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ADMINISTRATIVE REPORT

Report Date: October 6, 2009
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 8381
VanRIMS No.: 08-2000-20
Meeting Date: November 3, 2009

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Proposed Closure of Portions of Street and Lane Adjacent to 12 Water Street

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise titles in the name of the City of Vancouver to portions of Water Street and Lane south of Water Street, west from Carrall Street (the "Road and Lane") that contains the encroachment by the existing building at 12 Water Street, the said portions are shown on a reduced copy of a Reference Plan attached hereto as Appendix "A".
- B. THAT all those volumetric portions of Road and 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 an easement be granted to the owner of the abutting Air Space Parcel 1 Block 2 Old Granville Townsite Air Space Plan BCP_____ ("Air Space Parcel 1") 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 Air Space 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.
- 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 Y Block 2 Old Granville Townsite Plan BCP29043 ("Parcel Y"), to strata title ownership.

If Council approves this report, the Formal Resolution to close portions of Water Street 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 close and stop-up a portion of Road and Lane and to grant an easement to contain the encroachment of the residential portions of the building located at 12 Water Street.

BACKGROUND

The subject site, Parcel Y Block 2 Old Granville Townsite Air Space Plan BCP29043 ("Parcel Y"), currently contains two adjoining buildings, "The Garage Building" and "The Cordage Building" and has been redeveloped with a 6-storey mixed-use building (retail on the ground and second floors with 34 live/work units on floors three through six) in accordance with Development Permit No. DE408878 and Building Permit No. BU438966.

The owner has indicated his intention to subdivide by way of an air space plan to create an air space parcel to contain the residential component of the building and then to further subdivide the air space parcel into residential strata lots. 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 an easement granted for the volumetric portions of the building that encroach. It is necessary to raise title for the portions of Road and Lane that are encroached upon. This report only deals with the encroachments that are related to the residential component of the building.

The Road and Lane were dedicated by the deposit of Plan 168.

The "Garage Building" presently situate on Parcel Y is listed in Category "C" in the Vancouver Heritage Registry and the "Cordage Building" presently situate on Parcel Y is listed in Category "B" in the Vancouver Heritage Registry ("Heritage Buildings"), have been retained and have been designated as protected heritage property under Heritage By-Law No. 9586. This site is subject to a Heritage Revitalization Agreement registered on the title as BB842146 which requires the owner to preserve, rehabilitate, upgrade and repair the Heritage Buildings.

DISCUSSION

On the Water Street side of Air Space Parcel 1, a roof level cornice encroaches a maximum of 0.350 metres onto Water Street.

On the Lane side of Air Space Parcel 1 there are portions of the building façade including a roof level cornice that encroach a maximum of 0.550 metres.

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

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

FINANCIAL IMPLICATIONS

There are no financial implications.

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 AND LANE DEDICATED BY THE DEPOSIT OF PLAN 168, ADJACENT TO PARCEL Y EXCEPT AIR SPACE PARCEL 1 AIR SPACE PLAN BCP _____ BLOCK 2 OLD GRANVILLE TOWNSITE PLAN BCP29043

