



ADMINISTRATIVE REPORT

Report Date: May 9, 2014
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 10606
VanRIMS No.: 08-2000-20
Meeting Date: June 11, 2014

TO: Standing Committee on City Finance and Services
FROM: General Manager of Engineering Services
SUBJECT: Proposed Closure of Portions of Bidwell Street Adjacent to 1221 Bidwell 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 portion of Bidwell Street that contains the encroachments by the existing building at 1221 Bidwell Street (the "Road"), the said portion being shown on a reduced copy of a Reference Plan attached hereto as Appendix A.
- B. THAT all those volumetric portions 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: 029-177-235] Air Space Parcel 2 District Lot 185 Group 1 New Westminster District Air Space Plan EPP32246 ("Parcel 2") 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 Parcel 2, 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 the Road and to grant an easement to contain the encroaching elements of the building located at 1221 Bidwell Street.

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.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT***Background/Context***

The subject site, Parcel 2, is part of a recent development consisting of a 21 storey building containing retail stores, a restaurant, rental housing and market units. As part of the on-site public benefit derived from the related rezoning which has been designated as a protected heritage property, the owner restored the existing façade of the building. A Heritage Revitalization Agreement has been registered on the title of Parcel 2 and accordingly the owner is obliged to preserve and maintain the façade in its original location. See Appendix C for a photograph of the heritage façade.

The encroaching components of the heritage façade consist of a roof eave and an ornamental balcony, and they were encroaching onto Bidwell Street prior to re-development of the site.

The owner now intends to subdivide Parcel 2 by Strata Plan, and portions of the heritage facade of the building are encroaching onto Bidwell Street. 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 92 on March 15, 1882.

Strategic Analysis

The restoration of the heritage façade in situ was a rezoning requirement.

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 portion 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. Since this is designated as protected heritage property there is no annual charge for the encroachments. The \$1500.00 fee is to be allocated to the Miscellaneous Revenue Account (Business Area 9200, Cost Centre 91220, Account 422020).

CONCLUSION

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

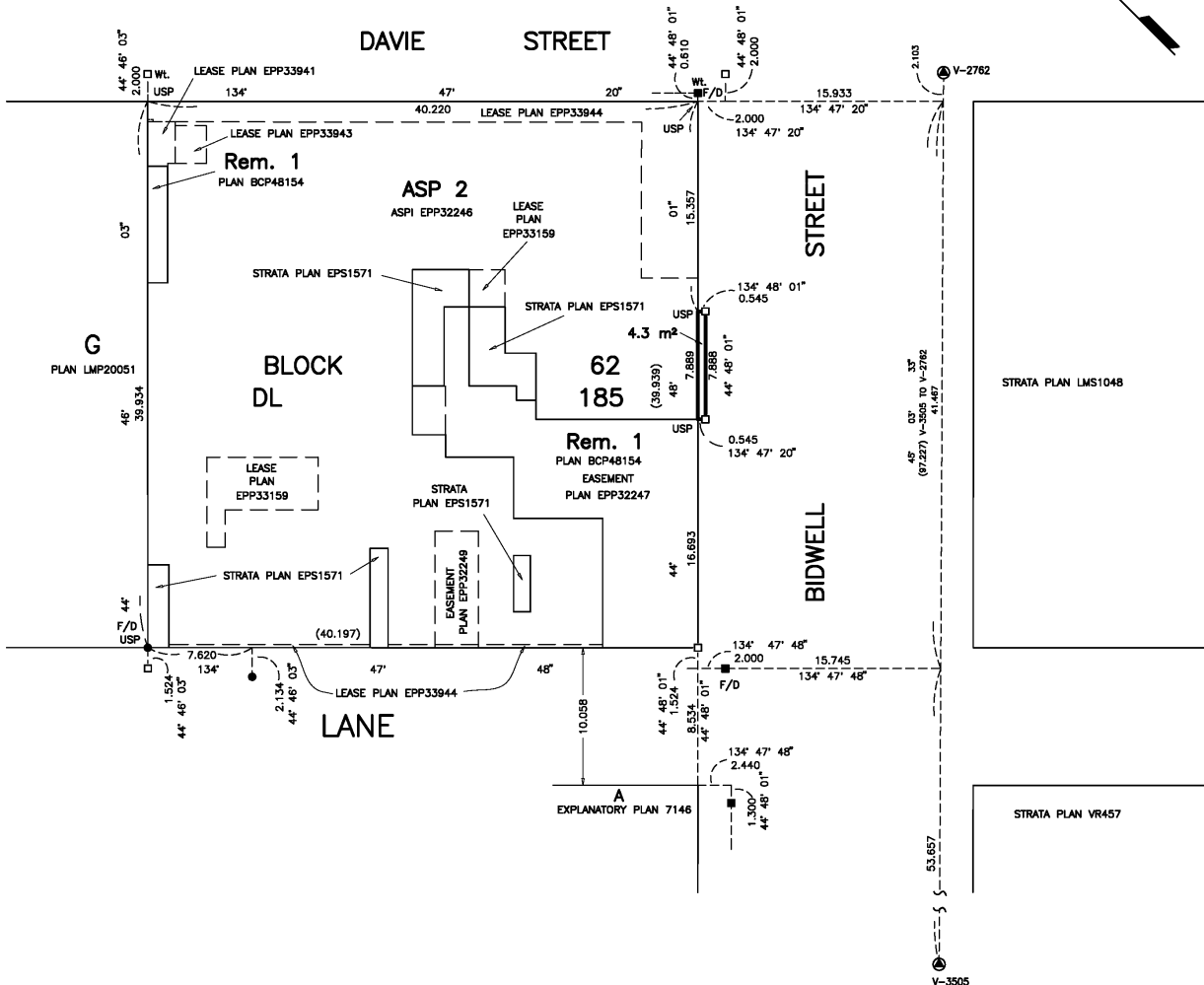
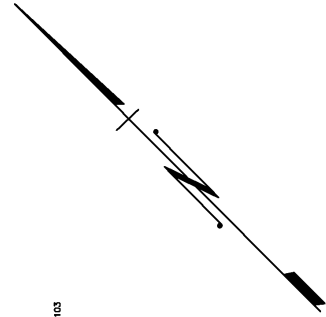
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REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER TO THOSE PORTIONS OF ROAD DEDICATED BY THE DEPOSIT OF PLAN 92, ADJACENT TO AIR SPACE PARCEL 2, DISTRICT LOT 185, GROUP 1, NEW WESTMINSTER DISTRICT, AIR SPACE PLAN EPP32246 BCGS 92G.025

