, developments that abut the Greenway can better integrate and interface with this space if it were designated as street. As the City-owned Surplus Lands directly abut the Greenway, dedicating the Greenway as street will enable more design flexibility enabling an optimal form of development that integrates with the adjacent Greenway.

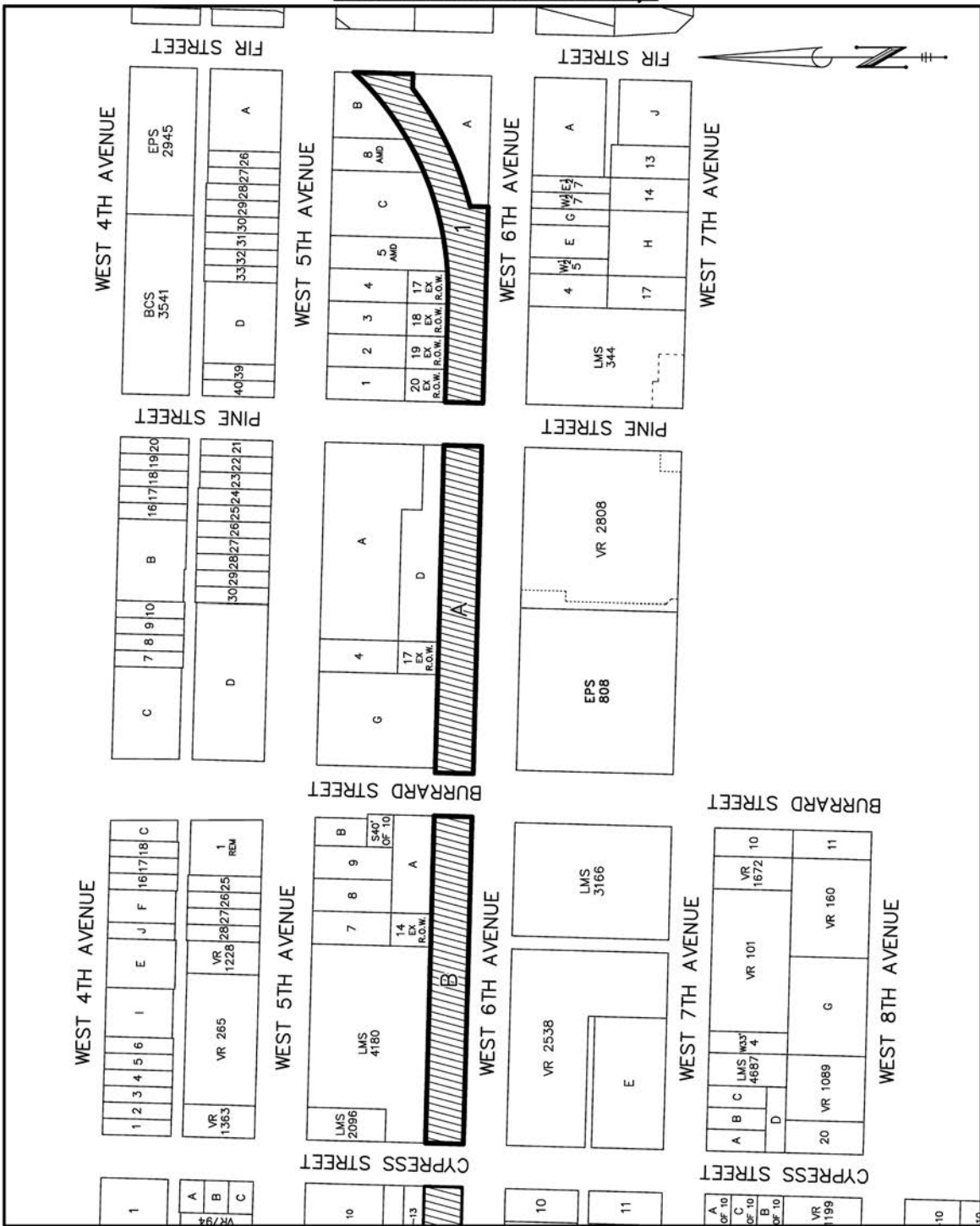
Legal Implications

With the establishment of the Greenway as street, the ability for the City to enforce by-laws and regulate usage as if this space were any other street or lane will be clearly defined. Designation of the Greenway as street will also clarify the City's responsibility for the Greenway under the

