



ADMINISTRATIVE REPORT

Report Date: July 11, 2017
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 12102
VanRIMS No.: 08-2000-20
Meeting Date: July 25, 2017

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Closure of a Portion of Street for Building Encroachments - 4295 Dunbar 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 Dunbar Street that contains the encroachments of the existing building at 4295 Dunbar Street (the "Road"), the said portion 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 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 Air Space Parcel 1 Block 82 District Lot 2027 Group 1 New Westminster District Air Space Plan EPP63885 ("Air Space 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 Air Space Parcel 1, and is to be drawn 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 required plans.

REPORT SUMMARY

The purpose of this report is to obtain Council authority to close and stop-up an encroached upon portion of Road and to grant an easement to contain the encroaching elements of the building located at 4295 Dunbar Street.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

The provisions of the *Vancouver Charter* with respect to the raising of title to the street and the granting of a volumetric easement to contain encroachments are used from time to time to validate heritage building encroachments. On rare occasions, these provisions are also 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 (consisting of Air Space Parcel 1 and "Remainder" Lot A, Plan EPP44071) has recently been redeveloped with a four storey building, with commercial/retail uses at grade, residential dwelling units (47) on floors two to four, and three townhouse units accessed at grade from West 27th Avenue, all in accordance with Development Permit No. DE418298. Small portions of the building from the top of the ground floor to roof level - i.e., aluminium cladding attached to the concrete building face and underlying soffit portions - extend beyond the limits of Air Space Parcel 1 onto the Road (as shown in the photograph attached as Appendix C). The building encroachments are a result of construction error and were not discovered until final survey of the building.

Since the owner intends to subdivide Air Space Parcel 1 by Strata Plan in accordance with the *Strata Property Act*, the Strata Corporation must establish control over the portion of street affected by the building encroachments. To accomplish this, the volumetric portion of street containing the encroachments must be closed and stopped-up, and an easement must be granted in favour of the owner of Air Space Parcel 1 to allow for the building encroachments. It is also necessary to raise title to the portion of road that is encroached upon.

The Road was dedicated by the deposit of Plan EPP44071 in 2014.

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 in these cases. However, since the encroachments were not anticipated and their removal would be very costly, staff are supportive of accepting the encroachments, noting the minimal impact to street uses. The developer will be responsible for all associated costs, including annual fees, as noted below in our discussion regarding financial implications.

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

Implications/Related Issues/Risk

Financial

Fees will be charged in accordance with the Encroachment By-law. The developer will pay the \$4545.12 fee under the By-law for the granting of an easement over the portion of street to contain the building encroachments. Since the encroachments are a result of construction error, it is appropriate for the developer (as opposed to the future owners of the strata lots) to also pay for the annual charge for the encroachments as prescribed under the By-law. In this regard, Real Estate Services staff have performed a present value calculation based on the annual charge of \$185.88 over the expected life of the building (60 years), which has yielded a value of \$7,484.12.

CONCLUSION

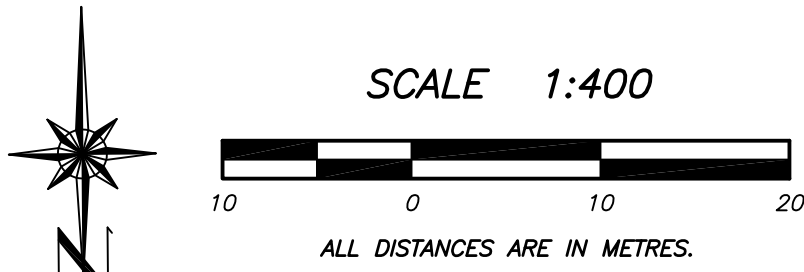
The General Manager of Engineering Services recommends approval of the Recommendations contained in this report.

* * * * *

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 PLAN EPP44071, ADJACENT TO LOT A, PLAN EPP44071, EXCEPT: AIR SPACE PLAN EPP63885 AND AIR SPACE PARCEL 1, AIR SPACE PLAN EPP63885, BOTH OF BLOCK 82, DISTRICT LOT 2027, GROUP 1, N.W.D.

