



ADMINISTRATIVE REPORT

Report Date: September 14, 2009
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Meeting Date: November 3, 2009

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Application for Payment-in-Lieu of Parking at 1101 West Waterfront Road

RECOMMENDATION

- A. THAT Council approve in principle, the offer of payment-in-lieu in the amount of \$121,200 for the waiver of six parking spaces required by Section 4.1.2 of the Parking By-law for the development application at 1101 West Waterfront Road; and
- B. THAT Council approve payment of \$121,200 until prior to issuance of a Building Permit for DE 412233 for 1101 West Waterfront Road; and
- C. THAT once payment of \$121,200 is received, it is to be transferred from the payment-in-lieu fund into the Parking Site Reserve for allocation to the City parkade #54 at 1095 Waterfront Road
- D. THAT the Director of Legal Services be requested to bring forward a By-Law to amend Schedule A of the Parking By-Law pursuant to Section 4.12.5 to effect this waiver.

COUNCIL POLICY

Council approves offers of payment-in-lieu for the waiver of parking spaces required by the Parking By-Law. The funds paid remain in the Pay-in-Lieu Parking Reserve until Council allocates them to supply the required parking spaces.

PURPOSE

The purpose of this report is to seek Council's approval in principle for the payment-in-lieu of six parking spaces at 1101 West Waterfront Road, to seek approval to allow deferral of the payment of monies until issuance of the Building Permit, and to assign the funds, once received, to the Parking Site Reserve for the City parking facility #54 at 1095 Waterfront Road.

BACKGROUND

Property developers are required to provide a specific number of on-site parking spaces under the Parking By-Law. Payment-in-lieu was introduced in 1986 to give property developers an option of last resort if the parking required for their development could not be provided. The payment-in-lieu option is available for a building or a portion thereof, used for commercial or industrial purposes, (or any building classification if the site qualifies under heritage retention). It is also only available in portions of the Downtown District and the Central Waterfront District, or in the Historic areas, where the City either has provided or could reasonably provide parking in off-street parking facilities.

If payment-in-lieu is approved in principal by Council, the applicant is required to pay a sum of money, currently set at a rate of \$20,200 per parking space waived, to enable the Director of Legal Services to amend Schedule A of the Parking By-Law and thereby enable issuance of a Development Permit. Once the funds are paid, the Director of Legal Services will bring forward an amending by-law to Schedule A of the Parking By-law for Council approval. The funds paid by the applicant remain within the Pay-in-Lieu Parking Reserve until assigned to provide the spaces from a nearby civic parking facility. The payment-in-lieu rate is set at the net cost to provide and manage the parking spaces, and is augmented by revenues as the applicant must still pay for the use of these spaces. Applicants with approval for payment-in-lieu have first right of refusal to rent spaces in a nearby civic parking facility up to the number of spaces that Council has waived for their development.

DISCUSSION

An application was considered by the Development Permit Board at its meeting of October 20, 2008, and it was resolved THAT the Board APPROVE Development Application No. DE412233 as submitted, subject to Council approval of the form of development, the plans and information forming a part thereof, thereby permitting the development of a three-storey Restaurant - Class 1 in the northeast corner of Harbour Green Park, subject to conditions.

Standard Condition A.1.1 asks for arrangements to be made for a minimum of six (6) off-street parking spaces in accordance with Section 4 of the Parking By-law; Arrangements are to satisfy the off-street parking requirement and may include an off-site parking covenant to the satisfaction of Director of Legal Services and Director of Planning in consultation with the General Manager of Engineering Services, or Payment in Lieu in accordance with Section 4.12 of the Parking By-law.

An application, pursuant to Section 4.12 of the Parking By-law, has been received seeking Council's approval in principle to waive the number of parking spaces required by Section 4.1.2 of the Parking By-law and to make payment-in-lieu.

This report seeks Council authority to accept payment-in-lieu for six (6) parking spaces as currently required, and to further allow for deferral of the payment of monies plus interest as set by the Consumer Price Index - Vancouver Construction Rate until prior to issuance of the building permit. The Harbour Green Park restaurant will be built and funded by a private developer/operator who has yet to be selected by the Park Board who owns the lands. The developer cannot begin construction until after the 2010 Olympic and Paralympic Winter Games once the floatplane terminal has been relocated to its permanent location north of the new convention centre. An issued development permit is required in order to secure a developer for this project, but due to current market conditions it is uncertain when a

developer/operator will be selected or when a developer/operator will be ready to commence construction. The Park Board is therefore seeking deferral of the payment-in-lieu of parking monies until a project developer is in place that will then make the payment. Legal Services concurs that the process of payment deferral is supportable and does not contravene the Vancouver Charter or any other By-law. Staff supports the request for deferral and recommends it to Council for approval.

The particulars of the application are as follows:

Address:	1101 West Waterfront Road
Applicant:	Piet Rutgers, Vancouver Park Board
Zoning:	CD-1
DE Number:	412233
Type of Development:	Commercial
Use:	Restaurant Class 1
Legal Description:	LOT 21, Except Part in Plan BCP1695, PHBI, Plan LMP 29892
Commercial Parking Required:	6
Commercial Parking Provided:	0
Number of spaces for Payment-in-lieu:	6
Recommended Amount/Space:	\$20,200
Total Payment-in-lieu:	\$121,200

ASSIGNMENT OF PAYMENT-IN-LIEU FUNDS

Since the program was approved by Council in 1986, funds have been collected for payment-in-lieu of providing parking spaces in strategic areas of Vancouver. These areas are in portions of the Downtown District and the Central Waterfront District, or in the Historic areas, where the City either has provided or could reasonably provide parking in off-street parking facilities. Once the funds are collected, they are either committed to existing parking structures or held until the City has an opportunity to build a parking structure in the corresponding area.

There are 6 additional parking spaces that can be assigned at this time to provide parking spaces at the existing City owned parkade #54 at 1095 Waterfront Road. This is the closest city owned parking facility which was constructed to provide parking for the Harbour Green Restaurant and for the adjacent VCCEP Float Plane Terminal. The total funds that would be transferred to the Parking Site Reserve, which funded the development of these spaces, are \$121,200 plus accrued interest.

FINANCIAL IMPLICATIONS

The City, prior to issuance of the Building Permit, will receive payment of \$121,200 plus accrued interest, as per the Consumer Price Index - Vancouver Construction Rate, calculated from the date that the Development Permit is issued for deposit into the Pay-in-Lieu Parking Reserve. Upon receipt of the funds, it is recommended that they be transferred from the Pay-in-Lieu Parking Reserve to the Parking Site Reserve.

CONCLUSION

The General Manager of Engineering Services recommends approval of the waiver of six required parking spaces at 1101 West Waterfront Road, and deferral of the payment of \$121,200 plus interest. It is further recommended that the funds be transferred to the Parking Site Reserve immediately upon receipt.

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