

Date: January 8, 2009



**TO:** Board Members – Vancouver Park Board  
**FROM:** General Manager – Parks and Recreation  
**SUBJECT:** Jervis Forcemain No. 2 Sewer: Vanier and Seaforth Parks

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## RECOMMENDATIONS

- A. *THAT the Board approve the proposed alignment of the Jervis Forcemain No. 2 Extension (Appendix A), to be constructed by the Greater Vancouver Sewerage and Drainage District (GVS&DD) through Vanier Park and Seaforth Park, as described in this report.***
- B. *THAT the Board approve temporary access by GVS&DD to Vanier Park and Seaforth Park, as shown in Appendices B and C, for the purpose of construction of the Jervis Forcemain #2, with final arrangements to the satisfaction of the General Manager.***
- C. *THAT the Board consent to the granting of statutory rights-of-way in favour of the GVS&DD and the Greater Vancouver Water District (GVWD) where required to protect new and existing sewer and water infrastructure in Vanier, and Seaforth Parks (shown in Appendices B and C) subject to legal documents prepared to the satisfaction of the General Manager in consultation with the Director of Legal Services.***
- D. *THAT the Board approve the granting of a statutory right-of-way in favour of the City of Vancouver where required in Seaforth Park for future public utility purposes, as detailed in this report, subject to the legal documents being prepared to the satisfaction of the General Manager in consultation with the Director of Legal Services.***

## POLICY

The Vancouver Charter specifies that the Board has “exclusive jurisdiction and control of all areas designated as permanent public parks” (Section 488.1), and that “exclusive jurisdiction and control of real property includes the authority to determine how such real property shall be used” (Section 488.6).

On June 12, 2006 the Board approved the granting of a statutory right-of-way (SRW) in perpetuity in favour of the Greater Vancouver Regional District (GVRD) over a portion

of Sunset Beach Park in relation to the first phase of construction of the Jervis Forcemain No. 2.

## **BACKGROUND**

The Park Board customarily grants rights-of-way with respect to water, sewer, electrical and other infrastructure of critical importance to the City of Vancouver to authorities which are historically established in our parks. Such right-of-ways permit the relevant authority to access the site and the subject utilities for the purposes of inspection, maintenance and repair, without engaging and burdening the Park Board's standard approval process concerning work done by others on Park Board property. In most instances the effect of the SRW on the granting agency is to limit potential site development on the SRW area, especially in the form of buildings or permanent structures.

Metro Vancouver has undertaken a long term project to construct a second sewer main connecting the downtown sanitary sewer system to the Iona Island Wastewater Treatment Plant via Sunset Beach under False Creek to Vanier Park and beyond. The existing Jervis Forcemain is 73 years old and potentially subject to breakdown. Installation of the second Forcemain would protect against a major system failure, and enable temporary shutdown of either Forcemain for the purposes of inspection, maintenance and repair. Most of the work would be within City streets, which function as utility corridors as much as transportation networks. GVS&DD staff are therefore coordinating the project with City Engineering Services. However, a portion of the route crosses City parks, and for these sections Park Board has lead responsibility.

The first phase of the Jervis 2 project was reviewed by the Board in 2006, and approval was given for the work in Sunset Beach, along with a SRW covering the area up to the point where the sewer main exits into the False Creek water channel. The staff report at the time noted that the Vanier Park right-of-way and required approvals would be presented at a later date for consideration once a route has been selected.

In 2007 the Greater Vancouver Regional District changed its name to Metro Vancouver. However, the Metro Vancouver agencies responsible respectively for Sewers and Water supply have retained as their legal names the Greater Vancouver Sewerage and Drainage District (GVS&DD) and the Greater Vancouver Water District (GVWD). In this report, reference is made to Metro Vancouver as the umbrella body, and the legal designations used where appropriate to the installation in question.

## **DISCUSSION**

This Report addresses a number of park-related issues associated with the second and possible subsequent phases of Jervis Forcemain #2 construction.

## 1. Forcemain Alignment

The second phase of the Jervis Forcemain project affects two parks: Vanier and Seaforth. The overall route and details of the alignment through the two parks are illustrated in Appendix A.

Staff have discussed eight alternative alignments for the new Forcemain identified by GVS&DD staff and are satisfied that the proposed route out of Vanier Park from the first phase connection point to Chestnut Street is best from both technical and park impact perspectives. Further south, two routes were identified as feasible, and both would have a major impact on Seaforth Park. One would be along the Burrard Street edge of Seaforth, just outside of the park legal boundary but inside the existing sidewalk. The alternate route runs initially under an existing north-south pathway within the park close to its west edge, then angles east across an open area of the park towards the intersection of First Avenue and Burrard Street.

