



REPORT

Report Date: February 25, 2022
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 15054
VanRIMS No.: 08-2000-20
Meeting Date: March 29, 2022
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: 3493 Commercial Street - Closure of a Portion of Road 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 that portion of Commercial Street that contains the encroachments of the existing building at 3493 Commercial Street (the "Road"), the said portion being shown on a reduced copy of a Reference Plan attached 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: 031-118-500] Lot A District Lot 751 Group 1 New Westminster District Plan EPP102275 ("Lot A") to contain the portions of the existing building which encroach onto the Road, 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 to grant an easement to contain the encroaching elements of the heritage building located at 3493 Commercial 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 the raising of title to City streets and the granting of easements to accommodate encroachments are used from time to time to validate heritage building encroachments.

On March 10, 2020, Council enacted the By-law to designate the structure, exterior envelope and exterior building materials of the heritage building at 3493 Commercial Street as protected heritage property.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

Development Application No. DP-2019-00435 was approved on March 9, 2020. The development proposal is to retain, restore and add one additional floor to the existing two-storey mixed-use heritage building on this site consisting of retail and restaurant uses on the first storey, four (strata) dwelling units on the second storey and four (secured market rental) units on the third storey and to develop an infill building with 10 (strata) dwelling units. The Policy Report for the designation of the heritage building was approved by Council at its meeting of February 25, 2020 and the By-law to designate the structure, exterior envelope and exterior building materials as protected heritage property was enacted by Council on March 10, 2020.

The encroachments onto the Road consist of portions of the roof parapet above bay windows, the bay windows and the exterior trim on the facade of the heritage building.

The owner intends to subdivide Lot A by Strata Plan, and in accordance with the *Strata Property Act*, the Strata Corporation must establish control over the portions of Road affected by the building encroachments. To accomplish this, the volumetric portions of Road 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 portion of Road that is encroached upon.

The Road was dedicated by the deposit of Plan 1201 in 1906.

Strategic Analysis

The retention and designation of the two storey heritage building was a condition of development permit approval, and the heritage designation has been approved by Council.

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.

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 \$5,082.28, for the granting of an easement over the portions of Road 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.

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REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR REGISTRATION OF TITLE
 IN THE NAME OF THE CITY OF VANCOUVER TO THAT PORTION OF ROAD
 DEDICATED BY THE DEPOSIT OF PLAN 1201, ADJACENT TO LOT A DISTRICT LOT 751
 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP102275

