



ADMINISTRATIVE REPORT

Report Date: June 24, 2104
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 10661
VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2014

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Proposed Closure of Portions of West 2nd Avenue and Wylie Street Adjacent to 429 West 2nd Avenue

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 2nd Avenue and Wylie Street that contain the encroachments by the existing building at 429 West 2nd Avenue (the "Road"), the said portions 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: 028-917-880] Air Space Parcel 1 District Lot 302 Group 1 New Westminster District Air Space Plan EPP23681 ("Parcel 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 Parcel 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 the Road and to grant an easement to contain the encroaching elements of the building located at 429 West 2nd Avenue.

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 1, is part of a recent development consisting of a 9 storey building and a 13 storey building containing retail stores, office units 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 heritage building. A Heritage Revitalization Agreement has been registered on the title of Parcel 1 and accordingly the owner is obliged to preserve and maintain the building in its original location. See Appendix C for a photograph of the heritage building.

The encroaching components of the heritage building consist of a roof eave, concrete sill and brick sill, and they were encroaching onto West 2nd Avenue and Wylie Street prior to re-development of the site.

The owner now intends to subdivide Parcel 1 by Strata Plan, and portions of the heritage building are encroaching onto West 2nd Avenue and Wylie 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 5832 on April 15, 1924.

Strategic Analysis

The restoration of the heritage building 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 THAT PORTION OF ROAD DEDICATED BY THE DEPOSIT OF PLAN S832 ADJACENT TO AIR SPACE PARCEL 1 DISTRICT LOT 302 GROUP 1 NEW WESTMINSTER DISTRICT AIR SPACE PLAN EPP23681

BCS 920.025

SCALE 1 : 250 DISTANCES ARE METRIC

THE HORIZONTAL DISTANCE OF THIS PLAN IS 84.4 METERS IN WIDTH BY 200 METERS IN HEIGHT (0.200) METERS PLOTTED AT A SCALE OF 1:250.

INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER (MAD03 (SRS))

DETAILED REVISIONS ARE DERIVED FROM OBSERVATIONS BETWEEN GEOMETRIC CONTROL MONUMENTS V-2764 AND V-2800.

THIS PLAN SHOWS THE VOLUMETRIC AND LEVEL OBSERVATIONS TAKEN TO DETERMINE THE DISTANCES BY THE AIR SPACE CONTROL PLAN OF MONUMENTS V-2764 AND V-2800.

LEGEND:

- DENOTES CONTROL MONUMENT FOUND
- DENOTES CONTROL MONUMENT NOT FOUND
- DENOTES NEW POINT FOUND
- DENOTES SINKING METERS

NOTE: THIS PLAN SHOWS ONE OF MORE WINNERS RIGHTS WHICH ARE NOT SET ON THE TRACED COMPASS.



