



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: June 19, 2006  
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RTS No.: 05929  
VanRIMS No.: 06-3200-10  
Meeting Date: July 11, 2006

TO: Vancouver City Council

FROM: General Manager of Parks and Recreation

SUBJECT: Vancouver Technical Secondary School - Playing Field License Agreement

#### RECOMMENDATION

- A. *THAT Council approve the City of Vancouver (the "City") entering into the attached license agreement (Appendix A) with the School Board whereby the City will acquire the right to use a portion of the grounds of the Vancouver Technical Secondary School (VTSS) for the purpose of development of a synthetic turf playing field.*
- B. *THAT following the execution of the license agreement by all parties, Council hereby resolves, pursuant to Section 488(3) of the Vancouver Charter, that the School Board lands so held by the City, pursuant to the license agreement, shall be in the custody, care and management of the Park Board for the full term of the license; and*
- C. *THAT no legal rights shall arise hereby, and none shall arise until execution of the contemplated agreement by all parties.*
- D. *THAT Council approve the donation of \$400,000 received by the Park Board from the Dunbar, West Point Grey and Kerrisdale Soccer Clubs toward the capital cost of synthetic turf field development.*
- E. *THAT Council approve the development of the Vancouver Technical synthetic turf sport field at an estimated cost of \$1.45 Million, with existing funding from city wide DCL allocated for Parks, supplemented by the funds donated and received for this purpose referenced in recommendation D.*

## CITY MANAGER'S COMMENTS

The City Manager recommends approval of A, B, C, D and E.

## COUNCIL POLICY

Pursuant to Section 488(3) of the Vancouver Charter, Council has the power to grant custody, care and management of areas belonging to or held by the City to the Vancouver Board of Parks and Recreation (the "Park Board").

## POLICY

On July 8, 2002, the Board approved the Playing Field Renewal Plan. The Renewal Plan was simultaneously endorsed by the Vancouver School Board (the "VSB").

The 2003 - 2005 Park Board Capital Plan allocates \$2.9 Million in city-wide development cost levies (DCLs) to the development of two synthetic turf playing fields.

On May 10, 2005, Council approved a license agreement with the School Board for a portion of a playing field which is partly on the Point Grey Secondary School grounds and partly on Kerrisdale Park. Council further assigned custody, care and management of the field to the Park Board.

On May 29, 2006 the Park Board (Appendix B: extract from Park Board minutes) approved a synthetic turf development on School Board property at the Vancouver Technical Secondary School ("VTSS"), subject to Council and VSB concurrence on the license agreement as described in this report. VSB has previously approved the location of the subject field.

## BACKGROUND

Together, the Park Board and VSB provide almost all the playing fields for public use in the City. The Park Board and the VSB have completed an assessment of their joint inventory and have agreed upon a set of strategies for coordinating the management of fields, improving ground conditions, and increasing the field inventory through the development of synthetic turf pitches, each having a playing capacity of more than four regular grass fields.

Funding for the construction of two synthetic turf fields was through allocation of city-wide park DCLs included in the 2003 - 2005 Capital Plan. In September 2003, the Park Board and the VSB approved a public consultation plan for determining appropriate locations for lit synthetic turf fields. Subsequently, in November, 2004, both the Park Board and the VSB endorsed the installation of the first of these synthetic pitches at a field that is half on the Point Grey Secondary School grounds and half on Kerrisdale Park. In order for DCL funds to be spent on this project, the entire site had to be secured as park. Council therefore approved a licensing arrangement from the VSB for the City to have custody and control of the school portion of the playing field, and the City subsequently granted custody, care and management of the licensed area to the Park Board. The Point Grey/Kerrisdale Park field opened in March 2006.

**DISCUSSION**

This report proposes that Council utilize the same two-step approach that was used to secure and develop the Point Grey/Kerrisdale field in order to develop and construct a second synthetic turf field wholly on VSB land at VTSS.

The VTSS site is one of the highest rated sites amongst 58 assessed by the Park Board and VSB for potential synthetic turf installation. The location is also ideal from a service distribution perspective, in that a field at VTSS would serve the east side of the City in the same way as the Kerrisdale/Point Grey site now serves the west side. There is strong support for this initiative at the school and from the local community.

CRITERIA DATA	
SIZE (Hectares)	9.06
STATUS	ALL WEATHER
DIST. RESIDENCE (m)	160
No. RESIDENCE	15
PARKING	LOT/STREET
TRANSIT (BLOCKS)	2
FACILITIES	POTENTIAL ACCESS SCHOOL / GYM CEN.



**VANCOUVER TECHNICAL SCHOOL**

2500 SLOCAN

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As was the case at Point Grey/Kerrisdale, the first of two steps required for the project to proceed would be the execution of a license agreement whereby the VSB grants to the City a license to use the playing field (shown in the above plan) under conditions amenable to all parties. This license in the form attached as Appendix A would allow Council to take step two: to resolve that the Park Board will have the custody, care and management of this school land in accordance with Section 488 (3) of the Vancouver Charter. Once that is in effect, development cost levies can be used to build the playing field.

