

PURPOSE

The purpose of this report is to provide information on four proposals from community groups who are proposing additions or modifications to infrastructure on municipal property.

ISSUES & ANALYSIS

Each year, the City receives proposals from community organizations or individuals seeking to make additions or modifications to assets within parks and green spaces. These proposals come from various sources, such as neighbourhood associations, not-for-profit organizations, private developers, individual families, sports organizations, and other special interest groups. The proposals may focus on areas such as recreation facilities, natural assets, and other infrastructure improvements and are often complex. Such propositions can present unique challenges outside of standard City processes that require thoughtful analysis, new types of agreements, or service adjustments. The review of proposals and facilitation of projects may also require input from staff in multiple departments. Although projects may not require a capital investment, any new asset the City acquires will have ongoing operational responsibilities that need to be accounted for and risks to be managed.

As outlined in this report, the City is establishing a new program to assist Council with the review, prioritization, and approval of community proposals as part of the annual Financial Planning process. The program, intended to launch in 2022, will include a guideline outlining the procedure for third-party proposals, which will provide transparency about the process, timelines, and basic requirements for each proposal.

The following pages provide an overview of proposals received in recent years, along with the key benefits, risks and implications associated with each. The full project proposals are also attached to this report.

Skateable Bench at Vic West Park

The City has received a proposal from the family of Dylan Toby for a custom skateable bench to be installed at the Vic West Park skatepark. Dylan Toby was a talented young skateboarder who passed away in 2019. He spent countless hours at the Vic West Skatepark honing his skills and competed as a skateboarder at a high skill level.

The custom nature of this fixture introduces risk and complexity making it ineligible for the *Park Furnishing Dedication Program*, administered in partnership with the Parks and Recreation Foundation.

The family has completed fundraising efforts to pay for the design and construction of the bench. The design and proposed location of the bench have been reviewed by members of the local skateboard community, an independent certified engineer, and by staff. The bench would be delivered by the family and installed by staff.

The proposal received from the Toby family showing the design and location of the memorial bench are attached as Appendix A.

Alignment with Strategic Priorities

This proposal will provide a new recreation amenity that aligns with City priorities relating to enhancing social interaction and promoting health and wellness in the community.

Risk Management

| Key Risk | Risk Description | Risk Response |
|----------|---|--|
| Safety | The proposal involves the installation of a custom-made park amenity that may present risk of injury. | The bench must be professionally engineered and assurances from a certified professional are required to ensure the quality and durability of the product. |

Financial and Human Resource Impacts

The maintenance of this new asset is anticipated to be less than \$1,000 per year, and therefore can be accommodated within the existing operating budget.

Entry Gates at Ross Bay Cemetery

The City has received a proposal from the Old Cemeteries Society seeking approval to construct new infrastructure at Ross Bay Cemetery. The feature would consist of two ornate metal gates, including a large gate to accommodate vehicles and a smaller side gate for pedestrians, installed between three large stone-clad columns with concrete caps. The proposed gates are intended to enhance the entry into the cemetery, on the south side of Fairfield Road.

The design of this feature is in keeping with the character of the historic cemetery. The plan has been reviewed and approved by the City’s heritage staff and the Heritage Advisory Committee. A two-year extension for the Heritage Alteration Permit granted in 2019 may be extended by staff before expiry in November 2021.

The Old Cemeteries Society is raising funds needed for the construction of this infrastructure and wishes to install the gates by 2023, which is the 150th anniversary of the Ross Bay Cemetery.

The proposal received from the Old Cemeteries Society showing the design of the entry feature is attached as Appendix B.

Alignment with Strategic Priorities

This proposal aligns with the Strategic Plan objective related to supporting neighbourhood placemaking initiatives.

Risk Management

| Key Risks | Risk Description | Risk Response |
|---------------------------------|---|--|
| Construction on Public Property | The proposal involves third-party development on City land. | Develop the necessary agreements to ensure work is completed in accordance with provincial and municipal regulations. |
| Construction Impacts | Construction in this location is complex with adjacent gravesites, underground infrastructure (sewer and water), and transportation requirements (fire lane and a crosswalk). | Ensure that certified professionals coordinate the work and all archeological, engineering, and regulatory requirements are met and effectively coordinated. |

Financial and Human Resource Impacts

City staff support is required to advance this project, with specific expertise relating to design, engineering, underground utilities, legal services, and construction coordination. The ongoing operating and maintenance of the new infrastructure will require a budget of approximately \$2,000 annually and will be added to the 2023 Financial Plan if this project is approved.

Lime Bay Park Beach Enhancement

The City has received a proposal from the Peninsula Streams Society to undertake a natural asset project along the shoreline of Lime Bay Park.

This proposal involves the restoration and enhancement of a small pocket beach at the southeast corner of the park. Based on feedback from representatives of the Songhees Nation, this area is of cultural significance as it was used by the Lekwungen as a location to welcome visitors and has offered important habitat for foraging fish in the Gorge Waterway. Over the last century, large portions of the shoreline in this area have been infilled, impacting the ecosystems within the Inner Harbour and shoreline.

