



COUNCIL AGENDA

Date: July 24, 2017 Item: 19.2



**DISTRICT OF WEST VANCOUVER**  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

19.2

## COUNCIL REPORT

Date:	July 11, 2017
From:	David Hawkins, Manager of Community Planning and Sustainability
Subject:	Cypress Village Update
File:	2570-04

### RECOMMENDATION

#### THAT

1. The report from the Manager of Community Planning and Sustainability titled "Cypress Village Update" dated July 11, 2017 and its attached Appendices A, B and C be received for information; and
2. The community be advised that cost recovery is proceeding for Cypress Village planning as outlined in this report.

#### 1.0 Purpose

The purpose of this report is to present the findings of the cost recovery study for the Cypress Village Planning Process and update on next steps.

#### 2.0 Legislation/Bylaw/Policy

Official Community Plan (OCP) Bylaw No. 4360, 2004 (as amended) provides land use policy for the Upper Lands. The Cypress Village area is located within "Development Permit Area UL8: Future Neighbourhoods". As such, the preparation of an Area Development Plan is required to precede any development in this location.

Staff have also been directed by Council to use the recommendations contained in the Upper Lands Study Review Working Group's Final Report as a "framework" in the preparation of the Cypress Village Area Development Plan.

#### 3.0 Background

##### 3.1 Previous Decisions

At the December 12, 2016 Council meeting Council passed the following motion:

"THAT a consultant be retained to identify cost recovery options for proceeding with the planning process for Cypress Village".

At the April 18, 2016 Council meeting Council passed the following motion:

“THAT the report titled “Cypress Village Planning Process” dated April 5, 2016 be received for information”.

### 3.2 History

The idea for a village located generally near the first switchback on Cypress Bowl Road has been policy since the adoption of the current OCP in 2004. Further details and support for an anticipated Cypress Village in this area have been provided by the Rodgers Creek Area Plan Working Group (2008), the Upper Lands Study Review Working Group (2015), and the Community Energy and Emission Plan Working Group (2016).

## 4.0 Analysis

### 4.1 Discussion

There is a policy basis and a Working Group framework in place to proceed with planning for Cypress Village. However, given existing resource allocations and work programs, staff are not in a position to advance Cypress Village planning at this time. Staff were therefore directed in December 2016 to retain a consultant to identify options for a cost recovery model that could allow for the planning process to move forward.

The consultant team has concluded its study and has recommended a two-stage approach generally consisting of:

1. “Preconditions Stage”: the identification and resolution of “Pre-Conditions” leading to one or a series of “Memorandums of Understanding (MOUs) for the Concept Plan Process” to be negotiated and agreed between the District and British Pacific Properties (BPP); and
2. “Community Planning Stage”: a District-led “Planning Process to develop a Concept Plan” including the formation and facilitation of a Working Group, stakeholder input, and professional staff oversight.

The consultants’ report is comprehensive and well-considered. It describes in detail the necessary steps for an effective cost recovery process to achieve an outcome that meets the objectives of the District, the community, and BPP. It is acknowledged by staff that some of the steps described below have already been initiated by BPP.

The report’s recommendations are outlined on the following pages.

***Preconditions Stage (leads to MOUs between the District and BPP)***

**1) Recommendation:**

That the district engage an environmental engineer to undertake a preliminary site contamination assessment as required in an OCP by the Local Government Act with a cost estimate for any remediation and engage a programming consultant to work with the relevant departments in the District to confirm the spatial and functional requirements of the Work Yard. The district and the School Board should enter into immediate talks about co-location of their Works Yard. Subsequently an internal committee of the relevant District staff should be struck to explore potential alternative locations. This work should be carried out expeditiously so that when the planning process begins it will be clear whether either or both of the sites is available for other uses.

**2) Recommendation:**

That District staff consult with BC Hydro and the School Board at an early date to review their intent regarding the use of the land that they currently occupy.

**3) Recommendation:**

That the parties agree to investigate and make recommendations respecting removal of the covenant on the sports field land and either relocation of the sports field to a more appropriate location at BPP's expense or exploration of appropriate alternatives involving density transfer to restore the development potential of the current site.

**4) Recommendation:**

That the parties agree to undertake an environmental sieve analysis based upon information to be provided by BPP and at a level acceptable to the District to identify areas that will be protected from development and those that are suitable for development.

**5) Recommendations:**

That the parties agree to undertake a population and employment study that includes an assessment of the population needed to support varying levels of commercial and retail space and ensure a walkable community with a vibrant core.

**6) Recommendations:**

That the parties agree to undertake a transportation study and prepare a financial plan and schedule for implementation of the range of options proposed and further agree to early and ongoing consultation with the relevant agencies and organizations delivering transportation services.

**7) Recommendations:**

That the parties agree to develop an objective for the creation of a certain number of ongoing jobs through the Village development

**8) Recommendation:**

That the parties agree to include a study of the variety of housing units essential for community benefit and marketability, innovative ways of providing them and guidelines for the provision of affordable units, together with innovative ways of providing them.

**9) Recommendation:**

That as part of the MOU process, BPP and the District should complete the real estate analysis required to determine the approximate number of units that would be required in Cypress Village area (and the rest of BPP's lands east of Eagle Creek) to make the re-designation of the lands west of Eagle Creek possible. The required number of units could come solely from a density transfer or may also require additional units and floorspace beyond that permitted under the existing OCP.

Based on this evaluation, DWV and BPP should determine whether the re-designation of the lands west of Eagle Creek could be a realistic outcome of the planning process and decide how to proceed.

**10) Recommendation:**

That as part of the MOU process, the District and BPP should agree on an approach or calculation mechanism to determining how to fund amenities and public facilities in the planning area. The actual values could be determined as part of the Concept Planning process or subsequent planning process.

The District and BPP should also produce a preliminary list of contemplated amenities and dedications that they would recommend for inclusion in the Area Development Plan (ADP) submission.

**11) Recommendation:**

That the parties agree to consult with the School Board early in the MOU process to determine the need for schools and that the parties also agree to consult the Library Board and the District's Parks, Culture Community Services Department to determine the requirements for provision of other community services.

***Community Planning Stage (leads to preparation of a Concept Plan)***

**1) Recommendation:**

That District staff consult with Metro staff at an early date to confirm under which procedures the potential amendments to the Regional Growth Strategy would be processed.

**2) Recommendation:**

That District staff inform the Squamish Nation of the upcoming planning process as appropriate.

**3) Recommendation:**

That BPP be an advisor only to the Working Group.

**4) Recommendation:**

That a dedicated Planning Team be assembled to proceed with the preparation of a Policy Framework and Concept Plan. The Policy Framework and Concept Plan should address, in general terms and at a minimum, the features listed in the OCP for an ADP. The Planning Team would consist of District staff, a Working Group, a planning consulting team and BPP.

**5) Recommendation:**

That TransLink be involved in the planning process as appropriate.

For reasons of confidentiality, the report's findings were initially presented to Council at two in camera meetings, as provided for under section 90 of the *Community Charter*. Staff received direction to work towards a mutually agreed approach with BPP and then subsequently to enter a legal agreement for the "preconditions stage". From this, staff are now updating the public with:

1. a consultant report into "Cost Recovery for the Cypress Village Planning Process" (attached as Appendix A);
2. a "Cost Recovery Legal Agreement" prepared with legal counsel by District staff and BPP as a proposed framework to govern BPP's sole provision of, and the District's sole dispensation of, funds to advance the "Preconditions Stage" of the planning process (attached as Appendix B); and
3. a "Cost Recovery Reporting Structure" provided as information to identify and clarify roles and process in this "Preconditions Stage" (attached as Appendix C).

This approach allows the District to proceed favourably and without prejudice with planning for Cypress Village. Importantly:

- the legal agreement does not commit either party to any particular outcome or to proceed to subsequent phases in planning;
- either party can withdraw from the arrangement with appropriate notice;
- entering into this agreement implies no fettering of Council's land use authority; and
- dispensation of the funds would be at the District's direction, with all cost recovered resources working for the District, not BPP.

The intended outcome of this initial legal agreement would be one or a series of MOU(s) to guide the subsequent process to develop a Concept Plan for the village (the "Community Planning Stage"). Staff will update

Council as appropriate and seek direction prior to advancing to the “community planning stage”.

#### 4.2 Sustainability

Current OCP policy and the recommendations of three Working Groups support the planning of sustainable neighbourhood(s) in and around Cypress Village.

#### 4.3 Public Engagement and Outreach

Developer-led pre-application outreach included a range of public engagement events including a speaker series, a *plein air* painting competition, information displays, and various public forums. The subsequent District-led engagement process is yet to commence and would notably include the formation of a Working Group in the “community planning stage”.

#### 4.4 Other Communication, Consultation, and Research

Other communication, consultation or research requirements would be expected given the scale of this project and would be conducted as they arise, consistent with District policy.

### 5.0 Options

#### 5.1 Recommended Option

At the time of consideration of this report, Council may:

- a) Receive this report for information and advise the public that cost recovery is proceeding; or

#### 5.2 Considered Options

- b) Request additional information or provide alternative direction (to be specified).

### 6.0 Conclusion

Further to Council directing staff to retain a consultant to identify cost recovery options for the Cypress Village planning process, this report presents the consultant team’s findings. The District and BPP have agreed to a cost recovered approach for proceeding with the first “preconditions stage” of the overall process.

Date: July 11, 2017  
From: David Hawkins, Manager of Community Planning and Sustainability  
Subject: Cypress Village Update

---

Page 7

Author:

  
David Hawkins, Manager of Community Planning and Sustainability

---

Appendices:

- A. Cost Recovery for the Cypress Village Planning Process (Consultants' Report)
- B. Cost Recovery Legal Agreement
- C. Cost Recovery Reporting Structure

---

**This page intentionally left blank**

**This page intentionally left blank**



# Cost Recovery for the Cypress Village Planning Process

A Report by:

Coriolis Consulting  
Steve Nicholls  
Freda Pagani

For  
The District of West Vancouver

## Contents

Acknowledgements.....	4
Introduction .....	10
Preconditions to Memorandum of Understanding .....	11
1 Definition of Study Area.....	11
2 Policy and Regulatory Context.....	13
2.1 Official Community Plan (OCP).....	13
2.2 Zoning Bylaw .....	14
2.3 Other Relevant Policy.....	14
2.4 Regional Growth Strategy Bylaw #1136 2010: <i>Metro Vancouver 2040: Shaping Our Future</i> (July 2011) .....	18
2.5 Consideration of Current British Pacific Properties (BPP) Scenarios .....	19
3. Involving Other Land Owners.....	22
4. Consulting Other Governing Bodies.....	22
5. Transfer of Density in OCP .....	23
Memorandum of Understanding .....	26
1. Cost Recovery Mechanisms .....	26
2. Cypress Village .....	28
3. Issues for Inclusion in Memorandum of Understanding.....	28
3.1 Population Thresholds, Employment Opportunities, Commercial Space Range, Services and Transit.....	28
3.2 Environmental Considerations.....	29
3.3 Housing Types .....	30
3.4 Schools and Other Community Services .....	30
3.5 Covenanted Sports Fields.....	31
3.6 Transfer of Density from Other Areas.....	33
3.7 Method and Basis of Density Transfers .....	34
4 Determining Land Dedications and Amenity Contributions .....	36
5 Works Yard Relocation Feasibility.....	37
Planning.....	39
1 Policy Framework and Concept Plan.....	39
2 Next Steps .....	43
3 Involvement of Key Interested Parties.....	44
3.1 TransLink .....	44

3.2 Public Input .....	44
3.3 Land Owners.....	45
4 Timeline.....	46
5 Budget.....	46
Appendix 1 .....	47

Table of Figures

Figure 1 Sequence of Decisions.....	8
Figure 2 Map of Study Area.....	12
Figure 3 Map of Study Area.....	32
Figure 4 Planning Process Flow Showing Relationships.....	42
Figure 5 Policy Framework and Concept Plan showing Relationships.....	43

---

## Acknowledgements

We would like to acknowledge the essential foundational work of the Upper Lands Working Group without which we could not have completed this report.



## Executive Summary

Cost recovery is an accepted method in the Metro region for planning large areas<sup>1</sup>. This study lays out a cost recovery strategy to achieve an outcome for the Cypress Village planning process that meets the high level objectives of the District, the community and British Pacific Properties.

The study covers: existing policy and regulatory context, the background for density transfer, the topics that should be covered in a Memorandum of Understanding between British Pacific Properties Limited (BPP) and the District of West Vancouver, and outlines the process for developing a Policy Framework and Concept Plan for Cypress Village.

In the body of this study we make several recommendations for suggested actions for the District. We have numbered the recommendations sequentially as they appear in our text. However there is a logical time sequence for the recommendations and the outcomes of some will determine the validity of others. We have arranged and listed these recommendations in their logical order in the stages of Preconditions, Memorandum of Understanding and Planning.

### *Preconditions to the MOU*

#### 1) Recommendation 13:

That the District engage an environmental engineer to undertake a preliminary site contamination assessment as required in an OCP by the Local Government Act<sup>2</sup> with a cost estimate for any remediation and engage a programming consultant to work with the relevant departments in the District to confirm the spatial and functional requirements of the Works Yard. The District and the School Board should enter into immediate talks about co-location of their Works Yard. Subsequently an internal committee of the relevant District staff should be struck to explore potential alternative locations. This work should be carried out expeditiously so that when the planning process begins it will be clear whether either or both of the sites is available for other uses.

#### 2) Recommendation 2:

That District staff consult with BC Hydro and the School Board at an early date to review their intent regarding the use of the land that they currently occupy.

#### 3) Recommendation 10:

That the parties agree to investigate and make recommendations respecting removal of the covenant on the sports field land and either relocation of the sports field to a more appropriate location at BPP's expense or exploration of appropriate alternatives involving density transfer to restore the development potential of the current site.

---

<sup>1</sup> Local Government Act Part 14

<sup>2</sup> Local Government Act Part 26

*Memorandum of Understanding*

1) Recommendation 7:

That the parties agree to undertake an environmental sieve analysis based upon information to be provided by BPP and at a level acceptable to the District to identify areas that will be protected from development and those that are suitable for development.

2) Recommendations 4, 5 and 6:

That the parties agree to undertake a population and employment study that includes an assessment of the population needed to support varying levels of commercial and retail space and ensure a walkable community with a vibrant core.

