



CITY OF VANCOUVER

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ADMINISTRATIVE REPORT

Report Date: September 11, 2008
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 07649
VanRIMS No.: 08-2000-20
Meeting Date: September 30, 2008

TO: Vancouver City Council

FROM: The General Manager of Engineering

SUBJECT: Proposed Closure of a Portion of West Hastings Street and Lane Adjacent to 53 West Hastings 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 the portions of West Hastings Street and Lane that contain the encroachments by the existing building at 53 West Hastings Street, the said portions are shown on a Reference Plan, a reduced copy of which is attached hereto as Appendix "A".
- B. THAT all that volumetric portion of West Hastings Street and all that volumetric portion of Lane included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B", be closed, stopped-up and that easements be granted to the owner of the abutting Parcel H, Block 3 Old Granville Townsite Reference Plan BCP_____ ("Parcel H") to contain the portions of the existing building which encroach onto West Hastings Street and Lane. The easements to be for the life of the encroaching portions of the existing building on Parcel H 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 in 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.

- E. THAT the authorities granted in Recommendations "A", "B", "C", and "D" be subject to the Approving Officer granting approval of the application to convert the previously occupied building situated on Parcel H to strata title ownership.

If Council approves this report, the Formal Resolution to close portions of West Hastings Street and Lane will be before Council later this day for approval.

COUNCIL POLICY

The authority for closing and disposing of streets and lanes 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 grant easements to contain the encroaching elements of the building located at 53 West Hastings Street.

BACKGROUND

The subject site, Parcel H Block 3 Old Granville Townsite Reference Plan BCP_____ ("Parcel H"), has been consolidated from Lot 11, Except the East 30 Feet, Block 3 Old Granville Townsite Plan 168 ("Rem 11") and the East 30 Feet of Lot 11 Block 3 Old Granville Townsite Plan 168 ("East 30 Feet"). Parcel H is being redeveloped in 2 phases.

The first phase (Rem 11), formerly the Paris Block has been redeveloped with a 6 storey mixed-use building (retail and live/work units) in accordance with development permit No. DE410397. The building structure and exterior envelope of the former Paris Block, listed as Category "B" in the Vancouver Heritage Registry have been retained and have been designated as protected heritage property under Heritage By-Law No. 9074.

The second phase (East 30 Feet) has been approved by the Development Permit Board for construction of a new 6 storey mixed-use building (retail and live/work units) in accordance with development permit No. DE411639. The owner is currently working on satisfying the requisite conditions of approval for the second phase development. The second phase of the development will not encroach onto City street or lane.

Portions of the building exterior of the former Paris Block located on Rem 11 are encroaching onto West Hastings Street and Lane and the owners have expressed their intention to strata title the development. 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 affected by the building encroachment for the life of the building. To accomplish this, the volumetric portions of the street and lane containing the encroachments must be closed, stopped-up, and easements granted for the volumetric portions of the building that encroach.

It will be necessary to raise title for the portions of West Hastings Street and Lane dedicated by the deposit of Plan 168 that is encroached upon.

DISCUSSION

On the West Hastings Street side of Parcel H a portion of the building (the former Paris Block) consisting of the exterior wall and a roof level cornice encroaches a maximum distance of 0.940 metres onto West Hastings Street.

On the Lane side of Parcel H a portion of the building (the former Paris Block) consisting of the exterior wall and third floor stone ledge encroaches a maximum distance of 0.230 metres onto Lane.

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

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

CONCLUSION

The General Manager of Engineering Services recommends approval of the Recommendations contained in this report.

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REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER TO THOSE PORTIONS OF ROAD DEDICATED BY THE DEPOSIT OF PLAN 168 ADJACENT TO PARCEL H BLOCK 3 OLD GRANVILLE TOWNSITE REFERENCE PLAN BCP 3 8 2 4 L