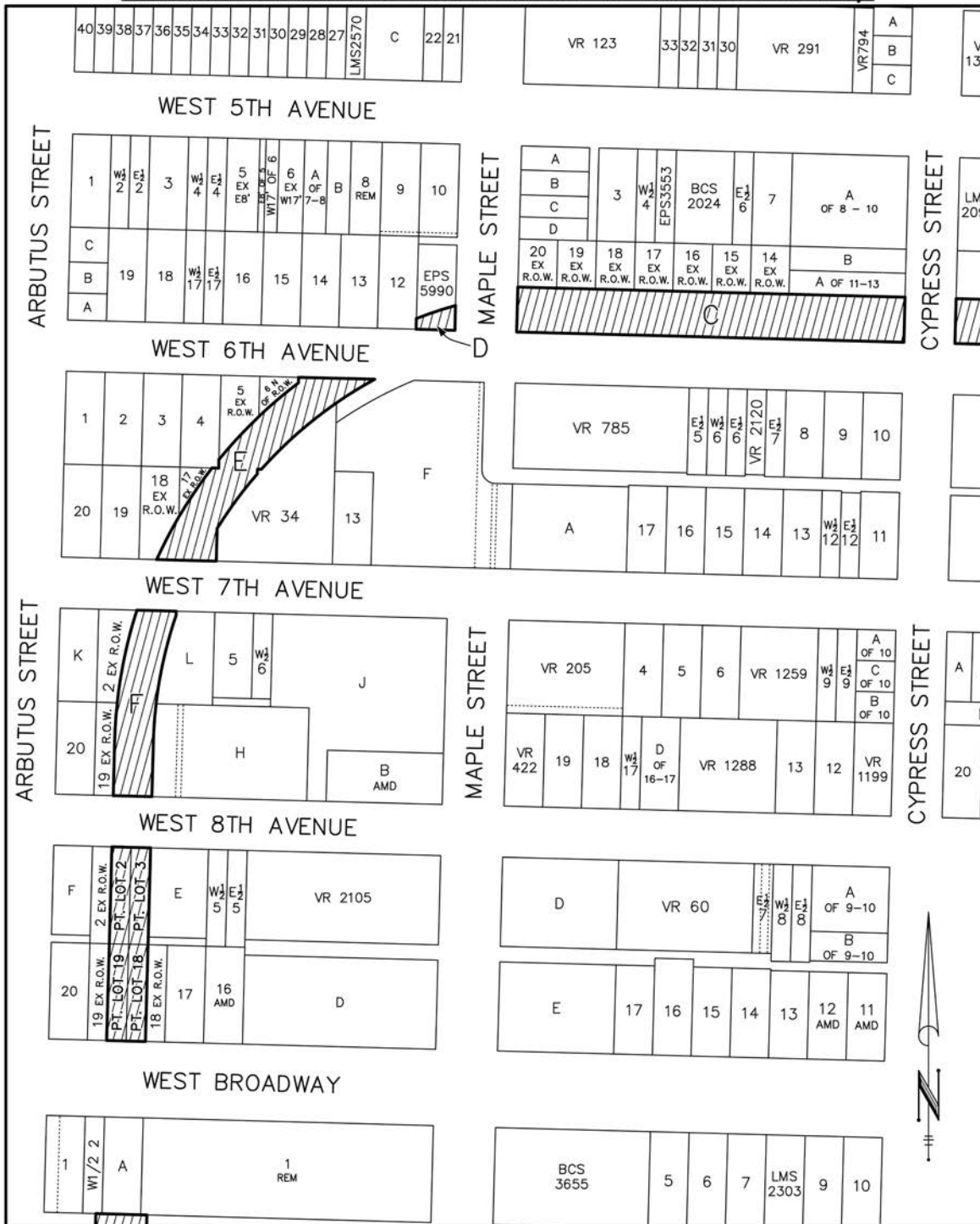
Occupier's Liability Act, which exempts a municipality from liability under the Act if the municipality is the occupier of a 'public road'. There are no other legal implications associated with this report's recommendations.

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**CYPRESS STREET TO FIR STREET
(PARCELS A. PLAN EPP127614, B. PLAN EPP127615
AND 1. PLAN EPP127612).**