PLAN EPP40639



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH AND 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE 1:250



LEGEND :

INTEGRATED SURVEY AREA NO. 31,
CITY OF VANCOUVER, NAD83 (CSRS)

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODETIC CONTROL MONUMENTS V-3505 AND V-2762.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID DISTANCES,
MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF
0.99960185 WHICH HAS BEEN DERIVED FROM V-3505 AND V-2762.

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
EXCEPT WHERE OTHERWISE NOTED, TO COMPUTE GRID DISTANCES,
MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.99960185.

SYMBOLS

- | | | |
|-------|--------|--------------------|
| FOUND | PLACED | |
| ● | ○ | CONTROL MONUMENT |
| ● | ○ | STANDARD IRON POST |
| ● | □ | LEAD PLUG |

F/D DENOTES FOUND IN 2010, NOW DESTROYED
USP DENOTES UNSUITABLE FOR POSTING

THIS PLAN LIES WITHIN THE JURISDICTION OF THE
APPROVING OFFICER FOR THE CITY OF VANCOUVER.

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

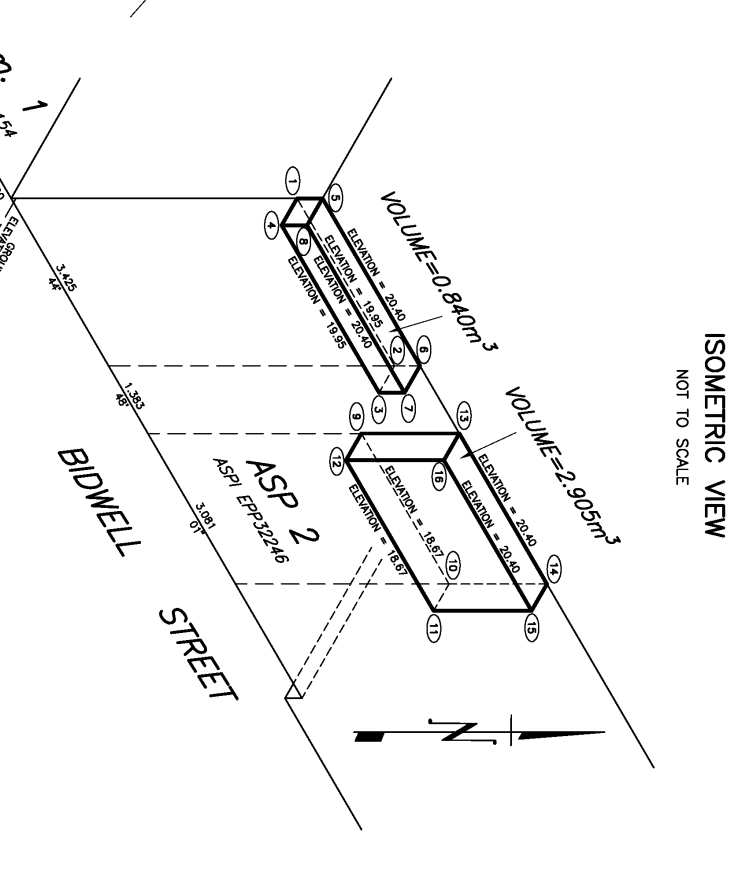
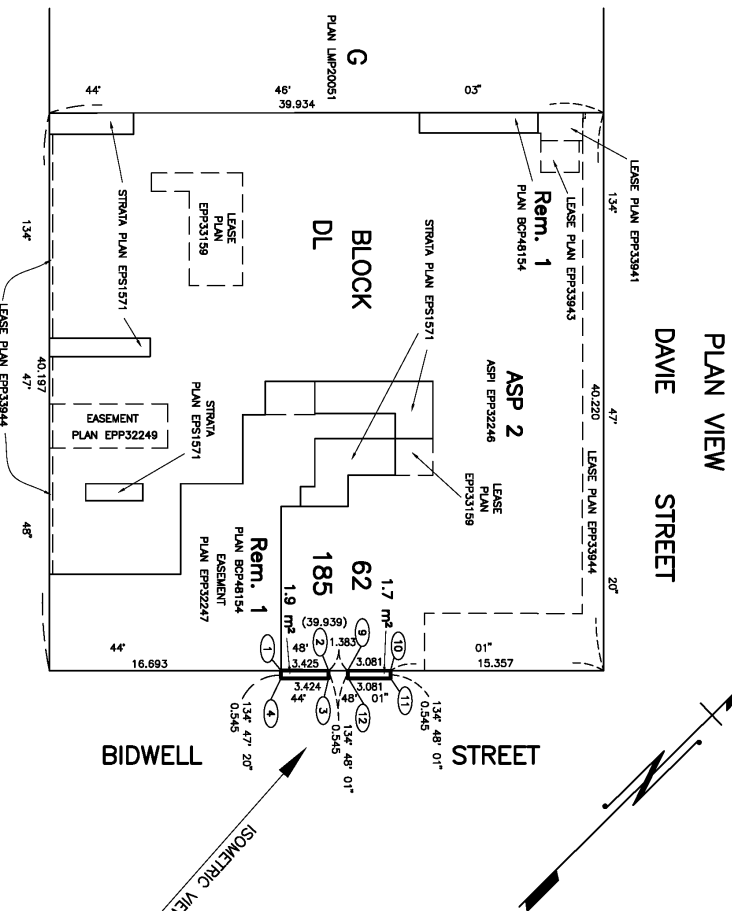
