



Date: September 25, 2003

TO: Board Members - Parks and Recreation
FROM: General Manager - Parks and Recreation
SUBJECT: Eburne Lands Subdivision

RECOMMENDATION

- A. THAT the Board recommend to Council acceptance of payment in lieu of park dedication at the proposed subdivision of the Eburne Lands, subject to legal arrangements to the satisfaction of the General Manager Park Board and the Director of Legal Services for the possible acquisition of Richmond Island for park purposes at a later date as described in this report; and**
- B. THAT the Board recommend to the Approving Officer the establishment of public right-of-ways along the water with the matter of physical access to be resolved through any development permits.**

POLICY

The *Subdivision By-Law* makes the subdivision of a parcel of land exceeding 20 acres subject to conveyance to the City of a parcel of land not exceeding 10% for park or recreational purposes. Further, it allows Council to accept payment in lieu.

The Park Board *Management Plan* identifies the acquisition of waterfront parks and continuous public access along the waterfront as key objectives, and makes acquisition of parks in park deficient neighbourhoods a priority.

The City's *Fraser River and Burrard Inlet Waterfront Policies and Guidelines* seek a public waterfront walkway at subdivision or rezoning where feasible. The City's *Greenways Plan* seeks to create a continuous Fraser River Trail at or near the waterfront, consistent with the Greater Vancouver Regional District's *Recreational Greenways Plan*.

The City's *Industrial Lands Policies* describe the objective to retain most of the City's existing industrial land to meet the needs of port/river related and other industries.

BACKGROUND

The Eburne Lands are located on the Fraser River immediately west of the Arthur Laing Bridge. The Eburne Lands consist of a single parcel of about 35 acres located in the City of Vancouver, and of two parcels of a further 8.5 acres located within the City of Richmond. The Richmond parcels are known as Richmond Island; a water body lying between Richmond Island and the Vancouver parcel is known as Richmond Slough. Richmond Island is thus separated from the rest of the City of Richmond by water while reachable from the City of Vancouver lands via a land bridge. The Eburne Lands are owned by the North Fraser Terminals Inc., a wholly-owned subsidiary of the North Fraser Port Authority (NFPA).



The shoreline circling Richmond Slough has received a red habitat classification coding, meaning high productivity and diversity of fish habitat, by the Fraser River Estuary Management Program (FREMP) to which the NFPA used to be a funding partner. According to the Department of Fisheries and Oceans, these red-coded areas are not to be disturbed. Red-coding does not, however, preclude industrial usage of the water nor access across it for water-dependent industry. Richmond Slough is used for log storage as part of the North Arm Log Transit Grounds in accordance with the NFPA's *Land Use Plan*. The Eburne Lands including Richmond Island are zoned for industrial uses (heavy industrial M-2 in Vancouver, light industrial I 2 in Richmond).

The Approving Officer has received a subdivision application for the Vancouver parcel. In accordance with the Subdivision By-Law, subdivision of this parcel is subject to a park dedication of about three and a half acres. This report seeks the Park Board's advice to Council regarding payment in lieu of this park dedication, subject to legal arrangements that allow acquisition of Richmond Island at a later date when it is no longer required for port purposes, and advice for the Approving Officer regarding the question of public access to the waterfront.

DISCUSSION

Context

FREMP's guiding document, entitled *A Living Working River*, seeks to integrate protection of the region's environmental quality with efforts to sustain economic development and accommodate a growing population. Similarly, NFPA's *Land Use Plan* emphasizes this cooperative notion by aiming to balance the industrial and commercial use of the river as a transportation corridor with sound environmental practices that protect and enhance the estuary while introducing a pro-active greenway strategy that gives people recreational access to the water. Both policies thus speak of the need for balance between nature, industry and recreation.

NFPA describes this part of the river, the Sea Island/Marpole reach, as a gradual transition from the more industrialized upriver portion of the North Fraser to the predominantly green North Arm Jetty area, consisting of highly productive habitat with some intermittent industrial landscapes. Both the Vancouver and Richmond sides of this stretch of the river have public waterfront parks, intertidal mud flats, conservation areas and the beginnings of public trail systems.

The Park Board and the City have long cooperated to create waterfront parks and access in this area. Fraser River Park is just to the west at the foot of Angus Drive, and a route along the water reaches from there toward the subject site. The subject site is of interest as a park location and an easy connection between the existing waterfront access in the Southlands area and the apartment district of Marpole.

Park Dedication and Pay in Lieu

The proposed subdivision is an opportunity to create a park in a neighbourhood, Marpole, that has high residential density coupled with park deficiency and limited opportunities to acquire additional park land. Furthermore, the Eburne Lands are an attractive location offering a diverse waterfront with opportunities to watch for birds and wildlife in the backwaters of Richmond Slough, to observe ship movements in the active navigation channel, and to take in the larger landscape with ocean and mountains on the horizon.