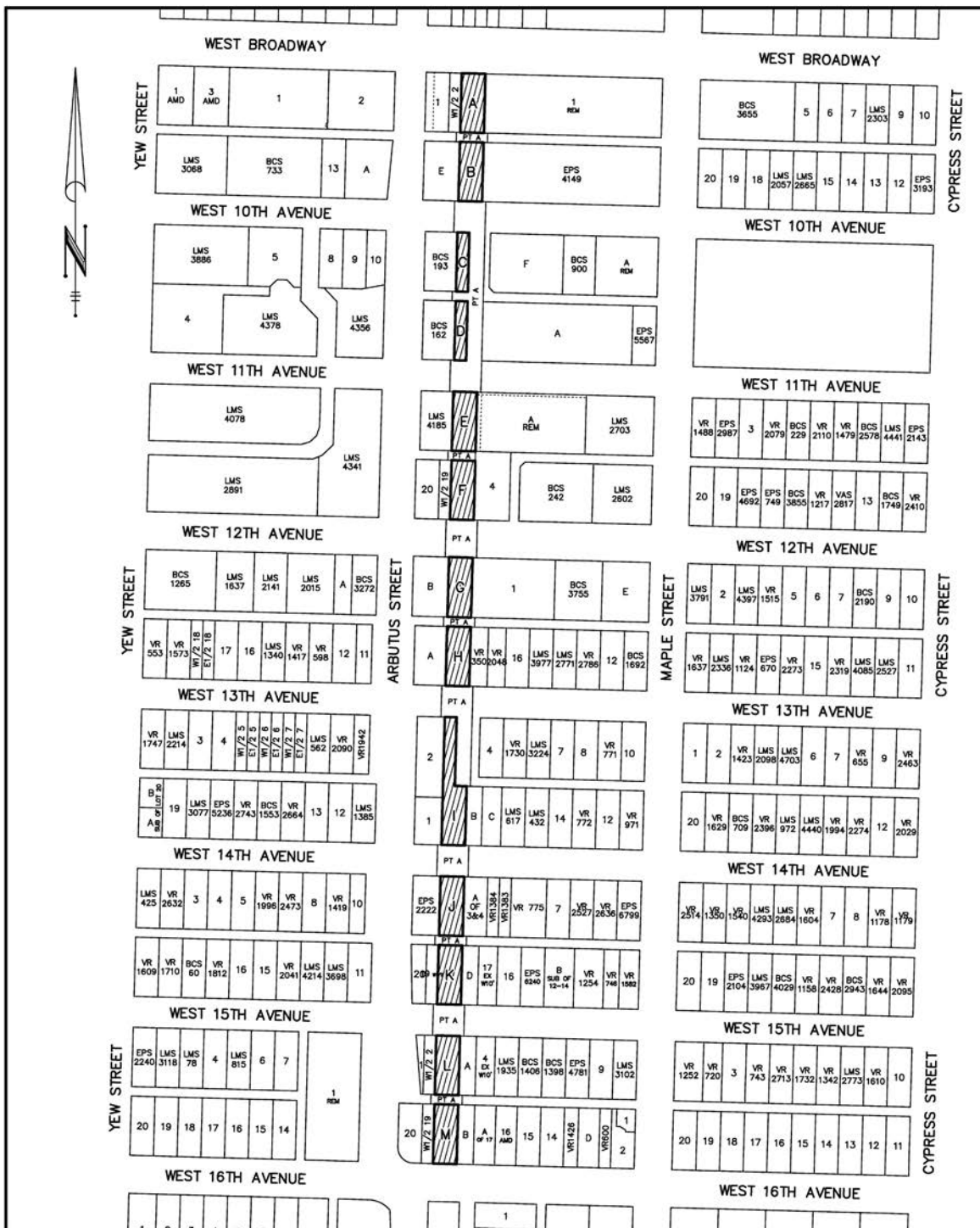


**ARBUS STREET AT WEST BROADWAY TO PINE STREET
(PARCELS C. PLAN EPP127616, D. PLAN EPP127617, E PLAN EPP127618, F. PLAN EPP127619 AND
PORTIONS OF LOTS 2, 3, 18 & 19 SHOWN RED ON PLAN 1137, PLAN 590).**



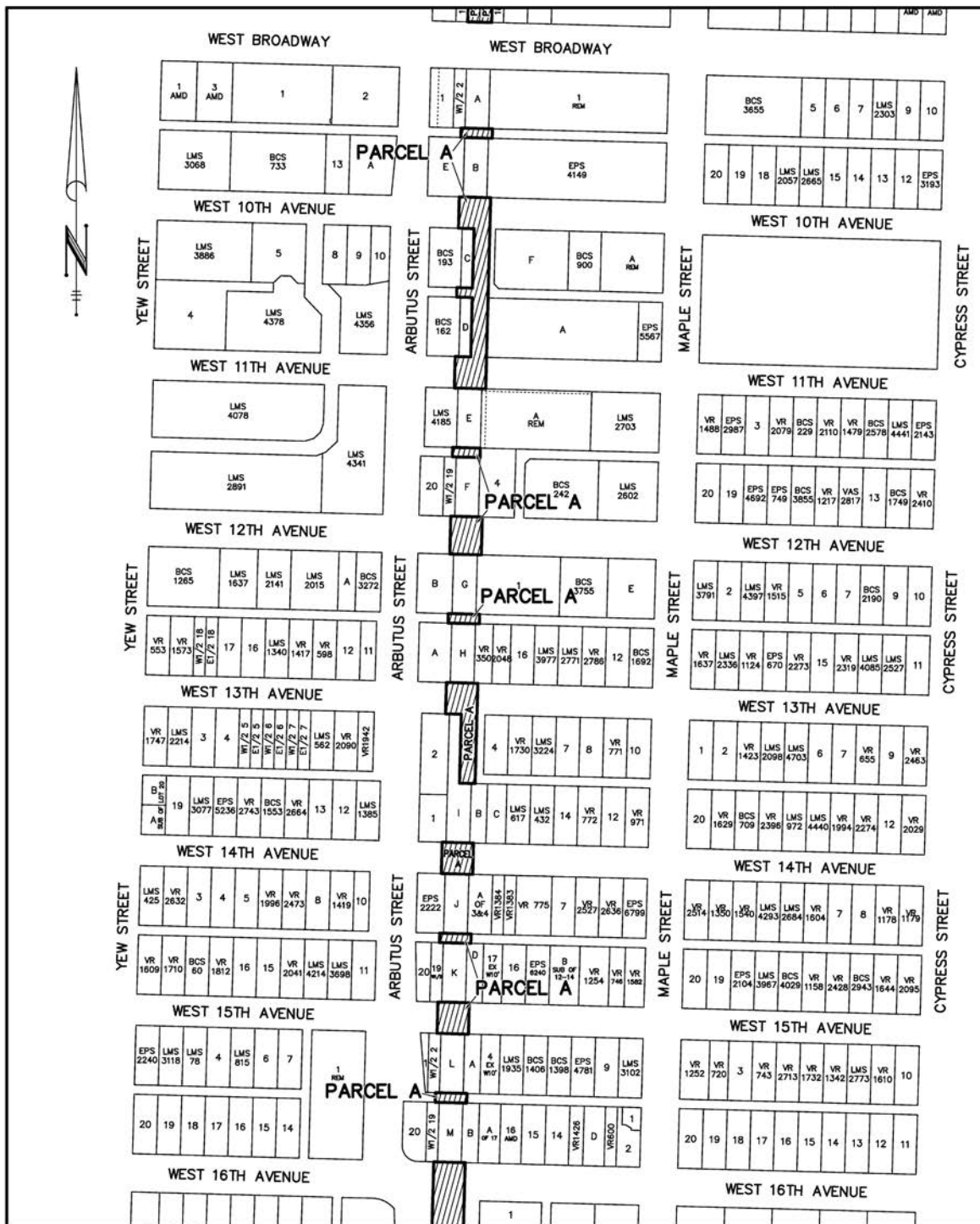
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WEST BROADWAY TO WEST 16TH AVENUE (LOTS A TO M, PLAN EPP111952)



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WEST BROADWAY TO WEST 16TH AVENUE (PARCEL A PLAN BCP31964)



