

# A10



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: June 26, 2007  
Author: Graham Lougheed  
Phone No.: 604.873.7156  
RTS No.: 06862  
VanRIMS No.: 13-2000-40  
Meeting Date: July 10, 2007

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Proposed Closure of Portions of Homer Street and Hamilton Street  
Adjacent to 1180 Homer Street

#### RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise title in the name of the City of Vancouver to a portion of Homer Street that contains the encroachment by the existing building at 1180 Homer Street, the said portion as shown on a reduced copy of a Reference Plan, attached hereto as Appendix "A".
- B. THAT all that volumetric portion of Homer Street included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B", and, all that portion of Hamilton Street included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "C", be closed, stopped-up and that easements be granted to the owner of abutting Lot 9 Block 76 District Lot 541 Plan 3469 ("Lot 9") to contain the portions of the existing building which encroach onto Homer Street and Hamilton Street. The easements to be for the life of the encroaching portions of the existing building on Lot 9 and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, registration and use of the easements referred to in Recommendation "B" are to be in accordance with those charged for an agreement prepared pursuant to the Encroachment By-law.
- D. THAT the Director of Legal Services be authorized to execute all documents and plans required.

If Council approves this report the Formal Resolution to close portions of Homer Street and Hamilton Street will be before Council later this day for approval.

## **COUNCIL POLICY**

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

Permitting encroachments onto street and lane by listed heritage buildings is consistent with Council's past practice.

## **PURPOSE**

The purpose of this report is to obtain Council authority to close and stop-up portions of Homer Street and Hamilton Street and to grant easements to contain the encroaching elements of the building located at 1180 Homer Street.

## **BACKGROUND**

The subject site, Lot 9, has been redeveloped with a 7-storey mixed-use building (retail on the ground floor with 15 residential units above) in accordance with Development Permit No. DE407680. The Homer Street façade of the former McMaster building, constructed in 1910 and listed in Category "B" on the Vancouver Heritage Register, has been retained and has been designated as protected heritage property under Heritage Designation By-law No. 8728.

Portions of the building's exterior are encroaching onto Homer Street and Hamilton Street. As such, 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 encroachments for the life of the building. To accomplish this, the volumetric portions of the street that contain the encroachments must be closed, stopped-up, and easements granted.

Recommendation "A" seeks to raise title to a portion of Homer Street. It will not be necessary to raise title to any portion of Hamilton Street since title already exists as Lot K, Except: (A) Part in Plan 4544, (B) Portions Coloured Yellow on Plan 4959, (C) Part in Explanatory Plan 17265, Block 76 District Lot 541 Plan 3469 ("Lot K"). Lot K was established as road in 1995 by document filed BJ374292, and contains a loading dock and related fixtures that will continue to be maintained by the Lot 9 owner under an Easement and Indemnity Agreement registered against the title of Lot 9 as charge number BL424763.

## **DISCUSSION**

On the Homer Street side of Lot 9, portions of the heritage façade exterior wall, including a roof level cornice, encroach to a maximum extent of 1.300 metres onto Homer Street. On the Hamilton Street side of Lot 9, a portion of the building's exterior wall encroaches to a maximum extent of 0.050 metres onto Hamilton Street.

It is necessary to seek Council approval to close, stop-up and authorize registration of volumetric easements over the portions of Homer Street and Hamilton Street described above in Recommendation "B" .

