



CITY OF VANCOUVER

A14

ADMINISTRATIVE REPORT

Report Date: July 7, 2009
Contact: Mary Clare Zak
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RTS No.: 07752
VanRIMS No.: 08-2000-20
Meeting Date: July 21, 2009

TO: Vancouver City Council

FROM: Deputy General Manager of Community Services and Acting Managing Director of Social Development

SUBJECT: Appointment of Operator, Approval of Lease and Grants for the International Village Children's Centre - 680 Abbott Street

RECOMMENDATION

- A. THAT Council appoint the Vancouver Society of Children's Centres (VSOCC) as the operator for the childcare facility (the "Childcare Facility") located within the City-owned building/air space parcel at 680 Abbott Street (the "Premises");
- B. THAT Council approve entering into a five-year lease agreement with VSOCC as the operator of the Childcare Facility, renewable for two further five-year terms for a nominal rate (\$10.00 per five-year term) to operate a 49-space licensed childcare program on general terms and conditions as outlined in APPENDIX A;
- C. THAT Council allocate a grant of \$98,000 to VSOCC for start-up costs of the Childcare Facility, subject to VSOCC entering into the lease agreement contemplated by Recommendation B. Source of funds: Childcare Endowment Reserve;
- D. THAT Council authorize payment to VSOCC of \$39,600 as an annual operating subsidy to VSOCC for the 24-infant/toddler spaces at the International Village Children's Centre, pro-rated in 2009 at \$9,900 from the expected lease commencement October 1, 2009 to December 31, 2009 and subject to VSOCC entering into the lease agreement contemplated by Recommendation B. Source of funds: Childcare Endowment Reserve; and
- E. THAT Council approve an increase to the Facilities Design and Management's Annual Operating Budget of \$25,000 (pro-rated to \$6,250 for the period of October 1, 2009 to December 31, 2009) for maintenance services for the Premises, without offset. Source of 2009 funding is the Childcare Endowment

Reserve. Future funding source for maintenance costs is pending the outcome of the review for the Childcare Endowment Reserve, as directed by Council on April 7, 2009.

Recommendations B, C and D authorize grants and require eight affirmative votes.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing recommendations.

COUNCIL POLICY

Pursuant to Section 206(l) (a) of the Vancouver Charter, not less than two-thirds of all members of Council must approve a resolution for a grant to a charitable institution. A lease of City-owned property at less than market rent is considered to be a grant.

On October 23, 1990, Council approved the Civic Childcare Strategy, committing the City to being an active partner with senior governments, parents, the private sector and community in developing and maintaining a comprehensive childcare system in Vancouver. An action plan was adopted as part of this strategy directing staff to secure childcare facilities as a condition of rezoning land. On April 23, 2002, Council approved the "Moving Forward" Childcare A Cornerstone of Childhood Development, which set out a strategic plan for the integration of childcare and child development services.

On February 4, 1993, Council approved childcare operating contributions; established rates per childcare space for payments-in-lieu and start-up contributions; authorized staff to secure from developers a payment-in-lieu contribution for some childcare spaces to be built in False Creek North and Coal Harbour; and directed staff to revise the False Creek North and Coal Harbour ODPs to reflect the adjustment to the childcare requirements given some spaces had been converted for a cash contribution.

On December 15, 1994, Council approved a report that outlined the goals, objectives and scope of operations for VSOCC, and established the Childcare Endowment Reserve to help offset the costs of starting up a new facility and operating infant and toddler programs in new City-owned childcare facilities.

On September 11, 2003 Council directed staff to utilize the legal agreement framework discussed in this report for all future leases/sub-leases/licenses to non-profit organizations occupying capital assets.

On July 22, 2008, Council instructed staff to conduct a review of the City Childcare Endowment Reserve to evaluate priorities, payments, conditions and streamline the administration of the endowment grant, with a report back to Council in 2009.

On April 7, 2009 Council instructed staff to undertake a supply and demand review of infant, toddler, 3-5 year old and out-of-school care spaces, and disaggregate the data by neighbourhood; and further that costs and revenue sources for implementing a universal approach to a sustainable Childcare Endowment Reserve be confirmed, including the development of eligibility criteria, consultation with stakeholders and identifying alternative mechanisms to enhance this fund. Council also directed staff to reinstate the Joint Council on

Childcare and renew its goals, and previously adopted Terms of Reference, along with an objective of a further 5% increase, at a minimum, in childcare spaces in the next three years.