B.C.G.S. 92G.025

NAD 83 CSRS UTM COORDINATES ZONE 10
 N 5455252.954
 E 486531.128
 POINT COMBINED FACTOR: 0.9995910
 ESTIMATED HORIZONTAL POSITIONAL ACCURACY: ±0.01



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 559mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:400

INTEGRATED SURVEY AREA
No. 31 (VANCOUVER)
(CSRS) 4.0.0.BC.1.GVRD
UTM ZONE 10

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ACHIEVED HAVE BEEN DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS DTS-107 AND V-1441.

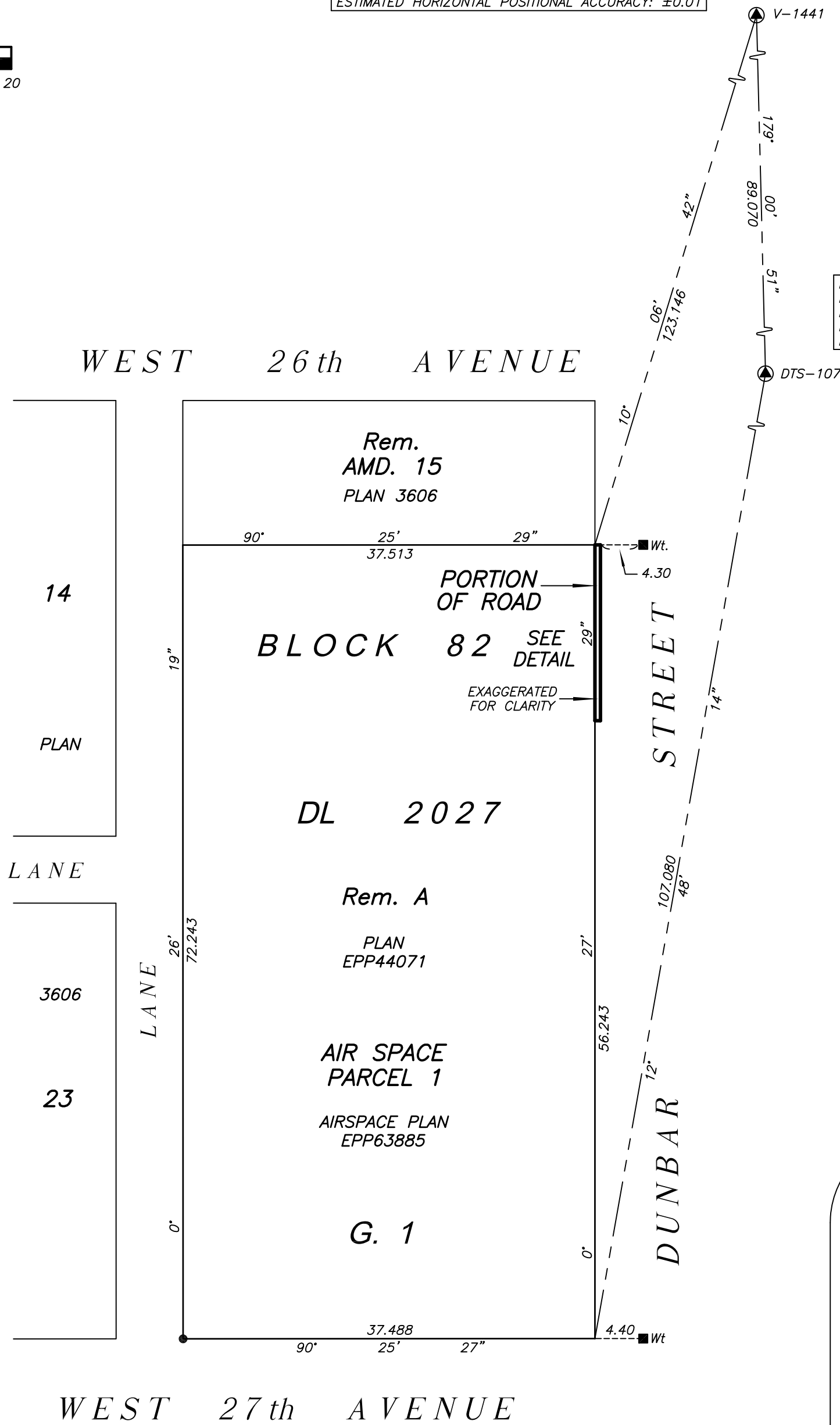
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9995907 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENTS DTS-107 AND V-1441.

