



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: December 23, 2005  
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CC File No.: 13-4000-20  
Meeting Date: January 17, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: 1477 West 15th Avenue - Proposed Closure of a Portion of the East Side of Granville Street North of West 15th Avenue; and the North Side of West 15th Avenue East of Granville Street; and the West Side of Lane East of Granville Street, North from West 15 Avenue

#### RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to sign on behalf of the City a Reference Plan attested to by Shannon Onderwater, B.C.L.S., on the 7<sup>th</sup> day of December, 2005, marginally numbered FILE: 5368-ROAD, defining the horizontal limits of the encroachment onto the east side of Granville Street north of West 15<sup>th</sup> Avenue; the north side of West 15<sup>th</sup> Avenue east of Granville Street; and the west side of Lane east of Granville Street, north from West 15<sup>th</sup> Avenue; (the "Road and Lane"), a reduced copy of which is attached as Appendix "A", by the building at 1477 Granville Street, and apply to raise title to that portion of Road and Lane defined on the said Reference Plan in the name of the City of Vancouver.
- B. THAT all that volumetric portion of the Road and Lane included within the heavy outline and illustrated isometrically on a plan of survey certified correct on the on the 20<sup>th</sup> day of December, 2005 by Shannon Onderwater, B.C.L.S., and marginally numbered FILE: 5368-4 (DEC.20)(a reduced copy of which is attached a Appendix "B"), be closed, stopped-up and that an easement be granted to the owner of abutting Airspace Parcel 1 Block 451 District Lot 526 Group 1 New Westminster District Airspace Plan BCP \_ \_ \_ \_ to contain the portions of the existing building which encroach onto the Road and Lane. The easement to be for the life of the encroaching portions of the existing building on said Airspace Parcel 1 and to be to the satisfaction of the Director of Legal Services.

- C. THAT fees for the document preparation, registration and use of the easement referred to in Recommendation “B” are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.

If Council approves this report the Formal Resolution to close the portion of Road and Lane will be before Council later this day for approval.

## **COUNCIL POLICY**

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

## **PURPOSE**

The purpose of this report is to obtain Council authority to grant an easement to contain the encroaching elements of the building located at 1477 West 15 Avenue.

## **BACKGROUND**

The subject site presently has a four storey residential/commercial building under construction in accordance with Development Permit DE407312 and Building Permit BU427083. The site is subject to a Heritage Revitalization Agreement registered on title as BV543464 which provides for the obligation of the owner to preserve and protect the heritage façades of the original building. A proposal has been submitted to subdivide this site by way of air space plan. The air space parcel will contain the residential component located primarily on the second through fourth floors. The owner has indicated his intention to subdivide the air space parcel into residential strata lots.

The Registrar of Land Titles has taken the position that to satisfy the Strata Property Act, the strata corporation must have control over the portion of street or lane affected by the building encroachment for the life of the building. To accomplish this, the volumetric portion of street or lane containing the encroachments must be closed, stopped-up, and an easement granted for the volumetric portion of the east side of Granville Street north of West 15<sup>th</sup> Avenue; the north side of West 15<sup>th</sup> Avenue east of Granville Street; and the west side of Lane east of Granville Street, north from West 15<sup>th</sup> Avenue; (the “Road and Lane”), dedicated by the deposit of Plan 1276, that is encroached upon.

## **DISCUSSION**

On the Granville Street side of Airspace Parcel 1 there are portions of the building façade including roof level cornices, and window sills that encroach a maximum of 0.980 metres onto Granville Street.

On the West 15<sup>th</sup> Avenue side of Airspace Parcel 1 there are portions of the building façade including a roof level cornice, mid level architectural projections, and window sills that encroach a maximum of 0.980 metres onto West 15<sup>th</sup> Avenue.

On the lane side of Airspace Parcel 1 there are portions of the building façade including a roof level cornice and window sills that encroach a maximum of 0.980 metres onto the Lane.

It is necessary to seek Council approval to close stop-up and authorize registration of a volumetric easement over the portion of the Road and Lane described above. Recommendation "A" seeks authority to raise title to the portion of Road and Lane encroached upon.

The roof level cornice encroachments were authorized at the time of the issuance of the Development Permit. At that time there was no indication that the building was to be strata titled. To accommodate the said roof level cornice encroachments, Easement and Indemnity Agreement BW29761, Statutory Right of Way BV29763, and Equitable Charge BW29765 were registered on the title of [PID 025-836-471] Parcel C Block 451 District Lot 526 Group 1 New Westminster District Plan BCP8982 on January 23, 2004. These agreements will be replaced by the volumetric easement sought herein. A new standard encroachment agreement established to the satisfaction of the Director of Legal Services will be registered on the remainder of said Parcel C (below Airspace Parcel 1) to contain encroachments projecting from the commercial portion of the building.

We are RECOMMENDING that fees be charged as per the Encroachment By-law. This is consistent with past Council direction.

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