PURPOSE

The purpose of this Report is to seek Council's approval to:

- appoint VSOCC as the operator of the Childcare Facility;
- enter into a lease agreement with VSOCC;
- allocate a grant of \$98,000 for start-up of the Childcare Facility;
- authorize a payment of \$39,600 as an annual operating subsidy to VSOCC for the for the 24 infant/toddler spaces at the Childcare Facility, pro-rated at \$9,900 in 2009 for the expected lease commencement October 1, 2009 to December 31, 2009; and
- increase the Facilities Design and Management operating budget by \$25,000 annually (pro-rated to \$6,250 for the period of October 1, 2009 to December 31, 2009), for maintenance services.

BACKGROUND

At a Public Hearing on June 22, 1989, City Council approved a rezoning of the International Village site from BC Place/Expo District (BCPED) and Downtown District (DD) to Comprehensive Development District (CD-1). CD-1 By-law No. 6747 was enacted on October 23, 1990. As a result of this rezoning, Council accepted and secured through a legal agreement the provision of a childcare facility to be constructed by the developer. On December 14, 1995, Council approved an amendment to this CD-1 By-law increasing the maximum number of residential units and changing the mix and location of social housing. Council accepted a \$40,000 payment-in-lieu from the developer instead of additional childcare facility space on the International Village lands. Subsequent CD-1 By-law text amendments made on February 3, 2009, have not resulted in additional childcare requirements.

The International Village site was the first area in False Creek North to be rezoned for comprehensive development with a school site, community centre space and a childcare facility to be provided as community amenities to serve the new population. Initially, it was contemplated that the childcare facility would be built at the same time as the school and community centre space with all three uses sharing the same building located in a City-owned air space parcel. To-date, Provincial funding to proceed with school construction has not been provided to the Vancouver Board of Education. In 2008, Council approved accepting a \$2,100,000 payment-in lieu for the community centre space to be used toward upgrading Andy Livingstone Park. A portion of this money, \$330,000, was allocated to creating a childcare facility suitable for 49-spaces of full-time group care for infants, toddlers and 3 to 5 year olds instead of the previously negotiated 44-space facility for preschool and full-time care for 3 to 5 year olds.

The International Village Children's Centre will be the fourth childcare facility completed in the False Creek North area. Two childcare facilities are now in operation; these are the Dorothy Lam Children's Centre at 188 Drake Street, and the Quayside Children's Centre at 1011 Marinaside Crescent. A third, the Sea Star Children's Centre, is nearing completion and anticipated to be finished in the Fall. It is also the subject of an upcoming report (see report RTS # 07750). VSOCC operates the existing facilities in False Creek North. It was

incorporated in 1994 with its primary mandate being to administer City-owned childcare facilities located in the Downtown peninsula.

DISCUSSION

Appointment of an Operator

The developer is fulfilling its obligation to construct a childcare facility on the International Village site, at 680 Abbott Street (see map in APPENDIX B). The target completion date for this amenity is October 2009. To ensure that the facility can be made operational by December 2009, City Staff is requesting that Council appoint VSOCC as operator. VSOCC currently operates eight City-owned childcare facilities in the downtown area.

VSOCC provides licensed childcare services for children 3 months to 12 years old and a full range of family drop-in and support programs in high-density developments. It has a total budget of \$6,500,000 million, employs 112 full-time equivalent staff and is supported by 53 volunteers and 180 casual volunteers. A significant portion of the Society's funding comes from parent fees (\$3,300,000). The Province supports the childcare centres and family places directly through the childcare operating fund, special needs funding and early childhood development grants (approximately \$790,000). Among its staff group, 34 languages are spoken to meet the range of diverse family and children needs.

Lease

Council will need to authorize staff to enter into a lease agreement with VSOCC. This lease will be based on the general terms set out in APPENDIX A, which are consistent with the lease framework for all non-profit capital assets approved by Council in 2003.

