

DISTRICT OF WEST VANCOUVER
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COUNCIL REPORT

Date:	December 16, 2016
From:	Mark Chan, Director, Corporate Services
Subject:	Brissenden Park and Proposed Funding Strategy for Acquisition of 1444 and 1448 Argyle Avenue
File:	0510-03-01

RECOMMENDATION

THAT the District proceed with public consultation on the proposed funding strategy of selling or long term leasing the municipally owned lands at 2519 and 2539 Rosebery Avenue (also referred to as Brissenden Park), to fund the purchase of the last two privately-held properties at 1444 and 1448 Argyle Avenue, in order to complete the acquisition of the Argyle waterfront for public park use pursuant to the District's Argyle acquisition policy.

1.0 Purpose

This report recommends that the District conduct public consultation on a proposed funding strategy to acquire the last two privately-held properties on the Argyle waterfront at 1444 and 1448 Argyle Avenue (i.e. the last two houses just west of the Ferry Building grounds). The proposed funding strategy is the concept of selling or long term leasing 2519 and 2539 Rosebery Avenue (Brissenden Park), to fund the acquisition of 1444 and 1448 Argyle Avenue.

It is important to note that, while referred to as "Brissenden Park", the property has not generally been used as a public park, and has not been dedicated as park. There is a house on the property, and the property is zoned for single family residential use.

Staff have considered the use of property tax, and other funding sources, and are of the opinion that the exchange of Brissenden Park for the higher overall community value waterfront parkland to be acquired at 1444 and 1448 Argyle Avenue is the most efficient use of the community's assets, and best serves the community interest.

2.0 Legislation/Bylaw/Policy

Please see the Background section of this report below.

3.0 Background

The use of the Ambleside waterfront for public park goes back over 60 years. Cottages and houses were removed to create Ambleside Park in

the mid 1950's, to accommodate the Hollyburn Sailing Club in the mid 1960's, and to develop John Lawson Park in the mid 1950's to late 1960's.

In 1975 to 1977, Council passed several resolutions to approve: the purchase of waterfront land in the Ambleside area; a policy to build a continuous pedestrian walk from Dundarave to Cleveland Dam; and affirm the District's general policy to acquire all private property from 18th Street to Ambleside Park ("the Argyle Acquisition Policy").

In 1988, Council reaffirmed the Argyle Acquisition Policy. The 2008 Ambleside Village Centre Strategy also reaffirmed the policy by recommending that the District continue the current waterfront acquisition policy.

In 2013, after a Public Hearing, Council adopted as Official Community Plan Policy BF-C 4.7, the Waterfront Guiding Principles, which state:

- *"Public ownership of the waterfront from 13th to 18th Streets is a community value, and the District should continue to acquire the remaining privately-owned waterfront lots for public use as opportunities become available."*
- *"A continuous public walkway for pedestrians and cyclists should be provided as a primary use and recreational function throughout the waterfront area."*

The public's support for a continuous public walkway and increased waterfront park was further reinforced through the recent 2016 public consultation on the Ambleside Waterfront Concept Plan. In response to the question *"What do you like best about the Ambleside Waterfront Concept Plan?"*, the top two answers by a wide margin were: *"increased green and public spaces"*; and *"completion of the Spirit Trail and foreshore path"*. In response to the question *"Which key components of the plan should the District implement first?"* the number one answer by almost two to one was *"Completing the Spirit Trail and Foreshore Path"*.

The first of 32 Argyle waterfront properties was acquired in 1977 and the last property (1454 Argyle Avenue) was acquired in 2015.

4.0 Analysis

4.1 Discussion

On June 13, 2016, Council endorsed the Ambleside Waterfront Concept Plan, and directed Staff to: proceed with the first phase of implementation; and *"acquire the remaining two houses on Argyle Avenue"*. With the first phase of implementation nearing completion, it is now timely to report back on how to fund the acquisition of 1444 and 1448 Argyle Avenue.

1444 and 1448 Argyle Avenue ("the Argyle Properties") are the last two of 32 houses on the Argyle waterfront to be acquired for public park use.

Each of the Argyle Properties has a single family house that is currently occupied. Aerial photos of the Argyle Properties are attached in **Appendix 1**.