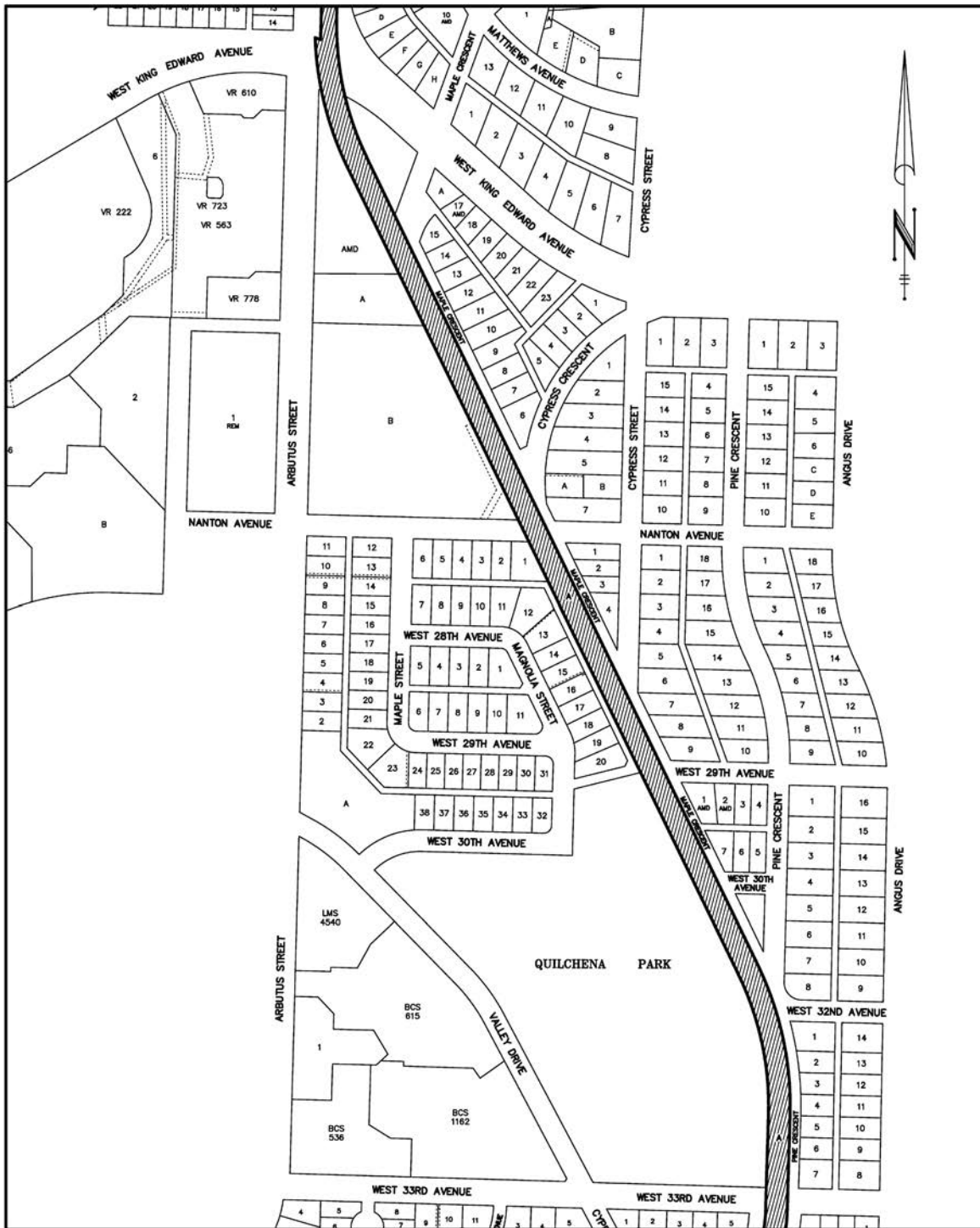
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WEST 16TH AVENUE TO WEST KING EDWARD AVENUE (PARCEL A PLAN BCP31964)



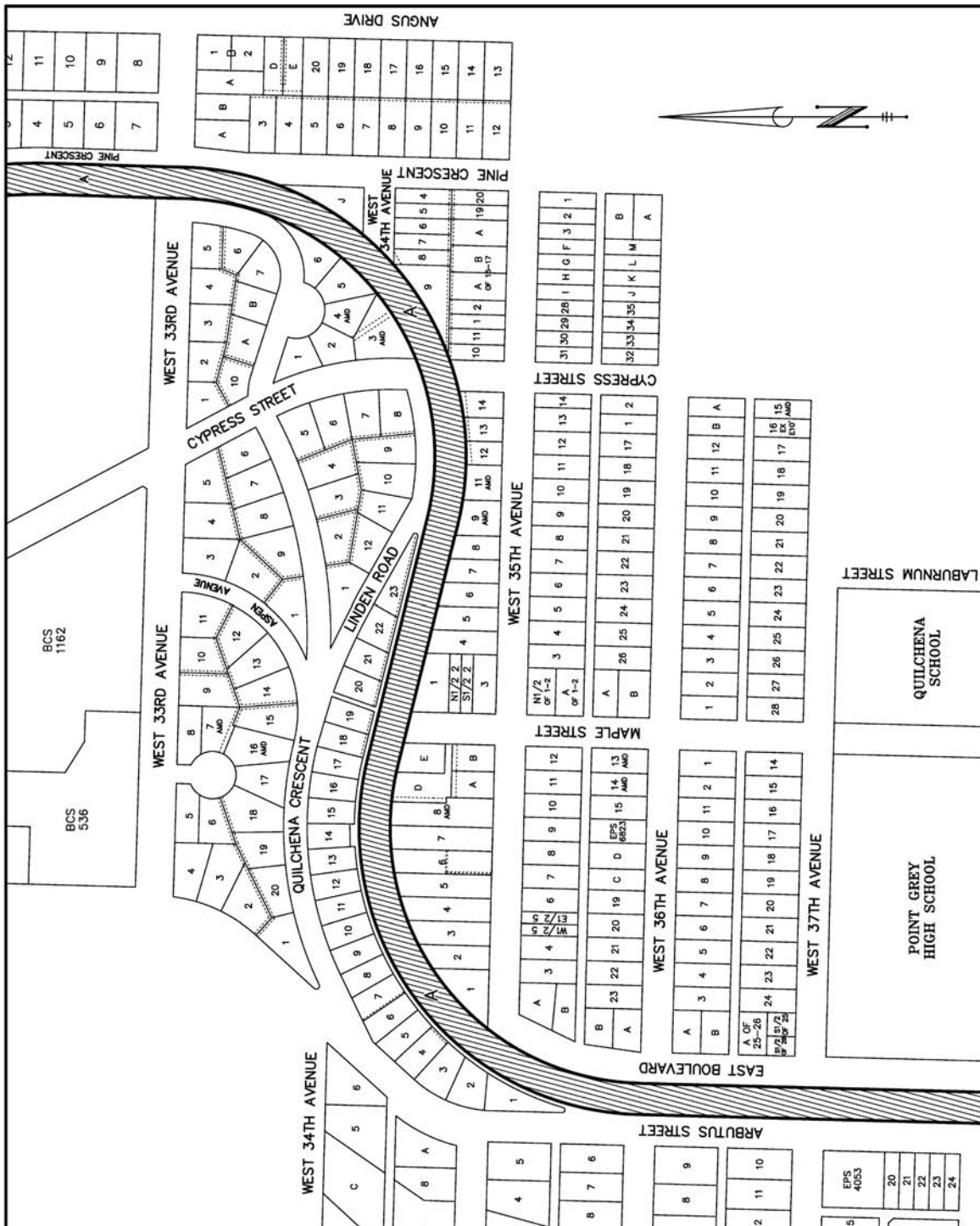
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WEST KING EDWARD AVENUE TO WEST 33RD AVENUE (PARCEL A PLAN BCP31964)