Grants

In order to commence the childcare services at 680 Abbott Street, VSOCC must prepare the facility for opening. Childcare staff will be hired in advance of the centre receiving children. These employees will engage in orientation training, setting up the childcare centre, developing parent handout materials, preparing operational policies and procedures manuals, and registering families. A start-up grant of \$98,000 will be used to cover the higher expenses experienced in the initially opening phase of the childcare facility.

A grant of \$1,650 per infant and toddler space (24-spaces) is recommended to assist with the operating costs associated with this type of care. Annualized, this operating grant would amount to \$39,600 but it should be pro-rated to \$9,900 for 2009 to coincide with the expected lease commencement October 1, 2009.

Childcare Endowment Reserve Review

A report dealing with a review of the City Childcare Endowment Reserve to evaluate priorities, payments, conditions and streamline the administration of the endowment grant, will be submitted to Council in the Fall of 2009.

Facility Maintenance

The Childcare Facility will be located in a building that is part of a City-owned air space parcel. A portion of the air space parcel will be used for the school building when the Vancouver Board of Education is ready to proceed with its capital project. The Childcare Facility and the school have been designed to allow for a future connection so that the school multi-purpose room can be shared. This will provide an opportunity for the childcare operator to expand their service to offer out of school care in the school's multi-purpose room if agreeable to Vancouver Board of Education once the new school is built.

The City will be responsible for the childcare building envelope and major structural repairs along with maintenance of the vacant portion of the air space parcel. As maintenance costs for a childcare facility in an air space parcel will be higher than a facility located within the common area of a residential or mixed-use building, an increase of \$25,000 to the Facilities Design and Management's annual operating budget is being requested to assist with the ongoing landlord maintenance responsibilities for this facility.

FINANCIAL IMPLICATIONS

A grant of \$98,000 for start-up costs of the new facility will assist VSOCC in preparing the facility for opening. The rezoning for International Village predates Council's decisions to require developers building childcare community amenities to provide start-up and endowment funding. The developer was not required to provide contributions for this; however, they have provided a \$40,000 payment-in-lieu for childcare spaces related to a 1995 CD-1 text amendment. This money was deposited several years ago into the Childcare Endowment Reserve and could now be used to assist with start-up costs.

An annual operating grant payment of \$39,600 is recommended to help with operating costs of infant and toddler spaces and this will be pro-rated to \$9,900 according to the date of expected lease commencement of October 1, 2009. In 1993, a number of the required False Creek North childcare spaces were "cashed-in" and a payment-in-lieu was accepted. These funds were also deposited into the Childcare Endowment Reserve to be used to help offset operating costs of the childcare spaces to be built.

An allocation of \$25,000 (pro-rated to \$6,250 for the period of October 1, 2009 to December 31, 2009) is being recommended as an addition to the Facilities Design and Management annual operating budget for the Premises. This funding is required in order for the City to fulfil its maintenance responsibilities under the proposed lease terms for 680 Abbott Street. The source of the 2009 funding increase is the Childcare Endowment Reserve. Future funding source for maintenance costs is pending the outcome of the review of the Childcare Endowment Reserve.

As of July 7, 2009, the Childcare Endowment Reserve has an unallocated balance of \$6,888,400. The total proposed payment for 2009 for the International Village Children's Centre is \$114,150.

The annual draw upon the Childcare Endowment Reserve for ongoing operating grants to various childcare operators and for increases to the Facilities Design and Management Operating Budget is currently projected at \$464,795 annually. This total includes proposed ongoing expenditures from the fund discussed in reports RTS 07750 and RTS 07752.

SOCIAL IMPLICATIONS

In planning the redevelopment of False Creek North, including the International Village site, it was anticipated that there would be a need for community amenities such as childcare centres, schools, parks and community centres. The planning principles for the site encouraged planning for all ages and particularly for families. To that end, both market and non-market housing units were designed with families in mind. The 2006 Census results demonstrate that families have embraced living in the downtown peninsula. According to that Census, there are 3,180 children, from newborns to six year olds, now living there. Within that age range there are 500 children living in False Creek North. The demand for childcare in downtown Vancouver has resulted in significant numbers of families waiting to access available childcare spaces. VSOCC has 2,200 families registered on their waitlist. The new International Village Children's Centre will help alleviate some of this demand.

