



REPORT

Report Date: May 19, 2021
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VanRIMS No.: 08-2000-20
Meeting Date: June 23, 2021
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities

FROM: The General Manager of Engineering Services

SUBJECT: 333 Carrall Street - Closure of Portions of Street and Lanes for Heritage Building Encroachments

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 Carrall Street, the portion of lane north of West Hastings Street, and the portion of lane between West Hastings Street and Carrall Street, that contain the encroachments of the existing building at 333 Carrall Street (the "Road and Lanes"), the said portions being shown on a reduced copy of a Reference Plan attached as Appendix A.
- B. THAT all those volumetric portions of Road and Lanes 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: 030-721-032] Lot 1 of Lot 17 Block 3 Old Granville Townsite Plan EPP88209 ("Lot 1") to contain the portions of the existing building which encroach onto the Road and Lanes, 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 prescribed under 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 Lanes, and to grant an easement to contain the encroaching elements of the heritage building located at 333 Carrall 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* relating to establishing rights over City street to accommodate encroachments are used from time to time to validate heritage building encroachments.

Pursuant to section 593 of the *Vancouver Charter*, Council enacted a by-law to designate the heritage building located at 333 Carrall Street (known as the “McConnell Building”) as protected heritage property.

On June 25, 2019, Council enacted the By-law to authorize the City to enter into a Housing Agreement (CA7713591) with the owner of 325 and 333 Carrall Street to secure 37 dwelling units in a new 7-storey mixed-use building as market rental units.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

In accordance with Development Application No. DP-2018-00379 (issued October 29, 2019), Lot 1 is being developed with a 7-storey mixed use building containing commercial uses at ground level and a total of 37 market rental units above.

The development proposal includes the retention and restoration of the two storey façade of the existing municipally designated heritage building. The encroachments onto the Road and Lanes consist of portions of brick building face, and first and second level building cornices of the heritage building façade, and first and seventh level building overhangs on the new building.

The owner intends to subdivide Lot 1 by Strata Plan to create 3 strata lots, being one strata lot for each of the 2 commercial spaces and one strata lot containing all of the rental housing units as required under the Housing Agreement, and in accordance with the *Strata Property Act*, the Strata Corporation must establish control over the portions of Road and Lanes affected by the building encroachments. To accomplish this, the volumetric portions of Road and Lanes containing the encroachments must be closed and stopped-up, and an easement must be granted in favour of the Strata Corporation. It is also necessary to raise title for the portions of Road and Lanes that are encroached upon.

The Road and Lanes were dedicated by the deposit of Plan 168 in 1885, and Plan 307 in 1889.

Strategic Analysis

The retention and restoration of the two storey heritage building façade is a condition of development permit approval of the existing municipally designated heritage building.

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

The granting of the easement allows for the retention of the encroaching elements of the building, and enables strata subdivision of the building.

Implications/Related Issues/Risk

Financial

Fees will be charged in accordance with the Encroachment By-law, and will consist of a fee of \$4,968.02 for the granting of an easement over the portions of Road and Lanes to accommodate the building encroachments. Since this is a designated heritage property, the encroachments will not be subject to an annual charge.

