



Council Report

For the Meeting of March 10, 2016

To: Council **Date:** February 25, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

RECOMMENDATION

That after giving notice and allowing an opportunity for public comment, Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000404 for 701 Tyee Road in accordance with:

1. Plans date stamped February 9, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. reduce the south setback from 4m to 3.5m;
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. increase the height in DA-J from 31m to 33m for Phase 3;
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - g. reduce parking from 185 stalls to 178 stalls;
 - h. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the Railyards Master Development Agreement being registered on title, to the satisfaction of staff.
5. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of October 1, 2015, the Application has been referred to the Advisory Design Panel (ADP) and the applicant has provided revised plans in response to the ADP recommendations. The applicant has also addressed the pre-conditions recommended in the staff report to the Planning and Land Use Committee (PLUC) dated October 1, 2015. The PLUC report along with the meeting minutes are attached.

This report also responds to the Council direction that staff investigate “the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons”.

Referral to Advisory Design Panel

The Application was referred to the Advisory Design Panel meeting on October 28, 2015. A copy of the Panel minutes and the applicants' response to the Panel recommendations (letter dated December 11, 2015) are attached to this report and can be summarized as follows:

- the southern termination of Central Spur Road has been designed to maximize space allocated to “Bridges Park and Tot Lot”, provide a safer environment adjacent to the Park and provide better access to the Park and connection to the Galloping Goose Trail for pedestrians and cyclists
- the applicant has proposed interim tree planting along the southern edge of Phases 1 and 2 to soften the appearance of the development prior to the commencement of construction on the subsequent Phase
- to reduce the potential risk of conflict between an operational Park and childrens play area with a major construction site, the applicant proposes that the “Bridges Park and Tot Lot” be constructed with Phase 3 of the development
- the building entrances on Tyee Road have been designed to collaborate with the landscaping proposed as part of the “Victoria West Entry Park” to create the atmosphere of a “City in the Park”.

Revised Plans

As required by the Council motion dated October 1, 2015, revised plans have been submitted that:

- screen the proposed garbage enclosure adjacent to Gaudin Road
- provide details of the proposed grass pave finish
- provide comprehensive details relating to landscaping for Phases 1 and 2
- reduce annual landscaping maintenance costs within Bridges Park and along Tyee Road (see section relating to Resource Impacts below).

Amendment to Master Development Agreement

A draft amendment to the Railyards Master Development Agreement (MDA) has been prepared and, based on the remaining development proceeding in three phases, the key revisions to the existing Agreement are as follows:

- the northerly section of the “Victoria West Entry Park” will be constructed as part of Phase 1
- the area defined as “Bridge Dedication and Landscaping” will be dedicated to the City with the deposit of the phased strata plan for Phase 1
- the “Bridges Park and Tot Lot”, southerly section of the “Victoria West Entry Park”, public pathway from Tyee Road to Central Spur Road and landscaping of the bridge dedication area must be completed before any building associated with Phase 3 is occupied
- public parking in conjunction with “Bridges Park and Tot Lot” is no longer required

- the Developer will provide the City with a security equivalent to 120% of the total cost of constructing an amenity before obtaining a Building Permit for the Phase of development in which the amenity occurs
- a Statutory Right-of-Way (SRW) will be registered over the lands for the accommodation of the public pathways from Tyee Road to Central Spur Road and associated with the "Victoria West Entry Park" with the deposit of the phased strata plan for Phase 1.

Staff recommend that, after giving notice and allowing an opportunity for public comment, Council consider issuing the Development Permit with Variances Application subject to the amendment to the MDA being first registered on title, to the satisfaction of staff.

Public Footpath from Tyee Road to Central Spur Road

Under the terms of the MDA, the Developer is required to construct a public pathway through the site connecting Tyee Road with Central Spur Road and dedicate this land as City Park. The applicant is proposing a pathway design that is consistent with this MDA requirement, however, the Application proposes an underground parkade structure under the land earmarked for this pathway. Due to liability and maintenance concerns resulting from the underground parkade being located directly under the pathway, staff have recommended that Council consider securing public access along this corridor by means of an SRW.