Brissenden Park

Brissenden Park is comprised of two lots at 2519 and 2539 Rosebery Avenue, which are immediately south of the Upper Levels Highway. Brissenden Park has not generally been used as a public park, and has not been dedicated as park. There is a single family house located on the property that is occupied by a caretaker.

The property is approximately 2.4 acres and has not been developed (other than for the one house) and so is substantially treed. The property is and would continue to be governed by the District's Interim Tree Bylaw, in the same way the Bylaw applies to any other residential property in West Vancouver (other than Development Permit areas). The Bylaw would both protect trees from being cut, and also allow development within the Permitted Building Envelope, driveway area and accessory building area. In addition to the protections in the Interim Tree Bylaw, Council would also have the ability to consider additional protection for trees through the use of section 219 covenants registered on title.

The property is zoned RS3 – Residential Single Family and is in an area that consists of single family houses. An aerial photo of Brissenden Park is attached in **Appendix 2**.

The House at Brissenden Park

There is a house at Brissenden Park (on 2519 Rosebery Avenue) that was built in 1948, and is classified as a secondary heritage building in the book, *West Vancouver Survey of Significant Architecture*. The house has not been nominated, but would be eligible for addition to the Heritage Register. While this offers no legal protection from alteration or demolition, it would make the house eligible for land use incentives if a heritage option was pursued. If Brissenden Park were to be sold or long term leased, a number of options for the house could be considered including: retention for public use, or a possible sale with a requirement to retain the house on-site, etc.

Legal Trust

Brissenden Park and the house on the property were donated to the District by Mr. and Mrs. Brissenden in 1990. By virtue of the donation, a 1989 Council resolution, and Mrs. Brissenden's will, a legal trust was created stipulating that the property be used and maintained for public park purposes. In order to proceed with any disposition of Brissenden Park, the District would need to apply to Court to vary the terms of the trust as expressly provided for pursuant to sections 184(2) and (3) of the *Community Charter*. In order to consider whether to proceed with a Court application to vary the trust, the District would like to first conduct public

consultation on the proposed funding strategy. This will be important information for Council's determination about whether seeking to vary the trust is in the best interests of the municipality.

Sale or Long Term Lease of Brissenden Park

There are several reasons for recommending the proposed funding strategy.

The cost of acquiring the Argyle Properties is substantial. The last Argyle property (1454 Argyle Avenue) was acquired by the District in 2015 at a cost of \$4.9 million. It is anticipated that acquisition of both the Argyle Properties will be in the region of \$10 million.

The District does not have a dedicated financial reserve with sufficient assets to purchase the Argyle Properties. This is principally due to the fact that the District in 2014 acquired the former Vancouver Coastal Health Authority property at 22nd Street and Gordon Avenue. This was an important strategic acquisition for the community, and is immediately adjacent to the very popular Community Centre site (which already generates over 1.5 million visits per year). While the site has increased in value, the initial purchase price of \$16.07 million was substantial, and significantly reduced the District's cash assets available for purchase of new land. Furthermore, in 2015, the District entered into a loan with the Municipal Finance Authority for the construction of the new post-disaster standard Police Services and Municipal Hall Building. That Council approved funding strategy requires that the District maintain a certain level of assets in the Endowment Fund to generate sufficient investment income to repay the loan.

In addition to the lack of dedicated financial reserves, the District recently completed an asset inventory as part of its long term asset management strategy. The inventory shows that the District currently owns assets with a replacement value of over \$1 billion (not including utilities). Examples of those assets include: 41 athletic fields; 7,500 metres of chain link fencing, 33 tennis courts, 46 playground structures, 36 parking lots, 150,000 metres of trails, 4 fire halls, and 2 major community centres. Over the next 50 years, virtually all of these assets will be coming due for repair and replacement. The annual level of funding required to maintain the District's current suite of assets is approximately \$13.4 million annually. In 2016, the District for the first time introduced an asset levy dedicated to fund the maintenance of District assets. Even with the new asset levy, the District still faces an infrastructure funding shortfall of \$3.0 million per year. This also does not take into account new funding requirements arising from new assets acquired or built by the District. Consequently, Council asked Staff to consider carefully whether the current assets are providing the best value, or whether more community value could be provided by disposing of some assets and enhancing others.