CAMBIE STREET

V-2764

V-2800

V-2764

V-2800

V-2764

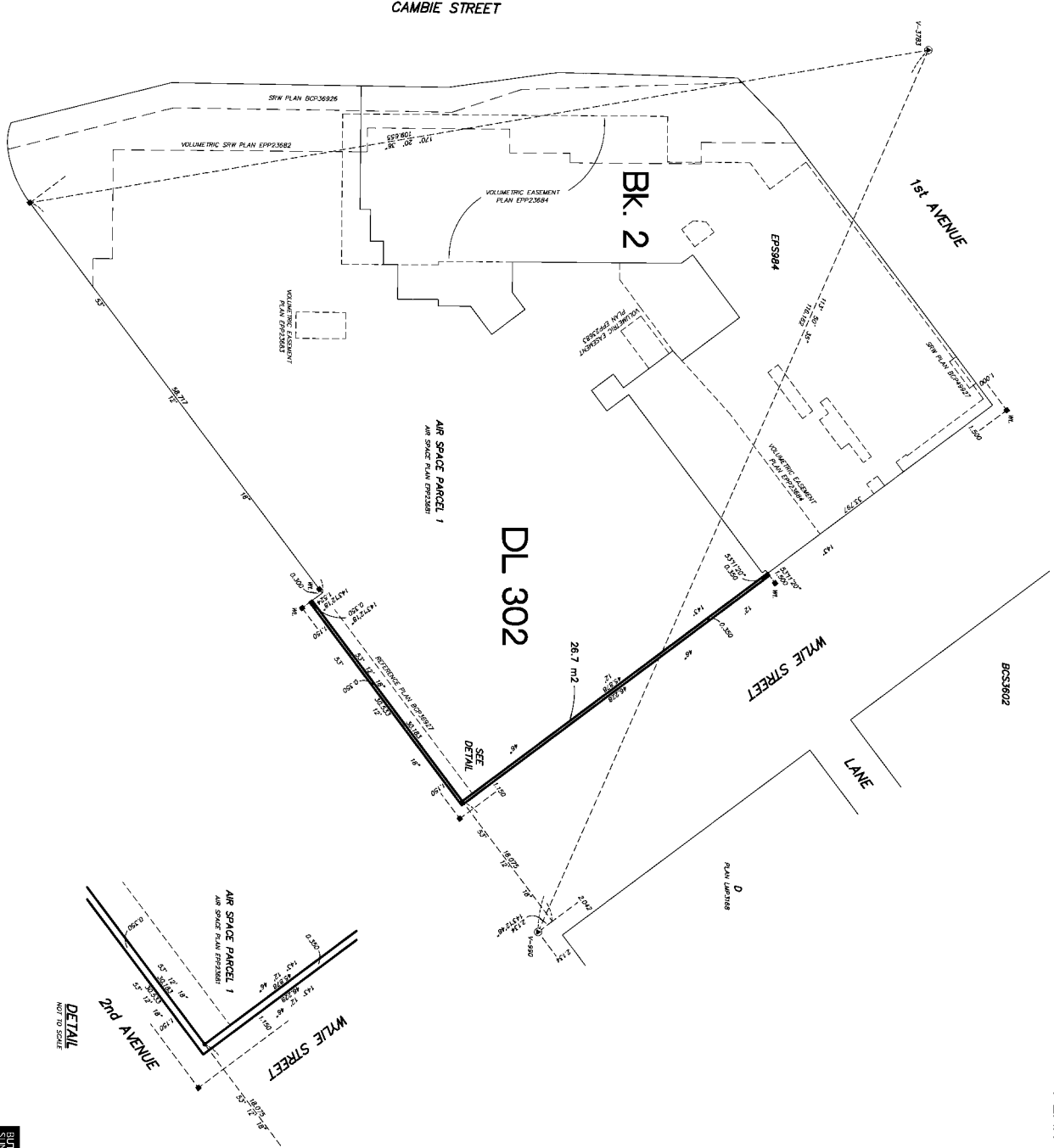
V-2800

V-2764

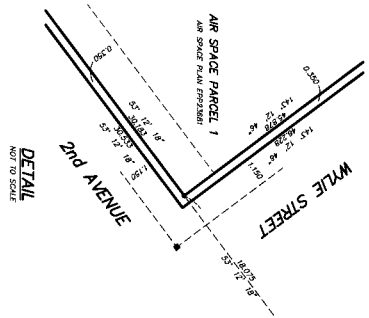
V-2800

V-2764

V-2800



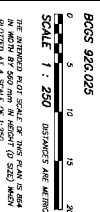
PLAN EPP42645



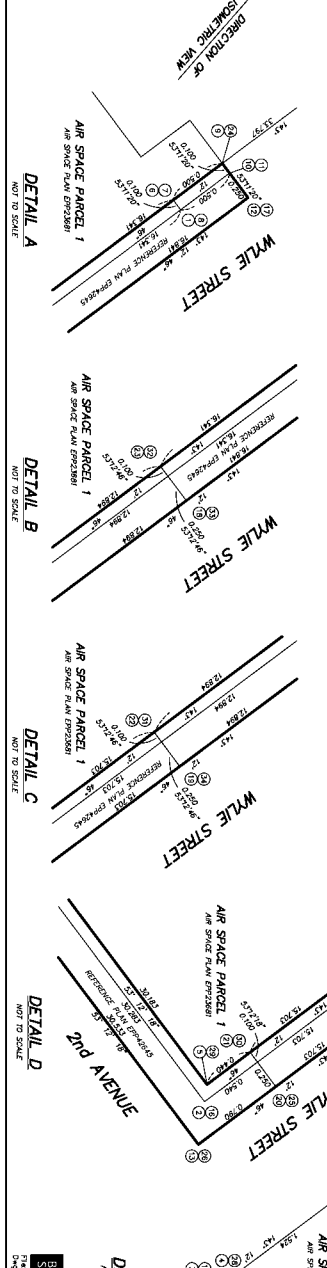
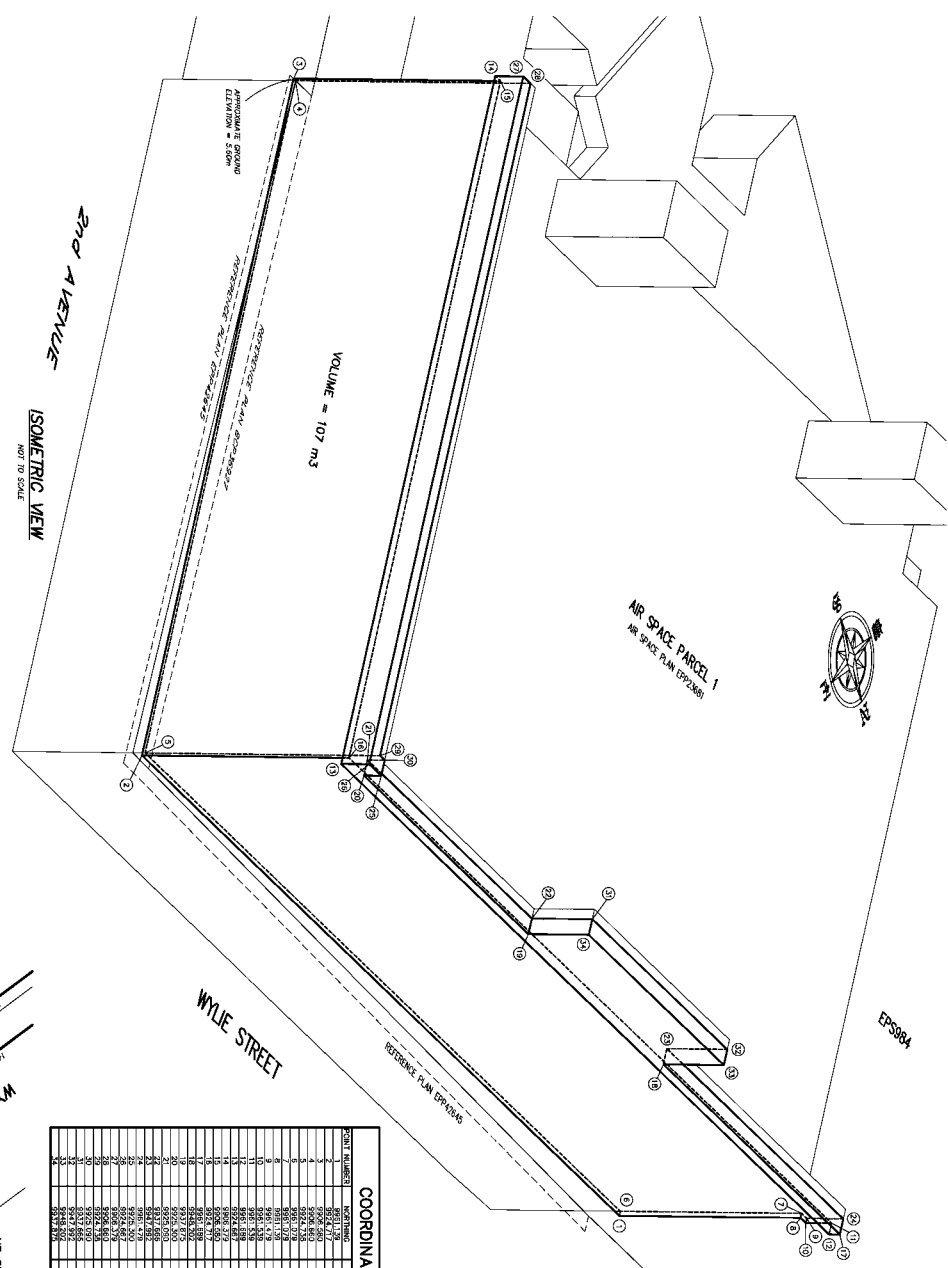
