



ADMINISTRATIVE REPORT

Report Date: May 20, 2014
Contact: Al Zacharias
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RTS No.: 10548
VanRIMS No.: 08-2000-20
Meeting Date: May 27, 2014

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Proposed Closure of Portions of Nanaimo Street and East Broadway
Adjacent to 2408 East Broadway

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 Nanaimo Street and East Broadway that contain the encroachments by the existing building at 2408 East Broadway (the "Road"), the said portions being shown on a reduced copy of a Reference Plan attached hereto as Appendix A.
- B. THAT all that volumetric portion of Road 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 abutting [PID: 018-159-168] Lot 1 South West $\frac{1}{4}$ of Section 34 Town of Hastings Suburban Lands Plan LMP9305 ("Lot 1") to contain the portions of the existing building which encroach onto the Road. The easement is to be for the life of the encroaching portions of the existing building on Lot 1, and to be to the satisfaction of the Director of Legal Services.
- C. THAT the 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 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.

REPORT SUMMARY

The purpose of this report is to obtain Council authority to close and stop-up encroached upon portions of Road and to grant an easement to contain the encroaching elements of the building located at 2408 East Broadway.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The authority for closing and stopping-up of streets and lanes is set out in Section 291 of the Vancouver Charter.

The provisions of the Vancouver Charter with respect to establishing rights over City street to accommodate encroachments are used from time to time to validate heritage building encroachments. It is rare that these provisions are used for new construction.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services recommends approval of the foregoing.

REPORT

Background/Context

The subject site, Lot 1, has recently been redeveloped with a four storey building, containing retail stores and 3 dwelling units on the ground floor, and 27 dwelling units on the second to fourth floors, in accordance with Development Permit No. DE413093 (see building photograph on page 3 below, looking east). Components of the new building consisting of the rain screen/siding and external wall structure of the projecting windows on the second and third floors of the building are encroaching onto Nanaimo Street and East Broadway (to a maximum extent of 0.2 metres) due to construction error. The building encroachments were not anticipated and were discovered by the B.C. Land Surveyor retained by the owner upon final survey of the building.

The owner intends to subdivide Lot 1 by Strata Plan, and portions of the exterior of the building are encroaching onto Nanaimo Street and East Broadway. In accordance with the Strata Property Act, the Strata Corporation must establish control over the portions of street affected by the building encroachments, for the life of the building. To accomplish this, the volumetric portions of street containing the encroachments must be closed and stopped-up, and an easement must be granted for the volumetric portions of the building that encroach. It is also necessary to raise title for the portions of road that are encroached upon.

The Road was dedicated by the deposit of Plan 100 circa 1886, Plan 1187 in 1906 and Plan LMP9305 in 1993.



Strategic Analysis

Newly constructed buildings are typically expected to be wholly contained within the external boundaries of the development site, and therefore volumetric easement arrangements are not normally supported. However, since the encroachments are a result of unintentional construction error and their removal would be very costly, staff are supportive of accepting the encroachments, noting the minimal impact to street uses. Without the grant of a volumetric easement as prescribed in this report, it would not be possible for the owner to register the strata plan and sell the units.

Council authority is required to close and stop-up the encroached upon portions of Road, and to authorize registration of a volumetric easement over the portions of Road described in Recommendation B. Recommendation A seeks authority to raise title to the encroached upon portions of Road.

Implications/Related Issues/Risk (if applicable)

Financial

Fees will be charged in accordance with the Encroachment By-law, and will consist of a \$1500.00 fee for the granting of an easement over the portions of street to accommodate the building encroachments, and the annual charge for the encroachments of \$175.17. The \$1500.00 fee is to be allocated to the Miscellaneous Revenue Account (Business Area 9200, Cost Centre 91220, Account 422020) and the annual charge is to be allocated to the Encroachment Revenue Account (Business Area 9200, Cost Centre 91050, Account 418300).