Staff have carefully weighed the merits and constraints of either option and have concluded that the latter route is preferable. The route along the Burrard Street edge would require the removal of several rare “Tae Haku” cherry trees, which have great value both aesthetically and scientifically (attempts are ongoing to propagate new “Tae Haku” plantings from these “stock trees”). The preferred route would temporarily displace some much smaller and less significant trees, which could then be replanted or replaced once the project was complete. This option would leave no visible infrastructure in the park, except for access to a valve chamber on the edge of the park at York Avenue and Chestnut Street, the tie-in point between the Forcemain and a future City sewer line along York Avenue.

## 2. Temporary Access for Construction

During the period of construction, the GVS&DD will require working areas in the parks along the pipeline and in agreed-upon locations for storage and project coordination. Given approval, Park Board staff will work with Metro Vancouver staff to identify and secure these working areas so as to have minimal impact on the functioning of the parks. The terms of such access will be defined in a temporary SRW or other formal agreement as may be advised by City legal services.

## 3. Statutory Rights of Way through Vanier and Seaforth Parks

The affected areas of Vanier Park are held by the City under leases from the Province and the Federal Government. A determination is currently being made, given the leasehold nature of the property, as to which parties should in law be signatories to the required SRW. In any case, however, the consent of Park Board is needed to before a SRW can be negotiated. Seaforth Park is designated as permanent public park, and therefore Park Board approval of the SRW over the park for the Forcemain Project is required. Additionally, the report recommends an overlapping SRW in favour of the City, be registered in priority to the GVS&DD charge, to safeguard the

broader civic interest and to facilitate future connection of the York Avenue sewer line to the Forcemain.

As a housekeeping measure, this report also recommends that the Board consent to granting SRWs in favour of the Greater Vancouver Sewerage and Drainage District (GVS&DD) and the Greater Vancouver Water District (GVWD) for existing water and sewage utilities in Vanier Park, as shown in Appendix B.

If granted rights-of-way, the Metro Vancouver agencies would be able to undertake inspections and perform routine maintenance. Notice to the Park Board would still be required for any proposed work and the grounds in the right-of-way, if disturbed or damaged, would have to be restored to previous condition. The proposed SRWs would preclude the placement of major structures and buildings over the utilities but not significantly compromise re-landscaping possibilities. Park Board would retain the right to install and/or maintain anything normally associated with a park on the proposed right-of-way.

GVS&DD is the lead agency with respect to public notification and consultation in connection with this project. The GVS&DD has posted advisory signage at both Vanier and Seaforth Parks, and are maintaining ongoing communications with the Kitsilano Point Residents Association, the neighbouring institutions in Vanier Park (Museums, Planetarium, Music Academy) and the Seaforth Armoury. Vanier Park is also an intensely used park for day to day activities and special events, including the Pacific Rim Kite Festival, Children's Festival, Bard on the Beach and Celebration of Light. Seaforth Park receives comparatively less use, but some event permits are issued. Park Board Special Event Staff will work with GVS&DD Project Staff to minimize conflicts with scheduled activities on both parks.

If the Board approves the recommendations of this report a request will be made to City Legal Services to draw up the necessary legal documents to register the statutory rights-of-way. These would be prepared to the satisfaction of the General Manager of Parks and Recreation. The General Manager would also execute the necessary agreements and monitor all arrangements made in connection with this project to ensure that park values and interests are sustained to the maximum degree possible.

Upon approval, GVS&DD intends to initiate work as soon as possible, and complete the project work in the current year. If the project start is delayed, GVS&DD will coordinate project timing with the City to avoid a negative impact on the hosting of the 2010 Olympic and Paralympic Winter Games.

## **SUMMARY**

The Board is asked to approve the plan for the alignment and construction work by the GVS&DD on the Jervis Forcemain #2 project, as shown in Appendix A, in terms of routing and impacts on Vanier and Seaforth Parks. The Board is further asked to consent

to the granting of statutory rights-of-way where required for the Forcemain, as well as for existing sewer and water infrastructure in Vanier Park.

The right-of-way would allow access by the GVS&DD and the GVWD and minor work in connection with the utilities to occur, without undermining the integrity or the function of the Park.

Prepared by:

Mark Vulliamy  
Planning and Operations  
Vancouver Board of Parks and Recreation  
Vancouver, BC

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Appendices:

- A: overall Forcemain route from Vanier to 8<sup>th</sup> Avenue – parks sections highlighted
- B. Vanier Park detail, including route, proposed SRW, temporary access areas. Also showing requested SRWs for existing infrastructure.
- C. Seaforth Park detail, including route, proposed SRWs, temporary access areas.