CONCLUSION

Staff is recommending that Council appoint and authorize entering into a lease with VSOCC as the operator of the 49-space Childcare Facility; allocate a \$98,000 grant for start-up costs of the Childcare Facility; authorize an annual payment of up to \$39,600 to offset costs of the infant and toddler spaces (pro-rated in 2009 for the period from lease commencement date to December 31); and provide an increase of \$25,000 (pro-rated to \$6,250 from October 1 to December 31, 2009 to the Facilities Design and Management annual Operating Budget, without offset.

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- i. **Rent:** Nominal - \$10.00 to be paid in advance at the commencement of lease agreement, plus \$10.00 for each 5-year renewal, if applicable;
- ii. **Term:** 5-years commencing on October 31, 2009 or as soon thereafter as the Childcare Facility is ready for occupancy and operation as a children's centre, plus two 5-year renewals exercisable by mutual agreement of the City and VSOCC;
- iii. **Use of the Premises:** is for full-time licensed group childcare, and related child development activities. Childcare enrolment must be maintained at not less than 90% of the maximum number of children permitted to receive care as per the Society's Provincial childcare license. Operation of the facility must be in accordance with the Provincial Child Care Regulations and all other lawful requirements (please see attached indoor and outdoor plans of the Premises);
- iv. **Maintenance:** The Society shall bear responsibility for the following, inclusive of but not limited to:
 - telephone, cablevision, internet, security system monitoring;
 - janitorial services, including interior window cleaning;
 - maintenance, repair and replacement of tenant's improvements and equipment;
 - landscaping and maintenance inclusive of the play structures
 - utility costs such as natural gas, electricity, water, sewer, garbage and recycling

The City shall be responsible for:

- general building repairs and maintenance
 - ongoing operating maintenance and life cycle replacement of the Premises' building equipment and systems, e.g. HVAC, electricity, hot and cold water supply and fire alarm and suppression systems;
- v. **Parking:** - The Childcare Facility will be granted usage rights in respect of a designated number of parking spaces in the adjacent interior parkade within the common property of the "Firenze" Strata Corporation known as The Owners, Strata Plan BCS2313. Use of these spaces has been secured by a registered agreement in favour of the City as owner of the air space parcel within which the Premises are located. These spaces, as well as use of a garbage room, loading bay, bicycle storage and a locker room that are also within the common property of the Strata Corporation, are to be provided by the Strata Corporation free of charge.
 - vi. **Taxes:** The Society shall pay when due all goods and services taxes, value-added taxes, sales taxes, and consumption based taxes, rates, levies, and assessments;
 - vii. **Termination of the Lease Agreement:** The Society may terminate this lease upon giving the City 180 days' written notice. The City may terminate this lease upon giving the Society 180 days' written notice of such termination if the City's elected Council is not satisfied with the group daycare service. The City may also terminate this lease forthwith in the event of a default by the Society;

- viii. **Release and Indemnification:** The Society will release and indemnify and save harmless the City and its elected officials, officers, employees, servants and agents from any cost, claim, demand, complaint, judgment or order for or in respect of any injury (including death), loss, damage or expense suffered, incurred or experienced by any person or entity in connection with, or that would not or could not have occurred "but for", the lease;
- ix. **Insurance:** The City will be responsible for building insurance. The Society will be required to carry the following insurance coverage: Comprehensive General Liability insurance with limits of at least \$5,000,000; Tenant's Legal Liability coverage of at least \$1,000,000; standard all-risks property insurance on the Society's trade fixtures, furniture and chattels and on the trade fixtures, furnishings and chattels provided by the City, to their respective full replacement value; and such other insurance as may be reasonably required by the City from time to time;
- x. **Relationship with Strata Plan BCS2313:** The air space parcel within which the Childcare Facility is located and Strata Plan BCS2313 have specified rights and responsibilities in respect of each other's property as set out in a registered Reciprocal Easements Agreement. VSOCC will be required to abide by the terms of that Agreement applicable to the City as air space parcel owner, as well as any related agreements.
- xi. **Public Service Objectives:** As part of the lease agreement, VSOCC's Mandate and Public Service Objectives (draft to be provided by the Society for the Deputy General Manager of Community Services and Acting Managing Director of Social Development's approval) shall be included and used by the City as annual and periodic performance measures. VSOCC may amend the Mandate and Public Service Objectives from time to time with prior written City approval, which shall not be unreasonably withheld.