That the parties agree to undertake a transportation study and prepare a financial plan and schedule for implementation of the range of options proposed and further agree to early and ongoing consultation with the relevant agencies and organizations delivering transportation services.

That the parties agree to develop an objective for the creation of a certain number of ongoing jobs through the Village development.

3) Recommendation 8:

That the parties agree to include a study of the variety of housing units essential for community benefit and marketability, innovative ways of providing them and guidelines for the provision of affordable units, together with innovative ways of providing them.

4) Recommendation 11:

That as part of the MOU process, BPP and the District should complete the real estate analysis required to determine the approximate number of units that would be required in Cypress Village area (and the rest of BPP's lands east of Eagle Creek) to make the re-designation of the lands west of Eagle Creek possible. The required number of units could come solely from a density transfer or may also require additional units and floorspace beyond that permitted under the existing OCP.

Based on this evaluation, DWV and BPP should determine whether the re-designation of the lands west of Eagle Creek could be a realistic outcome of the planning process and decide how to proceed.

5) Recommendation 12:

That as part of the MOU process, the District and BPP should agree on an approach or calculation mechanism to determining how to fund amenities and public facilities in the planning area. The actual values could be determined as part of the Concept Planning process or subsequent planning process.

The District and BPP should also produce a preliminary list of contemplated amenities and dedications that they would recommend for inclusion in the Area Development Plan (ADP) submission.

6) Recommendation 9:

That the parties agree to consult with the School Board early in the MOU process to determine the need for schools and that the parties also agree to consult the Library Board and the District's Parks, Culture

Community Services Department to determine the requirements for provision of other community services.

*Planning*

1) Recommendation 1:

That District staff consult with Metro staff at an early date to confirm under which procedures the potential amendments to the Regional Growth Strategy would be processed.

2) Recommendation 3:

That District staff inform the Squamish Nation of the upcoming planning process as appropriate.

3) Recommendation 16:

That BPP be an advisor only to the Working Group.

4) Recommendation 14:

That a dedicated Planning Team be assembled to proceed with the preparation of a Policy Framework and Concept Plan. The Policy Framework and Concept Plan should address, in general terms and at a minimum, the features listed in the OCP for an ADP. The Planning Team would consist of District staff, a Working Group, a planning consulting team and BPP.

5) Recommendation 15:

That TransLink be involved in the planning process as appropriate.

A diagram showing the sequence of decision-making is shown below:

**Preconditions: definition of land available**

Works Yard Relocation	Playing Fields Relocation
-----------------------	---------------------------

**Memorandum Of Understanding: negotiation and agreement**

Population, Commercial, Jobs & Transportation	Environmental & Geotechnical	Housing Types	Transfer of Density	Schools & Amenities
---	------------------------------	---------------	---------------------	---------------------

**Community Planning: development of policy framework and concept plan**

Appointment & briefing of staff/consultants	Development of Terms of Reference for Working Group	BPP provide data and information
---	---	----------------------------------

**Approval: policy framework and concept plan**

**Submission: BPP development of Area Development Plan**

**Detailed Review and Approval**

**Ratification: legal agreements and by-laws**

**Approval: OCP revision, Zoning amendments, Phased Development Agreement etc.**



○ This page left intentionally blank

○

○

---

# Report on Cost Recovery for Cypress Village

## Introduction

West Vancouver has several policies and plans proposing a sustainable community at Cypress Village in an area in the eastern section of the remaining undeveloped section of the Upper Lands between Cypress Creek on the west and Cave Creek on the east. The major land owner, British Pacific Properties (BPP), developed three visions for the area in 2016 and is ready to move on to the next stage of work required prior to preparation of An Area Development Plan (ADP). BPP has requested that the District respond to their three proposals. West Vancouver staff are not in a position to respond to this request at the present time without causing delay to other projects. In December 2016 West Vancouver Council directed staff to retain consultants to identify options for a cost recovery model for the Cypress Village area planning process.

Consequently we have been engaged to recommend a cost-recovered public process using professional consultants and involving a Working Group to develop a high level policy framework and concept plan which will be recommended to Council for approval as a foundation for creation of a detailed Area Development Plan (ADP). Cost recovery for funding the work to be done through staff at this time gives the District more control over the final product.

Entering into a developer funded approach requires an initial agreement between the District and BPP on the issues that the District requires to be addressed. An appropriate vehicle to accomplish this would be a Memorandum of Understanding (MOU). There is precedent for this approach (examples include the University of British Columbia in a series of MOUs with the GVRD with regard to the planning of the residential neighbourhoods on the campus lands, the City of Vancouver East Fraser Lands and the City of North Vancouver Harbourside). This report reviews the Policy and Regulatory context for the study area. It outlines the necessary steps involved in proceeding with planning for the Village and makes recommendations for a systematic and productive process. It covers the potential legal implications for cost recovery, density transfer and amenity contributions. It outlines the staff and consultant resources necessary to undertake the process and gives a preliminary order of magnitude cost estimate for resourcing the project. It also makes recommendations regarding the composition and mandate for a Council-appointed citizen Working Group and gives a preliminary schedule for the project.

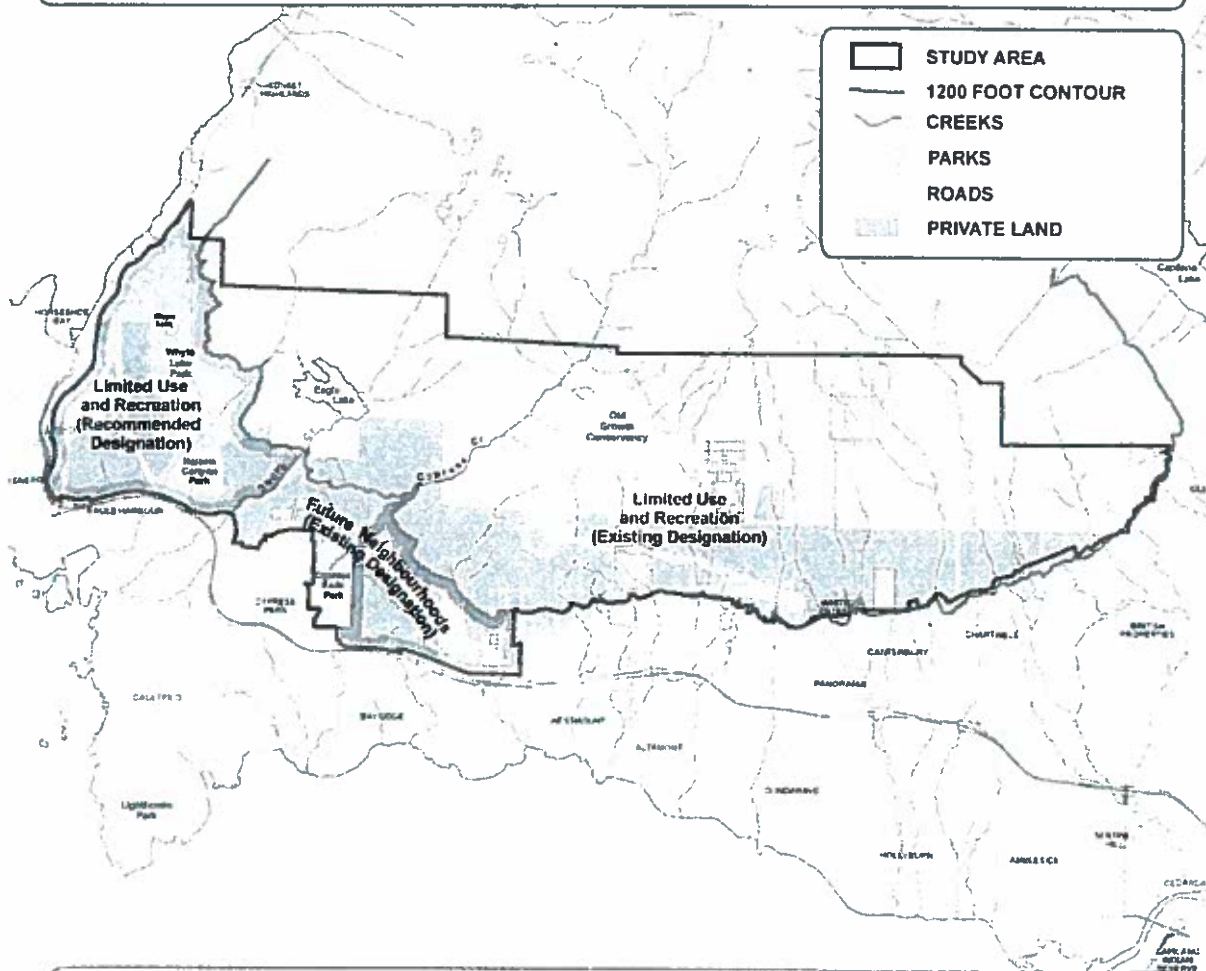
## Preconditions to Memorandum of Understanding

### 1 Definition of Study Area

The Cypress Village planning area as defined by the Upper Lands Study Review, June 1, 2015 in Part One Recommendations and Part Two: Background (identified from here onwards as ULSR (1) and ULSR (2) and in BPP pre-planning material is bounded by Cypress Creek on the west, Cave Creek on the east, the 1200 foot contour on the north and the northern boundary of the Upper Levels Highway on the south.

**However, the Study Area in this report includes all of the Upper Lands below the 1200 foot elevation extending out to Howe Sound in order to provide the full context for issues to be addressed in the proposed Memorandum of Understanding (MOU), and to assess matters such as the development potential under existing policies and zoning and the issues of community benefit and impact. The ULSR review describes these lands as comprising approximately 1,400 acres of undeveloped publicly and privately owned land. We have not specifically discussed the lands known as Cypress West (generally located between Cypress and Eagle Creeks).**

## Illustrative Map: Future Neighbourhoods



### Key Components of our Working Group's Draft Recommendations:



Residential development potential from lands below 1200 feet west of Eagle Creek would be transferred to lands east of Eagle Creek below 1200 feet



Cypress Village area would be the primary focus for future neighbourhood development in the Upper Lands:

- development clustered around a sustainable mixed use village
- serves as a gateway to mountain recreation
- includes shops, services, transit, and community amenities / facilities
- provides a range of housing types for different ages and incomes
- village is 'designed with nature' and responds sensitively to its location

Cypress West area would be a secondary community supporting Cypress Village:

- provides a range of housing types for different ages and incomes
- neighbourhood is 'designed with nature' and responds sensitively to its location

## 2 Policy and Regulatory Context

Development in the Cypress Village area would typically involve a complex set of implementing documents (covenants and other legal agreements) created within a framework of policy (The Official Community Plan, OCP) and regulations (the Zoning Bylaw and others) created by the District as primarily required by the British Columbia Local Government Act. Development would be further guided by a body of adopted policy directions and procedures created by West Vancouver Councils (one example being the above ULSR).

### 2.1 Official Community Plan (OCP)

Council has approved a review of the existing OCP to go out for public consultation this year and for adoption in 2018. *"To be completed in 2018, the OCP review will provide a number of opportunities for citizen engagement throughout the coming year as various policies are reviewed and local area plans are developed."* (District website) Depending upon when it were completed, a conceptual ADP for Cypress Village could be included in the revised OCP.

The overall policy document in force at present is the Official Community Plan (2004 and as amended). The applicable Section would be Upper Lands, but relevant policies also exist in at least 25 other Sections.

As requested, this report deals with the lands below the 1200 foot elevation and the means for planning the Cypress Village area. We have also been asked to consider the ULSR recommendations as part of the policy framework, providing a somewhat broader context.

For a proposal such as Cypress Village, the OCP requires creation of an ADP. This involves an incremental process ensuring that plan creation goes through continuous public review and confirmation, with the level of detail increasing at each stage. This permits the expenditure of very substantial planning dollars with some confidence that the previous steps and direction are acceptable. It also allows for the modification of plans to accommodate concerns as they arise.

The normal framework for this (an example is Rodgers Creek UL 8.1 in the OCP) is a conceptual ADP created from detailed study of site conditions and alternative approaches, and used for early consultation. Modifications and eventual Council endorsement in principle at the "concept" level leads to the proposed Official Community Plan and Zoning amendments. It also identifies the areas to be included in the more detailed final ADP and it could include drawings of building types and public uses that show the character of what is expected. It does not include detailed building plans that are used for "Development Permit" and Building Permit applications. The ADP and the Zoning also become the framework for the more detailed documents that deal with implementation of the development such as Covenants and Agreements for Phased Developments, amenity contributions, subdivision, servicing and land dedications.

Those creating and reviewing an application for Cypress Village will highlight (extract) the applicable OCP policies and assess the "consistency" of the proposal with those policies.

The current OCP describes a process by which a Cypress Village ADP would be considered and approved including amendments to the OCP. It also describes the information required as a condition of review, and some of the means for securing control over detailed plans that would be created in future implementation (See Planning Section of this report).

The terms of the recommended MOU between BPP and the District (Section 5) would lead to a policy framework forming the basis for the creation by BPP and eventual evaluation by the District of an ADP for the Cypress Village Area. In terms of the eventual number of dwellings included, density transfer would likely be required. Policy UL4 on page 105 of the OCP says that “final approval [of Area Density Variation] will not proceed until the land required to implement the area’s density variation limitation has been determined and legally restricted from future development”.

## 2.2 Zoning Bylaw

The second main regulatory document would be the Zoning Bylaw. However, the existing Zoning Bylaw is not the preferred approval framework. It contains broad zones that were not based upon any housing mix, and that bear little relationship to the varied terrain and environmental assets. It was meant to set interim limits and encourage an ADP and rezoning to accommodate an appropriate development. Almost all of the land below 1200 feet is zoned RS, which provides for single family housing, secondary suites, and cluster housing including duplexes and townhouses.

The OCP describes the steps required to create new zoning regulations for lands which reflect the intent of the OCP policies. The appropriate Zoning bylaw framework is created simultaneously with the ADP, and is intended to regulate what will actually be approved and built. Zoning Bylaw amendments for the ADP are usually adopted when the ADP is approved and form the regulatory framework for features including the uses permitted, density, and some aspects of form and siting. It can also include other requirements such as amenity and housing bonusing.

Elements of the approved OCP and Zoning framework are subsequently implemented site by site by Development Permits (created under and conforming to enabling Development Area Designation guidelines in the OCP) and various other legal agreements and existing bylaws used to regulate other aspects of development such as creeks, blasting and subdivision.