Staff, including the Director of Finance, have considered the use of property tax and, in summary, do not recommend relying on property tax when other viable options exist. Staff have also considered other potential funding sources and are of the opinion that the proposed exchange of Brissenden Park for the higher overall community value waterfront parkland at the Argyle Properties is the most efficient use of the community's assets, and best serves the community interest.

There has previously been public support for selling underutilized lands to fund the acquisition of the Argyle waterfront. In 2007, the District (through an independent survey company) conducted a statistically significant survey which asked, among other things, how to fund the purchase of the remaining Argyle properties. 76% of respondents chose "sale of unused or underutilized lands", 14% chose District taxes, 3% chose a combination of methods, and 2% chose other options. A copy of the relevant part of the 2007 survey is attached in **Appendix 3**.

The property has not generally been used as a park, and has not been dedicated as park. The property is not well-suited for use as a public park as it has no public amenities, facilities or parking, and is located next to the Upper Levels Highway and not close to any public transit lines. The property is relatively steep, difficult to access and unlikely to be well-utilized as a public park in the future.

By comparison, the Argyle Properties are the final two pieces of the Argyle waterfront to be acquired, are highly accessible in the heart of Ambleside, and would be greatly used every day by the public. By way of illustration, the District's Centennial Seawalk is used by an estimated 1 million people each year. Acquisition of the Argyle Properties would complete the Argyle Acquisition Policy commenced in the 1970s, and result in complete public ownership of all 32 waterfront properties. The acquisition of the Argyle Properties would also result in one continuous public walkway with several waterfront parks from Ambleside Park to Dundarave Park.

Potential Revenue from Brissenden Park

There is District policy that supports the exchange of park land in appropriate circumstances. Recommendation 2.2.6 of the Parks Master Plan (2012) expressly contemplates the possibility of disposition of park land in certain circumstances, and states:

"Identify existing parkland (dedicated or not) that does not meet the PMP [Parks Master Plan] core values for parkland, and determine the most appropriate actions with respect to these lands, including community consultation.

- *Are there steps that can be taken to make that land meet the PMP core values?*
- *If the land cannot be altered to meet the PMP core values, determine if the land might be used for disposition or land swap*

purposes to obtain parkland which would enhance the park inventory and meet the PMP core values. [emphasis added]

Recommendation 2.2.6 of the Parks Master Plan is attached in **Appendix 4.**

Due to its size, the land at Brissenden Park has the ability to generate the revenue required to help fund the acquisition of the Argyle Properties. As an indication, the 2016 BC Assessment assessed values (which may not necessarily reflect the market value) for 2519 and 2539 Rosebery Avenue at Brissenden Park are \$5,634,000 and \$5,615,600 (including \$91,600 for the assessed value of the house). It should be noted that it may not be necessary to dispose of the entire Brissenden Park. Council can decide, after public consultation, what portion of Brissenden Park, if any, should be sold or long term leased.

The land at Brissenden Park can also create new housing, such as new single family housing with coach houses or secondary suites consistent with the existing single family residential zoning. (Any use that is not allowed under the current zoning would require a separate statutory public rezoning process and would be part of a future public consultation process.)

The proposed funding strategy also creates an opportunity to continue the recognition of the Brissendens. If this concept were to proceed, Staff recommend that the District consider renaming the area around the Argyle Properties "Brissenden Park" to reflect the Brissendens' initial, and ultimate contribution to the community.

Public Consultation Process

Set out below is a summary of the recommended public consultation process, which has been prepared with reference to the District's Community Outreach and Engagement Policy.

- The District will conduct two consultations: one consultation specifically for residents in the neighbourhood of Brissenden Park; and one consultation for the general community.
- Staff will reach out to residents in the neighbourhood of Brissenden Park to inform them of the proposed funding strategy in advance of the Council Meeting when this report will be considered. Staff will inform them that they will be able to participate in not only the general public consultation, but also smaller focus group style consultation that is specific to their neighbourhood and allow them to share more specific views.