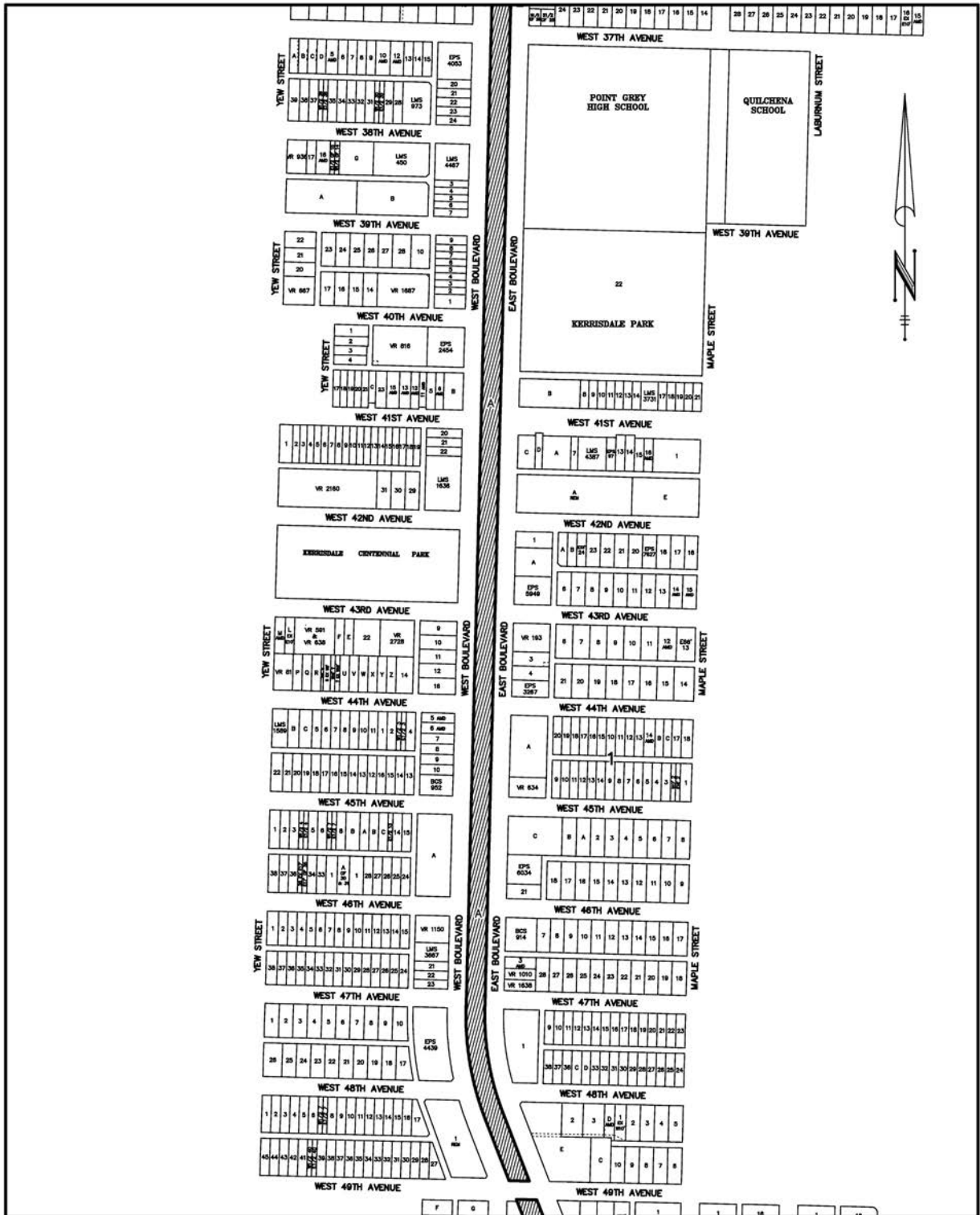
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WEST 33RD AVENUE TO WEST 37TH AVENUE (PARCEL A PLAN BCP31964)