CONCLUSION

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

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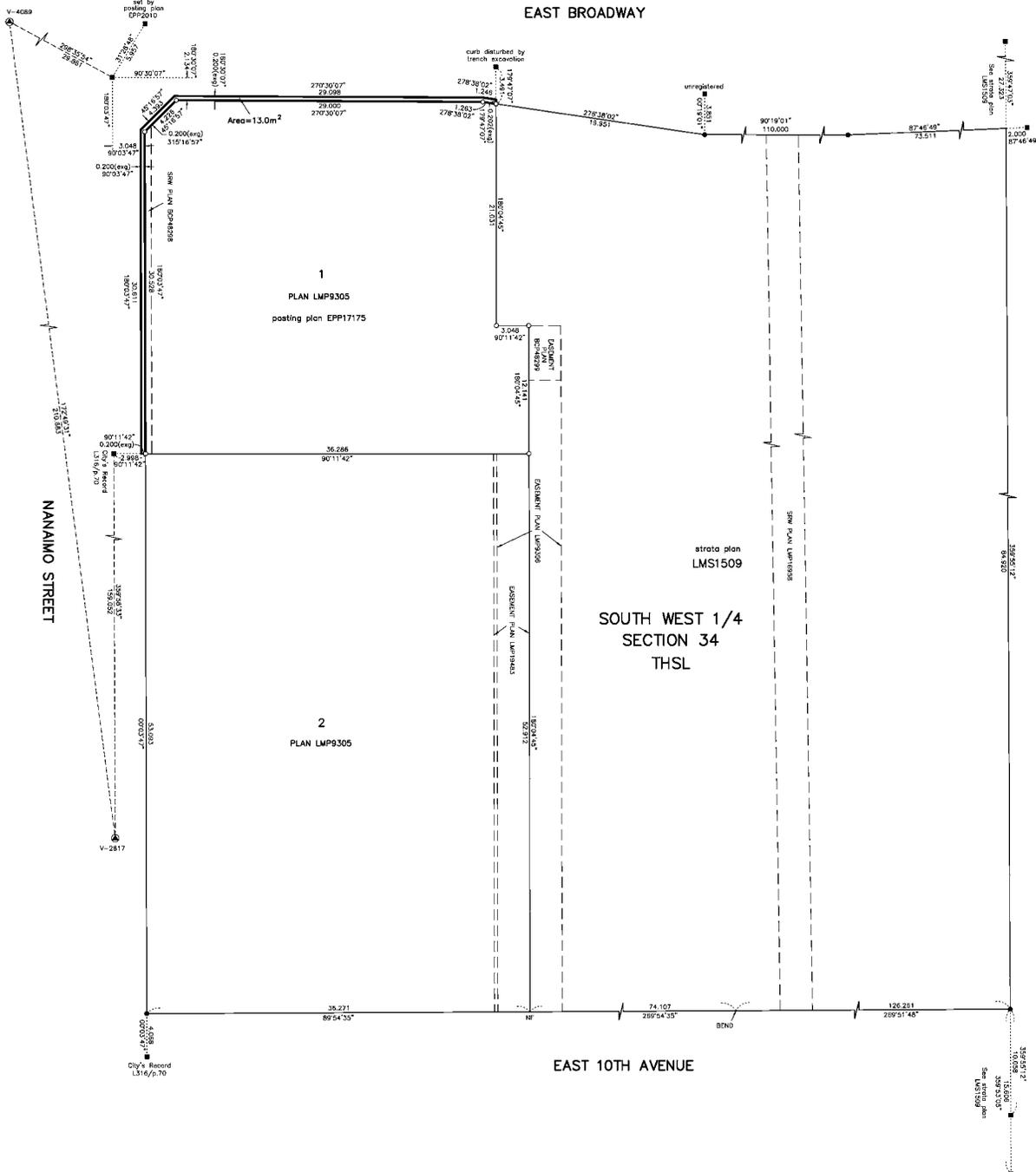
REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER TO THOSE PORTIONS OF ROAD DEDICATED BY THE DEPOSIT OF PLAN 100, PLAN 1187 AND PLAN LMP9305 ADJACENT TO LOT 1, SOUTH WEST 1/4 OF SECTION 34 TOWN OF HASTINGS SUBURBAN LANDS, PLAN LMP9305

BCCS 926.025

SCALE 1 : 200



All distances are in metres.
The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1 : 200.



LEGEND:
Integrated survey area No. 31, Vancouver, NAD83(CRS5).
Grid bearings are derived from observations between geodetic control monuments V-2817 and V-4089.
This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9999963 which has been derived from geodetic control monuments V-2817 and V-4089.

- ⊙ denotes geodetic control monument found.
- denotes standard iron post found.
- denotes standard iron post placed.
- denotes lead plug found.
- exg denotes exaggerated for clarity.

This plan lies within the jurisdiction of the Approving Officer for City of Vancouver.
The field survey represented by this plan was completed on the 9th day of April, 2014.
MILJAN MICEVIC, B.C.S. 837

This plan lies within the Greater Vancouver Regional District

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	<p>CITY OF VANCOUVER ENGINEERING SERVICES</p> <p>THE CITY OF VANCOUVER ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OF INFORMATION SHOWN ON THIS MAP</p>		<p>SCALE</p> <p>N.T.S.</p>	<p>DATE</p> <p>APR 17, 2014</p>	<p>2408 EAST BROADWAY</p> <p>THIS DIGITAL MAP WAS PRODUCED BY THE LAND SURVEY BRANCH</p>
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