The Peninsula Streams Society proposal seeks to achieve objectives such as:

- Improving suitability of the area to support select species of foraging fish;
- Increasing resiliency of the shoreline to the impacts of sea level rise and storm surge; and
- Acknowledging and celebrating the cultural history of the site and its stewardship by the Lekwungen people.

This project involves modifying the land adjacent to the shoreline to reduce the slope grade and help stabilize the bank, introducing new plantings of native species, and installing interpretive signage that will educate visitors about the local ecology and cultural significance of this site. The project will follow the *Green Shores for Shoreline Development Standards and Principles* and would be submitted for *Green Shores* accreditation following its completion. The Peninsula Streams Society would also conduct seasonal profile monitoring and intertidal surveys on an ongoing basis to measure progress following implementation of the project.

The field work would be funded and primarily performed by the Peninsula Streams Society. The Society has submitted applications for federal permits to undertake the project, which are under review by Transport Canada and the Department of Fisheries and Oceans. It is important to note, staff have received confirmation that this project is supported by the Songhees and Esquimalt First Nations.

The proposal received from Peninsula Streams Society is attached as Appendix C.

Alignment with Strategic Priorities

This project is aligned with multiple strategic priorities, including actions related to protecting waterways and shoreline areas, the health of natural ecosystems, and Indigenous relations.

Risk Management

| Key Risks | Risk Description | Risk Response |
|---------------------------------|---|---|
| Construction on Public Property | The proposal involves third-party development on City lands and areas outside the jurisdiction of the City. | Develop the necessary agreements to ensure work is completed in |

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| | | accordance with federal, provincial, and municipal laws and regulations. |
| Environmental Impacts | Marine construction has the potential to negatively impact the natural environment. | Develop and implement management plans to mitigate impacts to wildlife and marine ecosystems, as well as archeology on the subject land. |
| Community Impacts | Construction activities have the potential to impact neighbouring residents, businesses, and other community shareholders. | Identify project shareholders and implement engagement and communications plans to ensure adequate shareholder consultation and mitigations. |

Financial and Human Resource Impacts

Based on a review by staff in various City departments, supporting this proposal will require significant staff resources. The specific areas of focus would include preparing the necessary agreements, reviewing and approving the shoreline design, engaging stakeholders, municipal permit requirements, and providing project and construction coordination.

Fifth Street Playground

The City has received a proposal from Aryze Developments for a phased plan to develop a portion of the City owned lands at 2550-2560 Fifth Street, next to a former school. The site is adjacent to the residential building recently completed by Aryze Developments at 2570 Fifth Street. The proposal includes the development of a playground in an initial phase, followed by the introduction of additional park amenities, such as a community garden, amphitheatre, site furnishings, and landscaping in a future phase.

When Council approved the Aryze development at 2570 Fifth Street, in September 2019, staff were directed to engage School District 61 (SD61) to explore the feasibility of operating the municipally owned parcel as a park, on either an interim or permanent basis. While there have been initial discussions with SD 61, to date, representatives of the City and SD61 have not had an opportunity to thoroughly explore the potential use of the space as a public park due to other priorities. While the City owns the subject land, provisions under the School Act grant School District 61 (SD61) administrative and management authority for lands that are being used for educational purposes. Although the proponent has provided a general letter of support from the SD61 Director of Facilities Services, further discussions are required to determine whether the lands can be utilized for the specified purposes, and the necessary approval(s) that may be required.

Aryze has proposed to donate the supply and installation of one timber playground structure and a natural play area with an estimated value of \$225,000. In addition, the proponent is requesting financial support from the City to complete various aspects of the construction and greenspace improvements. The City’s responsibilities would include fencing, barrier-free playground surfacing, site furnishings and signage, soft and hard landscaping elements, underground services (storm drainage and water connections), and a new accessible pathway from Fifth Street. While accurate cost estimates cannot be determined until the design and funding arrangements are confirmed, order of magnitude costing of the City’s responsibilities listed above is estimated to be approximately \$600,000 - \$700,000. This estimated range includes design and construction contingencies (20% – 40%), given the level of detail provided in the proposal, and cost escalation to the end of 2022 (3%) to account for market conditions.

Aryze has proposed to fund the future, second phase of work through a Community Amenity Contribution (CAC) from its nearby development at 1025 Kings Road, contingent on development and building permit approvals. The estimated value of the CAC is \$100,000. Cost estimates have yet to be provided for the second list of amenities and it is unclear if additional City resources would be required to deliver this work.

The proposal received from Aryze Developments is attached as Appendix D.

Alignment with Strategic Priorities

This proposal aligns with strategic objectives relating to increasing public access to parks and open spaces. In addition, the Hillside-Quadra Neighbourhood Plan (1996) identifies the subject land as a priority for the local community:

Another playlot, suitable for young children, should developed by the City in the area south of Hillside and east of Quadra. In particular, the underused area on the Fifth Street side of the Warehouse School site should be investigated as a possibility.