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

\* \* \* \* \*

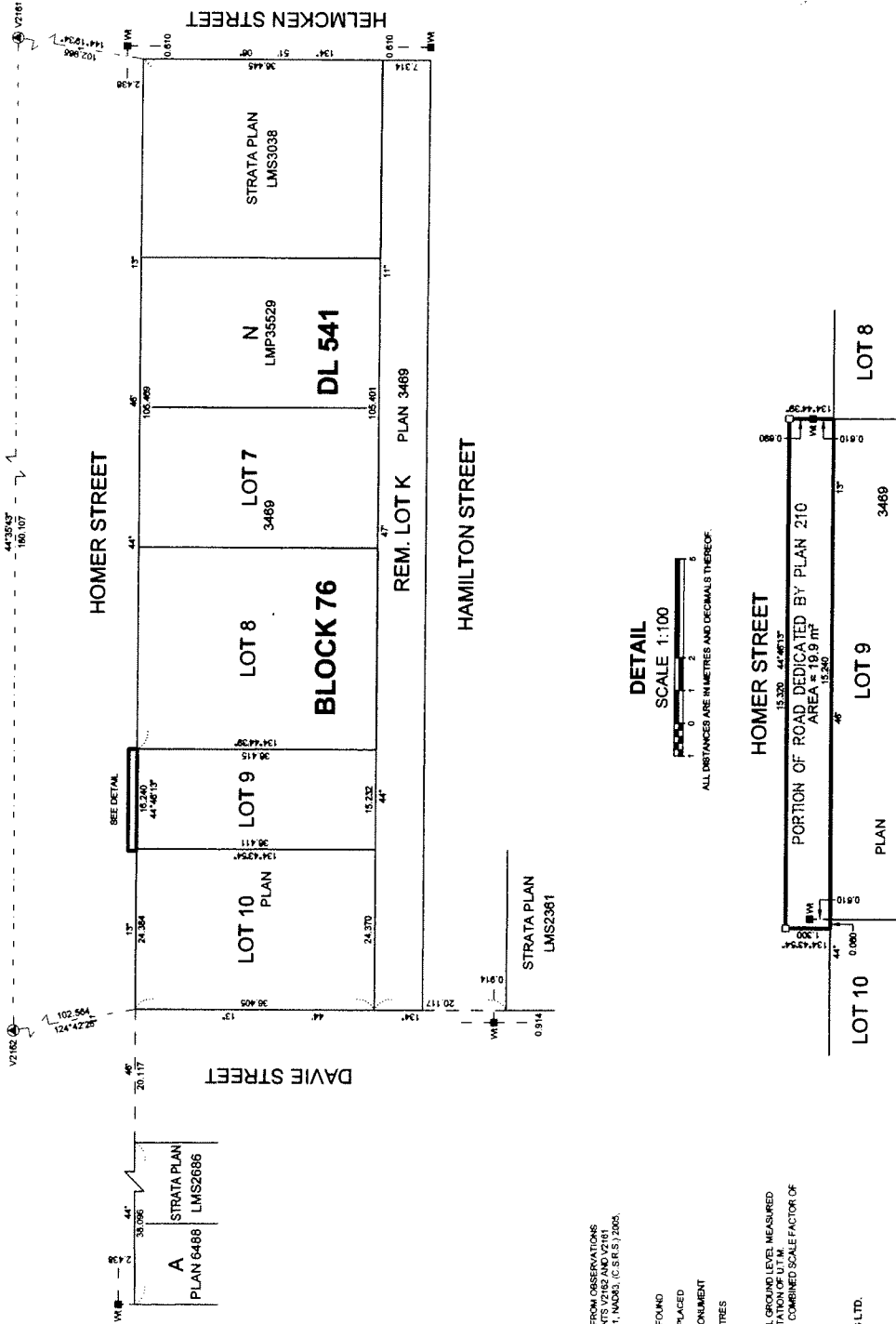
**REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER TO THAT PORTION OF ROAD DEDICATED BY THE DEPOSIT OF PLAN 210, ADJACENT TO LOT 9, BLOCK 76, DISTRICT LOT 541, PLAN 3469**

INTEGRATED SURVEY AREA No. 31, NAD 83 (C.S.R.S.) 2005  
 CITY OF VANCOUVER  
 B.C.G.S. 92G. 025

SCALE 1:500



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

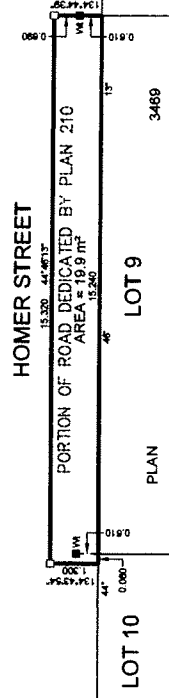


**DETAIL**

SCALE 1:100



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



**PLAN BCP**  
 DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C.  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007  
 REGISTRAR

OWNER:  
 CITY OF VANCOUVER

AUTHORIZED SIGNATORY  
 (PRINT AND SIGN NAME)

WITNESS AS TO BOTH SIGNATURES  
 (PRINT AND SIGN NAME)

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

I, NEIL BENNETT, A BRITISH COLUMBIA LAND SURVEYOR OF NORTH VANCOUVER, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY HEREIN SHOWN AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ JUNE \_\_\_\_\_ 2007  
 THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER # ECP-25882

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ JUNE \_\_\_\_\_ 2007

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

**LEGEND**  
 GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN CONTROL MONUMENTS V2182 AND V2191. INTEGRATED SURVEY AREA #31, NAD83 (C.S.R.S.) 2005, CITY OF VANCOUVER.

