



CITY OF VANCOUVER

A2

Administrative Report

Date: December 1, 2004
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Dept. File No. 000 196
RTS No.: 04671
CC File No.: 5807
Meeting Date: January 18, 2005

TO: Vancouver City Council

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

SUBJECT: 111 Alexander Street - Columbia Pump Station - Proposed Construction onto City Street

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services on behalf of the City to execute an Encroachment Agreement for the portions of the proposed above and below grade improvements appurtenant to City-owned Lots 20 to 25 except part in Right-of-Way of the Canadian Pacific Railway Company, Block 1, District Lot 196, Plan 184 (the "City Lands") generally as indicated on the plans attached hereto as Appendix "A" and Appendix "B", to be built on the City street, adjacent to the City Lands by the Greater Vancouver Sewerage & Drainage District (the "GVS&DD") subject to the following conditions:
1. The annual charge to be waived;
 2. There is to be no equitable charge or other security;
 3. Cancellation to be after a minimum of one (1) year's notice and only upon Council approval;
 4. Insurance to be to the satisfaction of the Director of Risk and Emergency Management;
 5. The agreement to be terminated if the existing Statutory Right of Way BT205931 to the GVS&DD (the "GVS&DD SRW") is terminated;

6. The agreement to be to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services, and to contain other terms and conditions as considered necessary and reasonable by the Director of Legal Services.
- B. That Council authorize the Director of Legal Services on behalf of the City to execute an amending agreement modifying the GVS&DD SRW, to provide that the GVS&DD will assume all of the obligations of the City under the Encroachment Agreement.

COUNCIL POLICY

There is no Council policy directly related to this matter.

The Encroachment By-Law requires payment of annual charges for certain encroachments on City streets and requires that in such cases the registered owner enter into an agreement setting out certain conditions, such as cancellation provisions, registration in the Land Title Office and security, but does not establish criteria for setting aside annual charges or otherwise modifying the requirements of the By-law.

On February 19, 2002, Council approved the GVS&DD SRW to allow for the anticipated upgrade to the Columbia Pump Station.

On July 8, 2003 to allow for the design of the Columbia Pump Station, Council approved a land exchange (the "Land Exchange") of approximately one (1) square metre of City-owned Lot 25, except Part in the right of way of the Canadian Pacific Railway Company and Part in Reference Plan 10341, Block 1, District Lot 196, Plan 184 for approximately one (1) square metre of privately owned Lot 1, District Lot 196 and the Public Harbour of Burrard Inlet, Plan 21506.

PURPOSE

The purpose of this report is to seek Council authority for the City to enter into an Encroachment Agreement for the above and below grade encroachments appurtenant to the proposed building, to be built by the GVS&DD on the City Lands at 111 Alexander Street, with variations from the Encroachment By-Law and the standard Encroachment Agreement such as waiving the annual charges and providing for cancellation on a minimum of one (1) year's notice and only after Council approval. The report also seeks authority for the City to enter into an amending agreement to modify the GVS&DD SRW.

BACKGROUND

The Greater Vancouver Regional District (GVRD) through the GVS&DD has identified a need to upgrade the existing Columbia Pump Station currently located on City-owned Lots 20 and 21. The upgrade will require construction over City-owned Lots 22 to 25 to the east. On February 19, 2002, Council approved the GVS&DD SRW to accommodate the sewer pump station, which was registered on the titles to City-owned Lots 20 to 25.

On July 8, 2003 Council approved the Land Exchange to accommodate the design of the new pump station building to be built on the City Lands. The design of the pump station was such that it will encroach onto Alexander Street (under the street) and the building wall and eaves will encroach above the street. Staff was to report back for authorities to allow the encroachment.

It is expected that the Land Exchange will be completed early in 2005.

DISCUSSION

When encroachments onto City street are proposed, the City Surveyor, on behalf of the General Manager of Engineering Services reviews the proposal to determine whether or not the encroachment is supportable. The Encroachment By-Law requires that for these types of encroachments the registered owner must enter into an Encroachment Agreement. The current (2004) annual charges are set as \$140.00 for the first 150 square feet and \$4.00 per square foot thereafter. The total encroachment in this case would be approximately 1,862 square feet, which would generate an annual charge of \$6,988.00. Termination provisions included in encroachment agreements are normally immediate with six (6) months to remove the encroachment.