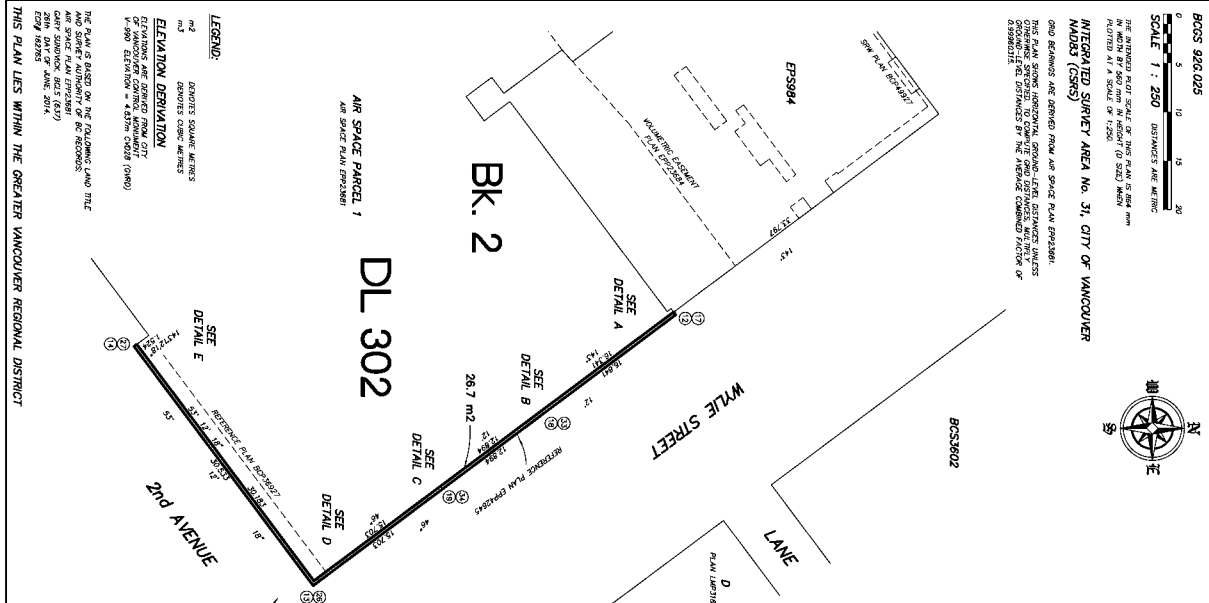
THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER A PORTION OF ROAD INCURRED IN PLAN EPP42645 DEDICATED BY PLAN 5832 ADJACENT TO AIR SPACE PARCEL 1 DISTRICT LOT 302 GROUP 1 NEW WESTMINSTER DISTRICT AIR SPACE PLAN EPP23681 PURSUANT TO SECTION 98(1)(e) OF THE LAND TITLE ACT
 BCOS 9262 025