As is the case with the Point Grey/Kerrisdale field, the license agreement will retain for the VSB the right to use the playing field during school hours and for school events; the Park Board will have all rights of use and control over the field the rest of the time for regular playing field bookings. The term of the licence will be the life of the synthetic playing field. The Park Board will be solely responsible to install at its sole cost and expense the synthetic turf.

Details surrounding the shared use of the fields, including times of use, maintenance obligations and other matters needing to be confirmed, will be negotiated directly between the Park Board and the VSB, guided by similar arrangements in place for the joint Park Board and VSB use of the playing fields at Eric Hamber and Point Grey Secondary Schools.

Park Board staff will prepare and submit a development permit application with respect to the installation of a lighting system at the field, and hiring a consultant to develop the design and construction drawings. The project is anticipated to require about a year to complete.

## FINANCIAL IMPLICATIONS

There is no fee associated with the licence to the City of the area of the VTSS on which the synthetic field is to be installed. However, the estimated capital cost of field construction, including lighting, is \$1.45 million. Funding for the construction of synthetic turf fields, from City wide DCLs, has been included in the Park Board 2003 - 2005 and 2006 - 2008 Capital Plans.

The donation of \$400,000 from the Dunbar, West Point Grey and Kerrisdale Youth Soccer Clubs was made in recognition of challenging site conditions adding to field construction costs at the Kerrisdale Park/Point Grey School site. The stated objective of the clubs was to ensure that a second synthetic turf field could be added to the City's inventory, as planned, with the capital funds allocated for this purpose.

## CONCLUSION

This report asks Council to approve in principle execution of a license agreement with the VSB to enable the Park Board to develop a synthetic turf playing field on VSB property. Council is further asked to resolve to grant custody, care and management of the lands in question to the Park Board.

\* \* \* \* \*

THESE LICENCES are dated for reference the \_\_\_\_\_ day of \_\_\_\_\_, 2006

AMONG:

**THE BOARD OF SCHOOL TRUSTEES OF  
SCHOOL DISTRICT NO. 39 (VANCOUVER),**  
1580 West Broadway  
Vancouver, British Columbia  
V6J 5K8

(herein called the "School Board")

OF THE FIRST PART

AND:

**CITY OF VANCOUVER,**  
a municipal corporation,  
453 West 12th Avenue,  
Vancouver, British Columbia  
V5Y 1V4

(herein called the "City")

OF THE SECOND PART

AND:

**CITY OF VANCOUVER,**  
as represented by its **VANCOUVER BOARD OF  
PARKS AND RECREATION** (the "Park Board")  
2099 Beach Avenue,  
Vancouver, British Columbia  
V6G 1Z4

(herein called the "Park Board")

OF THE THIRD PART

WHEREAS:

- A. The School Board is the owner of Vancouver Technical Secondary School ("VTSS") and its lands, including that part thereof shown in heavy outline on Schedule "A", which part so shown in heavy outline is herein called the "School Lands". This agreement is entered into between the School Board and the City for purposes of granting a license to the City to use and control the School Lands.
- B. The parties are desirous of having the Park Board install a synthetic turf field on the School Lands and to jointly use this field, as has previously been done at West Point Grey and Eric Hamber Secondary Schools. This agreement is to facilitate the installation and joint use and administration of the playing field by the School Board and the Park Board.

- C. The City, pursuant to Section 488(3) of the *Vancouver Charter*, has the power to grant custody, care and management of such areas belonging to or held by the City to the Park Board for park purposes.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the sum of Ten Dollars (\$10.00) now paid by each party to the other and the covenants and agreements hereinafter reserved and contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the School Board, the City and the Park Board, hereby agree each with the other concerning the School Lands.

1. **Licence from School Board to City.** Subject to the reservations expressed herein, the School Board hereby grants to the City the right and licence to use the School Lands for recreational uses on the terms and conditions set out herein or as otherwise agreed to by the City and the School Board.
2. **Rights and Reservations.**
  - (a) The School Board hereby reserves use of the School Lands during the hours from sunrise to 5:00 p.m. on weekdays when VTSS is normally open for classes, AND the City and the Park Board agree that during the times so reserved, the School Board shall have exclusive use of the synthetic playing field.
  - (b) The School Board hereby acknowledges and agrees that the City and the Park Board, if the City resolves that the School Lands are to be under the care, custody and management of the Park Board, shall have control and the right to use the synthetic playing field during the evenings after 5:00 p.m. and on weekends when public use sporting events are scheduled. During such times, the School Board agrees that the City shall have exclusive use of the School Lands, with the understanding that the School Board may apply to the Park Board (Provided That the City grants custody, care and management of the playing field area to the Park Board) to use the playing field in the same manner and on the same basis as other potential field users would, in the normal course, make application.
3. **Joint permit application.** The School Board as owner of the School Lands and the Park Board as manager of the School Lands each agree that:
  - (a) the School Lands shall only be used as a full size sporting field for the benefit of the students of VTSS and the public as authorized by the Park Board;
  - (b) the parties shall make joint application to secure all necessary permits to improve the School Lands as one full size sporting field by installing lighting and synthetic turf; and
  - (c) construction of the improvements shall commence as soon as practicable following issuance of the required permits with the Park Board being solely responsible to install, at its sole cost and expense, the synthetic turf on the School Lands. This subparagraph 3(c) shall not come into force or take effect until the City approves this licence from the School Board and resolves that