## 2.3 Other Relevant Policy

**The Upper Lands Working Group** mapped a Sensitive Ecosystem Inventory, Slopes and Watersheds and developed an Environmentally Sensitive Areas Synthesis in their ULSR final report of June 1, 2015 (ULSR).

Their vision is for:

- *no residential development above the 1200 foot contour*
- *over 90% of undeveloped lands to be designated in a revised OCP as “Limited Use and Recreation”*

- *the portion of the Upper Lands designated in the existing OCP for “Future Neighbourhoods” would be reduced from 25% to less than 10% through the transfer of residential development potential*
- *approximately 3000 acres of publicly-owned land would be protected in perpetuity as dedicated parkland*
- *diverse recreational activities would be managed in a balanced and responsible way through a Trails Plan, enhancing environmental management, connectivity signage, and other community Priorities*
- *privately-owned lands with high environmental and recreational value would be acquired where reasonable and feasible by the District*
- *people would live in compact and sustainable neighbourhoods, clustered around a mixed use, walkable transit-served Cypress Village*
- *Cypress Village would become a unique gateway to mountain recreation and include shops, restaurants, amenities and facilities that would benefit the broader community*
- *a range of housing types in the Cypress Village neighbourhoods would meet the needs of residents of all ages, abilities and incomes*

A review of the plans and strategies that have gone to Council for consideration and adoption in the last ten years shows a consistent aspiration on the part of the community to develop Cypress Village within the Upper Lands as a community that is: less car dependent, more compact, offers a wider variety of housing types, easier access to local amenities and nature and that demonstrates strong environmental leadership.

**The Community Dialogue on Neighbourhood Character and Housing’s (Sept 2008) key recommendations are:**

- *To enhance and protect neighbourhood character by:*
  - *Articulating the character of distinct neighbourhoods in key District policies*
  - *Making construction more ‘neighbour friendly’*
  - *Encouraging ‘designing with nature’*
  - *Conserving our heritage*
- *To increase housing choice and improve housing affordability by;*
  - *Amending key District policies to recognize alternate housing types*
  - *Legitimizing secondary suites in single-family dwellings*
  - *Exploring new housing types*
  - *Developing an affordable housing strategy*
  - *Encouraging environmentally sustainable housing and landscape design*
- *To ensure the livability of new and established neighbour hoods through:*
  - *The creation of additional village service nodes*
  - *Opportunities for reducing reliance on the private auto mobile*
- *To ensure that the “dialogue” continues through:*
  - *Pilot projects to demonstrate and test out ideas proposed during the Community Dialogue*
  - *Ongoing public education on housing and neighbourhood character issues*
  - *Exploration of complex issues through the use of community workshops*

**The Strategic Transportation Plan (March, 2010) vision is:**

*To reduce auto dependency, expand mode choice, and promote safety while supporting sustainability and reflecting community transportation priorities.*

The Goals are:

- 1. To provide equitable, safe and accessible transportation options for all of West Vancouver's residents, including the disabled and aging populations by investing in a complete, connected transportation network for all modes.*
- 2. To reduce overall greenhouse gas (GHG) emissions from transportation and enable West Vancouver to meet its climate action targets.*
- 3. To shift travel away from carbon emitting, single occupancy vehicles towards sustainable modes and to improve the infrastructure for transportation alternatives according to the principles of West Vancouver's transportation hierarchy.*
- 4. To inform and educate the citizens of West Vancouver on alternative modes of transportation and engender a move towards adopting more sustainable options.*
- 5. To refine the design of transportation infrastructure to increase the quality of the experience of travelling, and to improve environmental performance.*
- 6. To engage the youth of the community and to give them the tools to travel in safe, socially responsible, and environmentally sound ways.*

The Climate Action Working Group's (March 2010) sixth action plan item is:

*Ensure land use decisions consider the impact on transportation requirements by promoting lively walkable neighbourhoods with local amenities, well served by transit and consistent with the West Vancouver OCP.*

The Community Energy and Emissions Plan strategic directions related to development are:

- 1. A2 NEW VILLAGE INITIATION • focus Upper Lands growth in a village near the base of Cypress Bowl Road—mixed use, strong transportation choice, notably walking and cycling, parks and plazas should define the village*
- 2. C MISSING MIDDLE HOUSING • facilitate high demand, low supply "missing middle" housing options: single detached homeplex (duplex, triplex, quadplex), row/town house, and low rise—continue to encourage secondary suites, coach houses*
- 2. E1 DISTRICT UTILITY DEVELOPMENT • enable distributed renewable heating systems in higher density new apartment and commercial neighbourhoods*
- 3. A1 RAPID & EXPRESS TRANSIT • attract high-quality, high-speed, high-frequency transit infrastructure and enable success with conducive land use, engineering and urban plans (Rapid Transit: Dunderave Phibbs and enhanced Express Bus: Horseshoe Bay-Cypress Village-Park Royal-Downtown)*
- 3. B1 PEDESTRIAN INFRASTRUCTURE EXTENSION • strengthen pedestrian infrastructure in and around walkable villages and micro markets and key destinations*



3. **B2 TRIPLE A AND DOUBLE B CYCLING INFRASTRUCTURE** • *strengthen all ages and abilities and better than basic cycling infrastructure in and around and between walkable villages and micro markets and to key destinations (e.g. schools)*

**The Community Strategic Community Plan** (Spring 2010) declares the community mission as:

*We champion the opportunities that demonstrate our deep commitment to:*

- *Foster a sense of shared and individual responsibility for community well being, inclusion, social unity, and respect for our full heritage.*
- *Protect, restore, and defend our natural environment; legislate efforts to effect positive change.*
- *Encourage diversity in housing, land use, and innovative infrastructure within our distinct neighbourhoods to meet changing needs.*
- *Enrich community vitality, health, and understanding through integrating arts, learning, inter-cultural experiences, and physical activity into our daily lives.*
- *Maximize the potential of our economic base and services, and balancing the effective, long-term use of resources for current and future generations.*

**The Environmental Strategy** (May 2005) states Under Objective 2: Promote More Sustainable Land Stewardship:

*Protecting our natural land base is an important component of operationalizing land use stewardship. Extensive areas of undeveloped land above the Upper Levels Highway will continue to be preserved in a natural forested state for watershed, open space, limited use and recreation.*

And:

*Areas of forested private land below the 1200' elevation are to be developed over time as attractive and compact neighbourhoods within a framework of significant open space features. These Future Neighbourhoods, representing approximately 7% of the total land area in the District, will be primarily comprised of homes, parks and protected creeks and greenbelts. Development will be guided by the Official Community Plan's Policies, including implementation of Area Development Plans, that are based on environmental and land stewardship best practices.*

The first action in the **Housing Action Plan** (March 2013) is:

*Continue established practices for supporting development of seniors' and rental housing, accessible/adaptable housing units, and variations in unit size in new developments.*

And finally, **The Water Asset Management Plan** (Feb 2010) states:

*West Vancouver should...ensure that the cost of development driven infrastructure renewal projects are partially or wholly funded by the development itself so that capital renewal programs are funded in an equitable manner.*

## 2.4 Regional Growth Strategy Bylaw #1136 2010: *Metro Vancouver 2040: Shaping Our Future* (July 2011)

West Vancouver is a signatory to the Regional Growth Strategy (RGS), *Metro Vancouver 2040 – Shaping our Future* (Bylaw 1136, 2011), endorsed by West Vancouver Council on March 7, 2011. The RGS is a policy framework to guide the future development of the region. West Vancouver is required, under section 866(8) of the Local Government Act, to prepare a Regional Context Statement (RCS) that demonstrates how their land use plans are generally consistent, or will be made generally consistent, with the strategy.

The goals of the strategy are:

### *GOAL 1 Create a Compact Urban Area*

*Area Metro Vancouver's growth is concentrated in compact communities with access to a range of housing choices, and close to employment, amenities and services. Compact transit oriented development patterns help reduce greenhouse gas emissions and pollution, and support both the efficient use of land and an efficient transportation network.*

### *GOAL 2 Support a Sustainable Economy*

*The land base and transportation systems required to nurture a healthy business sector are protected and supported. This includes supporting regional employment and economic growth. Industrial and agricultural land is protected and commerce flourishes in Urban Centres throughout the region.*

### *GOAL 3 Protect the Environment and Respond to Climate Change Impacts*

*Metro Vancouver's vital ecosystems continue to provide the essentials of life – clean air, water and food. A connected network of habitats is maintained for a wide variety of wildlife and plant species. Protected natural areas provide residents and visitors with diverse recreational opportunities. Strategies also help Metro Vancouver and member municipalities meet their greenhouse gas emission targets, and prepare for, and mitigate risks from, climate change and natural hazards.*

### *GOAL 4 Develop Complete Communities*

*Metro Vancouver is a region of communities with a diverse range of housing choices suitable for residents at any stage of their lives. The distribution of employment and access to services and amenities builds complete communities throughout the region. Complete communities are designed to support walking, cycling and transit, and to foster healthy lifestyles.*

### *GOAL 5 Support Sustainable Transportation Choices*

*Metro Vancouver's compact, transit-oriented urban form supports a range of sustainable transportation choices. This pattern of development expands the opportunities for transit, multiple-occupancy vehicles, cycling and walking, encourages active lifestyles, and reduces energy use, greenhouse gas emissions, household expenditure on transportation, and improves air quality. The region's road, transit, rail and waterway networks play a vital role in serving and shaping regional*

*development, providing linkages among the region's communities and providing vital goods movement networks.*

The use and form of the proposed development for Cypress Village is consistent with these goals.

The current RGS designates most lands below 1200 feet as "General Urban". A portion of the Upper Lands above the 1200 foot elevation is designated as a Special Study Area (Section 6.10) which means that the District could request changes such as alternative land use designations and policies.

*"General Urban areas are intended for residential neighbourhoods and centres, and are supported by shopping, services, institutions, recreational facilities and parks. Within General Urban areas, higher density trip-generating development is to be directed to Urban Centres and Frequent Transit Development Areas. General Urban areas are intended to emphasize place-making, an enriched public realm, and promote transit-oriented communities, where transit, multiple occupancy vehicles, cycling and walking are the preferred modes of transportation" (RGS).*

*"Conservation and Recreation Conservation and Recreation areas are intended to protect significant ecological and recreation assets, including: drinking watersheds, conservation areas, wildlife management areas and ecological reserves, forests, wetlands, riparian corridors, major parks and recreation areas, ski hills and other tourist recreation areas" (RGS).*

## 2.5 Consideration of Current British Pacific Properties (BPP) Scenarios

In early 2016, BPP undertook a public visioning process and produced three alternative scenarios for the development of the proposed Cypress Village area. The scenarios were variations in scale, from a more regional centre to a local neighbourhood. Each version decreases in number of units and amount of commercial use accommodated.

Current BPP pre-planning describes their Cypress Village Area in terms of these alternative scenarios. While major work has been done on studying the lands and engaging in consultation, sufficient information to commence an ADP process has not been submitted. Consequently it is not yet possible to review the proposals fully for conformance to the Official Community Plan and various other policies.

### *Official Community Plan Conformance*

The pre-planning work has provided:

- Residential Dwelling Unit Density Estimates (See also Section on Transfer of Density)

The OCP specifies an overall density for housing of 2.5 units per gross acre in the Upper Lands' Future Neighbourhoods as a whole. The proposed village could have approximately 1,800 to 3,800 dwellings. Acreage figures in the area differ in relation to what lands are involved, but at a base of 2.5 units per acre, a very substantial transfer of density from other lands in the Future Neighbourhoods to the Cypress Village site would have to occur. Information on square footage of residential use has not been provided on the Cypress Village web site.

Other lands in the Village area owned by the District and School Board were acquired by and used for density transfer to previous developments. This is described in more detail later in section 4 of

this report. Certain of those lands could be considered for development, but that would require relocation of current or proposed uses, transfer of units from unencumbered land elsewhere, as well as agreement of the parties to the covenants (BPP and District). The Upper Lands Working Group recommended transfer of unit entitlements from lands west of Eagle Creek to the Village Plan area.

- **Varying Scales of Commercial Use**

The OCP notes the need for a local commercial area, but the concept of a substantial Main Street commercial area has not been examined. Such a proposal would need review both in terms of commercial viability and impact on businesses in other commercial areas.

- **Concepts to promote public objectives**

The pre-planning work proposes trail systems, recognizing sensitive lands, providing transit access, creating neighbourhood identity, providing public spaces and other matters noted in the OCP.

The pre-planning work has not provided:

- **Detailed Baseline Information**

The baseline information required by the OCP for analysis and plan creation may exist but has not been provided at this time. This should include terrain analysis and site sensitivity analysis (including the relation of buildings to site conditions), environmental information, public financial considerations, solutions for varying density, and the use of or provision for public lands. The site is in a designated "Development Approval Information Area" which requires very extensive inventories of site conditions. It also requires a Comprehensive Management Plan of detailed environmental impacts. The conditions required would typically be part of the plan creation phase, now that pre-planning has identified and explored a number of options.

- **Issue Identification**

The pre-planning information on the web site does not provide answers to, or is unclear about issues such as total building square footage, transportation and the relation of building format to the various slopes and natural features in the area. It is also silent on the practicality or public implications of some issues raised more recently, such as whether to include the Works Yard and McGavin Field, means of dealing with public amenities and uses and mechanisms for considering density.

*Upper Lands Working Group Vision Conformance*

<b>ULWG VISION</b>	<b>Village Area Conformance Comment</b>
<i>no residential development above the 1200 foot contour</i>	An option for educational centre above the 1200 foot level is discussed
<i>over 90% of undeveloped lands to be designated in a revised OCP as "Limited Use and Recreation"</i>	Only deals with the proposed Village Area

<i>the portion of the Upper Lands designated in the existing OCP for "Future Neighbourhoods" would be reduced from 25% to less than 10% through the transfer of residential development potential</i>	Transfer of density not addressed
<i>approximately 3000 acres of publicly-owned land would be protected in perpetuity as dedicated parkland</i>	Only deals with proposed Village Area
<i>diverse recreational activities would be managed in a balanced and responsible way through a Trails Plan, enhancing environmental management, connectivity signage, and other community Priorities</i>	Extensive proposals presented
<i>privately-owned lands with high environmental and recreational value would be acquired where reasonable and feasible by the District</i>	Not addressed
<i>people would live in compact and sustainable neighbourhoods, clustered around a mixed use, walkable transit-served Cypress Village</i>	Proposals presented have this objective; not evaluated by staff
<i>Cypress Village would become a unique gateway to mountain recreation and include shops, restaurants, amenities and facilities that would benefit the broader community</i>	Proposals presented include these uses
<i>a range of housing types in the Cypress Village neighbourhoods would meet the needs of residents of all ages, abilities and incomes</i>	Proposals presented for a mix of unit types and sizes, unit sizes and cost ranges not provided

### 2.5.1 Anticipated Amendments to Regional Growth Strategy in response to Upper Lands Study Review and Village Plan issues

The ULSR (1) has recommended that the District proceed with amendments to the Regional Land Use Designations.