PLAN EPP42646



THIS PLAN SHOWS THE VOLUMETRIC EASEMENT INCURRED OVER A PORTION OF ROAD INCURRED IN PLAN EPP42645 DEDICATED BY PLAN 5832 ADJACENT TO AIR SPACE PARCEL 1 DISTRICT LOT 302 GROUP 1 NEW WESTMINSTER DISTRICT AIR SPACE PLAN EPP23681 PURSUANT TO SECTION 98(1)(e) OF THE LAND TITLE ACT.
 THIS PLAN SHOWS THE VOLUMETRIC EASEMENT INCURRED OVER A PORTION OF ROAD INCURRED IN PLAN EPP42645 DEDICATED BY PLAN 5832 ADJACENT TO AIR SPACE PARCEL 1 DISTRICT LOT 302 GROUP 1 NEW WESTMINSTER DISTRICT AIR SPACE PLAN EPP23681 PURSUANT TO SECTION 98(1)(e) OF THE LAND TITLE ACT.



COORDINATE TABLE

POINT NUMBER	NORTHING	EASTING
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4	4370102.12	103002.48
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37	4370102.12	103002.48
38	4370102.12	103002.48
39	4370102.12	103002.48
40	4370102.12	103002.48

SURTER
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 Vancouver BC V5Y 0R3
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