The building wall is proposed to encroach onto Alexander Street above grade by seven (7) feet plus a roof level cornice. The maximum distance of proposed below grade encroachment is 23 feet.

Engineering Services staff have reviewed the encroachments and have concluded that they can be accommodated.

On February 2, 2004 the Development Permit Board approved development permit application DE407706 for the pump station with several prior to conditions to be fulfilled by the applicant prior to issuance of the development permit. Condition A.2.1 in part requires the applicant to make arrangements to the satisfaction of the General Manager of Engineering Services to enter into the "appropriate agreement for use of road right of way both below and above grade".

The proposed construction and upgrade of these important GVS&DD facilities is supported by Engineering Services as it is a needed utility within the regional system. Considerable effort has been made by the GVRD to minimize the encroachment considering the site constraints. The City Lands are only 15 feet deep at their maximum and the CP Rail yards immediately to the north of the site restrict options for pushing the structure further north.

One of the concerns with encroachments onto City streets are the impacts on the public realm and in particular, impact on pedestrians. In this location the CP Rail yards "wrap" around the site, such that to the east of the site there is more than 130 feet of rail yard before the next private lot. To the west there is some 78 feet of rail yard from the westerly limit of the subject site to the next private lot. The distance from the above-grade encroaching structure to the next private lot is approximately 115 feet. The two private lots are currently developed with strata titled buildings which are relatively new. It is anticipated that they will remain for many years. The CP Rail yards are also anticipated to remain for many years.

Therefore, the considerable gaps between the proposed pump station and the existing and anticipated private structures along Alexander Street provide the confidence that impacts on the public realm are minimized by the current design.

We are recommending that the annual charge be waived, and the encroachment be allowed to remain with a minimum one (1) year's notice of cancellation and only upon approval by Council or if the existing GVS&DD SRW for the pump station is cancelled. We are also recommending that the agreement not include an equitable charge nor are we seeking that the GVS&DD provide further security.

The Encroachment By-Law requires the registered owner of real property appurtenant to the street to enter into the Encroachment Agreement. For this reason, as the encroachment is appurtenant to the City Lands, the City will enter into the Encroachment Agreement and the GVS&DD SRW will be amended to provide that the GVS&DD will be responsible for the City's obligations contained in the Encroachment Agreement,

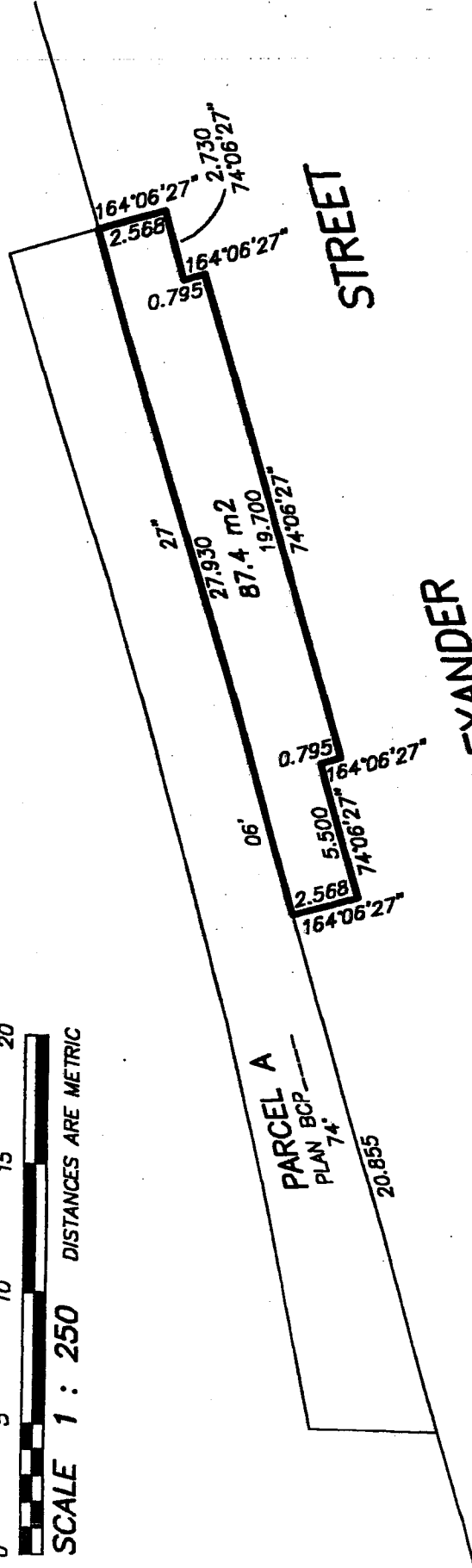
CONCLUSION

The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Services **RECOMMENDS** approval of the foregoing.