BCGS 92G.025

LEGEND

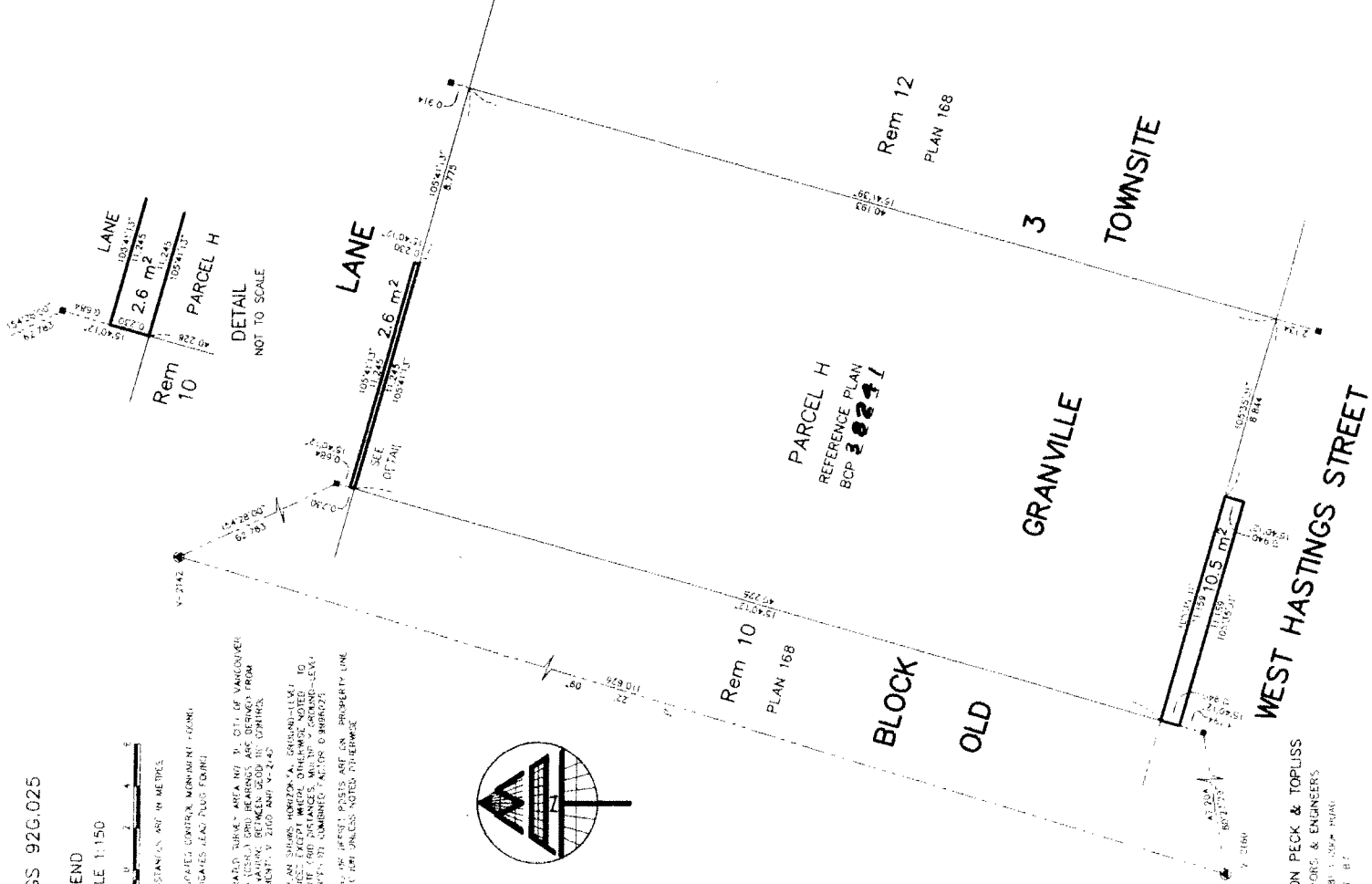
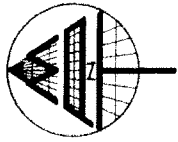
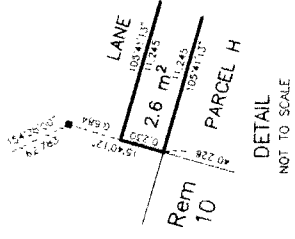
SCALE 1:150

- 0 1 2 3 4 METRES
- ALL DISTANCES ARE IN METRES.
- ▲ INDICATES CONTROL MONUMENT (ELEVATION)
- INDICATES LEAD PLUS FOUND

INTEGRATED SURVEY AREA AND CITY OF VANCOUVER MANAGED AND BOUNDARIES ARE DERIVED FROM OBSERVATIONS BETWEEN 2000 AND 2005.

THIS PLAN SHOWS HORIZONTAL, VERTICAL AND LEVEL DATA. EXCEPT WHERE OTHERWISE NOTED, HORIZONTAL AND VERTICAL DATA ARE IN METRES AND LEVEL DATA ARE IN METRES ABOVE MEAN SEA LEVEL.

ALL POINTS AND BEARS ARE ON PROPERTY LINE UNLESS OTHERWISE NOTED OTHERWISE.