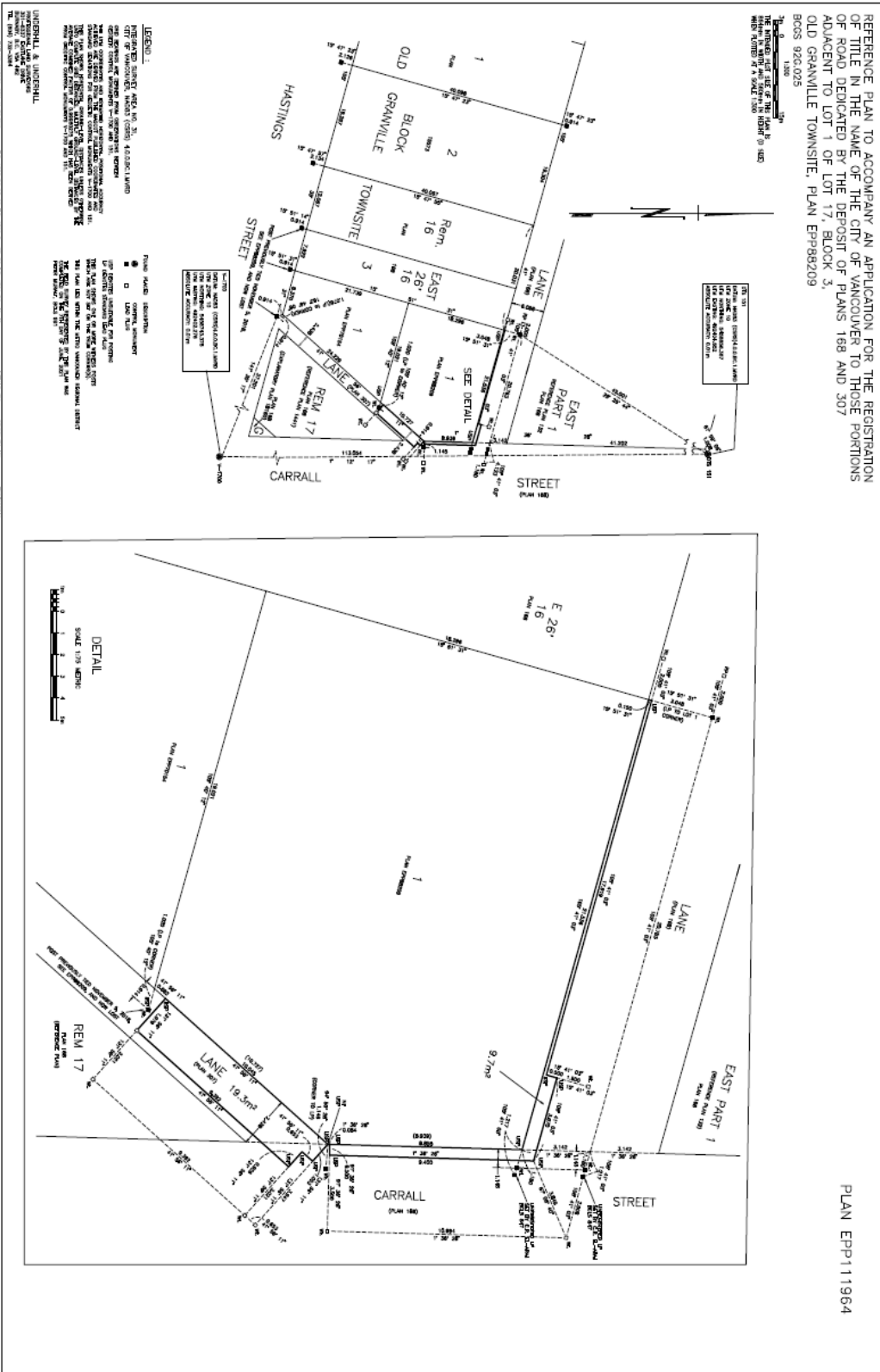
CONCLUSION

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 THOSE PORTIONS OF ROAD DEDICATED BY THE DEPOSIT OF PLANS 158 AND 307 ADJACENT TO LOT 1 OF LOT 17, BLOCK 3, OLD GRANVILLE TOWNSITE, PLAN EPP88209

PLAN EPP111964

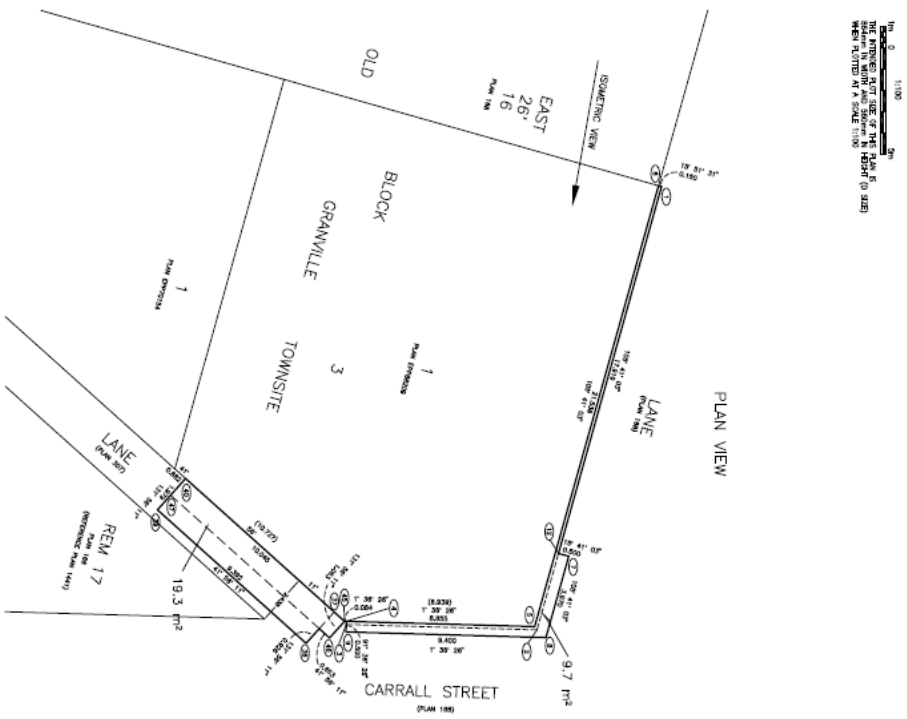


H-3284S

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER PORTIONS OF ROAD INCLUDED IN PLAN EPP111964, DEDICATED BY THE DEPOSIT OF PLANS 168 AND 307, ADJACENT TO LOT 1 OF LOT 17, BLOCK 3, OLD GRANVILLE TOWNSITE, PLAN EPP88209 PURSUANT TO SECTION 99(1)(e), LAND TITLE ACT FOR EASEMENT PURPOSES
BCOS 92C.025