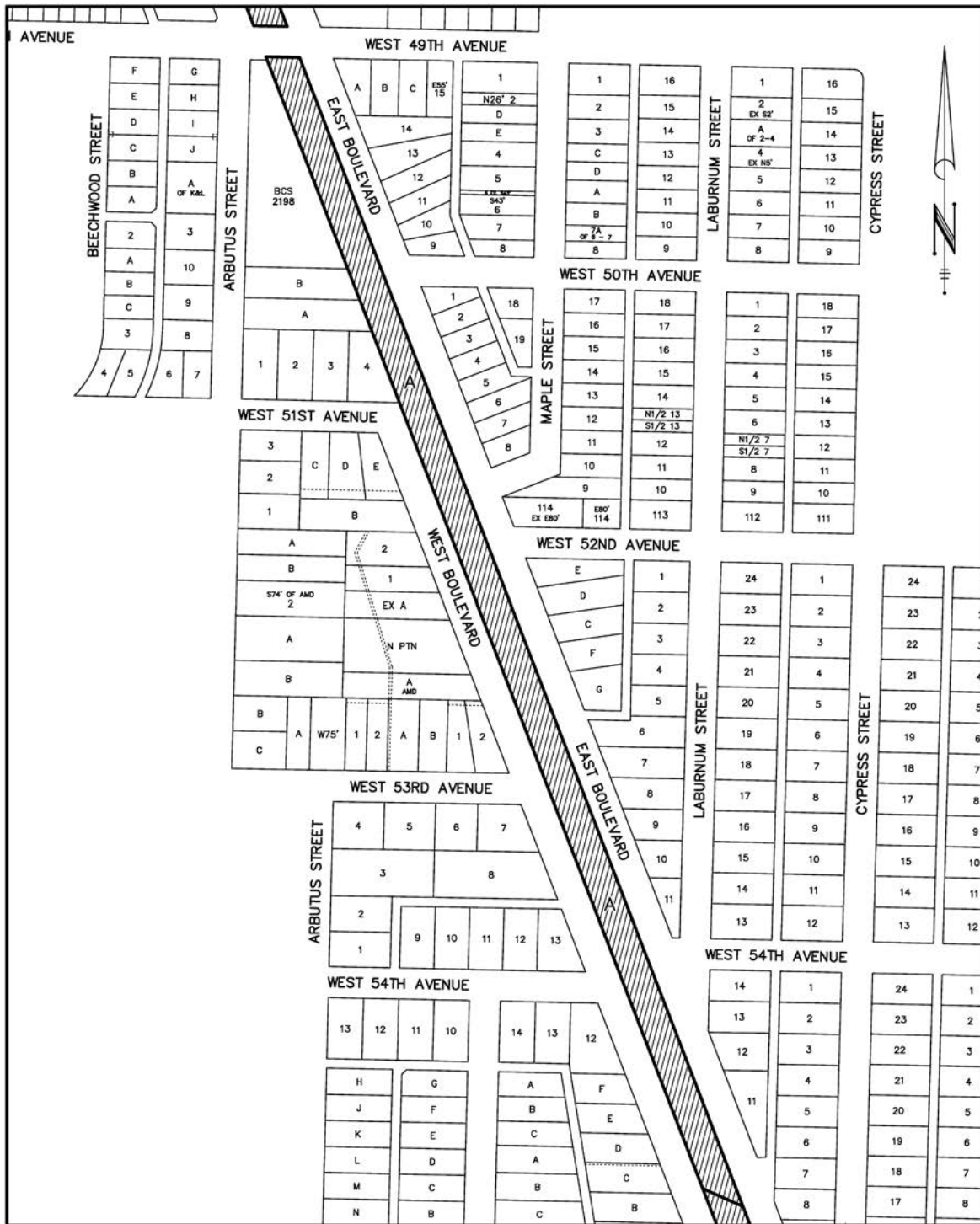


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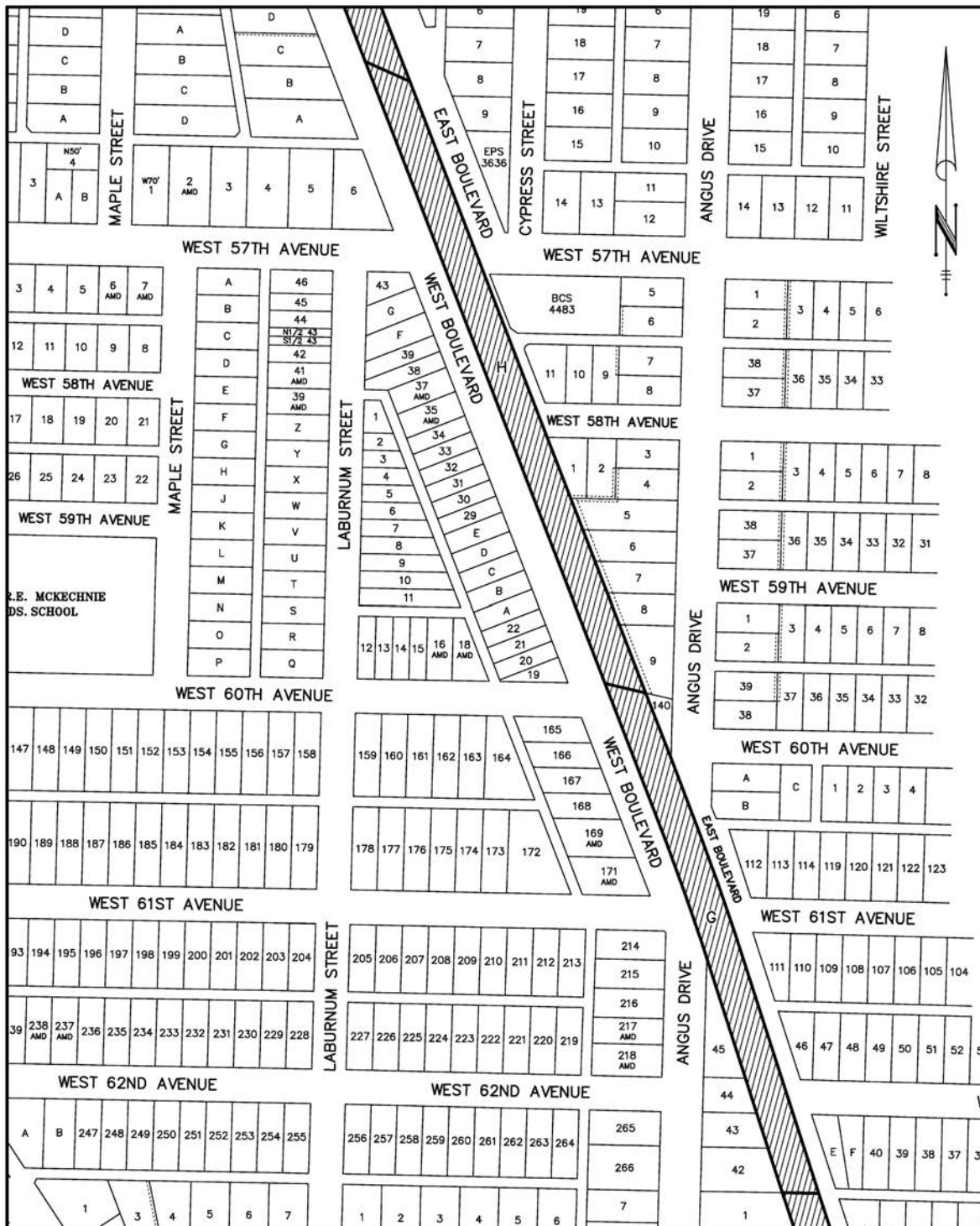
WEST 37TH AVENUE TO WEST 49TH AVENUE (PARCEL A PLAN BCP31964)