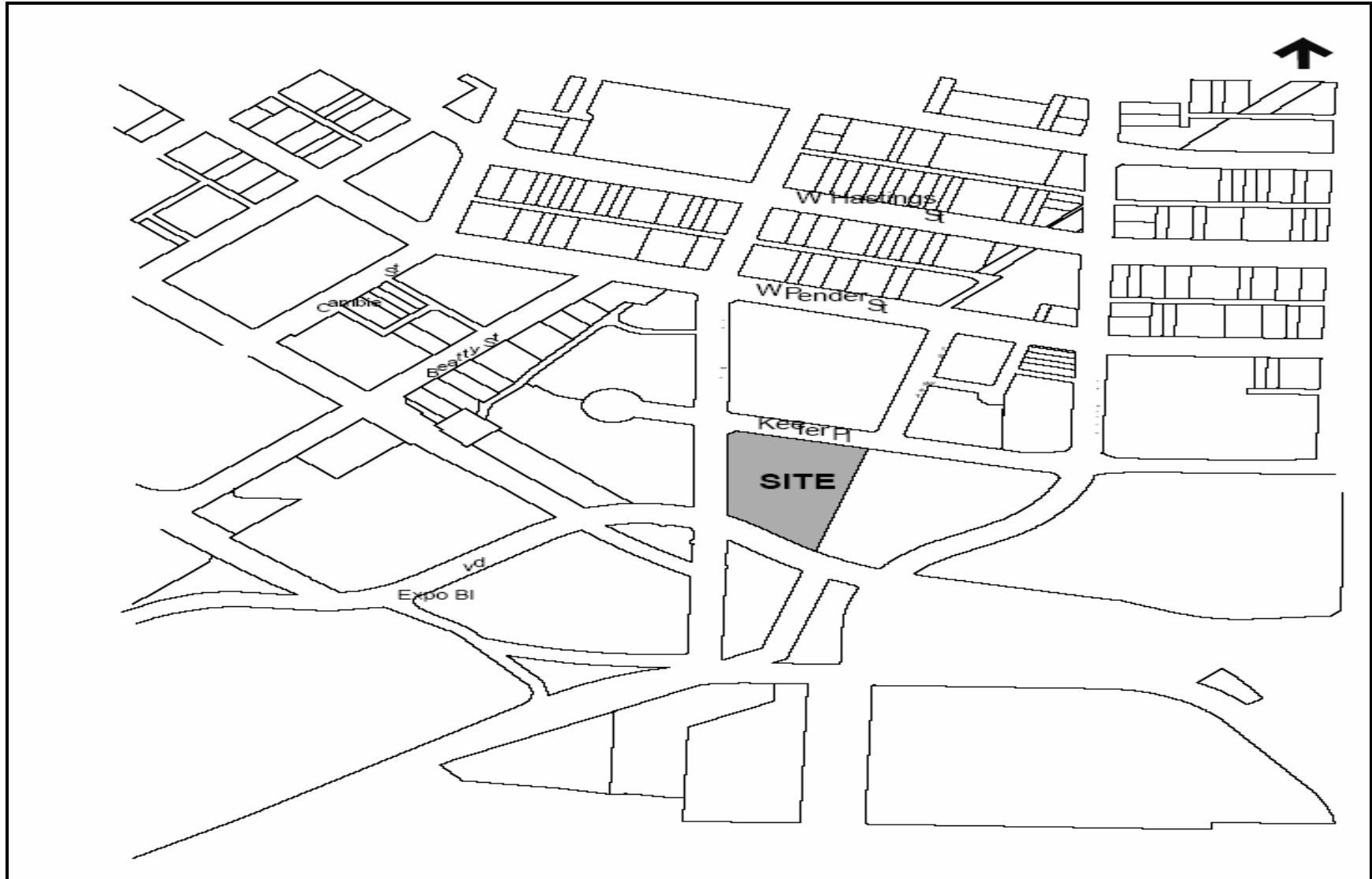
The Agreement shall identify Public Service Objectives including:

- hours of operation;
- type and range of services;
- process for parental input;
- administrative capacity;
- financial accountability;
- financial viability with evidence of diversified revenue sources; and
- quality, accessibility and affordability of programs and services.