LEGEND

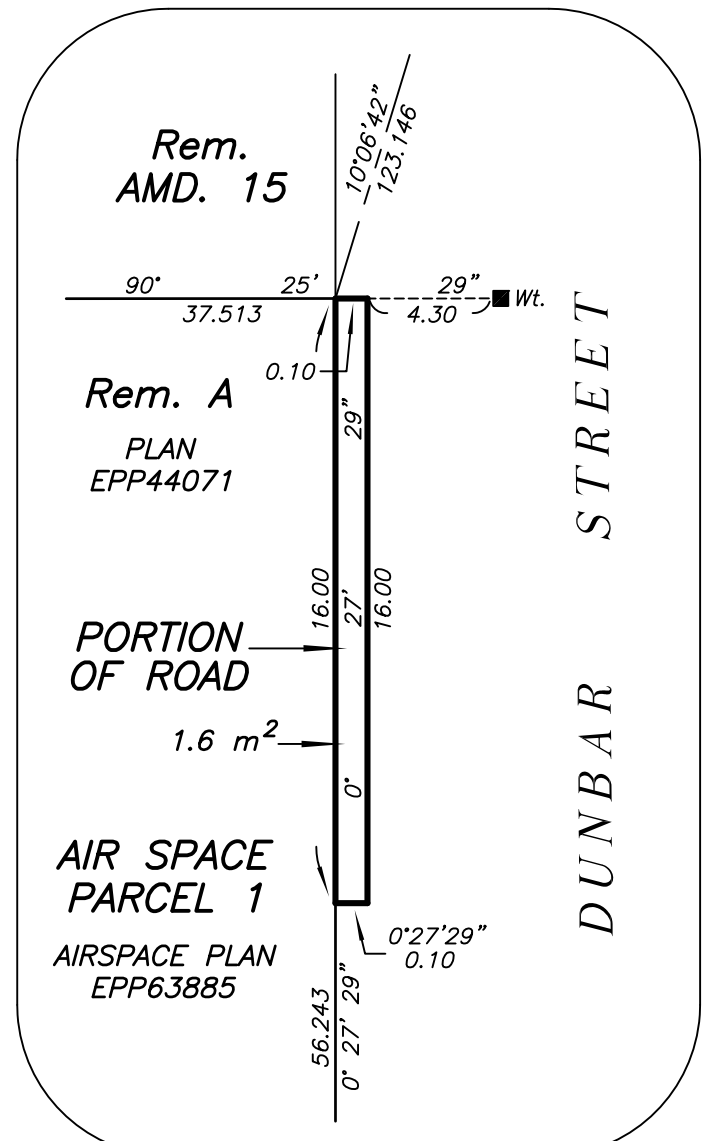
GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS DTS-107 AND V-1441

- - DENOTES CONTROL MONUMENT FOUND
- - DENOTES STANDARD IRON POST FOUND
- - DENOTES LEAD PLUG FOUND

THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER(S) AND ARE SET ALONG THE PRODUCTION OF THE PROPERTY BOUNDARY UNLESS OTHERWISE NOTED.



NAD 83 CSRS UTM COORDINATES ZONE 10
 N 5455163.934
 E 486532.660
 POINT COMBINED FACTOR: 0.9995904
 ESTIMATED HORIZONTAL POSITIONAL ACCURACY: ±0.01



DETAIL
 NOT TO SCALE

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 30th DAY OF JUNE, 2017.
 MIKE E. SHAW, B.C.L.S. #691

BENNETT LAND SURVEYING LTD.
 B.C. & CANADA LAND SURVEYORS
 #201-9547 152nd STREET,
 SURREY, B.C. V3R 5Y5
 PHONE : 604-582-0717

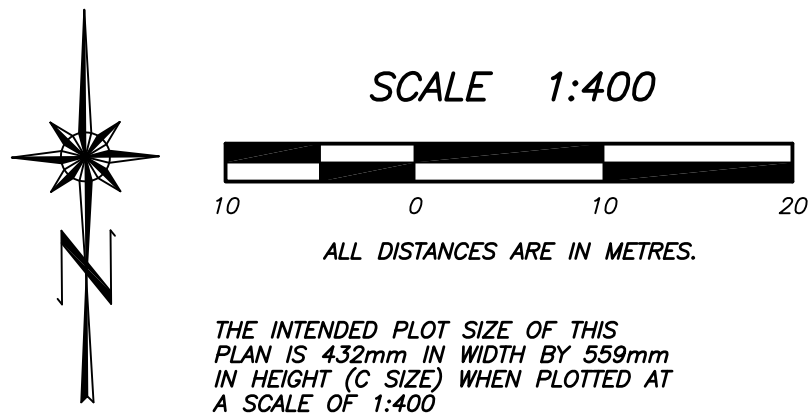
DRAWING # 30927-23 Revision #4
 FILE # 30927-23_R4
 DATE : JULY 5, 2017