PLAN BCP

REF. No. _____

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

THIS DAY OF _____ 20__

REGISTRAR

OWNER
CITY OF VANCOUVER

AUTHORIZED SIGNATORY

AUTHORIZED SIGNATORY

WITNESS AS TO BOTH SIGNATURES

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

THIS PLAN IS WITHIN THE
GREATER VANCOUVER REGIONAL DISTRICT

I, WILLIAM WONG, A NOTARY PUBLIC, LAND SURVEYOR, OF THE PROVINCE OF BRITISH COLUMBIA, IN WITNESS WHEREOF, I HAVE HEREUNTO SIGNED AND SEALED THIS PLAN, AND THAT THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY INSTRUMENTS AND RECORDS THEREON, WERE COMPLETED ON THE DATE DAY OF AUGUST, 2008. THIS PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #B1857, ON THE 25th DAY OF AUGUST, 2008.

William Wong

APPENDIX B



EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER PORTIONS OF ROAD INCLUDED IN REFERENCE PLAN BCP 38241 DEDICATED BY PLAN 168 ADJACENT TO PARCEL H BLOCK 3 OLD GRANVILLE TOWNSITE REFERENCE PLAN BCP 30241

BCGS 92G.025

LEGEND:

PLAN INDICATES BEARING ELEVATION
 -2 INDICATES SQUARE METRES
 -3 INDICATES CUBIC METRES

ALL DIMENSIONS ARE IN METRES

ELEVATIONS ARE TO METRIC DATUM AND ARE DERIVED FROM AN INTEGRATED SURVEY CONTROL POINT (V-174) WITH AN ELEVATION OF 4.48 METRES (GREATER VANCOUVER GEODETIC DATUM (GVDN))

GRID BEARINGS ARE DERIVED FROM REFERENCE PLAN BCP INTEGRATED SURVEY AREA NO. 37, CITY OF VANCOUVER

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY CORRECTION FACTOR 0.999922.

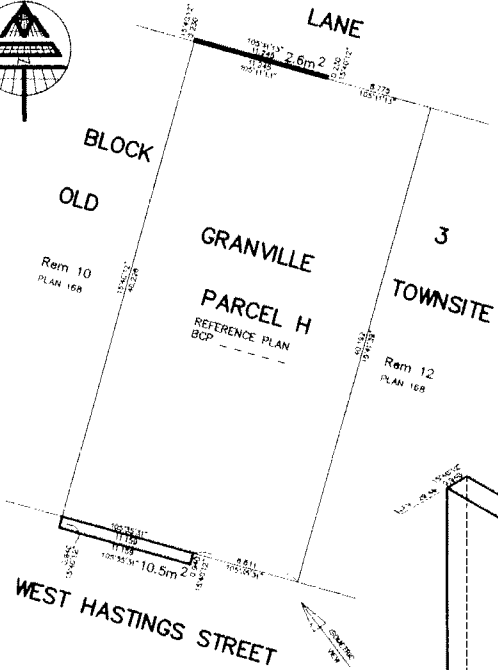
UNLESS SHOWN OTHERWISE, THE LIMITS OF THE VOLUMETRIC EASEMENT'S SURFACES ARE DEFINED BY HORIZONTAL AND VERTICAL PLANES.

PLAN BCP

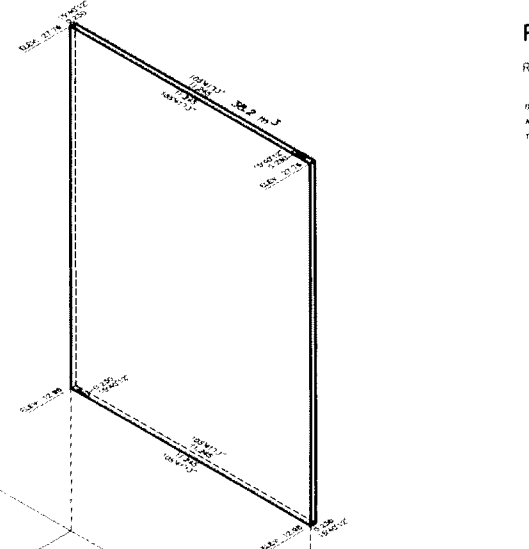
REF. No. _____

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C. THIS DAY OF _____ 20

REGISTRAR



PLAN
SCALE 1:200



ISOMETRIC
SCALE 1:100



TOTAL AREA OF EASEMENT: 13.1 m²
 TOTAL VOLUME OF EASEMENT: 272.1 m³

THIS PLAN HAS BEEN FILED WITH THE GREATER VANCOUVER REGIONAL DISTRICT

CERTIFIED CORRECT IN ACCORDANCE WITH LAND TITLE OFFICE RECORDS. THIS 25TH DAY OF AUGUST 2008 THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER PRESS ON THE 25TH DAY OF AUGUST, 2008

WPK
 S.U. LAND SURVEYOR (P.E.T.)

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V-08-15044-VOL-EASE