When the District completes a revised OCP, which will detail the plans for Cypress Village, it will also prepare a RCS amendment. At that time it might request two amendments to the existing RGS:

- 1) RGS Map 12 shows the District as containing a Special Study Area above the 1200 elevation intended to allow time to study a possible amendment to the 1200 foot contour as the limit of development. While not required at this time, Council may wish to propose an amendment to remove or amend the Special Study Area as a minor amendment under 6.3.4 g) of the RGS.
- 2) For the area west of Eagle Creek and below the 1200 foot contour, changes to the zoning for a small area to provide parkland would be consistent with the overall Regional Growth Strategy designation of "General Urban". However, if the District proposes that most of the land in the Future Neighbourhoods (i.e. all of the land west of Eagle Creek) and be secured as a conservation area in the future, we recommend that the District request an amendment to the map designation of that land from "General Urban" to "Conservation and Recreation" under

section 6.3.4 c) of the RGS. As long as Metro is satisfied that the development to occur in Cypress Village and Cypress West would preserve the established Growth Targets for the District, then it is expected that the change could be deemed consistent. It is our interpretation that changing the land use designation from "General Urban" to "Conservation and Recreation" would be a minor amendment under 6.3.4 c) of the RGS.

However, until the Village Area plan is approved, there remains a question of whether to consider a possible educational use in the future, or to adjust boundaries to remove other areas from the Future Neighbourhoods. In addition, the two amendments, one for removal of a Special Study Area above the 1200 foot level and one for a shift of density below, deal with separate issues and may confuse the issues for both Metro and BPP if submitted together.

If either or both of the above amendments were considered minor, approval would be carried out when the District's RCS is submitted as part of the revised OCP. Amendments defined as minor require a majority weighted vote of Metro members but no regional public hearing.

**Recommendation 1:**

**That District staff consult with Metro staff at an early date to confirm under which procedures the potential amendments would be processed.**

### 3. Involving Other Land Owners

The USLR (1) indicated that the Working Group had sought to respect the interests of stewardship groups, landowners, and other stakeholders in their review.

On Map 1 on page 23 of the USLR (2), property ownership is delineated. For the land below the 1200 foot contour, apart from the two largest landowners (the District of West Vancouver and BPP), the next two largest landowners, The School District, which owns a works yard and BC Hydro, which owns a sub-station, must be consulted early in the planning process. It is possible that the School District might wish to relocate its works yard or co-locate with the District works yard to a new location. It should also be involved in the planning process respecting future school site needs for the population anticipated (see Section 1.6 for our recommendation in that regard). The other private landowners are very minor but should be informed about the planning process and offered opportunities to comment.

**Recommendation 2:**

**That District staff consult with BC Hydro and the School Board at an early date to review their intent regarding the use of the land that they currently occupy.**

### 4. Consulting Other Governing Bodies

Under section 475 of Local Government Act, the District must consider whether to consult with the following:

- i. *the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;*
- ii. *the board of any regional district that is adjacent to the area covered by the plan;*
- iii. *the council of any municipality that is adjacent to the area covered by the plan;*
- iv. *first nations;*
- v. *boards of education, greater boards and improvement district boards;*
- vi. *the Provincial and federal governments and their agencies.*

We have already recommended that Metro and the School Board be involved at an early stage and we also suggest that The Squamish Nation be informed of the planning process and asked about their preferred form of consultation.

**Recommendation 3:**

**That District staff inform the Squamish Nation of the upcoming planning process as appropriate..**

## 5. Transfer of Density in OCP

### *Transfer of Density*

As described above, the number of units in the BPP proposal for Cypress Village area exceeds that permitted on the land in the OCP unless there is a transfer of density from other lands. In addition, a central recommendation in the ULSR (2) report is the transfer of density from lands west of Eagle Creek to secure their preservation. Accordingly, transfer of density is a key component of negotiations.

In the following sections:

**Transfer of density** refers to the transfer of allowable development potential in the OCP from one parcel of land to another, either in whole or in part, and where the “donor” parcel is thereafter restricted or prohibited by covenant from being developed in the future. The OCP limits such transfers to 2.5 units per gross acre and the entitlement of the donor parcel is 2.5 units/acre. So, for example, 25 units could be transferred from a 10 acre parcel to another 10 acre parcel resulting in 50 units being built on the receiving 10 acre parcel and none on the donor parcel. Typically, the 50 units are of a smaller average unit size.

**Amenity bonus** involves no transfer, and refers to the increase in the number of dwellings on a parcel of land as a bonus for the provision of an amenity such as rental housing, daycare, etc.

**Uplift** also involves no transfer of units and refers to a change in zoning, where the density or use is higher in value, and a portion of that increased value is negotiated as A contributions to the District to create or obtain public amenities.

The implications of proposed densities in the Cypress Village Area and the recommendations of the ULSR regarding transfer of residential development potential from the western lands are a critical consideration for both the MOU and District planning processes. This concept is described conceptually

in this section, and the implications for the Cypress Village are set out in the MOU section later in this report.

The concept of density transfer (sometimes referred to as “area density variation”) was formally incorporated in West Vancouver’s 1980 OCP and in the subsequent amendments to the Zoning Bylaw (Cluster Housing and Zone Density). The policy applies only to the Upper Lands and was intended to encourage more innovative and environmentally sensitive development and greater variety in housing sizes and types. The concept has since been applied in numerous instances and has enabled the acquisition of public lands for parks, playing fields, greenbelts, a school site and a School Board Works Yard at no financial cost to the District.

The specifics of transfer and land dedication were typically implemented by way of a separate Official Community Plan and zoning amendment for each Area Development Plan proposal. This procedure, in addition to Development Permits and restrictive covenants, ensured that each application was controlled in detail and carried out as envisioned.

In the Cypress Village Planning Area, the School Board Works Yard, McGavin Field, the greenbelts along the Upper Levels Highway west, through and below the Deer Ridge developments and along the Cypress Bowl Road and the 16 acre greenbelt north west of the West Vancouver Works Yard were all acquired by transferring their density to other lands. Ownership was transferred to the District and covenants were placed on the land parcels to prevent or restrict future development.

An assumption of the transfer of density was that the policy mechanism would not be used to increase the number of dwellings overall, and should achieve public or community objectives (not just private). If more units were built on one site, there would be a corresponding reduction in another site and if more houses were built in an area, their average size would typically decrease. Since one of the objectives was to protect more sensitive lands, the land acquisitions often involved difficult terrain and visually valuable greenbelts.

While West Vancouver was an early adopter of the concept of transfer, it is now used in other municipalities for public land acquisition, to increase housing diversity and to secure heritage preservation.

Another form of varying OCP density is similar to, but does not involve density transfer. In the Rodgers Creek Area Plan, the land area at 2.5 units per acre would allow 538 units, and standard subdivision would have produced approximately 375 units. A resident advisory committee established by Council recommended greater housing variety, and a plan was created that maintained the otherwise developable square footage of 1,875,600 square foot buildings, put that same square footage of housing into enclaves that better respected the natural site conditions, increased dedicated green space but increased the dwelling unit number to 736 to include smaller units. The concept varied from the 2.5 units per acre overall, and an OCP amendment specifically permitting an increase in the number of units as an exception to the transfer of density policy was part of the public approval process. (OCP pg. 102 Density and Pg. 97 Strategy)



The OCP also allows “Amenity” zoning bonuses to achieve community objectives such as rental housing, affordable homes, adaptable design and day care. This provision of zoning flexibility does not require a “density transfer” but does require Council approval of the enabling zoning bylaw. Rodgers Creek involved a form of “amenity bonusing”.

Density transfer is not comparable to zoning “uplift”, where a community amenity contribution is considered in relation to an increase (i.e. uplift) in zoning value without reference to another site. Rezoning in West Vancouver commercial areas and sites like Evelyn Drive above Park Royal (rezoned from single family to apartments), for example, are considered “uplift”, no “transfer” occurs.

In summary, the West Vancouver possesses and has innovatively employed a number of tools to obtain public benefit and meet community objectives. It can consider a combination of density transfer, increasing the number of permitted dwellings, increasing the square footage of dwellings and the areas in which dwellings are permitted. In all instances, an underlying objective is to improve the form of community and neighbourhood that is to be created.

*Relevant Policy excerpts from the current Official Community Plan, Upper Lands*

#### **Planning Strategy overview (pg 97)**

*“Residential development may be permitted up to an overall density of 2.5 dwelling units per gross acre, except in the Rodgers Creek Area the permitted density of residential development shall be limited to a maximum 1,875,600 square feet of building area and a maximum of 736 dwelling units.”*

#### **Development Strategies, UL 3 Public Lands, (pg 103)**

- *Include the Municipally-owned lands (excluding existing parks and lands required for long term municipal watershed protection) in the Future Neighbourhoods Area as potential areas for development. Use any proceeds from the development of Municipal lands to serve community needs.*
- *Consider municipal lands in development transfers, maintaining the value for public purposes while preserving sensitive lands.*
- *Identify additional portions of the Future Neighbourhoods Area to be considered for retention in their natural state as public assets using ADPs and comprehensive environmental studies*

#### **OCP (pg. 106) Conditions of Area Density Variation**

##### *“Policy UL 4*

*Within overall density ceilings, consider the use of rezoning and variations in density between parcels to achieve environmental and public amenity objectives or to provide other community benefits..*

##### *Area Density Variations*

- *Area density variations are encouraged as a tool for dealing with both environmental issues and community needs. These occur where part or all of the allowable maximum development potential of one parcel of land is reduced in conjunction with an increase in another, effectively transferring development. Area density variations may also occur where the overall potential*

*allocation of units on land is distributed in a manner that maximizes environmental benefits or better meets housing needs.*

- *ADPs should include density variations to encourage a diversity of housing, to achieve extensive environmental protection and to acquire public areas.*
- *The consideration of density variations shall include the evaluation of associated community benefit.*

#### **Conditions of Area Density Variation**

*Area density variation that is consistent with the Community Building Principles will be used typically to preserve creek zones and quality forest cover, limit extensive site works on steep and difficult terrain, preserve environmentally sensitive lands, and provide for neighbourhood identity and focus or achieve diversity in housing. It is allowed within the Future Neighbourhoods Area subject to the following: Council approval by way of rezoning or Development Permit and a Public Meeting or Hearing shall be held;*

- *the overall density of development must not exceed that provided for in this Plan;*
- *land that remains undeveloped as a result of area density variation will be legally restricted from future residential or commercial development and will be transferred to public title if Council so requires;*
- *final approval will not proceed until the land required to implement the area's density variation limitation has been determined and legally restricted from future development.*
- *Variations in lot or strata lot size on a single development site may also be considered by way of a Development Permit or Development Variance Permit provided the total number of dwellings does*
- *not exceed that allowed for the area in this Plan, and results in a superior site development.*

## **1. Cost Recovery Mechanisms**

Cost recovery of early planning for major developments is not new in the Lower Mainland. There are several precedents including the East Fraser Lands and the White Pines Developments on S.W. Marine Drive in Vancouver, the Fraser Mills Development in Coquitlam, the Harbourside planning area in North Vancouver City and the South Campus Development at UBC. The municipality would be recovering the costs it has incurred to undertake a process that involves the community in early decision-making for the development so that when the developer undertakes detailed planning for an actual application it would have greater predictability that the plan would be acceptable to the community. This voluntary arrangement is not considered to be a fee for service under the Local Government Act. Those fees are used to process the application itself and are related to the out of pocket costs of administering the approval process.

We recommend that the District be reimbursed for all of its internal costs (including legal costs) for the planning process. However West Vancouver will engage the consultants it requires to complete the Concept Plan. BPP's consultants should provide any information requested by District staff. For example, environmental studies are the responsibility of the developer and subject to acceptance by the

District, so there is no reason to duplicate such work by hiring a consultant except to advise on adequacy or standards and, if necessary, bring the work up to those standards. Another example would be where the recommended planning work requires illustrations of how an objective could be achieved, BPP could provide the design work to illustrate the objective for District approval, or to prove building feasibility. We believe that it is critical that BPP be involved in the process to ensure that the proposed plan would be implemented if approved by Council. We understand that BPP has already completed some of the professional studies, at least in part, and could provide the information cost effectively and quickly. In some issues (e.g. architectural), BPP would likely wish to expend a greater amount on investigation than staff would require for its review process. Such an arrangement would also help to establish the understanding that, while BPP would not control the outcome of the process, it would be the primary funder of the work that any developer would be required to fund and provide.<sup>3</sup>

---

<sup>3</sup> LGA Part 14 Planning and Land Use Management 462

- (1) A zoning by-law may, by bylaw, impose one or more of the following fees:
- (a) application fees for an application to initiate changes to the provisions of
    - (i) an official community plan or bylaw under Division 4 [Official Community Plans] of this Part,
    - (ii) a land use regulation bylaw,
    - (iii) a bylaw under Division 11 [Subdivision and Development: Requirements and Related Matters] of this Part, or
    - (iv) a bylaw under Part 15 [Heritage Conservation];
  - (b) application fees for the issue of
    - (i) a land use permit under this Part, or
    - (ii) a heritage alteration permit under section 617;
  - (c) application fees for an amendment to
    - (i) a land use contract under section 546 [amendment and discharge of land use contract by agreement], or
    - (ii) a heritage revitalization agreement under section 610;
  - (d) application fees for an application to a board of variance;
  - (e) fees to cover the costs of administering and inspecting works and services under this Part that are costs additional to those related to fees under paragraphs (a) to (d);
  - (f) subdivision application fees, which may vary with the number, size and type of parcels involved in a proposed subdivision.
- (2) A fee imposed under subsection (1) must not exceed the estimated average costs of processing, inspection, advertising and administration that are usually related to the type of application or other matter to which the fee relates.
- (3) The minister may make regulations
- (a) that the minister considers necessary or advisable respecting the imposition of fees under subsection (1), and
  - (b) prescribing fees for applications referred to in subsection (1) (f).
- (4) A regulation under subsection (3) prevails over a bylaw under subsection (1) to the extent of any conflict.
- (5) No other fee, charge or tax may be imposed in addition to a fee under subsection (1) as a condition of the matter referred to in that subsection to which the fee relates.
- (6) A local government, the City of Vancouver or an approving officer must not do either of the following unless authorized by this Act, by another Act or by a bylaw made under the authority of this Act or another Act:
- (a) impose a fee, charge or tax;
  - (b) require a work or service to be provided.