WEST 49TH AVENUE TO WEST 54TH AVENUE (PARCEL A PLAN BCP31964)

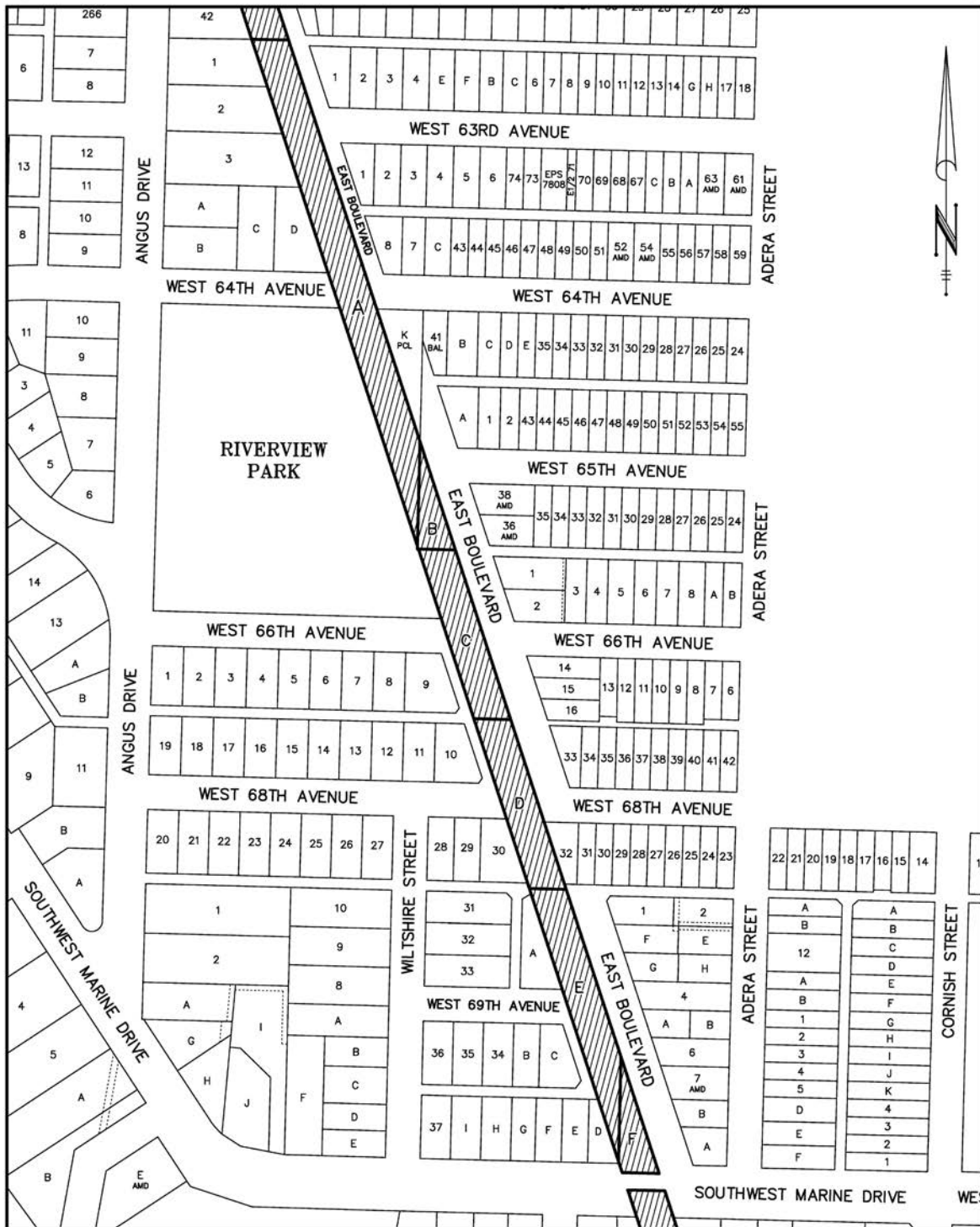


WEST 57TH AVENUE TO WEST 62ND AVENUE (PARCEL H AND PARCEL G PLAN LMP49716)



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WEST 63RD AVENUE TO SOUTHWEST MARINE DRIVE (PARCEL A PLAN LMP48656 AND PARCELS B-F, PLAN LMP49196)