The most desirable location for a public park would be Richmond Island because of its unique prospect in the river, noting that the island is not part of the subdivision. Park Board staff have had some initially promising discussions with the proponent about Richmond Island as a public park in exchange for the park dedication required at subdivision, but the NFPA has since withdrawn that option as they require the island for port purposes at this time. Additional NFPA concerns include potential requirements arising from the imminent implementation of the International Ship and Port Facility Security (ISPS) Code. However, staff feel that long term opportunities for a park in this location ought to be created to ensure that this public interest is considered once the island is no longer required for the currently proposed uses.



View of Richmond Slough and Richmond Island at low tide

Staff have also investigated how to best accommodate a park parcel as part of the subdivision of the Vancouver parcel, settling on a roughly rectangular piece at the western end of the site adjacent to the Bentley Street right-of-way as the preferred configuration. The NFPA, however, has emphasized that the entire site is needed for industrial water-dependent uses. Instead, the proponent is offering a payment in lieu of dedicating a park parcel, and a legal agreement allowing for the eventual purchase of Richmond Island in the future. Details of such an agreement still need to be worked out; in principle the Park Board would acquire an option to purchase when industrial use is no longer required and a right of first refusal at a potential change of ownership

This proposal gives the Park Board the ability to acquire another piece of industrial land along the river with the payment in lieu, thereby creating a public park in the near future, while maintaining the potential for a purchase of Richmond Island in the long term with other funds. Alternatively, the Park Board could reserve the payment in lieu for such an eventual deal.

As it is City Council's authority to accept payment in lieu of park dedication, this report recommends that the Park Board advise Council accordingly, subject to a legal agreement providing an option to purchase and a right of first refusal to the satisfaction of the General Manager Park Board and the Director of Legal Services.

Waterfront Access

Park Board, City and GVRD policies all emphasize the desirability of creating public access to the water. In particular, the City's *Fraser River and Burrard Inlet Waterfront Policies and Guidelines* seek a public waterfront walkway at subdivision or rezoning where feasible. This issue of feasibility has been the subject of intense discussions between staff and the proponent team.

The basic principle endorsed by all parties is that the creation of public walkways along the waterfront ought not to jeopardize the viability of water-dependent industry. Clearly, there are industrial waterfront uses that do not seem to be compatible with public access. For instance, the proposed container loading facility at this site might be incompatible with public access both in terms of public safety and facility security. On the other hand, the potential use for the easterly half of the site, Translink's bus barns, does not currently seem incompatible with public access to the waterfront.



Waterfront walkway behind commercial/industrial buildings at Richmond Slough

Both these uses are intended to be realized under the existing industrial zoning. The feasibility of public access, referred to in the above quoted policy, would therefore not be a question of zoning but of use. That is a question to be dealt with at the development permit stage when more detailed information about the proposed industrial operations is available. It is worth noting that there are commercial/industrial uses on properties adjacent to the Fraser River which do not require access from the water and therefore can co-exist with waterfront walkways, such as the CD-1 zoned properties just west of the subject site adjacent to the Park Board's Fraser River Park, or the business park east of Boundary Road in Burnaby.

According to subdivision staff, subdivision of industrial properties along the Fraser River has mostly coincided with rezonings. An exception to that is the subdivision of the site that generated the park at the foot of Shaughnessy Street. There, the Approving Officer created a public right-of-way along the waterfront even though no rezoning was applied for. Park Board staff are suggesting that this case established a precedent for creating public rights along the water even in the absence of a rezoning.

The Approving Officer has the authority to require a public right to access to the waterfront in this subdivision application, in the form of an option or other appropriate legal instrument. To the extent that industrial uses which are not compatible with public access will occupy the lots to be created in this subdivision, such an option or right-of-way would not be exercised or realized. Where proposed industrial uses are not water-dependent, the City could exercise such an option for public access to the waterfront, and create physical access. Such determination could be made at the time of a development permit application.

It should be noted that the NFPA has expressed concerns about creating these public access rights, as they are considered to threaten to NFPA's ability to implement its mandate of sustaining the viability of water-related industry over the long term by compromising the full range of allowable uses for these lands and potentially weakening the NFPA's options to satisfy the ISPS code requirements, especially in regards to the proposed container storage and shipping facility.

City staff are proposing a condition which would seek the creation of an alternate pedestrian/bike path around the site linking the Hudson Street and Bentley Street ends. While that is a desirable connection to make, Park Board staff suggest that this subdivision application is an appropriate opportunity to create public rights to the waterfront even if physical access may not be achievable for some time.

SUMMARY

This report recommends acceptance of payment in lieu of park dedication at the subdivision of the Eburne Lands subject to a legal agreement allowing for the purchase of Richmond Island as a public park at a later date, and the creation of public rights for waterfront access with the matter of physical access to be determined at the development permit stage.

Prepared by:

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