PLAN EPP118718

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

SCALE 1 : 150



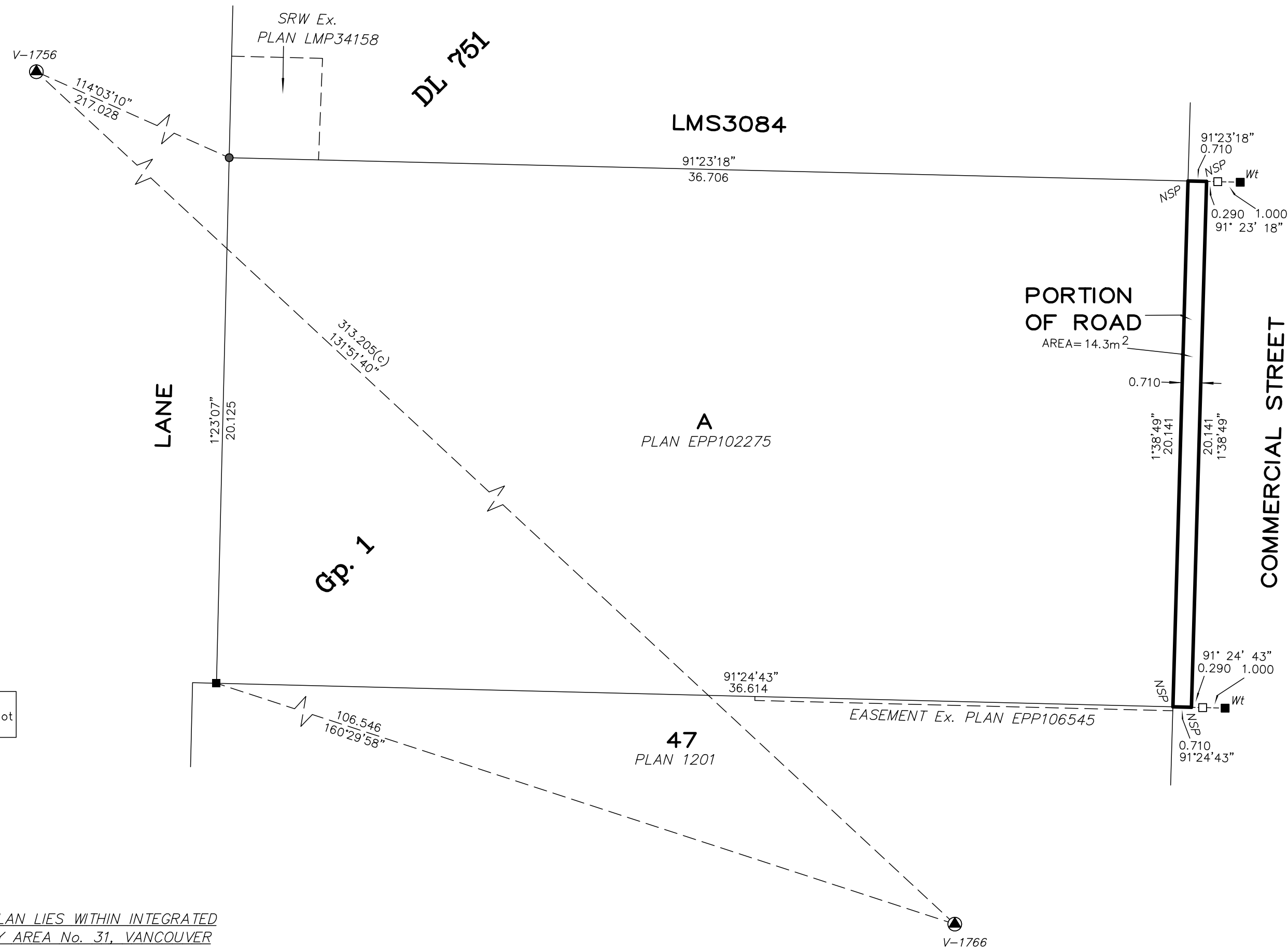
The intended plot size of this plan is 560mm in width
 by 432mm in height (C size) when plotted at a scale of 1:150.



LEGEND

- ▲ DENOTES CONTROL MONUMENT FOUND
- DENOTES LEAD PLUG FOUND
- DENOTES LEAD PLUG SET
- DENOTES STANDARD IRON POST FOUND
- Wt DENOTES WITNESS
- m² DENOTES SQUARE METERS
- (c) DENOTES CALCULATED
- NSP DENOTES NOT SUITABLE FOR POSTING

Note:
 This plan shows one or more witness posts which are not set on the true corner(s).



THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA No. 31, VANCOUVER

NAD 83 (CSRS) 4.0.0.BC.1.MVRD
 Grid bearings are derived from observations between geodetic control monuments V-1756 and V-1766, and are referred to the central meridian of UTM Zone 10.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.99959565 which has been derived from geodetic control monuments V-1756 and V-1766.

The UTM coordinates and estimated absolute accuracy achieved are derived from the MASCOT published coordinates and standard deviations for geodetic control monuments V-1756 and V-1766.

Some symbol locations have been exaggerated for clarity.

NAD83 (CSRS) 4.0.0.BC.1.MVRD UTM ZONE 10 COORDINATES				
TABLET MARKING	NORTHING	EASTING	COMBINED FACTOR	ESTIMATED ABSOLUTE ACCURACY
V-1766	5455516.274	495041.226	0.9995961	0.01m
V-1756	5455725.200	494808.057	0.9995952	0.01m

THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT

The field survey represented by this plan was completed on the 24 day of February, 2022.