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SOUTHWEST MARINE DRIVE TO MILTON STREET (PART OF PARCEL G PLAN EPP59724 AND BLOCK I, PLAN EPP98084)



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APPENDIX B – All Arbutus Greenway Parcels to be Established as Street

1. Lot 1, District Lot 526, Group 1, New Westminster District, Plan EPP127612, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.283 hectares (0.699 acres);
2. Lot A, District Lot 526, Group 1, New Westminster District, Plan EPP127614, the same as shown cross-hatched on the sketch attached hereto as Appendix “A”, consisting of 0.269 hectares (0.665 acres);
3. Lot B, District Lot 526, Group 1, New Westminster District, Plan EPP127615, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.269 hectares (0.665 acres);
4. Lot C, District Lot 526, Group 1, New Westminster District, Plan EPP127616, the same as shown cross-hatched on the sketch attached hereto as Appendix “A”, consisting of 0.270 hectares (0.667 acres);
5. Lot D, District Lot 526, Group 1, New Westminster District, Plan EPP127617, the same as shown cross-hatched on the sketch attached hereto as Appendix “A”, consisting of 108.8 square metres (1171.1 square feet);
6. Lot E, District Lot 526, Group 1, New Westminster District, Plan EPP127618, the same as shown cross-hatched on the sketch attached hereto as Appendix “A”, consisting of 0.152 hectares (0.376 acres);
7. Lot F, District Lot 526, Group 1, New Westminster District, Plan EPP127619, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.113 hectares (0.279 acres);
8. Parcel Identifier (PID): 023-895-519; That Part of Lot 2 Shown Red on Plan 1137 Block 325 District Lot 526 Group 1 New Westminster District Plan 590, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 290.3 square metres (3,125 square feet);
9. PID: 023-895-578; That Part of Lot 3 Shown Red on Plan 1137 Block 325 District Lot 526 Group 1 New Westminster District Plan 590, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 290.3 square metres (3,125 square feet);
10. PID: 023-895-756; That Part of Lot 18 Shown Red on Plan 1137 Block 325 District Lot 526 Group 1 New Westminster District Plan 590, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 290.3 square metres (3,125 square feet);
11. PID: 023-895-837; That Part of Lot 19 Shown Red on Plan 1137 Block 325 District Lot 526 Group 1 New Westminster District Plan 590, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 290.3 square metres (3,125 square feet);

12. Parcel Identifier (PID): 031-641-024; Lot A District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.4 square metres (6,249 square feet);
13. PID: 031-641-032; Lot B District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.5 square metres (6,247 square feet);
14. PID: 031-641-041; Lot C District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 290.4 square metres (3,126 square feet);
15. PID: 031-641-059; Lot D District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 290.4 square metres (3,126 square feet);
16. PID: 031-641-067; Lot E District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.1 square metres (6,244 square feet);
17. PID: 031-641-075; Lot F District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.1 square metres (6,244 square feet);
18. PID: 031-641-083; Lot G District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 581.3 square metres (6,257 square feet);
19. PID: 031-641-091; Lot H District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 581.3 square metres (6,257 square feet);
20. PID: 031-641-105; Lot I District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 917.2 square metres (9,873 square feet);
21. PID: 031-641-113; Lot J District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.9 square metres (6,253 square feet);
22. PID: 031-641-121; Lot K District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.9 square metres (6,253 square feet);
23. PID: 031-641-130; Lot L District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 580.2 square metres (6,245 square feet);
24. PID: 031-641-148; Lot M District Lot 526 Group 1 New Westminster District Plan EPP111952, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 582.5 square metres (6,270 square feet);

25. PID: 027-269-175; Parcel A, District Lot 526, Group 1, New Westminster District, Plan BCP31964, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 9.915 hectares (24.5 acres);
26. PID: 025-028-766: Parcel H, Block A, District Lot 325A, Group 1, New Westminster District, Plan LMP49716, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.776 hectares (1.92 acres);
27. PID: 025-028-774: Parcel G, Block B, District Lot 325A, Group 1, New Westminster District, Plan LMP49716, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.627 hectares (1.55 acres);
28. PID 025-057-791: Parcel A, District Lot 317, Group 1, New Westminster District, Plan LMP48656, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.553 hectares (1.366 acres);
29. PID 025-094-483: Parcel B, District Lot 325, Group 1, New Westminster District Plan LMP49196, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 673 square metres (7244 square feet);
30. PID: 025-094-505: Parcel C, District Lot 325, Block 4, New Westminster District Plan LMP49196, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.208 hectares (0.513 acres);
31. PID: 025-094-572: Parcel D, District Lot 325, Block 5, New Westminster District Plan LMP49196, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.207 square metres (0.512 acres);
32. PID: 025-094-599: Parcel E, District Lot 325, Block 6, New Westminster District Plan LMP49196, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.268 square metres (0.662 acres);
33. PID 025-094-611: Parcel F, District Lot 325, Block 6, New Westminster District Plan LMP49196, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 779 square metres (8385 square feet);
34. PID: 029-781-965; All that part of Parcel G, District Lot 318, Group 1, New Westminster District, Plan LMP52922 as shown as area 0.479 hectares on Plan EPP59724, the same as shown cross-hatched on the sketch attached hereto as Appendix “A”;
35. PID: 028-138-341; Block I District Lot 318 Group 1 New Westminster District as shown on Plan EPP98084, the same as shown cross-hatched on the sketch attached hereto as Appendix “A” consisting of 0.137 hectares (0.339 acres);
36. PID: 029-781-973; All that part of Parcel G, District Lot 318, Group 1, New Westminster District, Plan LMP52922 as shown as 0.388 hectares on Plan EPP59724, the same as shown cross-hatched on the sketch attached hereto as Appendix “A”.