- - DENOTES LEAD PLUG FOUND
- - DENOTES LEAD PLUG PLACED
- ⊙ - DENOTES CONTROL MONUMENT
- m<sup>2</sup> - DENOTES SQUARE METRES
- WA - DENOTES WITNESS

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL MEASURED DISTANCES PRIOR TO COMPUTATION OF U.T.M. COORDINATES, MULTIPLIED BY A COMBINED SCALE FACTOR OF 0.9999011.

**BENNETT LAND SURVEYING LTD.**  
 B.C. LAND SURVEYORS  
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 NORTH VANCOUVER, B.C.  
 V7P 3K5  
 PH: 604-980-4868  
 FX: 604-980-5356  
 www.bennettlandsurvey.com

JOB DIRECTORY: W4200701210, 1180 & 1180 Howe  
 PROJECT: 112120 - Legal Plans/Shop  
 DRAWING FILE: 5112120-2.DWG FR491 (THMBS/L)

**EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER A PORTION OF ROAD INCLUDED IN REFERENCE PLAN BCP \_\_\_\_\_, DEDICATED BY THE DEPOSIT OF PLAN 210, ADJACENT TO LOT 9, BLOCK 76, DISTRICT LOT 541, PLAN 3469**

PLAN BCP \_\_\_\_\_

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C.

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT.  
 INTEGRATED SURVEY AREA No. 31, NAD 83 (C.S.R.S.) 2005  
 CITY OF VANCOUVER  
 B.C.G.S. 92G. 025

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

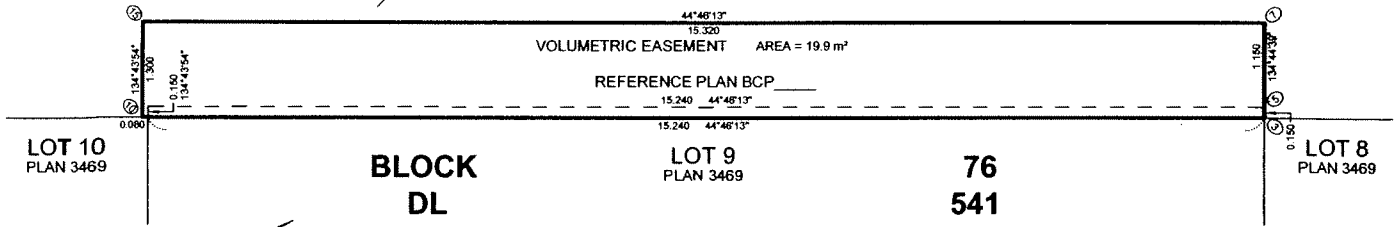
REGISTRAR

**PLAN VIEW**

SCALE 1:50

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

**HOMER STREET**



DIRECTION OF ISOMETRIC VIEW

**ISOMETRIC VIEW**  
NOT TO SCALE



**BENNETT LAND SURVEYING LTD.**  
 B.C. LAND SURVEYORS  
 #201 - 275 FELL AVENUE  
 NORTH VANCOUVER, B.C.  
 V7P 3R5  
 PH. 604-980-4868  
 FX. 604-980-5856  
 www.bennettsurveyors.com

**LEGEND**

GRID BEARINGS ARE DERIVED FROM REFERENCE PLAN BCP \_\_\_\_\_

m<sup>2</sup> - DENOTES SQUARE METRES

m<sup>3</sup> - DENOTES CUBIC METRES

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL MEASURED PRIOR TO COMPUTATION OF U.T.M. COORDINATES, MULTIPLY BY A COMBINED SCALE FACTOR OF 0.99996011.