- Signage will be placed at both Brissenden Park and the Argyle waterfront to provide information about the proposed funding strategy.
- Two open houses are planned and will be advertised using a broad spectrum of platforms, including newspaper ads/print ads, a letter drop to the surrounding neighbourhood, signage, District website/social media, and direct contact.
- At the two open houses, information boards and an interdepartmental Staff team will be available to provide information and answer questions.
- Online surveys and hard copy surveys will be used to gather information.
- A web page and Frequently Asked Questions document will also be created.

Staff would then report back to Council with the results of the public consultation. Council would then decide the next steps which could include: continuing further public consultation; preparing a Court application to vary the terms of the legal trust; or not pursuing the proposed funding strategy.

4.2 Sustainability

The proposed funding strategy offers the opportunity to achieve triple bottom line sustainability objectives such as: generating revenue to acquire the Argyle Properties; increased housing supply; and acquisition of new park land for the benefit of the entire community.

4.3 Public Engagement and Outreach

The recommended public consultation process is set out above.

4.4 Other Communication, Consultation, and Research

This report has been prepared in consultation with Staff from: Parks, Culture and Community Services; Planning and Development Services; Financial Services; Engineering and Environment Services; and Community Relations and Communications.

5.0 Options

5.1 Recommended Option

THAT the District proceed with public consultation on the proposed funding strategy of selling or long term leasing the municipally owned lands at 2519 and 2539 Rosebery Avenue (also referred to as Brissenden Park), to fund the purchase of the last two privately-held properties at 1444 and 1448 Argyle Avenue, in order to complete the acquisition of the

Argyle waterfront for public park use pursuant to the District's Argyle acquisition policy.

5.2 Considered Options

Staff considered other options for the public consultation process. Staff will also be seeking comments from the District's Community Engagement Committee on potential other ways to consult the public on the proposed funding strategy.

Author: _____



Appendices:

- Appendix 1 – Aerial photo of 1444 and 1448 Argyle Avenue
- Appendix 2 – Aerial photo of Brissenden Park
- Appendix 3 – Excerpts from 2007 Community Survey
- Appendix 4 – Excerpts from the Parks Master Plan