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED
ON THE 22ND DAY OF APRIL, 2014
BY CHRISTOPHER R. EL-ARAJ, BCLS (847)

UNDERHILL & UNDERHILL
PROFESSIONAL LAND SURVEYORS
210A-3430 BRIGHTON AVENUE
BURNABY, B.C. V5A 3H4
TEL (604) 732-3384

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER PORTIONS OF ROAD INCLUDED IN PLAN EPP40639, DEDICATED BY THE DEPOSIT OF PLAN 92, ADJACENT TO AIR SPACE PARCEL 2, DISTRICT LOT 185, GROUP 1, NEW WESTMINSTER DISTRICT, AIR SPACE PLAN EPP32246 PURSUANT TO SECTION 99(1)(e) LAND TITLE ACT FOR EASEMENT PURPOSES
 BCGS 92G.025

PLAN EPP40640

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH AND 437mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE 1:250



POINT #	NORTHING	EASTING	ELEVATION
1	1061.500	1035.729	19.95
2	1063.540	1038.432	19.95
3	1063.540	1038.432	19.95
4	1061.116	1038.126	19.95
5	1061.500	1035.729	20.40
6	1063.540	1038.126	20.40
7	1063.546	1038.539	20.40
8	1061.116	1038.126	20.40
9	1067.092	1039.242	18.67
10	1067.092	1039.242	18.67
11	1066.714	1041.685	18.67
12	1064.528	1039.514	18.67
13	1064.912	1041.298	20.40
14	1067.098	1041.298	20.40
15	1068.714	1041.685	20.40
16	1064.528	1039.514	20.40