As is customary, there will be an allowance in the budget of approximately 10% for pre-planning work already carried out by the District.

## 2. Cypress Village

Both the ULSR Working Group and the CEE Plan Working Group recommended an early initiation of work on a Cypress Village plan and BPP has requested an expedited process leading to the preparation of an ADP. District staff is unable to handle the work required at this time.

However, the overall OCP policies for the Upper Lands are in place and BPP, the land owner could apply based upon those policies. A pre-application refinement of policy and examination of the fundamental issues can improve Council's capability to respond better and guide the application in a direction that better achieves the community's interests.

We have been engaged to recommend cost recovery options and a public process using professional consultants and involving a Working Group to develop a high level policy framework and a concept plan. While the land owner would eventually be required to undertake the various studies in an application, funding the work to be done through staff at this time gives the District more control over the final product.

Entering into a developer funded approach requires an initial agreement between the District and BPP on the issues that the District requires addressing. An appropriate vehicle to accomplish this would be a Memorandum of Understanding (MOU). There is precedent for this approach (examples include the University of British Columbia in a series of MOUs with the GVRD with regard to the planning of the residential neighbourhoods on the campus lands, the City of Vancouver East Fraser Lands and the City of North Vancouver Harbourside).

An MOU describes an agreement between two or more parties. It expresses a convergence of will between the parties, indicating an intended common line of action.

In an MOU the signatories set out the issues that they agree on as well as a process for resolving disputes. Legal assistance should be sought when drafting the MOU. Standard terms for the MOU such as; definitions, the length of time that the agreement will be in effect, any governance issues including how decisions are made by each party, the dispute resolution process and the information that both parties agree to provide and share. The MOU should be approved by Council and by BPP.

Following is a list of the issues that that we recommend be covered in the MOU and a brief outline of the topics under each issue that should be discussed and agreed:

## 3. Issues for Inclusion in Memorandum of Understanding

### 3.1 Population Thresholds, Employment Opportunities, Commercial Space Range, Services and Transit

If Cypress Village is to become a model of a sustainable community, a certain number of people must live there in order to both support the services needed on a daily basis and to justify a frequent transit service. Residents should be able to shop at a grocery store or a pharmacy, visit a bank, a doctor or dentist, get a haircut or frequent a local coffee shop or restaurant. Also, dependable transportation would be critical. Of the utmost importance would be frequent or rapid transit easily accessible to the majority of residents and workers. Good triple A bicycle access around the Village and connecting it to other bicycle routes would also be vital. Connection to other neighbourhoods by trails would be important so that there would be a larger population for businesses to draw upon and to provide those nearby neighbourhoods with local services.

In addition to this baseline objective is the possibility of creating a more dynamic centre, with offices and services beyond those required for local needs alone. The more complete the services and more effective the alternatives, the less the need for people to use, or even own, a car. A positive economic development initiative would be for the District to require that a certain number of jobs be created through the development.

The ULSR, the Transportation Plan, the Climate Action Plan and the Community Energy and Emissions Plan all emphasize the importance of making it easy for people to access the majority of their needs without a car. Reduced parking ratios for housing should be considered.

The ULSR (1) states that:

- 3.3.2.6 An integrated circulation network (for pedestrians, hikers, bicycles, transit and vehicles) be created to optimize movement to and through the new Cypress Village and Cypress West neighbourhoods.
- 3.3.2.7 A transportation study be undertaken as part of the planning process(es) for Cypress Village and Cypress West to manage access, traffic and parking concerns, while promoting walking, cycling, and transit opportunities.

**Recommendation 4:**

**That the parties agree to undertake a population and employment study that includes an assessment of the population needed to support varying levels of commercial and retail space and ensure a walkable community with a vibrant core.**

**Recommendation 5:**

**That the parties agree to undertake a transportation study and prepare a financial plan and schedule for implementation of the range of options proposed and further agree to early and ongoing consultation with the relevant agencies and organizations delivering transportation services.**

**Recommendation 6:**

**That the parties agree to develop an objective for the creation of a certain number of ongoing jobs through the Village development.**

## 3.2 Environmental Considerations

The ULSR (1) section 3.1.2.2 recommends that a “*comprehensive environmental sieve analysis of the lands east of Eagle Creek*” similar to the one used for the Rodgers Creek area be undertaken prior to detailed planning for Cypress Village. The OCP, Policy UL-3 requires a Sensitivity Analysis and Baseline Environmental Information to precede the creation of an Area Plan. We consider this to be a fundamental requirement of an MOU, funded by the land owner, for establishing the areas that would be suitable for development and those that should be retained in a more natural state. We understand that much of this work may have been done by BPP consultants.

**Recommendation 7:**

**That the parties agree to undertake an environmental sieve analysis based upon information to be provided by BPP and at a level acceptable to the District to identify areas that will be protected from development and those that are suitable for development.**

### 3.3 Housing Types

As noted earlier in section 2, many of the existing policy documents related to Cypress Village call for a variety of housing types to be provided to meet the community needs. The population of the District is aging and many older couples are looking for smaller units located on transit routes and walkable to local services. At the same time, younger people are moving out of the District that they grew up in because they can't find affordable housing in the community. There is also concern that many of the critical service providers in the District are unable to afford to live in this community, making emergency response in large emergency events problematic.

In addition to a lack of variety of housing types, there is also a severe shortage of rental housing, with vacancy rates as low as 0.7%. There may also be opportunities for senior government to fund supported-living housing.

**Recommendation 8:**

**That the parties agree to include a study of the variety of housing units essential for community benefit and marketability, innovative ways of providing them and guidelines for the provision of affordable units, together with innovative ways of providing them.**

### 3.4 Schools and Other Community Services

The need for and locations of schools sites require consultation with the West Vancouver School Board. It is likely that an elementary school would be required in the village that is walkable from the majority of residential units. A high school may also be needed depending on the population. Both of these should be located to minimize car travel. A branch library and day care could be combined with a small community centre.

**Recommendation 9:**

**That the parties agree to consult with the School Board early in the MOU process to determine the need for schools and that the parties also agree to consult the Library Board and the District's Parks, Culture Community Services Department to determine the requirements for provision of other community services.**

### 3.5 Covenanted Sports Fields

In some options described in the BPP pre-planning exercise, land shown as part of the Cypress Village core area of the Village is currently covenanted as a future sports field (named McGavin Field). This land was created and covenanted for recreation use as part of density transfer to Rodgers Creek and Deer Ridge West Stonecliff. Part of this Agreement between the District and BPP included the use of engineered fill from other sites that BPP was excavating to create a level area suitable for the future sports field. As such, the density of that site has been transferred to the adjacent Rodgers Creek ADP. That transfer and covenant for recreation also applies to the lands dedicated to the District along the Upper Levels Highway and north side of the Cypress Bowl Road dedicated for greenbelt buffer, and the 16 acre parcel on the Cypress Bowl first switchback northeast of the Works Yard.

In order to use any of those properties for development (other than recreation and certain public buildings such as a fire hall), the original intent of using the land for preservation in its natural state or a playing field would have to be examined and agreement of both parties would be required to remove the covenant. To maintain the integrity of density transfers, units would have to be transferred from another area to any land so released, with that other area of land being dedicated in its place.

In our opinion, if the original intent of the dedication were examined and both parties agreed that an alternative arrangement were desirable and would achieve equal public benefit, then the covenant could be removed simultaneously with the dedication/transfer of units from other parcels. For example, if the field were to be relocated to land that had not yet been developed, or if replacement density transfers were to be considered from the "future development area" in the west.<sup>4</sup>

#### **Recommendation 10:**

**That the parties agree to investigate and make recommendations respecting removal of the covenant on the sports field land and either relocation of the sports field to a more appropriate location at BPP's expense or exploration of appropriate alternatives involving density transfer to restore the development potential of the current site.**

---

<sup>4</sup> If both parties agree to removal of this covenant, then it is permissible under the Land Act, Section 219 Covenants

*(9) A covenant registrable under this section may be*

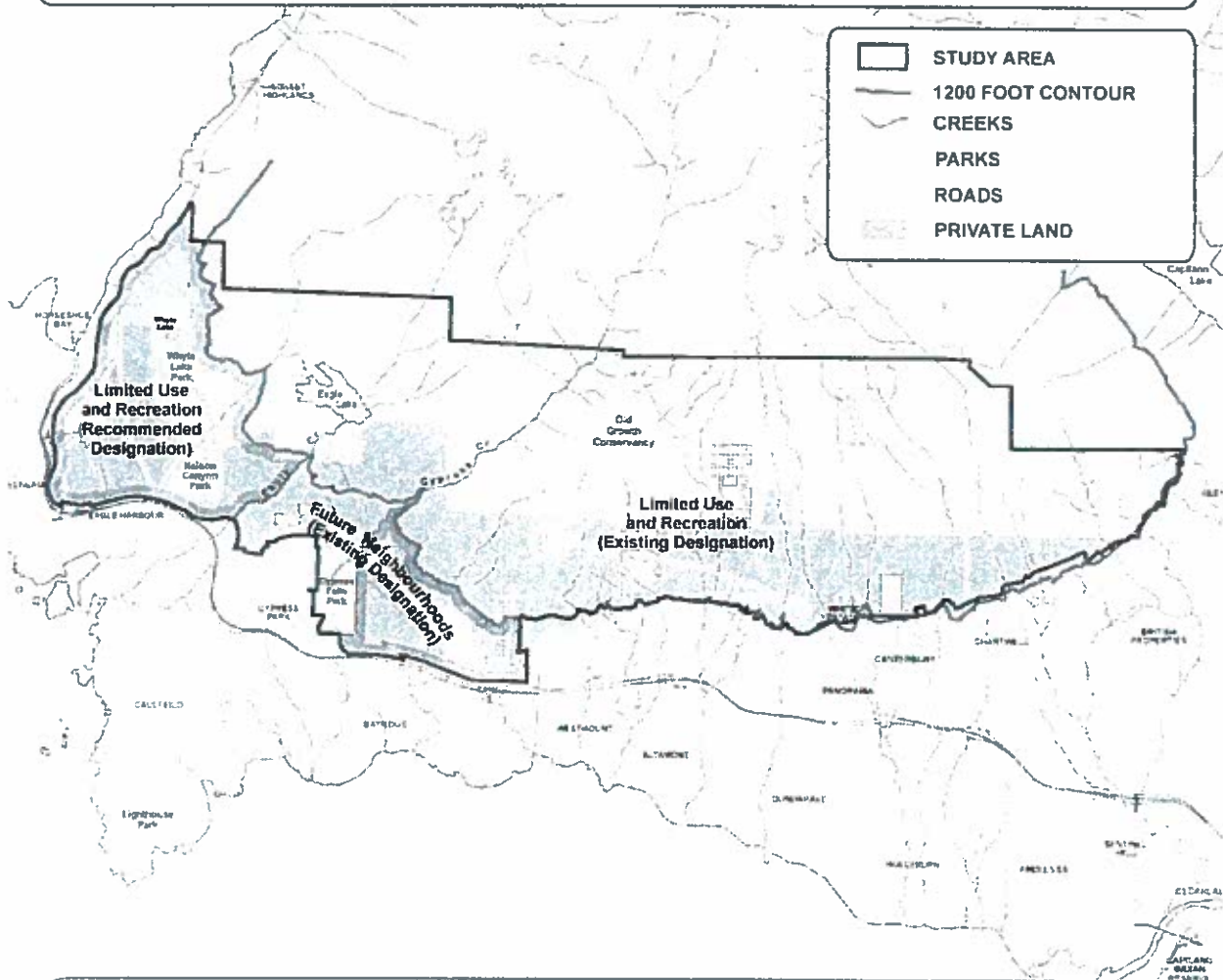
- (a) modified by the holder of the charge and the owner of the land occupied, or*
- (b) discharged by the holder of the charge*

*By an agreement or instrument in writing the execution of which is witnessed or proved in accordance with this act.*

*(9.1) A covenant that was required as a condition of subdivision under section 82 and registered under this section before the coming into force of the repeal of section 82 may be*

- (a) modified by the approving officer and the owner of the land discharged, or*
- (b) discharged by the approving officer.*

## Illustrative Map: Future Neighbourhoods



### Key Components of our Working Group's Draft Recommendations:



Residential development potential from lands below 1200 feet west of Eagle Creek would be transferred to lands east of Eagle Creek below 1200 feet



Cypress Village area would be the primary focus for future neighbourhood development in the Upper Lands:

- development clustered around a sustainable mixed use village
- serves as a gateway to mountain recreation
- includes shops, services, transit, and community amenities / facilities
- provides a range of housing types for different ages and incomes
- village is designed with nature and responds sensitively to its location

Cypress West area would be a secondary community supporting Cypress Village:

- provides a range of housing types for different ages and incomes
- neighbourhood is designed with nature and responds sensitively to its location



### 3.6 Transfer of Density from Other Areas

The ULSR (1) recommends that the context for approval of Cypress Village include the remainder of the Upper Lands within the “Future Neighbourhoods” designation. More specifically, it recommends reducing that remaining Upper Lands Future Neighbourhoods development area from approximately 1400 acres (actually 1240 acres excluding Nelson Park and Cypress Falls Park) to 500 acres, eliminating the western area between Eagle Creek and Howe Sound from future development. That area would be re-designated under the OCP to “Limited Use and Recreation”. In our opinion, the change could be a consistent map amendment in terms of the Regional Growth Strategy/Context Statement through the use of the policy for transfer of density. The anticipated future growth capacity could be the same (or greater) than provided for in the current OCP.