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CONTROL MONUMENT No. V-2162 (PUBLISHED ELEVATION = 17.249 m) INTEGRATED SURVEY AREA #31, NAD83, (C.S.R.S.) 2005, CITY OF VANCOUVER.

VOLUMETRIC EASEMENT COORDINATES			
POINT #	NORTHING	EASTING	ELEVATION
1	2067.741	2070.634	15.32
2	2067.741	2070.634	32.22
3	2067.741	2070.634	33.48
4	2067.847	2070.528	15.32
5	2067.847	2070.528	32.22
6	2068.057	2069.711	32.22
7	2068.057	2069.711	33.48
8	2056.922	2059.901	15.32
9	2056.965	2059.845	32.22
10	2056.965	2059.845	33.48
11	2056.922	2059.901	32.22
12	2057.027	2059.795	15.32
13	2057.027	2059.795	32.22
14	2057.780	2056.922	32.22
15	2057.780	2056.922	33.48

THIS PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER # ECP. 66610

ON THE 25th DAY OF JUNE, 2007

AND IS CERTIFIED CORRECT IN ACCORDANCE WITH LAND TITLE OFFICE RECORDS

*[Signature]*

B.C.L.S.

**EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER A PORTION OF LOT K, EXCEPT (A) PART IN PLAN 4544; (B) PORTIONS COLOURED YELLOW ON PLAN 4959; AND (C) PART IN EXPLANATORY PLAN 17265; ALL OF BLOCK 76, DISTRICT LOT 541, PLAN 3469.**

PLAN BCP \_\_\_\_\_

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C.

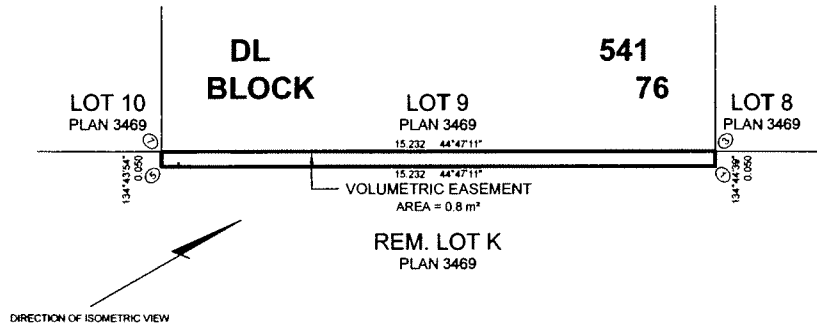
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