PLAN EPP111965

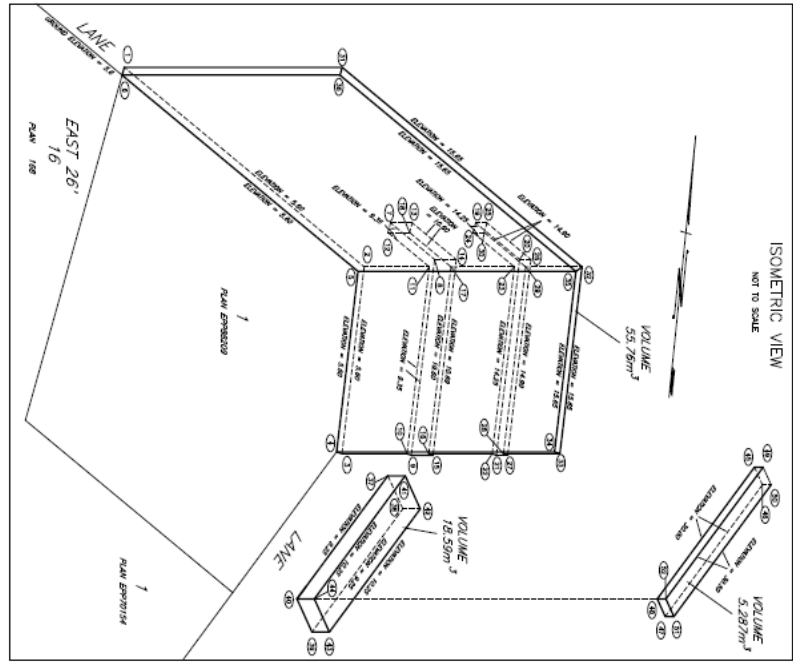
1:100
THE METRIC UNIT SIZE OF THE PLAN IS NOT TO SCALE
METRE NUMBER IS 1110



VOLUMETRIC EASEMENT COMPENSATION TABLE

ITEM	DESCRIPTION	AREA (SQM)	VOLUME (CU M)
1	LANE EAST 26' 16'	19.3	18.53
2	LANE 19.3	19.3	18.53
3	LANE 19.3	19.3	18.53
4	LANE 19.3	19.3	18.53
5	LANE 19.3	19.3	18.53
6	LANE 19.3	19.3	18.53
7	LANE 19.3	19.3	18.53
8	LANE 19.3	19.3	18.53
9	LANE 19.3	19.3	18.53
10	LANE 19.3	19.3	18.53
11	LANE 19.3	19.3	18.53
12	LANE 19.3	19.3	18.53
13	LANE 19.3	19.3	18.53
14	LANE 19.3	19.3	18.53
15	LANE 19.3	19.3	18.53
16	LANE 19.3	19.3	18.53
17	LANE 19.3	19.3	18.53
18	LANE 19.3	19.3	18.53
19	LANE 19.3	19.3	18.53
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30	LANE 19.3	19.3	18.53
31	LANE 19.3	19.3	18.53
32	LANE 19.3	19.3	18.53
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44	LANE 19.3	19.3	18.53
45	LANE 19.3	19.3	18.53
46	LANE 19.3	19.3	18.53
47	LANE 19.3	19.3	18.53
48	LANE 19.3	19.3	18.53
49	LANE 19.3	19.3	18.53
50	LANE 19.3	19.3	18.53

TOTAL EASEMENT AREA = 28.0m²
TOTAL EASEMENT VOLUME = 79.6m³



LEGEND:
1. THIS PLAN IS TO BE INTERPRETED IN ACCORDANCE WITH THE METRIC UNITS ACT (R.S.O. 1990, CHAPTER M27) AND THE METRIC CONVERSION TABLE.
2. THE PLAN IS TO BE INTERPRETED IN ACCORDANCE WITH THE METRIC UNITS ACT (R.S.O. 1990, CHAPTER M27) AND THE METRIC CONVERSION TABLE.
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