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**B.C. LAND SURVEYORS CERTIFICATE OF LOCATION
SHOWING PROPOSED ABOVE GROUND IMPROVEMENTS
ON ALEXANDER STREET FRONTING PARCEL 'A'
DISTRICT LOT 196 N.W.D.
REFERENCE PLAN BCP _____**

REM. 1
PLAN 21506



THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED
IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE
AND IS CERTIFIED CORRECT THIS 11th DAY OF AUGUST, 2004.

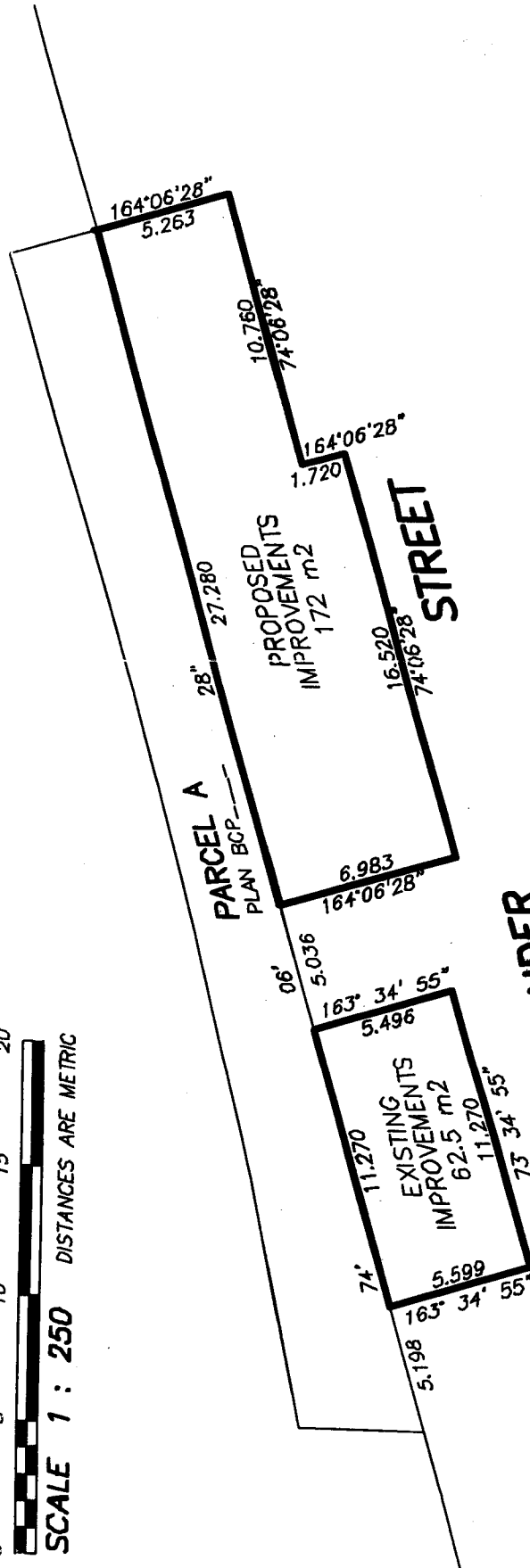
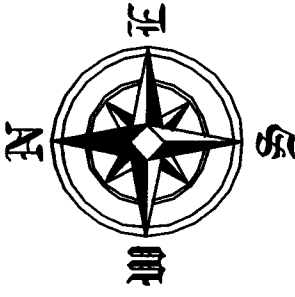

GARY SUNDVICK
B.C.L.S.

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**B.C. LAND SURVEYORS CERTIFICATE OF LOCATION
SHOWING BELOW GROUND IMPROVEMENTS ON
ALEXANDER STREET FRONTING PARCEL 'A'
DISTRICT LOT 196 N.W.D.
REF. PLAN BCP _____**

REM. 1
PLAN 21506



THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED
IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE
AND IS CERTIFIED CORRECT THIS 2nd DAY OF DECEMBER, 2004.


B.C.L.S.

GARY SUNDVICK

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