



May 21, 2021

MEMO TO : Park Board Commissioners

FROM : Donnie Rosa - General Manager, Vancouver Board of Parks and Recreation

SUBJECT : **Park Board Staff to Maintain All Types of Parks Motion - Report Back**

Dear Commissioners,

The purpose of this memo is to report back on the motion titled [Park Board Staff to Maintain All Types of Parks](#) that was referred to staff on February 8, 2021. Staff were asked to provide information on the process and potential implications, including legal and financial, if City Council were to consider renegotiating the maintenance obligations of Westbank/Quadreal (the "Owner") for the new park at Oakridge Centre. Further, staff were to provide information on the potential implications of the recommendation that only Park Board staff maintain public parks, including any that have private interests involved.

Background - Oakridge Centre Park Maintenance Obligations

The obligation of the Owner to provide no less than 100 years of maintenance and capital renewal of the 9-acre park parcel was a condition of the Oakridge Centre Rezoning Application, which was enacted by City Council in September of 2018. The Park Construction and Transfer Agreement of air space parcel for the 9-acre park, entered into as a condition of the rezoning enactment, includes detailed terms that assign responsibility for maintenance and capital renewal of the park to the Owner. The value of the 100-year maintenance obligation and ongoing capital sustainment of the park were factored into the Community Amenity Contribution (CAC) calculation under the enacted rezoning.

Since Rezoning enactment, the development process is underway, permits applications are under review, permits are being issued accordingly, and the site is now under construction.

An application to amend the current zoning was made in Fall 2020 to add height and floor area to accommodate additional rental housing and office space. This amendment does not affect the previous CAC valuation and therefore does not re-open CAC negotiations.

Referred Motion – Recommendation A:

- A. THAT the Vancouver Park Board have fully qualified Park Board staff maintain and carry-out all work for any future, under-construction, or proposed 'airspace' parks, similar to and including the new 'airspace' park at Oakridge Centre Mall with the Westbank development, and in all parks that are in any way different from traditional, surface parks;

Response:

The expertise and qualifications of Park Board staff is not in question. The Council decision to enter into an agreement assigning maintenance responsibility to the Owner was based upon financial, legal, risk management and operational advice from City and Park Board staff. Key to this decision was the park's location on top of a complex mall structure with varying slab elevations, concealed mall mechanical infrastructure, and highly active adjacent commercial



conditions, among other factors, which present inherent and uncertain risk of damage to the structure, vendor property, and of bodily injury to mall patrons and staff. The Owner has accepted these risks under the current agreement.

The Board-approved park design is a manifestation of the understanding that the Owner would be maintaining the park after delivery. The resulting design includes major playgrounds, performance spaces, water features, and structures that together far exceed a typical green roof in scale, scope, and complexity, and the significant capital renewal/ replacement costs of these elements will be at the Owner's expense under the current agreement.

Staffing for operations and maintenance requirements and arrangements for future parks that may or may not differ from traditional parks will be determined at the discretion of the Director of Park Operations, based on project-specific requirements.

Referred Motion – Recommendation B:

- B. THAT, in order to carry out A, the Vancouver Park Board requests Vancouver City Council to work collaboratively to negotiate a contract with Oakridge that specifies that work is to be done by Park Board staff in the new park at Oakridge Centre;

Response:

In order to renegotiate maintenance responsibility at Oakridge, City Council would have to consider the following:

- Council would have to accept the inherent legal and financial risks described above in the response provided to Part A of the referred motion.
- Park maintenance and capital renewal are conditions of the enacted Rezoning and comprise part of the CAC package for the Oakridge development. Under the City of Vancouver's CAC Policy, revisiting of the CAC valuation would require a new rezoning application for the entire 28-acre site, along with another public hearing. The Fall 2020 Rezoning amendment application does not impact the CAC valuation and CAC negotiations of the previously approved rezoning.
- The CAC value for the 100 years of operation, maintenance & renewal was "locked-in" using 2014 as the base year. Through this existing arrangement, the City has essentially transferred all delivery & cost escalation risk to the owner.
- The cost of the 100 years of maintenance and capital renewal would have to be taken on by the Park Board. This includes costs that are currently unforeseen at this stage in the project's process.
- Maintenance obligations are included in the conditions of the executed Park Construction and Transfer Agreement for the 9-acre park air space parcel. Renegotiation of this agreement would require support from the Owner.
- Renegotiation of this agreement and a change in maintenance responsibility would require a comprehensive review and potentially comprehensive revision of the Board-approved park design and overall Oakridge project, which would impact the Owner's Development Permit applications, approved permits, and construction timelines.



Referred Motion – Recommendation C:

- C. THAT only Park Board staff maintain and tend Vancouver Park Board public parks, and any other parks that are public, but have a private interest involved.

Response:

In addition to the hundreds of parks under Park Board jurisdiction in the City of Vancouver, there exists hundreds of other park-like landscapes that are outside the jurisdiction or care and custody of the Park Board. This includes privately owned but publically accessible open spaces, courtyards within private developments, green/plaza spaces within street rights-of-way, development sites converted to interim open space by private developers, etc. None of these publicly accessible spaces are within the Park Board's jurisdiction. Conducting an inventory of such a varied and expansive array of individual spaces, developing separate agreements with each party holding an interest or jurisdiction over these various sites, and the Park Board assuming legal and financial costs and risks over such spaces would not be feasible in the opinion of staff.

Summary

Through analysis undertaken in collaboration with City of Vancouver staff, Park Board staff have come to the understanding that the recommendations in the motion referred to staff would require an exceedingly complex process, the acceptance of considerable legal and financial risk by the City/Park Board, and willingness of both Council and the Owner to renegotiate the maintenance obligations for the new park at Oakridge Centre. As such, staff do not recommend that the Park Board approve the motion recommendations as outlined.

Regards,

A handwritten signature in black ink, appearing to be "Donnie Rosa". The signature is somewhat stylized and scribbled.

Donnie Rosa (*she/they*)

General Manager - Vancouver Board of Parks and Recreation

/amd/is/clc

Copy to: PB Senior Leadership Team
Park Planning & Development
PB Communications