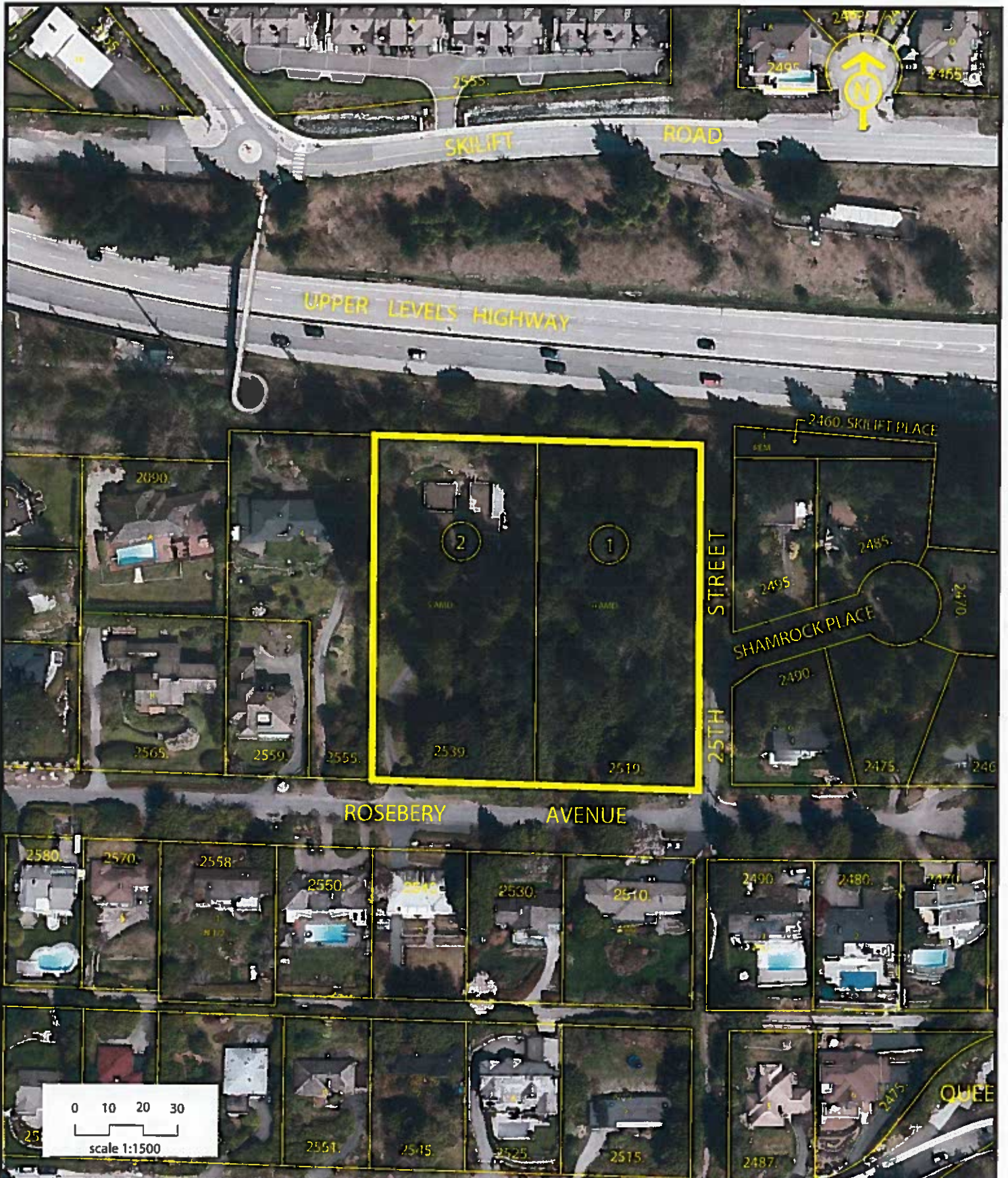
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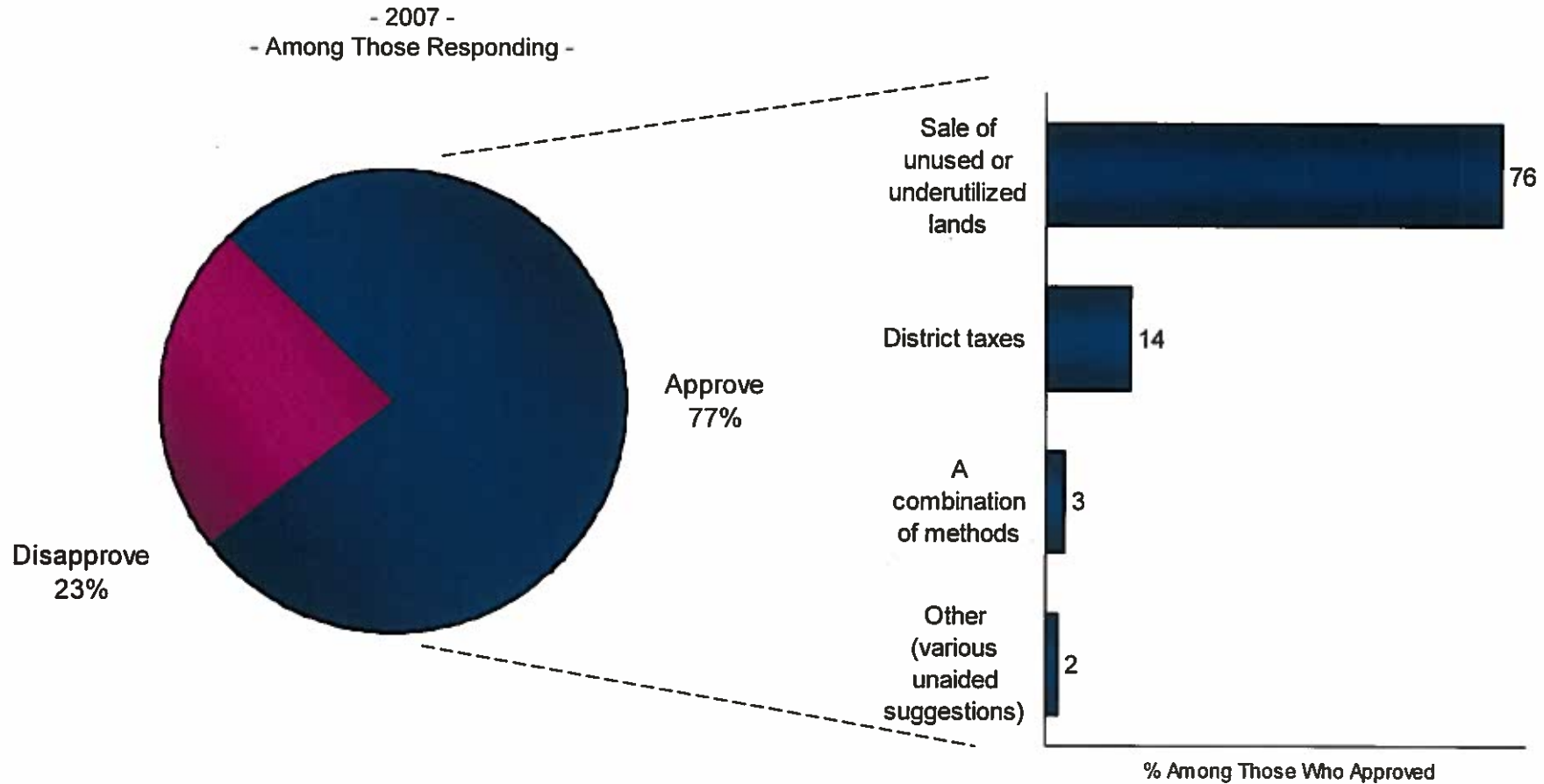
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Approval Of Proposed Extension Of Waterfront Park