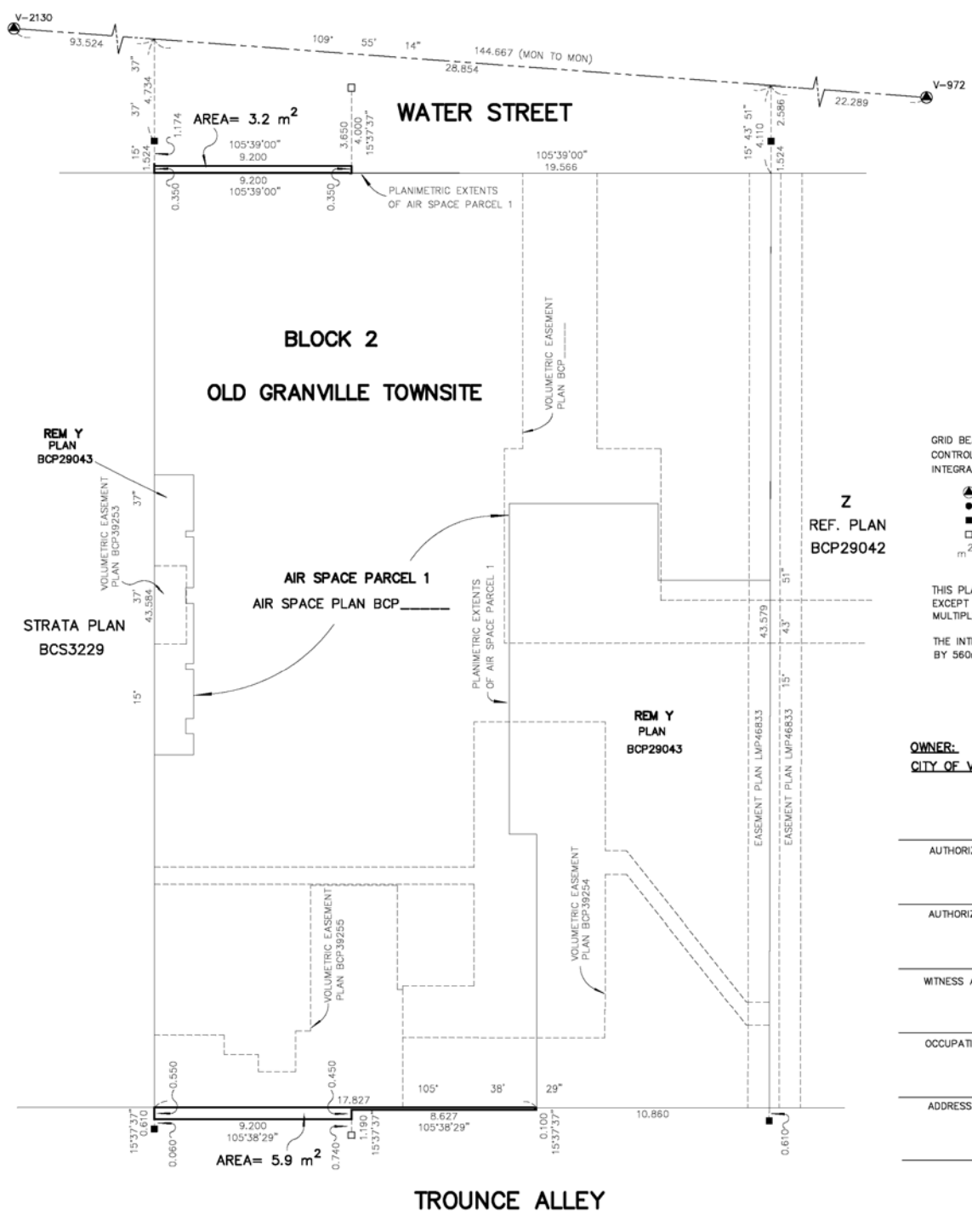
PLAN BCP _____

REF. No. _____

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

BCGS 92G.025

REGISTRAR



LEGEND SCALE 1:150



GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN CONTROL MONUMENTS V-2130 AND V-972, NAD83 (CSRS) INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER

- INDICATES CONTROL MONUMENT FOUND
INDICATES STANDARD IRON POST FOUND
INDICATES LEAD PLUG FOUND
INDICATES LEAD PLUG PLACED
m^2 INDICATES SQUARE METRES

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996030.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE OF 1:150.

OWNER: CITY OF VANCOUVER

AUTHORIZED SIGNATORY
AUTHORIZED SIGNATORY
WITNESS AS TO BOTH SIGNATURES
OCCUPATION OF WITNESS
ADDRESS OF WITNESS

MATSON PECK & TOPLISS SURVEYORS & ENGINEERS #320 - 11120 HORSESHOE WAY RICHMOND, B.C. V7A 5H7 PH: 604.270.9331 FAX: 604.270.4137 CADFILE:14127-REF-LOT Y-1.DWG

Table with 2 columns: DESCRIPTION, AREA. Row 1: TOTAL AREA OF THOSE PORTIONS OF ROAD AND LANE, 9.1 m^2

I, WILLIAM P. WONG, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF BURNABY, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 16TH DAY OF SEPTEMBER, 2009.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #101046 ON THE 16TH DAY OF SEPTEMBER, 2009.