#### Area Estimates of Areas below the 1200 foot Elevation

AREA	ACRES	Units at current OCP policy of 2.5 Units/Acre**
Cypress Village Planning Area (BPP lands)	240	600
Cypress Village Planning Area(Lands other than BPP) No units allocated for McGavin field or other covenant District lands	110, incl. 11.6 acre Works Yard	None (28 on Works Yard)
Cypress West Area (BPP land)	205	513
Eagle Creek to Nelson Creek (BPP lands)	135	338
Nelson Creek to Howe Sound (District lands - 333 acres including 277 acre Whyte Lake Park below 1200 foot allocation)	333	833
Nelson Creek to Howe Sound (BPP Lands)	422	1055
Overall Land Area in Future Neighbourhoods from the Cypress Village Plan Area west to Howe Sound*	1445	3367
These areas are rough and approximate for illustration as the current sources vary in estimates		

\* Actual Development Area in OCP; 1,400 acres calculated in the Upper Lands Working Group report, less the area (75.3 acres) of Cypress Falls Park and (82.2 acres) Nelson Canyon Park that were Park at the time of the 2004 OCP, and not part of the Future Neighbourhoods’ development potential in that Plan, but including the subsequently dedicated Whyte Lake Park (306.8 less about 30 + acres above the 1,200 foot elevation) which is still contained in the OCP and Regional Growth Strategy as future development and therefore a density transfer qualifying area)

\*\* The current Zoning Bylaw permits fewer units than the OCP and requires rezoning and ADPs to achieve OCP limits.

**Current Cypress Village Planning Scenarios published in the British Pacific Properties (BPP) pre-planning process:**

The Big Picture Scenario 1 Neighbourhood Scale	The Big Picture Scenario 2 Community Scale	The Big Picture Scenario 3 Regional Scale
1,800 units 3,851 residents 85,000 sq. ft. retail 5,000 sq. ft. Office 550 jobs	2,900 units 5,662 residents 100,000 sq. ft. retail space 50,000 sq. ft. Office 815 jobs	3,800 units 7,269 residents 120,000 Sq. ft. retail 200,000 sq. ft. Office 1,700 jobs

BPP display panels also contain other options studied: Those showed, in addition to the above, community space varying from 20,000 to 55,000 square feet and a hotel of 90 rooms. Using the Big Picture scenarios, and acknowledging that each scenario enables different visions of community and neighbourhood objectives yet to be analyzed by Staff ,or considered by Council, the range of uses in the conceived village would be:

- Residential - 1,800 – 3,800 units
- Retail - 85,000 – 120,000 sq. ft.
- Office - 5,000 – 200,000 sq. ft.
- Plus 20,000 to 50,000 square feet of Community Uses, and a hotel, not described in the Big Picture.

Under the current OCP, at 2.5 units per acre, the 240 acres of BPP land would accommodate 600 units (we understand the 350 acres study area would include the Works Yard, yet to be created sports field (McGavin field) and other restricted sites, but to illustrate the amount of transfer required, we have excluded for calculations those lands not entitled to density without transfer). Retail and office use is anticipated but not described in the OCP, and rezoning would be required to accommodate whatever amount Council considered desirable. For comparisons, the proposed 90,000 to 320,000 square feet exceeds the 70,000 sq. ft. of office and retail in the Caulfield Village – and is intended to result in a more dynamic community versus neighbourhood scale centre.

In this report, the desirability of each scenario is not considered or evaluated. That assessment would occur during the recommended public planning process. What is described is the method and basis of density transfers to be considered in the planning process to achieve the public benefits required in the Official Community Plan and Upper Lands Working Group report.

### 3.7 Method and Basis of Density Transfers

As noted above, density transfer is calculated using dwelling units. It would not be accurate to say that transfer necessarily increases value. Building ten townhouses on a parcel might have the same value as building five larger single family dwellings.

At this point, we can postulate the scale (versus value) of transfer that could be considered:

- in order to build 1,800 to 3,800 units, rather than the 600 permitted without transfer, BPP and the District would have to transfer 1,200 to 3200 units. (1,888 are currently allowed in the Eagle Lake to Howe Sound area, including the Municipal lands)
- the construction of 90,000 – 320,000 sq. ft. of commercial would have value in itself (if no dwelling units were lost or displaced), and could best be associated with a community benefit contribution related to an uplift in value.

To allow increased unit density in Cypress Village, the District wants to propose that BPP transfer the units permitted under the current OCP from the area west of Eagle Creek to the Cypress Village area. From a business perspective, BPP is only likely to consider this approach if it were no worse-off in financial terms after the density transfer. To make this determination, BPP could compare two different conceptual scenarios:

- A base case scenario that assumes BPP builds-out all of its lands holdings in the Upper Lands under the current OCP density of 2.5 units per acre, or what it would consider achievable if less, with no density transfers. This development scenario would maximize single family lots, but could include multifamily units where terrain makes single family development challenging.
- A second scenario that assumes BPP transfers units from west of Eagle Creek to its land holdings east of Eagle Creek (including Cypress Village and Cypress West), resulting in greater density in Cypress Village (and adjacent areas) but reduced (or no) density west of Eagle Creek.

There are three possible outcomes:

- The transfer of units would result in the same financial return to BPP.
- BPP would be worse off financially due to the transfer.
- BPP would be better off due to the transfer.

This could only be determined through detailed analysis because a range of issues would need to be considered for each scenario including:

- The total number of units and mix of unit types (i.e. single family, townhouse, apartment) as different unit types would support different land values and provide a different financial return to BPP.
- The development costs. Presumably, these would be lower if the lands west of Eagle Creek are not developed.
- The development timing.
- The net present value to BPP (land and profit) associated with each scenario.

If BPP does not want to proceed with a density transfer it would likely be due to its view that the transfer would make BPP worse-off from an overall financial perspective over the long term. However, this cannot be known in the absence of detailed analysis.

Therefore, the number of units that need to be transferred would need to be evaluated as part of a detailed analysis and negotiation. It is possible that transferring all of the units permitted under the existing OCP west of Eagle Creek to the east would not be sufficient to create an incentive for BPP to dedicate its lands west of Eagle Creek. Additional units and floorspace may need to be considered east of Eagle Creek and negotiated as part of the overall approval process. The District must be satisfied, in

any proposed scenario, that the density could be accommodated in an attractive and environmentally acceptable manner.

If it is the District's goal that BPP dedicate its lands west of Eagle Creek, then this would be a key issue to resolve before the planning process could proceed.

In discussions, and recognizing that the issues involve not just value but the long term aspirations of both BPP and the District, we recommend that the following tools be considered in negotiations:

- transfer of density on the basis of 2.5 units per acre with no change in square footage
- transfer of density on the basis of 2.5 units per acre with an increase in overall square footage
- increases in dwelling unit density to more than 2.5 units per acre overall
- increases in commercial density without relating to dwelling unit numbers or density
- continuing consideration, if all other possibilities fail of minor variations in the 1200 foot level to accommodate some of the dwellings that would be transferred to retain the west in its natural state
- considering the transfer in the Cypress West area as well
- review or refine area boundaries for transfer (to and from)
- combinations of the above

**Recommendation 11:**

**That as part of the MOU process, BPP and the District should complete the real estate analysis required to determine the approximate number of units that would be required in Cypress Village area (and the rest of BPP's lands east of Eagle Creek) to make the re-designation of the lands west of Eagle Creek possible. The required number of units could come solely from a density transfer or may also require additional units and floorspace beyond that permitted under the existing OCP.**

**Based on this evaluation, DWV and BPP should determine whether the re-designation of the lands west of Eagle Creek could be a realistic outcome of the planning process and decide how to proceed.**

#### 4 Determining Land Dedications and Amenity Contributions

There are two major park areas and one or two schools contemplated in the remaining lands under the OCP that may require negotiation. Creation of a park over the entire western area might offset the current local OCP park objectives.

Determining the ability of the Cypress Village development to make land dedications and contributions toward amenities and public facilities will depend on the same type of analysis as described above. If BPP would be better off from a financial perspective under the scenario that assumes the OCP density is transferred from the west of Eagle Creek to the east of Eagle Creek (plus any additional permitted development rights that are approved beyond the density transfer), then a portion of the additional land value created could be used to help fund amenities in the new neighbourhood. Under existing District policy, the District would aim to negotiate that up to 75% of the additional land value be allocated toward amenities and public facilities.

The ability of the Cypress Village lands to fund amenities and public facilities would depend on some key factors included in the overall conceptual development plan, including:

- Total residential units, total residential floorspace, mix of units, and tenure.
- The amount and type of commercial space.
- The servicing and infrastructure costs.
- The decision about land dedications west of Eagle Creek.

**Recommendation 12:**

**That as part of the MOU process, the District and BPP should agree on an approach or calculation mechanism to determining how to fund amenities and public facilities in the planning area. The actual values could be determined as part of the Concept Planning process or subsequent planning process.**

**The District and BPP should also produce a preliminary list of contemplated amenities and dedications that would recommend for inclusion in the ADP submission.**

## 5 Works Yard Relocation Feasibility

The District owns various parcels of land in the Cypress Village area. One site is the 11.37 acre Works Yard with three departmental offices, workshops, and vehicle and material storage. The facilities are critical to District operations, and it is uncertain whether acceptable or practical alternative locations exist. With detailed site design and organization, it is possible that the acreage required could be somewhat less, but finding a central site with isolation from immediate residential uses, of a multi acre size and with access for the many trucks and service vehicles could be a challenge. The land would have a much higher value for residential use, and could generate a substantial alternative community benefit if it were to be freed up for development including affordable housing, market housing or some other suitable use. In some of the BPP options, the land has been shown as an alternative location for the McGavin field, which would limit or eliminate any financial value, but may be a community benefit. In order to determine if an alternative location for the Works Yard is worth pursuing, an environmental assessment must be carried out to determine if soil remediation would be required and, if so, an estimate of cost should be generated. This is a requirement under the Local Government Act, section 946.2 (1) which states that the requirements of the Waste Management Act must be met. At the same time, a programming consultant should be retained to confirm the present and future needs of the District. A committee comprised of the users and other relevant personnel from the District could be formed to expeditiously investigate alternative locations that would be suitable including possible locations within the planning area. The committee could also examine whether the current site could be reconfigured and reduced in order to improve the Cypress Village concept and provide some value if relocation were not feasible or appropriate.

The School District also has land in the Cypress Village west area that is presently used as a Works Yard. As noted earlier, this was acquired by way of past density transfer – thus using its density value. However, it might be more efficient for the two organizations to share a Works Yard if a suitable location could be found. The issue was reviewed when the site was acquired for the School Board initially, but should be reinvestigated in relation to contemporary needs. Discussions should begin

immediately with the School District about this possibility and, if it seemed feasible, then the same programmer could define the spatial and functional needs that would overlap and a location that would suit both parties could be sought. Under the previous density transfer, if the land were no longer used by the School Board, it would be transferred back to the District and could be considered for other uses, including development or addition to Cypress Falls Park.

The Municipal Works Yard is the one significant Municipal parcel in the Cypress Village area that has not been excluded from density transfer. It was included in lands to be considered for overall density, and was not acquired by density transfer. So even if it could not be relocated, there are sections of it that might be freed up (moving road, making site smaller or building recreation or housing over parts etc.) and it could be used to transfer density to another site at 2.5 units/acre. Council could therefore receive some value from it even if it could not be relocated.

**Recommendation 13:**

**That the District engage an environmental engineer to undertake a preliminary site contamination assessment as required in an OCP by the Local Government Act with a cost estimate for any remediation and engage a programming consultant to work with the relevant departments in the District to confirm the spatial and functional requirements of the Works Yard. The District and the School Board should enter into immediate talks about co-location of their Works Yard. Subsequently an internal committee of the relevant District staff should be struck to explore potential alternative locations. This work should be carried out expeditiously so that when the planning process begins it will be clear whether either or both of the sites is available for other uses.**

## Planning

### 1 Policy Framework and Concept Plan

After the MOU is negotiated and executed, a planning process will be undertaken using consultants and involving a Working Group made up of community members and others with some experience or expertise in aspects of planning a community in an environmentally complex area. The planning process will result in a high level Policy Framework and Concept Plan for the Cypress Village area which will be presented to Council for approval. This will incorporate high level but specific policies for the areas described in the MOU, together with maps, sketches and illustrative plans to define parameters for uses, neighbourhood structure, built form, density, open space and other public amenities. The process will recommend what lands to include, how to achieve the densities recommended and what arrangements to pursue in the next steps, including community benefit calculations and specific public land and facility objectives.

This Policy Framework and Concept Plan, if endorsed, would be used as the basis for a detailed ADP which would be prepared by BPP and submitted to Council for consideration. A diagram of the suggested process is included below. Endorsement of the general framework may take the form of an OCP amendment. At this point, it is anticipated that the ADP and enabling Zoning Amendment would occur simultaneously in the same application.

Requirements for an ADP are defined in the 2004 OCP:

*Area Development Plan: The general implementation plan for a large geographic area that sets out the detailed framework for future development. The size of the area is sufficient to understand and document environmental assets and sensitivities, and to properly plan for the various land uses and for the creation of neighbourhood amenities and public open spaces within the framework of this Plan. The Area typically has logical boundaries defined by the natural environment (creeks, rock outcroppings, forests), major roads and existing development and will contain a number of proposed smaller development areas or projects.*

Policy UL6 of the OCP is:

**Require Area Development Plans in order to establish future land use and development objectives for neighbourhoods, and to create more detailed Development Permit guidelines for subsequent implementation and subdivision designs.**

- *An Area Development Plan will be undertaken and submitted to Council for consideration and approval before developing a parcel of land.*
- *The Area Development Plan must incorporate a geographic area that is sufficiently large to permit the proper planning for road networks, public facilities and parklands, and comprehensive neighbourhood designs. This area will typically be required to be defined by major natural and manmade features. The appropriateness of the area will require the approval of Council on recommendation of staff.*
- *An Area Development Plan will:*
  - *describe how and the degree to which the Area Development Plan achieves the community building principles;*
  - *provide a comprehensive inventory and analysis of the area's terrain (including identification on a map and by area of lands with grades of up to 20%, 20% to 35%,*

36% to 50% and over 50% or an alternative breakdown if required by the District), creeks (full survey and definition), other natural features, a biophysical inventory, land use opportunities and constraints;

- clearly demonstrate how the analysis of natural characteristics and environmental considerations is used to identify lands that are suitable for development and lands of particular environmental significance that may warrant special treatment or protection;
- provide a proposed land use plan, including types of housing and community facilities (including sites to accommodate public or private schools and their potential expansion needs);
- relate the proposed development to the terrain, including type of land use, anticipated site coverage and overall square footage;
- identify the creek corridors and describe measures taken to ensure their protection; - locate and identify the intended function of local parks and open spaces (for example, active or passive use, preservation, ownership);
- locate and develop preliminary design for major roads and trail systems and other public facility requirements;
- Identify how the proposed development integrates with the community's existing transportation network, including transit;
- describe implementation requirements including general servicing, source of funding, legal agreements and guidelines for future development of specific sites; and
- provide an assessment of the development's financial implications to the municipality.