One underground parkade, serving all three phases of the proposed residential development is considered to be a preferable design solution for the project. If Phase 3 of the development were to have a self-contained underground parkade allowing for a strip of land not encumbered with an underground structure, then it would be necessary to construct an additional parkade entrance and, critically, Central Spur Road would have to be extended to provide vehicular access to the parkade potentially impacting the size and design of Bridges Park. In addition, an extended Central Spur Road may conflict with pedestrian movements from the new pathway to Bridges Park (the current design shows the pathway connecting directly to Bridges Park and the Galloping Goose Trail).

Acquisition of the land by the City and dedication of the pathway as a park would make the arrangements for the parkade underneath unnecessarily complicated as it would require complex legal agreements and would still leave the City potentially exposed to liability in relation to the underground parkade. On the other hand, the same public rights of access could be easily secured through a SRW in favour of the City with the strata retaining ownership of the property. Subject to Council's directions, the SRW could make the City responsible for all surface operations and maintenance, while the strata would be responsible for the underground structure only. The strata would have no ability to limit public use or access to the pathway except where reasonably required for construction or maintenance of the underground structure. Rather, the pathway would be subject to City regulations under the *Parks Regulation Bylaw*. Thus, for all practical purposes, the pathway would be the same as a City Park, notwithstanding that the ownership of it would remain with the strata. A properly drafted SRW offers all the advantages, without most of the disadvantages, of actually acquiring the property.

Resource Impacts

There are resource impacts anticipated with this proposal. As per the MDA, several public amenities will be provided as part of the of the Railyards development. Once completed, the maintenance of Bridges Park, the Tot Lot as well as the Tyee Road improvements will rest with the Parks Division. Based on the plans presented to Council on October 1, 2015, it was estimated that the annual maintenance of the landscaping and play structures would add

approximately \$60,000.00 in annual maintenance costs. In an effort to reduce annual maintenance costs, staff recommended that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs. The applicant responded and new plans have reduced the estimated annual maintenance costs by \$18,050.00 (revised annual cost of \$41,950.00). This estimate is based on 2015 rates and the operational impact is expected in 2018. The ongoing cost of this amenity equals a 0.03% tax increase. The breakdown is as follows:

- shrub beds: \$18,750.00 (weed, mulch, fertilize and prune)
- new trees: \$5,000.00 (fertilize and prune)
- turf areas: \$6,000.00 (mow, trim and fertilize)
- irrigation infrastructure: \$1,200.00 (water meter fees, spring/winter maintenance)
- playground maintenance: \$ 6,700.00 (repairs and fiber surface grading)
- garbage pickup: \$4,300.00.

Additional capital implications are that the playground will require replacement in 15 years at an estimated cost of \$150,000.00 (plus inflation) and a full time employee (FTE) of 0.75 will be required to maintain this additional inventory. This capital implication equals a 0.12% tax increase.

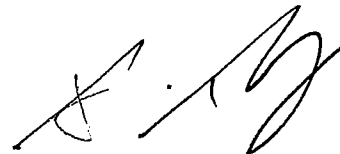
Conclusion

Staff recommend that, after giving notice and allowing an opportunity for public comment, Council consider issuing the Development Permit with Variances Application subject to the amendment to the MDA being first registered on title, to the satisfaction of staff.

Respectfully submitted,

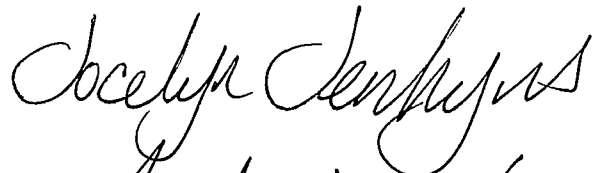
 

Jim Handy, Senior Planner –
Development Agreements
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: March 4, 2016

List of Attachments

- PLUC Report dated October 1, 2015
- PLUC Minutes dated October 1, 2015
- Council Minutes dated October 1, 2015
- Advisory Design Panel Minutes dated October 28, 2015
- Letters from applicant dated December 11, 2015
- Revised plans dated February 9, 2016
- Draft Amendment to Master Development Agreement.