Q17. Do you approve or disapprove of the proposed extension of the waterfront park through the purchase of remaining seven (7) private lots in the 1400 block of Argyle (estimated cost of \$20 million)?

Q18. How should this purchase be funded?



Approval Of Proposed Extension Of Waterfront Park (continued)

- Extending waterfront park through the purchase of the remaining seven private lots in the 1400 block of Argyle for the estimated cost of \$20 million earns approval from 77% of West Vancouver residents.
- Approval is uniform across the various regions, but increases steadily with age.
- When it comes to funding this purchase residents tend to prefer selling unused or under utilized lands (76%).

Recommendations

Parkland Protection and Acquisition

Protection of Parks

- 2.2.1 Pass park dedication bylaws as soon as possible for de facto parks that are of a high priority to the community.
- 2.2.2 Begin the park dedication process with the high priority parks listed in Figure 2.1. Review all other de facto parks and pass park dedication bylaws as is appropriate.
- 2.2.3 Identify the land surrounding Whyte Lake and Whyte Lake Trail, and protect this area as a park with a park dedication bylaw.
- 2.2.4 Pass park dedication bylaws for all new parks.
- 2.2.5 Address encroachment into parks.
 - Inventory and document encroachments.
 - Establish policy to address encroachments.

Parkland Supply – All Areas

- 2.2.6 Identify existing parkland (dedicated or not) that does not meet the PMP core values for parkland, and determine the most appropriate actions with respect to these lands, including community consultation.
 - Are there steps that can be taken to make that land meet the PMP core values?
 - If the land cannot be altered to meet the PMP core values, determine if the land might be used for disposition or land swap purposes to obtain parkland which would enhance the park inventory and meet the PMP core values.

Parkland Acquisition – Below Highway

- 2.2.7 Acquire properties as parks where acquisition would meet the core values of the Parks Master Plan and significantly enhance the parks inventory, e.g., undeveloped road-ends that provide access to the shoreline.
 - Review opportunities for accretions adjacent to waterfront parkland and take the necessary steps to add these to the District's park holdings.

Parkland Acquisition – Above Highway

- 2.2.8 Recommend that a high-level environmental inventory be conducted as part of the Upper Lands Study to generally identify lands which could be considered for future park protection.



"I really like the idea of classifying parks and identifying environmental hot-spots. Also mapping environmentally sensitive areas." - Open House Participant

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