#### **Recommendation 14:**

**That a dedicated Planning Team be assembled to proceed with the preparation of a Policy Framework and Concept Plan. The Policy Framework and Concept Plan should address, in general terms and at a minimum, the features listed in the OCP for an ADP. The Planning Team would consist of District staff, a Working Group, a planning consulting team and BPP.**

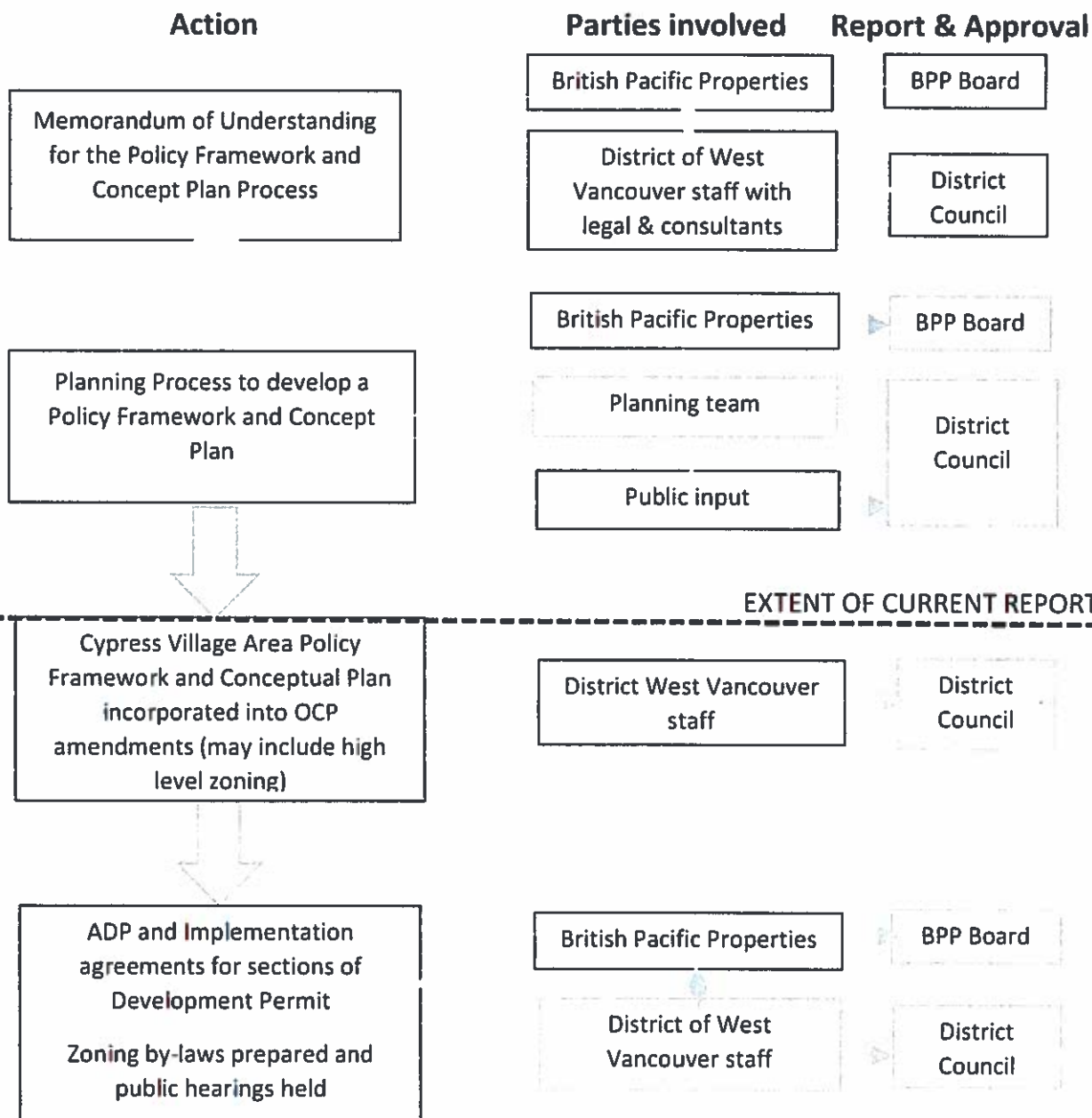
The Team would be led and supported by a lead planner, possibly a senior District manager with experience in leading a complex planning process and background knowledge of the Cypress Village planning history. If this option is taken, BPP would pay for a replacement staff person hired on a term contract to undertake the duties of the senior staff person while they were on leave from their regular duties. Alternatively a contract planner or consultant could be hired to lead the process. Each option has different cost implications, but the person in charge should be a senior planner who would require the support of at least:

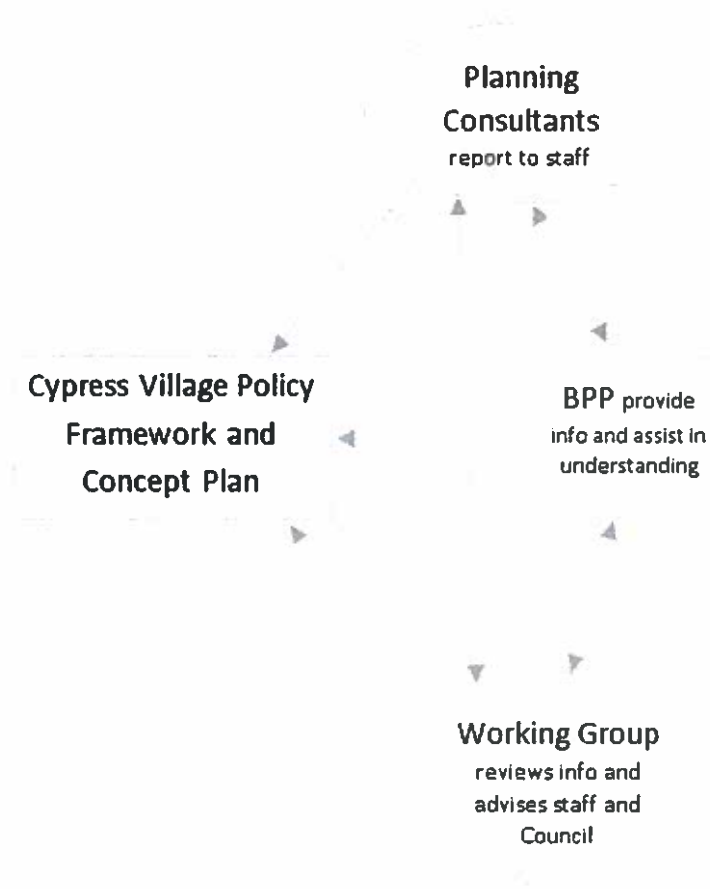
- ❖ planning analyst/urban designer to work with on analysing the plan and preparing planning information
- ❖ a senior level support staff person to arrange meetings, prepare meeting agendas, take minutes and assist in the development of materials for the planning process.

Consultants would be required for (at a minimum) environmental sieve analysis, economic feasibility studies for population threshold and employment opportunities, possible geotechnical analysis, the physical design including landscape design and social planning. Independent economic advice to the



District would be required for the project amenities and for the density transfer and uplift in density. These consultants would be accounted for in the budget. The District and BPP may agree that they be contracted directly by BPP with the District reviewing and signing off on the scope of the work and then directing the consultants as they work with the planning team. It is likely that BPP has already hired some of the consultants and produced the necessary information. In this case they would share the information they have collected and the District would hire consultants to analyze the information and produce new information as required. This would ensure that work is controlled by the District, but that the land owner is fully aware of what is being discussed and could provide more resources than the minimum if it were in his interest to do so. It also provides some assurance that the land owner could, and would carry out the development as eventually planned.





## 2 Next Steps

After the Policy Framework and Concept Plan has been prepared, it will be incorporated by West Vancouver staff into the revised OCP (scheduled for completion in late 2018).

BPP would then prepare an ADP which would go to Council for consideration under normal procedures, including the possible drafting and adoption of Zoning Bylaws. At this point Council may wish to reconvene the Working Group for a check-in for conformance to the Policy Framework and Concept Plan. The cost recovery process would conclude and the subsequent applications would be subject to the normal fee structure.

Subsequently implementation agreements for each section of the development parcels would be prepared prior to an application for a Development Permit for each individual development on the site. It is typical that all District costs in the preparation of agreements are paid by the developer.

## 3 Involvement of Key Interested Parties

### 3.1 TransLink

As mentioned in Part 1 of this study, it is critical that TransLink be involved early in the planning process and remain involved as the Policy Framework and Concept Plan is being prepared. The District staff person in charge of the planning process should be the contact with TransLink and involve them as necessary in the Working Group meetings.

#### **Recommendation 15:**

**That TransLink be involved in the Planning Process as appropriate.**

### 3.2 Public Input

The District has already achieved a healthy amount of public input into the planning of the Upper Lands with the First Upper Lands Advisory Steering Committee beginning in 1996 and culminating with the two Upper Lands Review Study reports in 2015. Moreover, BPP's preplanning exercises have been fairly extensive and involved the community in option development.

In planning Cypress Village we recommend that a Working Group be struck composed of West Vancouver citizens who have relevant expertise in planning process and/or any of the special areas of expertise needed during the process such as: planning, urban design, environmental analysis, transportation planning, economic analysis, social planning, real estate marketing. This Working Group would be tasked with advising on the development of the Policy Framework and Concept plan for Cypress Village being created by the professional consultant planning team. One of the Working Group's tasks would be to conduct a public engagement process designed to reach as many members of the community as possible. This part of the process should be conducted in close consultation with the Communications Department of the District.

There are three options for the role of BPP in this process:

1. As an observer (all Working Group meetings are open to the public)
2. As an advisor to the Working Group without membership
3. As a full participant in the Working Group

Each of these roles would have different benefits and issues. It would be in the best interests of both the District and BPP to have a successful outcome to the planning process which meets the objectives of both. In theory the best way to achieve this is a process in which both parties are able to trust that they would work towards each other's shared objectives. Given that either party may withdraw from the process, we recommend that the District adopt role #2. In this variation the Working Group (and the public) would have an opportunity to understand BPP's constraints and help them achieve their objectives while clarifying community objectives to BPP. BPP has the experience to suggest alternative means of achieving the staff and Working Group objectives. It would be vital that trust be built between the Working Group and BPP so that the Plan that results from the process is endorsed by both. If

necessary, the Working Group could ask BPP to leave a meeting if a potential conflict is under consideration.

**Recommendation 16:**

**That BPP be an advisor only to the Working Group.**

For the process to be successful and completed within a reasonable timeline, we recommend that a facilitator with mediation experience be engaged to conduct the Working group meetings. Ideally, this would be the planning consultant but a separate party could be engaged. We would also recommend that BPP be given an opportunity to concur with the choice of consultant so that staff is aware of any potential issues.

If the Working Group disagrees with any of the recommendations in the Consultant's final report then the consultant should note that in their report.

A potential reporting structure for the participants would be that:

- ❖ The Working Group reports (through staff) to Council
- ❖ BPP advisor to the Working Group reports both through staff to Council and to the Board of BPP
- ❖ The Planning Consultants report through the District Staff person and the Working Group to Council

### 3.3 Land Owners

BPP is the major landowner in Cypress Village and, as mentioned previously, has already produced a vision for the Village which is at least partly in line with the OCP and the ULSR(1). Its input during the Policy Framework and Concept Planning stage would be critical and should be formalized to avoid potential misunderstandings. We have recommended that the planning consultants be funded by BPP but are engaged by and report to the District staff member. We believe that the best way for the public to perceive that the Cypress Village Policy Framework and Concept Plan would be a community-led plan that would maintain the developer at arm's length from the decision-making process. However it would also be key that the BPP be able to give input and share its very substantial experience with the Planning Team so that members would all be satisfied that the final Policy Framework and Concept Plan would be implementable and consider best practices.

The District, as an owner of land and service provider in the Cypress Village area, should also be represented so we recommend that a senior manager (possibly a financial manager) who is not a member of the planning department be appointed to the Working Group to ensure that the District's financial and functional objectives would be represented.

The School Board would have been consulted in the pre-planning phase and need not be involved in the Policy Framework and Concept Planning but should be kept informed through the planning process.

B.C. Hydro would have been consulted in the pre-planning phase but should also be kept informed through the planning process.

---

## 4 Timeline

After Council has approved the approach to cost recovery outlined in this report, possibly in late April 2017, the pre-planning could be initiated. Staff would hire a replacement term planner to take over other projects from an internal senior management planner or a contract staff planner or consultant would be hired. This would take two to four months. The Cypress Village planner would then prepare materials suitable for undertaking the MOU negotiations. This would take at least two months. Concurrently investigations for possible relocation of the Works Yard would proceed. Negotiations between the District and BPP on the MOU could take anywhere from 12 months to 16 months. Negotiations may be concluded more quickly if both parties are well prepared, but may well take longer if there is disagreement on critical factors. The density transfer negotiations will require a substantial amount of work by urban economists to value the units that could be built under the present OCP and the units that would be built in Cypress Village.

The earliest a call for Working Group members could go out would be in October 2018 with appointments being made in December 2018. We anticipate that even with an accelerated Working Group process it would take at least twelve months to come to agreement on a Concept Plan. The earliest that a plan for approval to proceed to the next step could be ready would be December 2019. This will not permit the Cypress Village Policy Framework and Concept Plan to be included in the revised OCP which is scheduled to be completed late in 2018, necessitating amendments to the revised OCP.