Craig Nakamura, BCLS 932

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER PORTION OF CLOSED ROAD INCLUDED IN PLAN EPP118718, DEDICATED BY THE DEPOSIT OF PLAN 1201, ADJACENT TO LOT A DISTRICT LOT 751 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP102275

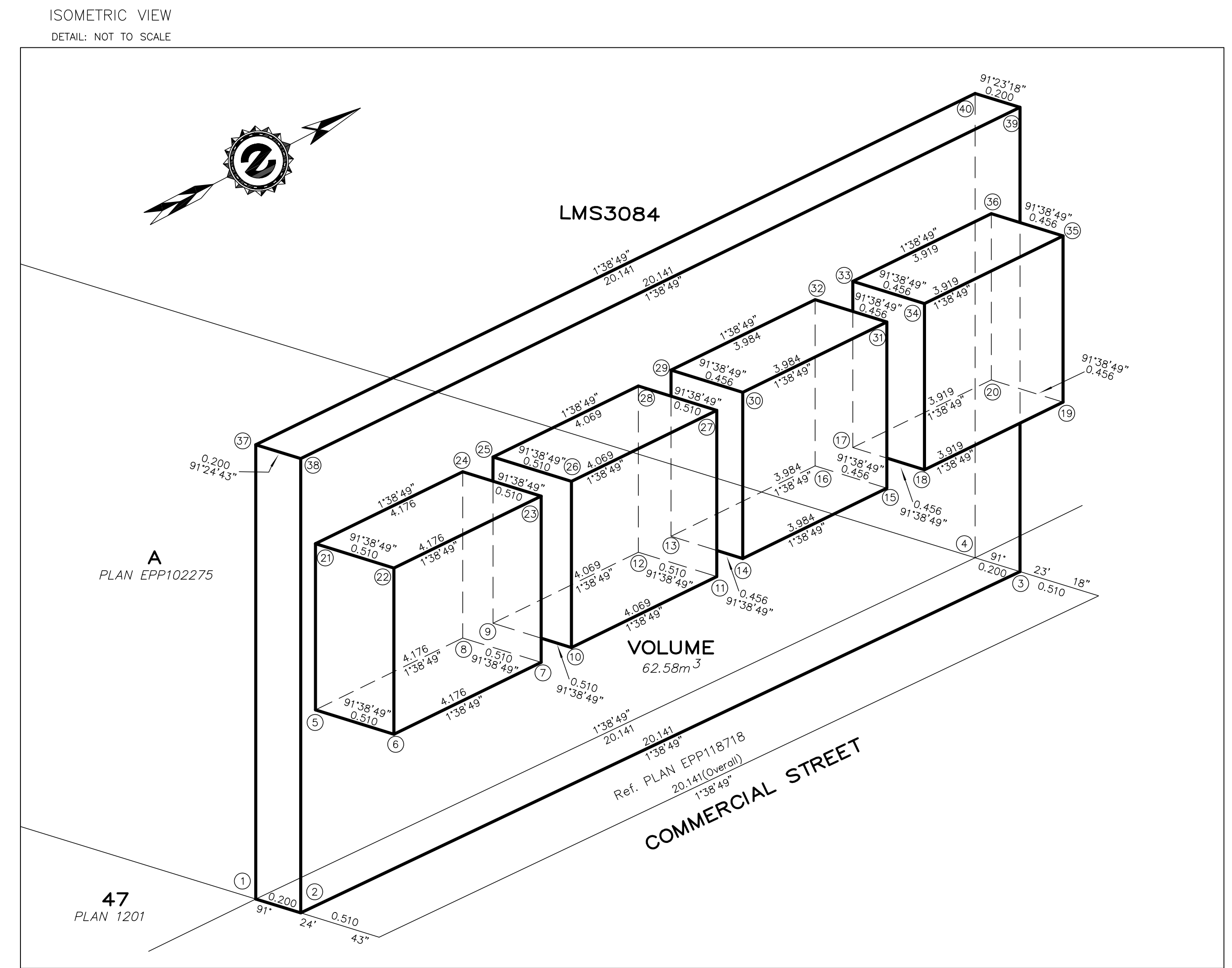
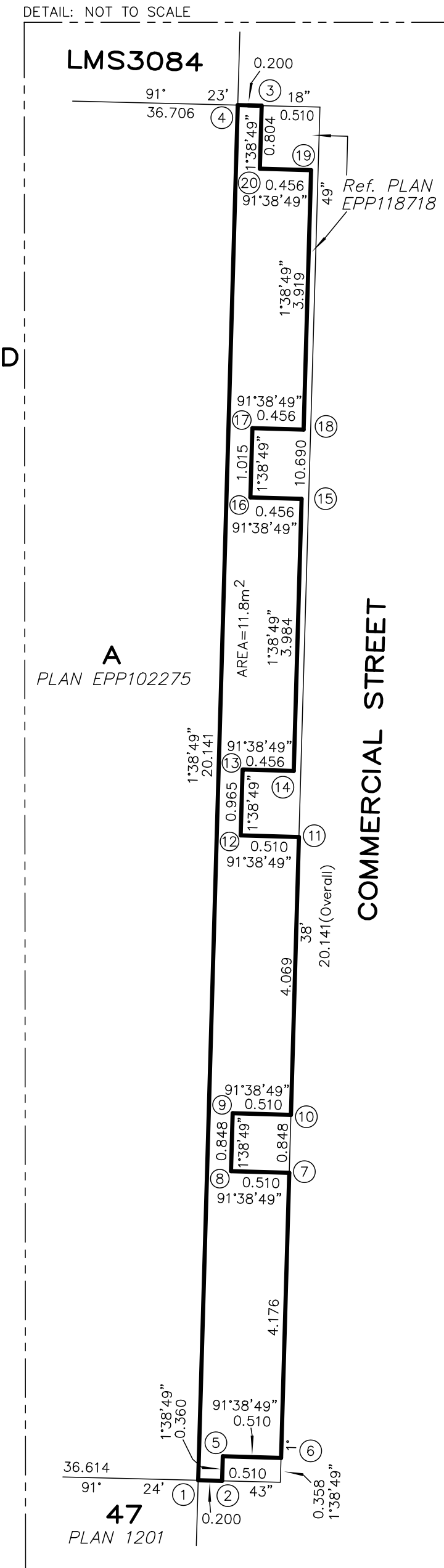
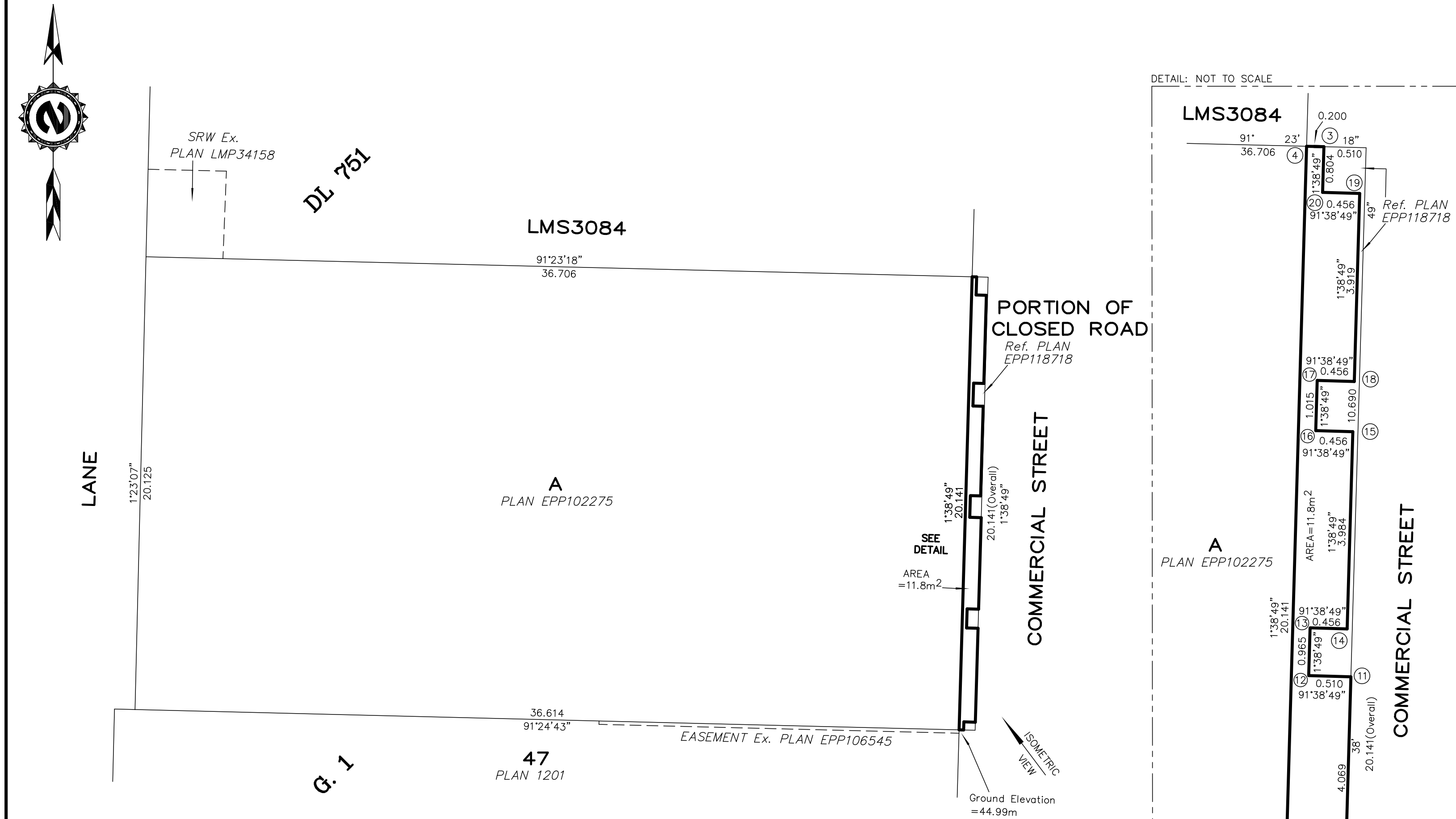
PLAN EPP118719