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OF A PORTION OF ROAD INCLUDED IN PLAN EPP69406, DEDICATED BY PLAN EPP44071, ADJACENT TO LOT A, PLAN EPP44071 EXCEPT: AIR SPACE PLAN EPP63885 AND AIR SPACE PARCEL 1, AIR SPACE PLAN EPP63885, BOTH OF BLOCK 82, DISTRICT LOT 2027, GROUP 1, N.W.D.

PLAN EPP69407

PURSUANT TO SECTION 99(1)(e), LAND TITLE ACT.
B.C.G.S. 92G.025

WEST 26th AVENUE



INTEGRATED SURVEY AREA
No. 31 (VANCOUVER)
(CSRS) 4.0.0.BC.1.GVRD
UTM ZONE 10

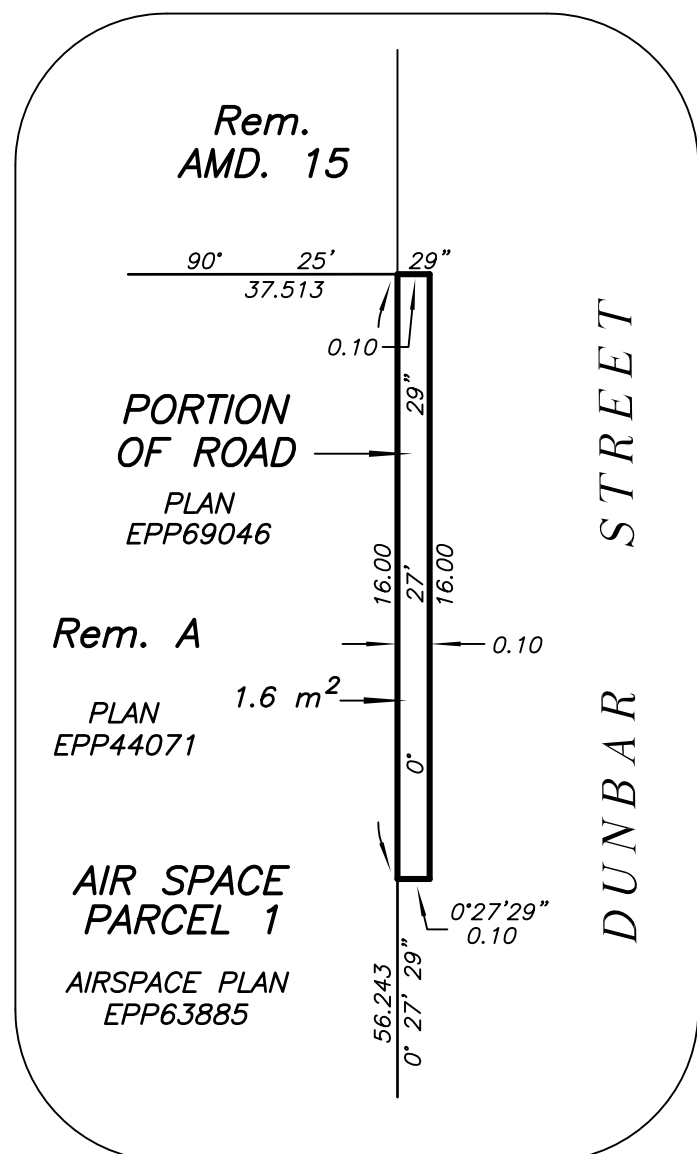
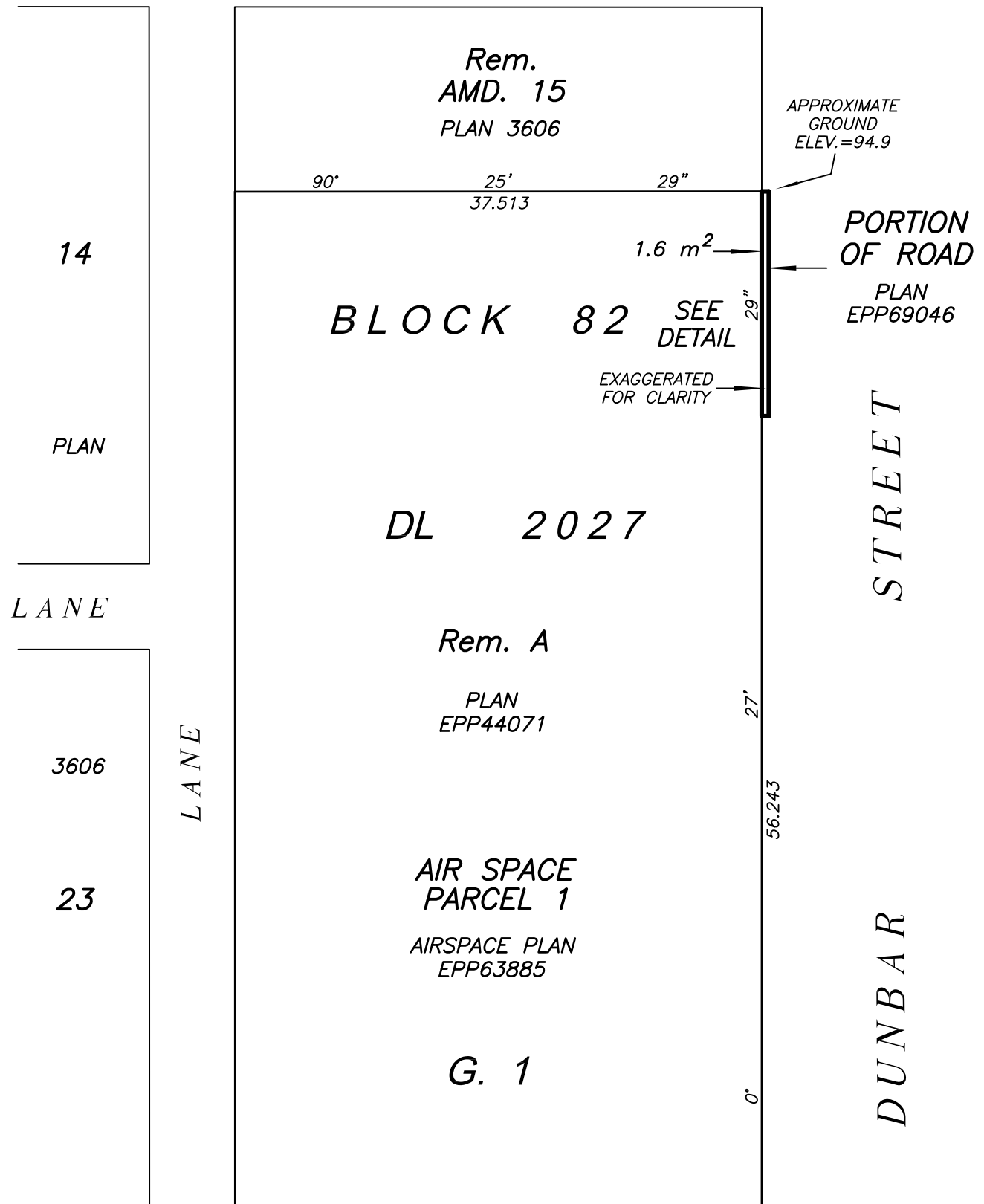
LEGEND

ELEVATIONS SHOWN ARE IN METRES TO THE CVD28GVRD (2005) DATUM DERIVED FROM THE CITY OF VANCOUVER GEODETIC CONTROL MONUMENT DTS-107, ELEVATION = 94.269 METRES.