## 5 Budget

A detailed budget is attached in Appendix 1.

## Appendix 1

### Budget Estimates (up to Concept Plan)

Item	M.O.U.		Concept Plan	
	Low	High	Low	High
Staff/consultant planner	75,000	150,000	75,000	150,000
Planning analyst	60,000	120,000	60,000	120,000
Planning support	30,000	60,000	30,000	60,000
District supervisory staff for review	15,000	30,000	15,000	30,000
Planning/urban design/landscape consultant	100,000	200,000	500,000	1,000,000
Financial/economic analysis	50,000	100,000	50,000	100,000
Population/economic data consultant	20,000	50,000	10,000	20,000
Transportation consultant	10,000	20,000	10,000	20,000
Environmental review & consulting	5,000	10,000	5,000	10,000
Social planner			10,000	20,000
Legal council	250,000	500,000		
Civil engineer	20,000	40,000	20,000	50,000
Programming consultant for works yard	10,000	20,000		
Facilitator for WG meetings			5,000	10,000
Expenses for WG meetings and consultants			25,000	50,000
<b>Subtotal</b>	645,000	1,300,000	815,000	1,640,000
Reimbursement for previous work at 10%	65,000	130,000		
<b>Total</b>	710,000	1,430,000	815,000	1,640,000
Taxes 5%	35,500	71,500	40,750	110,000
<b>Total</b>	745,500	1,501,500	855,750	1,750,000

Low estimate total	<b>1,601,250</b>
High estimate total	<b>3,251,500</b>

Soil remediation for works yard

\$50,000 - \$500,000
----------------------

---

**This page intentionally left blank**

**This page intentionally left blank**



**PLANNING COST RECOVERY AGREEMENT**

**THIS AGREEMENT** is dated for reference July 10, 2017.

**BETWEEN:**

**BRITISH PACIFIC PROPERTIES LIMITED**  
Suite 1001, 100 Park Royal,  
West Vancouver, British Columbia,  
V7T 1A2

**("BPP")**

**AND:**

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**  
750 17<sup>th</sup> Street,  
West Vancouver, British Columbia,  
V7V 3T3

**("District")**

**WHEREAS:**

- A. BPP and the District are interested in developing a mixed-use development on lands owned by both BPP and the District in West Vancouver, British Columbia. The proposed development is known as "**Cypress Village**".
- B. On April 18, 2016 the District approved a report outlining a process for the planning of Cypress Village in three phases, with the ultimate goal of creating an Area Development Plan, Rezoning Bylaw and Phased Development Agreement to set the policy, community amenity contribution, zoning and implementation framework.
- C. BPP completed the developer-led Phase I – Pre-Application Options Development efforts for the planning of Cypress Village in 2016. BPP and the District are now commencing Phase II - Staff and Working Group Review ("**Phase II**").

- D. BPP and the District agree that a number of terms and conditions need to be defined, negotiated and agreed upon at the initial stage of Phase II prior to commencement of the policy and physical planning for Cypress Village. This initial stage, is being referred to as the "**Preconditions Stage**", which on completion will result in a number of memorandums of understanding being entered into between BPP and the District.
- E. BPP and the District agree that BPP will pay the District's reasonable costs associated with the Preconditions Stage on the terms and conditions set out herein.

**NOW THEREFORE** in consideration of \$1.00 now paid by each party to the other and the mutual covenants contained herein, the parties covenant and agree as follows:

1. BPP will post a letter of credit in the amount of \$500,000.00 ("**Letter of Credit**") as security for BPP's obligation to pay the District's reasonable costs associated with the Preconditions Stage.
2. The District may hire staff and independent consultants to perform the work described in Sections 5 and 6 of this Agreement.
3. The staff and independent consultants hired by the District will act solely at the District's direction.
4. Copies of any reports, studies, opinions other than legal opinions, recommendations, plans or drawings produced by the independent consultants hired by the District will be provided by the District to BPP. BPP acknowledges that all such documents will be "records" of the District for the purposes of the *Freedom of Information and Protection of Privacy Act* (British Columbia).
5. The initial scope of work in relation to the Preconditions Stage is as follows:
  - a. Transfer of Development Potential – determine a valuation of BPP's current zoning entitlements, and develop mechanisms for transferring entitlements from lands west of Eagle Creek to Cypress Village.
  - b. Covenants – evaluating and determining how covenants on lands owned by the District in favour of BPP may be removed to restore development potential, as well as identifying locations for a potential relocation of McGavin Field.

- c. Land Use – setting goals and options for: demographic composition of the community; housing mix including housing types, tenures, and income levels required to access housing; retail, service and office uses necessary to support a walkable community with a vibrant core and; community amenities and facilities serving the local neighbourhood and the broader West Vancouver community.
  - d. Transportation – determining comprehensive transit and mobility alternatives and goals, and the potential methods for achieving those goals including options for financial plans and schedules for implementation. Engage relevant agencies and organizations such as TransLink and Ministry of Transportation and Infrastructure in ongoing consultation about transportation goals for Cypress Village and enter into agreements where possible and necessary.
  - e. Environmental – completing a physical site sieve analysis to determine the potential development footprint and protected areas.
  - f. School District 45 (“SD45”) – consulting with SD45 to determine the need for schools and entering into agreements where necessary and possible. Discuss intent of future use for SD45 Operations Centre land.
  - g. Community Amenities –setting a framework for paying for community services and amenities identified under item c above.
  - h. Infrastructure – determining categories of infrastructure improvements required for Cypress Village, identifying financing alternatives and setting framework for paying for improvements.
  - i. District Operations Centre – assessing potential locations for the relocation of the District’s Operations Centre as well as assessing a scenario for a consolidated redevelopment on the existing Operations Centre site.
6. In addition to the matters set out in Section 5, the parties agree that the Preconditions Stage for which BPP is financially responsible under this Agreement includes the preparation of any other studies, opinions, recommendations, plans or drawings, including without limitation recommendations on the consultation process for amendment of the District's Official Community Plan, the need for which is identified in any of the work described in Section 5 and that the District determines is reasonably required, in accordance with generally accepted community planning practice, prior to

commencement of the policy and physical planning for Cypress Village. The District will notify BPP in writing of its intention to identify any such work as being included in the Preconditions Stage under this Section, at least 5 business days prior to hiring staff or independent consultants to perform the work.

7. The District will invoice BPP monthly for its reasonable costs relating to the Preconditions Stage, and BPP will pay each invoice within 30 days of receipt and will provide the District with confirmation of payment. The District's invoices will provide back-up documentation from any independent consultants and third-party suppliers. BPP acknowledges that "reasonable costs" in respect of fees paid to independent consultants and staff salaries and benefits includes administrative overhead of 10%.
8. The District will be entitled to draw upon the Letter of Credit at its discretion to pay any costs invoiced to BPP and not paid within the time mentioned in Section 7. In the event that BPP allows the balance of the Letter of Credit to be reduced in this manner below 125% of the amount that the District reasonably considers will be required to discharge its remaining obligations to staff and consultants engaged for the purposes of this Agreement, including the administrative overhead mentioned in Section 7, the District may in its sole discretion discontinue the work, providing notice of having done so in writing to BPP.
9. Either party may choose to discontinue pursuing the development of Cypress Village prior to completion of the Preconditions Stage by giving the other party 30 days' written notice. The District will include termination clauses in all agreements with independent consultants retained in relation to the Preconditions Stage, and will discontinue its work upon receipt of notice of discontinuation from BPP. The District will return to BPP the Letter of Credit or balance of the Letter of Credit, less any costs invoiced to BPP and unpaid as of the date of discontinuance.
10. Upon completion of the District's work in relation to the Preconditions Stage and payment by BPP of the District's outstanding costs incurred in relation to the Preconditions Stage, the Letter of Credit or balance of the Letter of Credit will be returned to BPP.
11. All notices required or permitted to be given under this Agreement will be in writing and delivered personally or electronically to the address of the intended recipient set forth on the first page of this Agreement or at such other address or

- e mail address as may from time to time be notified by any of the parties in the manner provided in this Agreement.
12. This Agreement constitutes the entire agreement between the parties and there are no representations or warranties, express or implied, statutory or otherwise and no collateral agreements other than as expressly set forth or referred to in this Agreement.
  13. No amendment of this Agreement will be binding unless made in writing by all the parties to this Agreement.
  14. Nothing in this Agreement:
    - a. fetters the legislative discretion of the Council of the District or the discretion of the District's subdivision approving officer under the *Land Title Act* or the *Strata Property Act*;
    - b. exempts BPP from Development Procedures Bylaw No. 3984, 1996 or any other District bylaw; or
    - c. limits the District's use for any purpose of any work product of the Preconditions Stage, including without limitation any study, report, opinion, recommendation, plan or drawing, which as between the District and BPP shall be the property of the District.
  15. This Agreement will be governed by and interpreted in accordance with the laws of British Columbia.
  16. This Agreement will enure to the benefit of and be binding upon the parties and their respective successors, heirs, personal representatives and permitted assigns.
  17. The invalidity or unenforceability of any provision of this Agreement or any part thereof will not affect the validity or enforceability of the remainder of this Agreement or such provision.
  18. Neither party may assign this Agreement without the prior written consent of the other party, which consent may be arbitrarily withheld.

**[REST OF PAGE INTENTIONALLY BLANK]**

19. This Agreement may be signed in counterparts and each such counterpart will constitute an original document and such counterparts, taken together, will constitute one and the same instrument. A counterpart may be delivered by fax or any other form of electronic transmission.

**AS EVIDENCE OF THEIR AGREEMENT** the parties have executed this Agreement as of the day and year first above written.

**BRITISH PACIFIC PROPERTIES LIMITED** by its authorized signatories:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER** by its authorized signatories:

\_\_\_\_\_  
Name:

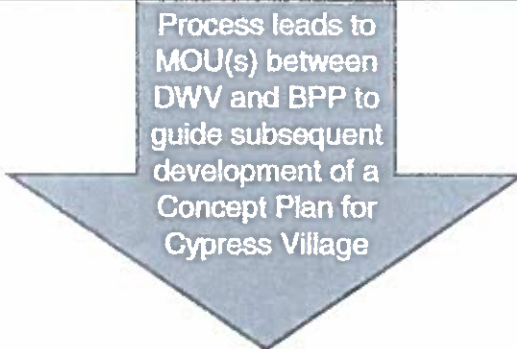
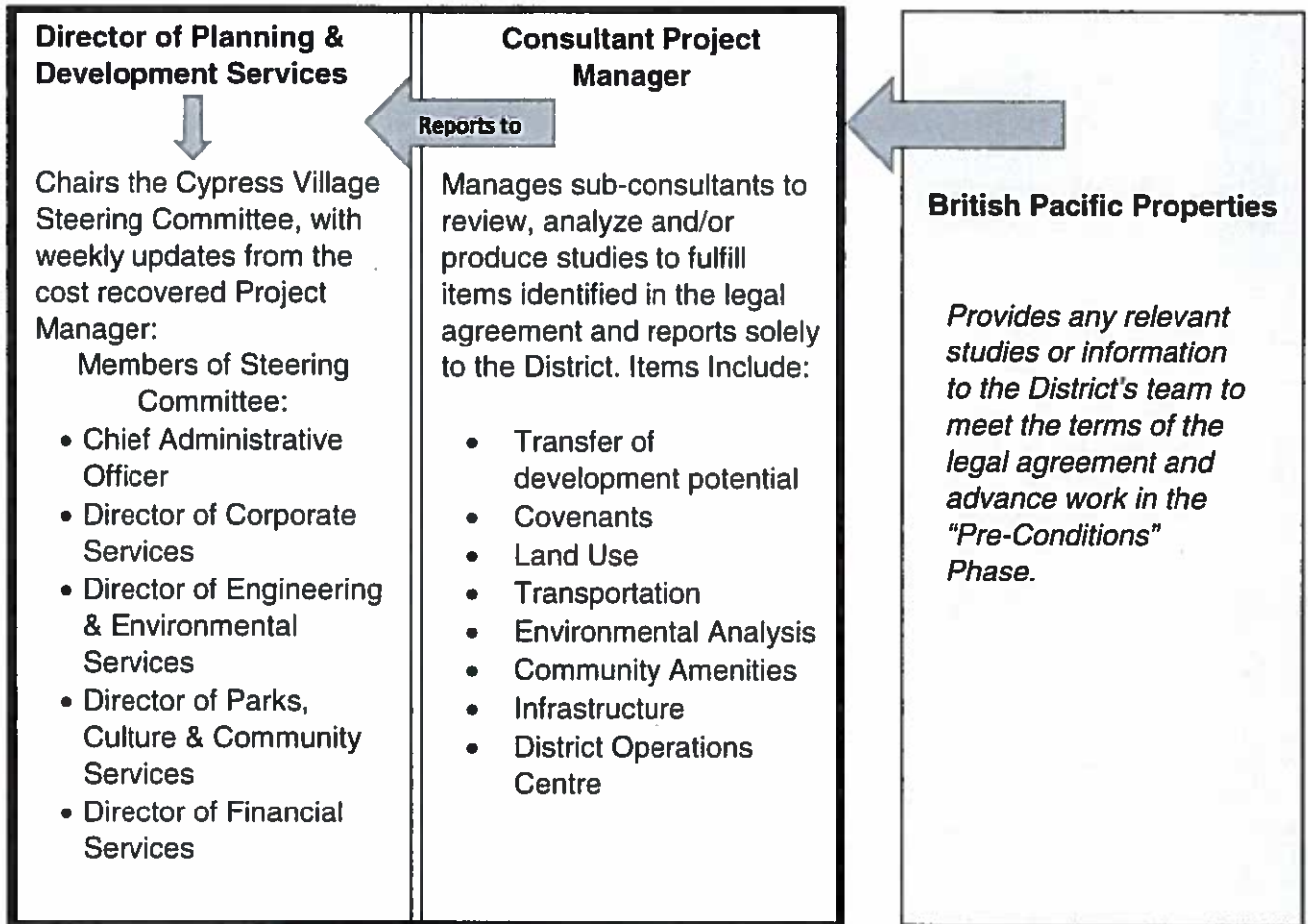
\_\_\_\_\_  
Name:

# Cost Recovery Reporting Structure

APPENDIX C



District of West Vancouver



Reports to Council as appropriate (e.g. with draft MOUs)

---

**This page intentionally left blank**

**This page intentionally left blank**