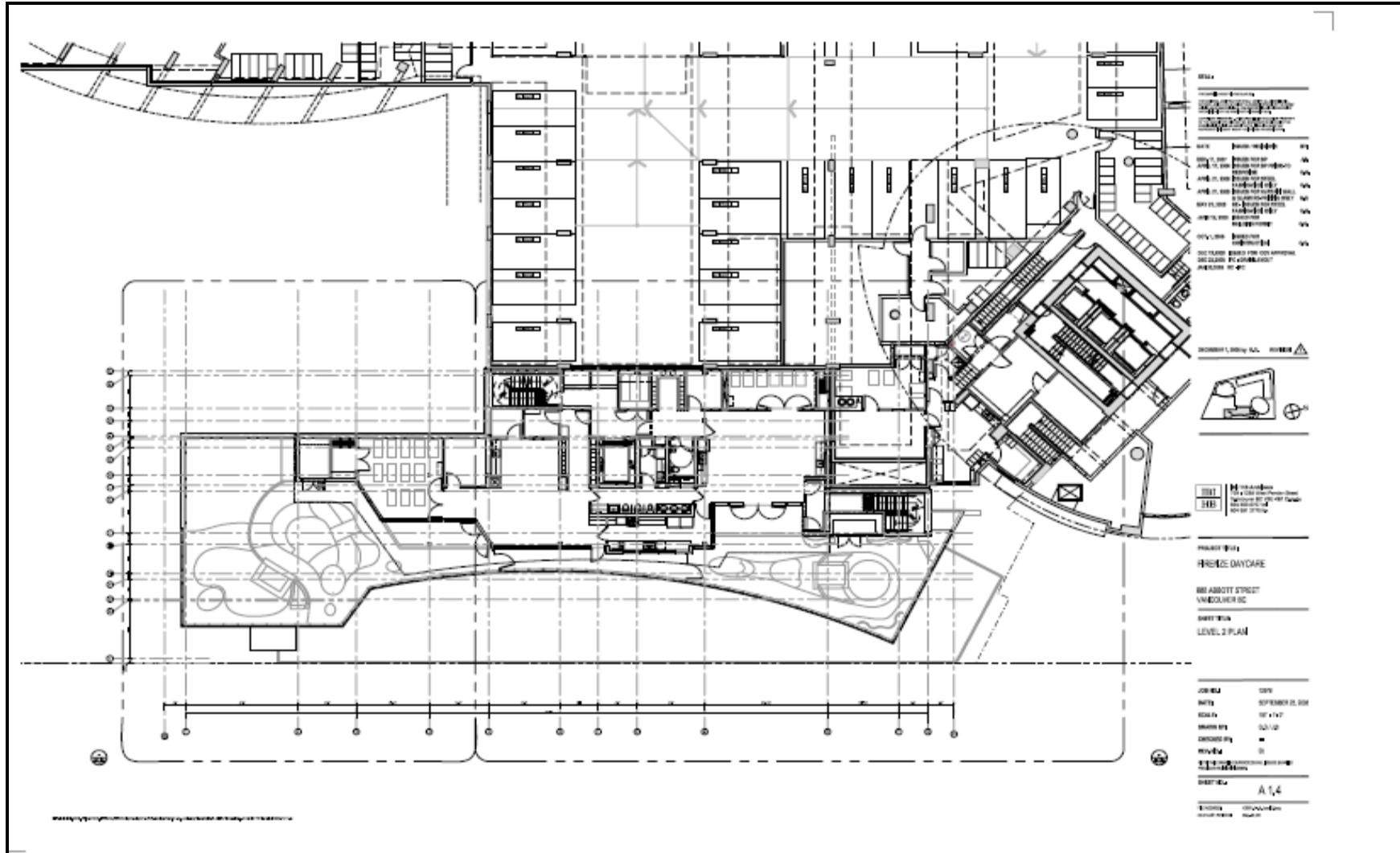
- xii. **Other Terms:**

Other terms and conditions as required by the Deputy General Manager of Community Services and Acting Managing Director of Social Development and the Directors of Facilities Design and Management, Legal Services and Real Estate Services.