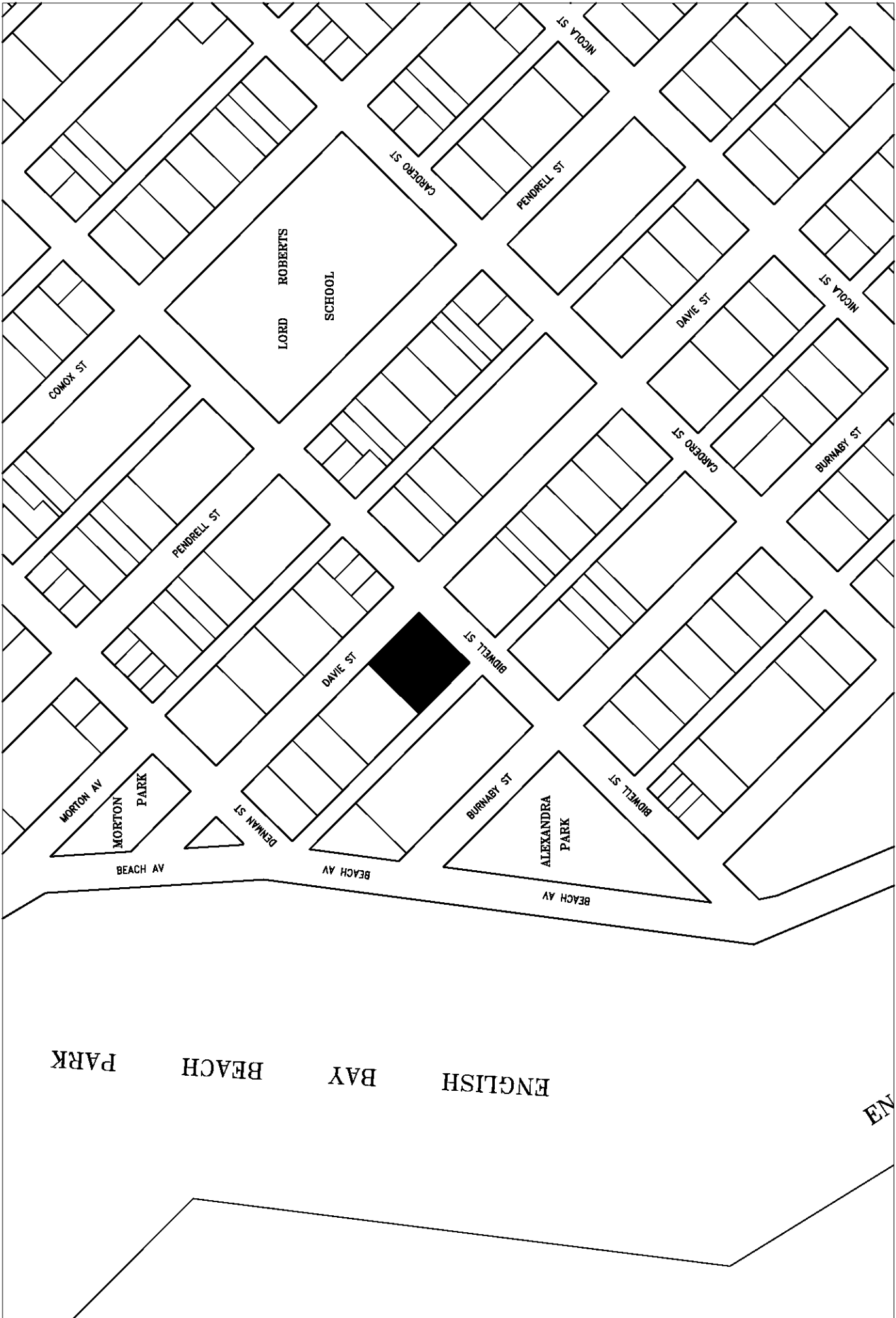
TOTAL EASEMENT AREA = 3.6m²
 TOTAL EASEMENT VOLUME = 3.745m³

LEGEND :

INTEGRATED SURVEY AREA NO. 31
 CITY OF VANCOUVER, NEARBS (CSRS)
 GRID BEARINGS ARE DERIVED FROM PLAN EPP40639.
 THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED TO COMPUTE GRID DISTANCES. MULTIPLE GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.999960165.
 THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT.
 THIS PLAN IS BASED ON THE FOLLOWING LAND TITLE AND SURVEY EARTHWORKS RECORDS :
 REFERENCE PLAN EPP40639 BY CHRISTOPHER R. EL-AMAL, BCIS (947)
 DATED APRIL 22, 2014

UNDERHILL & UNDERHILL
 PROFESSIONAL ENGINEERS
 2700 EAST BRIDLEWAY
 BURNABY, B.C. V6A 3H4
 TEL: (604) 752-3384





1221 BIDWELL STREET

DATE
MAY 22, 2014

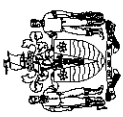


SCALE
N.T.S.



**CITY OF VANCOUVER
ENGINEERING SERVICES**

THE CITY OF VANCOUVER ASSUMES NO RESPONSIBILITY
FOR THE CORRECTNESS OF INFORMATION SHOWN ON THIS MAP



THIS DIGITAL MAP WAS PRODUCED BY THE LAND SURVEY BRANCH