Risk Management

| Key Risks | Risk Description | Risk Response |
|-----------------|--|---|
| Land Use | The proposal involves the development of three parcels that are currently managed by SD61. Without an arrangement between the City and SD61 the project cannot proceed as proposed. | Coordinate with SD61 to develop a land use arrangement that would enable public access and use of land as a park. |
| Design | The proposed concept design does not meet City standards relating to accessibility and circulation, site servicing, furnishings, and underground utility servicing. | Collaborate with the developer to update the concept design and site plan to address design concerns. |
| Cost Management | Proposal is lacking clear definitions of roles and responsibilities for parties. There is uncertainty about when the 1025 Kings Road community amenity contribution will be realized, and costs associated with the future phase of improvements have yet to be determined. | Clarify roles and responsibilities relating to the proposed funding arrangement. Acquiring input from a professional quantity surveyor. Council may accept the community amenity contribution as a cash contribution towards the Building and Infrastructure Reserve Fund. |
| Community Input | Although some community consultation has occurred with local residents, this was not consistent with the City's standard for playground projects. | Consider additional opportunities for community input when the updated concept design is complete and report back to Council. |

Financial and Human Resource Impacts

According to the proponent, the plan is based on charitable funding that has been secured, which is time sensitive. The proponent has advised that construction of the playground would need to progress in 2022 or the funding commitment will be lost.

Based on a review by staff in various City departments, supporting this proposal will require significant staff resources. The specific areas of focus would include leading discussions with SD61 and preparing the necessary arrangements with SD61 and Aryze, working with the proponent to update the design to meet City requirements, clarifying roles and responsibilities, consulting shareholders and the community, acquiring and reviewing cost estimates, and reporting back to Council for approval of the design and funding requirements.

OPTIONS & IMPACTS

Option 1 – That Council direct staff to Prepare the necessary agreement with the Toby Family to install the proposed Skateable Bench at Vic West Park;

Should Council approve the new Skateable Bench at Vic West Park, this can be accommodated within the existing staff capacity and operating budget.

Option 2 – That Council direct staff to update the 2022 Financial Plan and reallocate the necessary staff resources required to support the proposal from the Old Cemeteries Society for Entry Gates at Ross Bay Cemetery and add \$2,000 to the 2023 Financial Plan for on-going operating expenses.

Council has previously provided direction to staff to report back on resource implications for advancing the **Ross Bay Cemetery Gate** proposal. If this project is to proceed in 2021-22, staff recommend **deferral of the Vic West Skatepark Lighting Design project** to 2023, so that staff capacity can be assigned to support the cemetery proposal. In addition, asset maintenance costs estimated to be \$2,000 per year and will be added to the 2023 Financial Plan.

Option 3 – That Council direct staff to update the 2022 Financial Plan and reallocate the necessary staff resources required to support the proposal from the Peninsula Streams Society for the Lime Bay Park Beach Enhancement.

Should Council support the Lime Bay Beach Enhancement proposal as part of the 2022 Financial Plan, **deferral of the Banfield Park Beach Access Feasibility Study** is recommended, to ensure staff resources are available to complete this project.

Option 4 – That Council direct staff to update the 2022 financial Plan and reallocate the necessary staff resources required to formalize the necessary arrangements with School District 61 and Aryze Developments to support the Fifth Street Playground on the City land located at 2550-2560 Fifth Street and report back to Council.

Council has previously directed staff to explore the feasibility of enhancing the greenspace for use as a public park, which is presently under the administration and management of School District 61. Therefore, the proposal requires an arrangement with SD61 to proceed. Pending an acceptable arrangement with SD61, staff will report back to Council with an updated design of the playground and resource implications, in keeping with the City's typical process.

Should Council support the playground proposal, staff recommend **deferral of the project to develop a new playground in the Downtown** (proposed for 2022) to ensure staff resources are available for this work.

Accessibility Impact Statement

If approved by Council, staff will work with each of the project proponents to ensure that all improvements noted in the proposals outlined meet or exceed the City's standards for accessibility in the built environment.

Impacts to Financial Plan

Should Council choose to approve any of the proposals, the 2022 Draft Financial Plan will need to be updated to reflect the resource implications and projects identified in this report.

Official Community Plan Consistency Statement

As noted above, the proposed projects align with various goals and objectives of the Official Community Plan and other strategic objectives.

CONCLUSION

The high level of interest from community groups to contribute financially and in-kind to enhance parks and open spaces offers an indication of the high value that citizens see in such public investments. The information above is offered to assist Council with decision-making in an environment where the volume and scale of infrastructure proposals exceed staff capacity. As the City anticipates continued interest in such community-based proposals, the process for reviewing and approving projects will be refined to ensure that adequate funding is allocated through the annual Financial Plan.

Respectfully submitted,

Justin Dykstra
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Report accepted and recommended by the City Manager

List of Attachments

- Appendix A: Skateable Bench at Vic West Park: Drawing Package
- Appendix B: Entry Gate at Ross Bay Cemetery: Drawing Package
- Appendix C: Lime Bay Park Beach Restoration: Project Proposal
- Appendix D: Fifth Street Playground: Project Proposal