following the signing of this licence from the School Board to the City, pursuant to Section 488(3) of the *Vancouver Charter*, that the Park Board shall have the custody, care and management of the licenced area so held by the City for the full term of such licence.

4. **Amendments.** Prior to completion of construction of the synthetic turf field, the parties will set out in greater detail the specifics regarding their shared use of the playing field, including scheduling of use, maintenance obligations and any other matters as the parties so determine and agree upon.
5. **Term of licence.** Except for any material default by the City, which the City or the Park Board does not remedy within 90 days of notice of the default or such longer period if the default takes longer to remedy provided that the City or Park Board is diligently proceeding to cure the material default, the School Board shall not terminate this licence to the City so long as the synthetic turf to be installed on the School Lands is not ready for replacement in the joint opinion of the General Manager of the Park Board and the Director of Facilities of the School Board or their respective successors in function.
6. **Assignment.** Except as contemplated in paragraph 3(c), the City shall not assign this licence from the School Board except with the written permission of the School Board which permission may be arbitrarily withheld.
7. **Notices.** The parties may deliver notices to each other only by personal delivery or by mailing at any Government Post Office in British Columbia, by prepaid registered or certified mail, in each case addressed as follows:

**Vancouver Board of Parks and Recreation**  
2099 Beach Avenue  
Vancouver, B.C.  
V6G 1Z4

Attention: General Manager

**City of Vancouver**  
453 West 12th Avenue  
Vancouver, B.C.  
V5Y 1V4

Attention: City Clerk with a copy to the General Manager of Corporate Services

**Board of School Trustees**  
**School District No. 39 (Vancouver)**  
1580 West Broadway  
Vancouver, B.C.  
V6J 5K8

Attention: Secretary-Treasurer

or to such other address of which a party may notify the others according to the requirements of this section. Any notice personally delivered will be deemed received when delivered. Any notice mailed will be deemed received five days after the date of mailing, except that if, between the time of mailing and actual receipt of the notice, a mail strike, slow-down, or other labour dispute occurs that might affect delivery of such notice then the notice will be effective only if the sender personally delivers it.

8. **Coming into effect.** That no part hereof shall come into force or take effect until this agreement has been signed by all parties.
9. **Continuing effect.** These licences will enure to the benefit of and bind the parties and their successors and permitted assigns.



IN WITNESS WHEREOF each of the Park Board, the City and School Board have caused this agreement to be signed by its authorized signatories.

**CITY OF VANCOUVER** as  
represented by its **BOARD OF  
PARKS AND RECREATION**  
by its authorized signatory:

Per:

\_\_\_\_\_

General Manager

Approved by Resolution of the Park Board made \_\_\_\_\_

**CITY OF VANCOUVER**  
by its authorized signatory:

Per:

\_\_\_\_\_

Director of Legal Services

Approved by resolution of City Council made \_\_\_\_\_

**BOARD OF SCHOOL TRUSTEES OF  
SCHOOL DISTRICT NO.39  
(VANCOUVER)** by its authorised  
signatories:

\_\_\_\_\_

Authorised signatory

\_\_\_\_\_

Authorised signatory

Approved by resolution of the School Board made \_\_\_\_\_

The following motion was unanimously approved by the Board at its meeting on Monday, May 29, 2006.

- A. THAT the Board approve the development of a synthetic turf, sports field for Park uses on a portion of the grounds of the Vancouver Technical Secondary School ("VTSS"), by license agreement with the Vancouver School Board, in a form satisfactory to the City's Director of Legal Services, acquiring the right to use a portion of the grounds of the VTSS for that purpose and on City Council resolving that the City's rights to use those lands for that purpose are to be in the custody, care and management of the Board for the term of the license agreement, with all details of these arrangements to be to the satisfaction of the General Manager of Parks and Recreation;
  
- B. THAT the source of funds for the construction of the Vancouver Technical field will be the City Wide Park DCL funds allocated for this purpose in the 2003 - 2005 Capital Plan, supplemented by up to \$400,000 previously committed by the Dunbar, Point Grey and Kerrisdale Soccer Clubs (the Clubs).