GRID BEARINGS ARE DERIVED FROM PLAN EPP44071

AMD. - DENOTES AMENDED

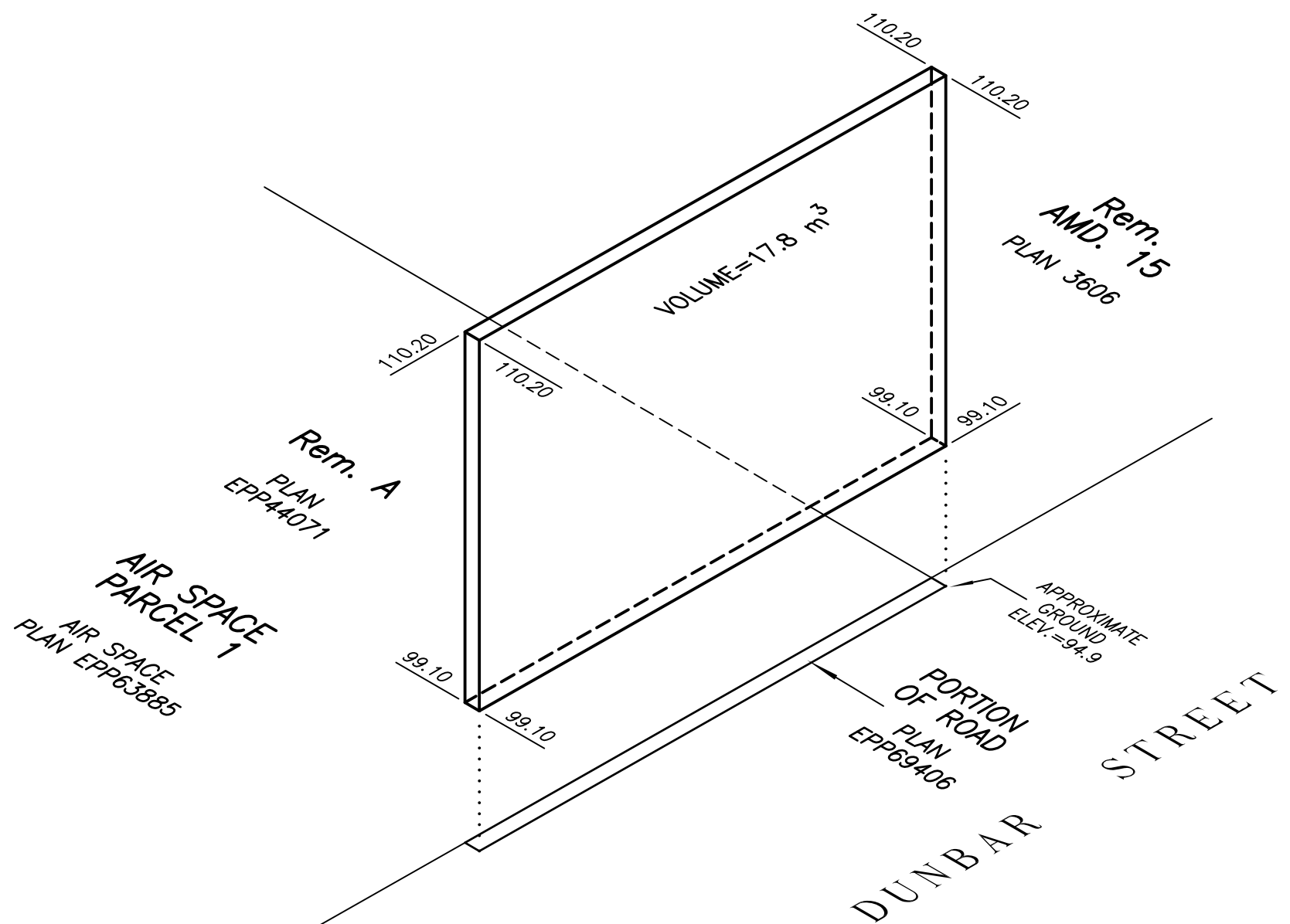
BOOK OF REFERENCE		
DESCRIPTION	AREA	VOLUME
ELEVATION 99.10 TO 109.00	1.6 m ²	17.8 m ³



DETAIL
NOT TO SCALE

WEST 27th AVENUE

PLAN VIEW
ELEV. 99.10 TO 110.20



ISOMETRIC VIEW
ELEV. 99.10 TO 110.20

THIS PLAN IS BASED ON THE FOLLOWING LAND TITLE AND SURVEY AUTHORITY OF B.C. RECORDS: PLAN EPP44071 MIKE E. SHAW, B.C.L.S., #691 30th DAY OF JUNE, 2017

BENNETT LAND SURVEYING LTD. B.C. & CANADA LAND SURVEYORS #201-9547 152nd STREET, SURREY, B.C. V3R 5Y5 PHONE: 604-582-0717

DRAWING # 30927-24 Revision #4 FILE # 30927-24_R4 DATE: JULY 5, 2017

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT



CIVIC ADDRESS:
4295 DUNBAR STREET