PURSUANT TO SECTION 99(1)(e), Land Title Act
FOR EASEMENT PURPOSES
B.C.G.S. 92G.025

SCALE 1 : 150



The intended plot size of this plan is 864mm in width by 560mm in height (D size) when plotted at a scale of 1:150.



BOOK OF REFERENCE			
DESCRIPTION	AREA	VOLUME	
PORTION OF CLOSED ROAD ADJACENT TO LOT A DISTRICT LOT 751 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP102275	11.8 m ²	62.58 m ³	

COORDINATE TABLE (LOCAL COORDINATES)			
POINT NUMBER	NORTHING	EASTING	ELEVATION
1	4916.073	4717.587	44.99
2	4916.068	4717.787	44.99
3	4936.200	4718.366	44.80
4	4936.205	4718.166	44.80
5	4916.427	4717.798	48.70
6	4916.413	4718.308	48.70
7	4920.587	4718.428	48.70
8	4920.602	4717.918	48.70
9	4921.450	4717.942	48.70
10	4921.435	4718.452	48.70
11	4925.503	4718.569	48.70
12	4925.517	4718.059	48.70
13	4926.482	4718.087	48.70
14	4926.469	4718.542	48.70
15	4930.452	4718.657	48.70
16	4930.465	4718.201	48.70
17	4931.479	4718.230	48.70
18	4931.466	4718.686	48.70
19	4935.384	4718.799	48.70
20	4935.397	4718.343	48.70

COORDINATE TABLE (LOCAL COORDINATES)			
POINT NUMBER	NORTHING	EASTING	ELEVATION
21	4916.427	4717.798	52.25
22	4916.413	4718.308	52.25
23	4920.587	4718.428	52.25
24	4920.602	4717.918	52.25
25	4921.450	4717.942	52.25
26	4921.435	4718.452	52.25
27	4925.503	4718.569	52.25
28	4925.517	4718.059	52.25
29	4926.482	4718.087	52.25
30	4926.469	4718.542	52.25
31	4930.452	4718.657	52.25
32	4930.465	4718.201	52.25
33	4931.479	4718.230	52.25
34	4931.466	4718.686	52.25
35	4935.384	4718.799	52.25
36	4935.397	4718.343	52.25
37	4916.073	4717.587	53.55
38	4916.068	4717.787	53.55
39	4936.200	4718.366	53.55
40	4936.205	4718.166	53.55

THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA No. 31, VANCOUVER
NAD 83 (CSRS) 4.0.0.BC.1.MVRD

LEGEND
m² DENOTES SQUARE METERS
m³ DENOTES CUBIC METERS

Grid bearings are derived from Plan EPP102275.
This plan shows horizontal ground-level distances unless otherwise specified.
Elevations are Geodetic (CVD28 GYRD-2018 - IN METERS)
Derived from Control Monument V-1766
located at intersection of 20th and Commercial Street. Elevation = 43.884 metres.