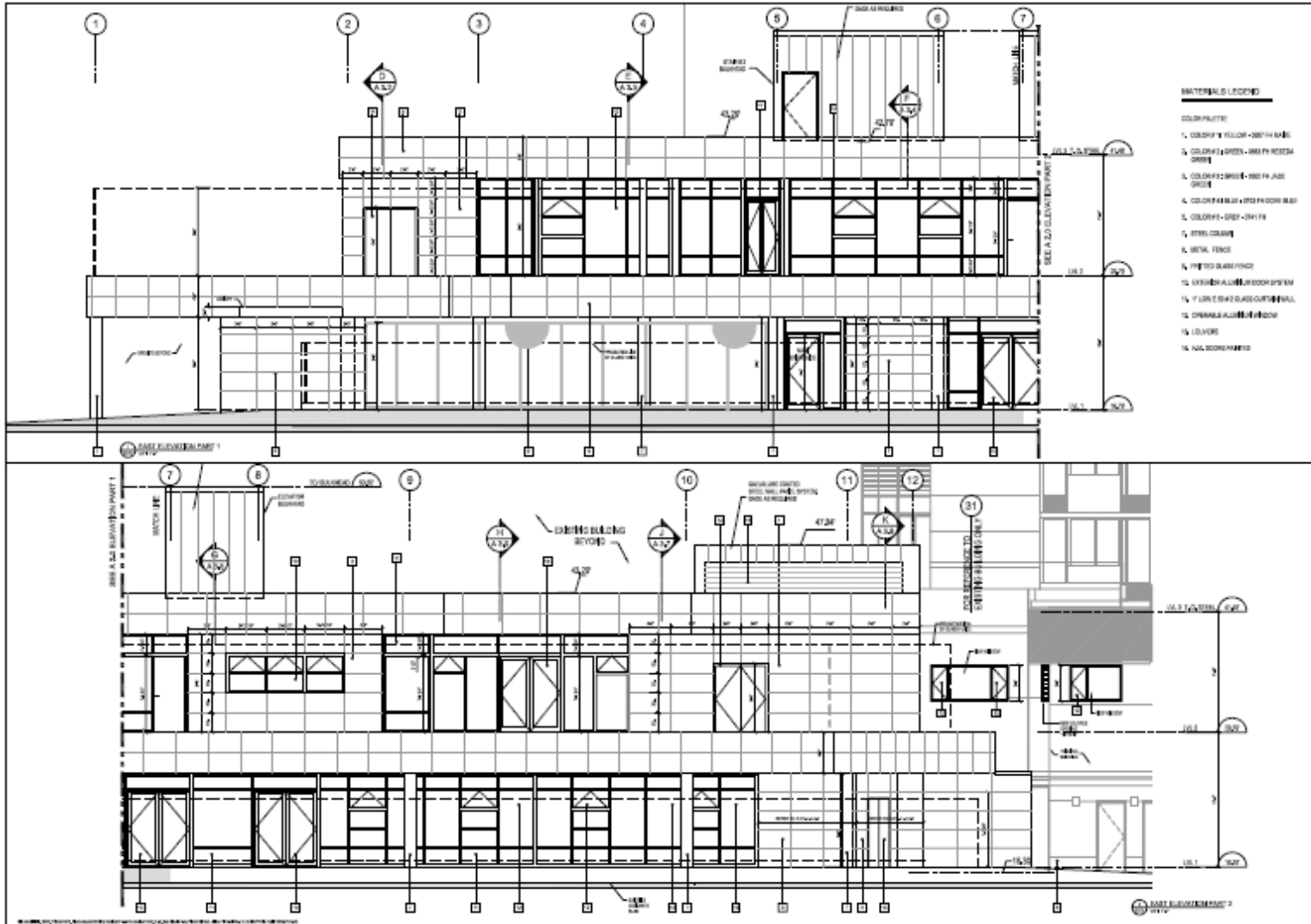
MAP:



LEVEL 2:



FACILITY ELEVATION:



SCALE

1" = 10'-0"

PROJECT #114

PRELIM DAYCARE

880 ABBOTT STREET
VANCOUVER BC

PROJECT #114

EAST ELEVATION PART 1 & 2

DATE 10/11/17

SCALE 1/4" = 1'-0"

DESIGNER [Signature]

PROJECT #114

A.2.2