

Date: April 13, 2005



TO: Board Members – Parks and Recreation
FROM: General Manager – Parks and Recreation
SUBJECT: Daycare Portables in Parks

RECOMMENDATION

- A. *THAT the Board direct staff to continue working to execute the agreements with the childcare societies currently operating in portable structures on parkland in Burrard View Park, China Creek Park and Kits Area Park Site to reflect the changes in ownership related to the BC Building Corporation Childcare Portable Replacement Program and to reflect the other provisions of the agreements all as outlined in the following staff report.*
- B. *THAT prior to entering an agreement with Hastings Townsite Childcare Society, that a quit claim be received by the City and Park Board from BCBC in favour of the operating society regarding current ownership of the existing portable.*
- C. *THAT no rights or obligations hereby arise or take effect under the legal agreements until each is signed by all parties.*

POLICY

In February 1974, the Board resolved that day care centres could be suitable facilities in or adjacent to neighbourhood and community parks.

In June 1992, the Board adopted guidelines and procedures for locating daycares in parks. A copy of those guidelines and procedures is attached as Appendix I.

In March 2004, the Board approved a Child Care Protocol that sets out a framework for the Park Board to work with the City and School Board to build a comprehensive range

of childhood education and care services. The Protocol intends that there shall be no loss of licensed group childcare spaces as a result of issues within the control of local governments, and that the three bodies will work together to increase child care spaces in the city by 5% in the next two years.

BACKGROUND

Agreements exist with BC Buildings Corporation (BCBC), the City and daycares operating in portable structures on parkland. At its meeting of May 3, 2004, the Board resolved to enter into agreements with three not-for-profit childcare societies to continue to operate licensed childcare services in BCBC portables located at South China Creek Park, Burrard View Park and Kits Area parksite.

The Board resolution was based on an understanding that each of the existing portables was a BCBC portable, that the Childcare Portable Replacement Program required continuity of access to land for the future, and that new modular buildings constructed to replace the portables would become the property of the relevant non-profit daycare society by March 31, 2005.

At its meeting of June 21, 2004, the Board further resolved to permit the construction of a permanent building at South China Creek Park, to be coordinated with park redevelopment and other projects at that location.

At that time, the childcare organizations were operating on funding and land access deadlines required by BCBC, and it was expected that modular building upgrades would be completed and permanent building projects such as that planned for South China Creek Park, would commence by March 31, 2005.

DISCUSSION

Progress on the Provincial BCBC Portable conversion program as it relates to three portables on parkland is progressing. Revised timelines, new information and decisions from BCBC have created a gap in terms of Park Board approval to enter into agreements as it relates to the ownership of the existing portables.

Board approval in 2004 to enter into agreements was based on an understanding that the Provincial government would retain ownership of the existing portables and devolution of their ownership would occur when the portable was replaced by another structure and that the new portables would be owned by each society/operator.

The childcare societies/operators continue to be in direct negotiations with the Province regarding the terms and conditions of the transfer and the City's Social Planning Department has been the lead contact for the City. Current information is that the Province would transfer ownership of the existing portables to the societies/operators effective May 16, 2005. In addition, at this time, there are outstanding ownership questions regarding the portable at Burrardview Park.

As a consequence, an update to the approvals provided by the Board is required to provide authority for the existing childcare societies to operate their current services in the existing portables which may be owned by the Society until they are replaced by another structure. Ownership of the replacement structure will depend on the type of structure with any portable owned by the non-profit childcare society and any permanent building owned by the City/Park Board.

The agreements to be executed with the three societies/operators would include:

- nominal license rate of \$1 per annum,
- early termination once the portables have been replaced with a new structure, or for a number of other causes,
- such further and other terms and conditions as are acceptable to the General Manager and the Director of Legal Services in consultation with the General Manager of Community Services and Director of Risk and Emergency Services.

For the portable located at Burrard View Park, City Legal Services will request a quit claim from BCBC in favour of the operating society, which will then enable the Board to develop an agreement with the operating society.

A summary of the current and projected future ownership of the three childcare portables is summarized as follows:

Table1. Daycare Portable Conversion Program and Ownership Plans

Park	Childcare Society/ Operator	Portable Currently Owned by	Interim Owner of Portable during Conversion	Projected Date of Existing Portable Ownership Change	Projected Ownership Status Long Term
Burrard View	Harbourview	Uncertain due to ownership questions	Hastings Townsite Childcare Society	May 16, 2005	Undetermined, pending discussions with society regarding conversion options
South China Creek	YMCA Nanook	BCBC	YMCA Childcare Services	May 16, 2005	City/Park Board (<i>permanent building</i>)
Kitsilano Area Parksites	Kits Area	BCBC	Kits Area Childcare Society	Later in 2005	Kits Area Childcare

CONCLUSION

The conversion and/or relocation of daycare portables on park land in Vancouver is progressing as planned, although not to the schedule as originally determined.

Daycare organizations operating in portables on South China Creek and Burrard View Parks will require their agreements to address an interim period during the portable conversion program, where ownership of the existing portable will be transferred to cover the gaps created by the devolution of ownership from BCBC or to clarify ownership. Portable buildings constructed to replace the existing portables will be owned by the participating childcare society. Kits Area Childcare Society will own their new modular building when completed later this year. Permanent buildings will be owned by the City/Park Board and all portables will be demolished and the parks re-landscaped to an appropriate condition, all at no cost to the Board.

Prepared by:

Vancouver East District
Board of Parks and Recreation
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Appendix I - Approved Guidelines and Procedures for Daycare on Park Space

In light of the Board's commitment to provide, where practical, childcare facilities and its role to preserve park and open space for future generations, the following guidelines and procedures have been developed which are appropriate to meet these two, sometimes conflicting, objectives.

When discussing the use of parks for daycare purposes, the Board should consider the following:

- (A) public process
- (B) inventory of sites to be considered
- (C) location within individual parks; and
- (D) built form

Guidelines

1. Proposed facilities should complement existing active or passive park functions, not dominate the overall experience of the park, or compromise the park's overall aesthetic quality.
2. The Board's preference for locations is in the following order of priority:
 - A) sites under the jurisdiction of agencies whose primary function is child related (School Board) or City owned sites not already dedicated to another use;
 - B) within existing park buildings;
 - C) in an addition to an existing park building;
 - D) the construction of a new freestanding facility
3. On parks of less than 3 acres where a building already exists, childcare facilities should be developed as an extension or adaptation of that building.
4. No ancillary facilities, such as parking stalls, will be provided on parkspace.
5. Freestanding childcare facilities should be designed to be sympathetic to the landscape and consistent with other buildings in the park.

Procedures

1. Alternative site analysis and justification for requesting a park location will be documented and presented as the initial step.
2. Any application for a daycare facility on parkland should be accompanied by a program outline of the facility, the operating and capital costs, sources of funding, background of the operating society or group, site works and building plans and elevations and park impact statement.
3. Following Board referral to a public consultation process, staff will organize a public involvement process directed at park users and neighbours, as well as potential users of the childcare facility. Public involvement could include a brochure, park sign, survey, public meeting or a combination of the above.
4. Upon approval by the Board, a legal agreement with a term not to exceed 10 years will be drawn up.
5. Upon approval by the Board, staff will monitor the construction of the building in order to ensure compliance with the Board's intent and design criteria.

Approved by the Vancouver Board of Parks and Recreation
22 June, 1992