REGISTRAR

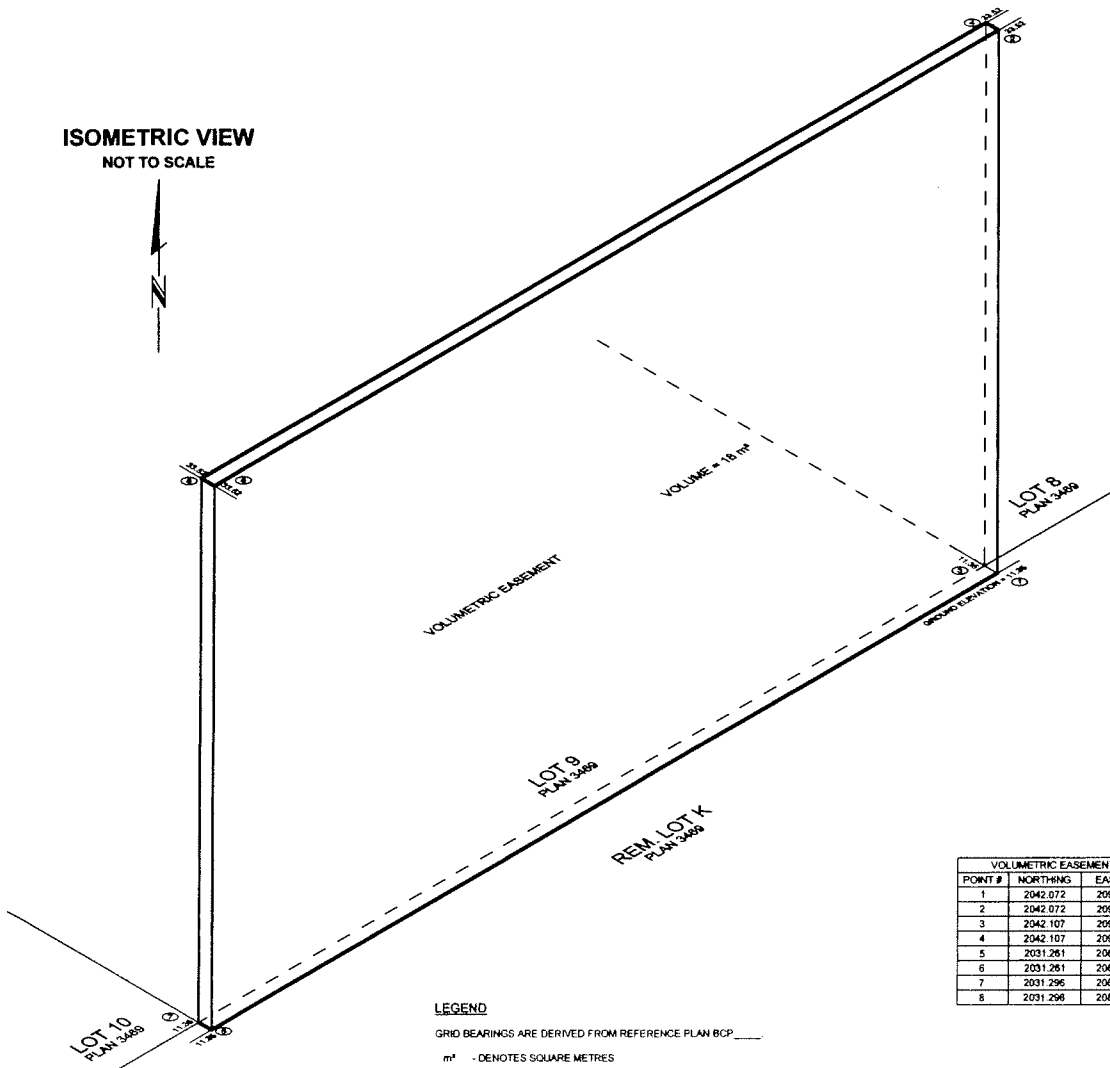
PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT.  
 INTEGRATED SURVEY AREA No. 31, NAD 83 (C.S.R.S.) 2005  
 CITY OF VANCOUVER  
 B.C.G.S. 92G, 025

**PLAN VIEW**

SCALE 1:100



**ISOMETRIC VIEW**  
NOT TO SCALE



VOLUMETRIC EASEMENT COORDINATES			
POINT #	NORTHING	EASTING	ELEVATION
1	2042.072	2096.534	11.35
2	2042.072	2096.534	33.52
3	2042.107	2096.498	11.35
4	2042.107	2096.498	33.52
5	2031.261	2085.803	11.35
6	2031.261	2085.803	33.52
7	2031.296	2085.768	11.35
8	2031.296	2085.768	33.52

**LEGEND**

GRID BEARINGS ARE DERIVED FROM REFERENCE PLAN BCP \_\_\_\_\_  
 m² - DENOTES SQUARE METRES  
 m³ - DENOTES CUBIC METRES

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL MEASURED PRIOR TO COMPUTATION OF U.T.M. COORDINATES, MULTIPLY BY A COMBINED SCALE FACTOR OF 0.99995011.

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CONTROL MONUMENT NO. V-2162 (PUBLISHED ELEVATION = 17' 249 mm)  
 INTEGRATED SURVEY AREA #31, NAD83, (C.S.R.S.) 2005,  
 CITY OF VANCOUVER

THIS PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER # ECP- 69505

ON THE 25th DAY OF JUNE, 2007.

AND IS CERTIFIED CORRECT IN ACCORDANCE WITH LAND TITLE OFFICE RECORDS

*[Signature]*  
B.C.L.S.

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 www.bennettsurveyors.com

JOB DIRECTORY WY200712120 - 1180 & 1190 Homer  
 PROJECT: V1210 - Legal Plans (neg)  
 DRAWING FILE: Ex12120-2.DWG FB491 (THMBSL)

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT