

Date: February 27, 2007



TO: Board Members – Vancouver Park Board
FROM: General Manager – Parks and Recreation
SUBJECT: Kitsilano Yacht Club - Renewal of Operating Agreement

RECOMMENDATION

- A. THAT the Board approve the renewal of the Operating Agreement with the Kitsilano Yacht Club for a further five years from May 17, 2007 - May 16, 2012 modified to reflect the use of aquatic non-motorized boating activities as requested by the Club;*
- B. THAT once the agreement has been approved by the General Manager and the Directors of Legal Services and Risk Management for the City of Vancouver, that the General Manager be authorized to execute and deliver such documentation on behalf of the Board;*
- C. THAT no legal rights shall arise and no consents, permissions or licenses are granted hereby and none shall arise or be granted hereafter unless and until all contemplated legal documentation has been executed and delivered by all parties.*

BACKGROUND

The Kitsilano Yacht Club (the Club) was established in 1934 and incorporated under the Societies Act in 1936. The group built the existing facility located at 2401 Point Grey Road and maintains and operates the facility at no cost to the Board. The lands are designated as permanent public park and consist of two parcels, one between Balsam Street and Trafalgar north of Point Grey Road and the other being land covered by water to the north of the previous portion from the high water mark into English Bay. The facility consists of a main pier with crane, concrete float, clubhouse buildings and storage lockers and racks.

The Club is a non profit society which serves to develop amateur yachting and boat handling, and to cultivate an appreciation of the cruising advantages of the waters of British Columbia. It offers opportunities for recreational and competitive sailing and other non-motorized boating activities for its members including seamanship, navigation, boat safety training and instruction. Boat storage for members is also available. The Club presently has 182 members and membership is open to the public. A summary of the current membership is attached as Appendix A.

The Yacht Club's most recent Operating Agreement expires May 16, 2007 and has a provision for one five year renewal.

DISCUSSION

The Kitsilano Yacht Club has requested a renewal of their Operating Agreement. They have observed and performed the covenants and conditions under the terms and conditions in their current agreement and therefore staff are recommending a further five year term. The new Operating Agreement would run from May 17, 2007 to May 16, 2012.

The Club has requested that the agreement be updated to reflect the recent interest of their members in outrigger canoes and kayaks. The current agreement outlines that the club will use the Facility for the purposes of sailing activities. Staff is recommending that the Use of Facility be expanded to include other aquatic non-motorized boating activities.

The Club has outlined a maintenance program for the existing pier and has available funds in reserve to undertake the work. The Club has indicated that additional volunteer work from members and member fees can supplement the resources which can be applied. Engineering reports outline that the facility is well maintained, in reasonable condition and that repair items are relatively minor. Some pilings on the seaward landing are in fair condition and are due for replacement within the next two years. The Club has submitted a work plan to the Park Board for the following repairs to be undertaken in 2007:

- Pier Head – Remove and replace deteriorated decking and repair/reinforce substructure on existing piles (\$20,000 estimate)
- “Star Dock” (approach) – Reinforce/replace deteriorated piles and pilecaps on existing concrete footings (\$34,000 plus 30% contingency estimated)

All major repairs are subject to Park Board approval and the necessary permits from all regulatory bodies.

The key terms of the new agreement are summarized below:

1. The term of the agreement is five years from May 17, 2007 to May 16, 2012.
2. The license fee is \$1.00.
3. The Society will use the Facility for operating a non-profit club engaged in sailing and other aquatic non-motorized boating activities including recreational and competitive sailing, boat training and instruction including seamanship and safety, canoeing and kayaking for members and guests of the Society.
4. The Society may rent portions of the facility to non-profit sporting organizations or clubs.

5. The Facility is not to be used for commercial purposes without prior written approval from Park Board.
6. Membership in the Society is open to any member of the public.
7. The Society will establish fees provided that any increase of more than 10% in any year requires prior written approval from the Park Board.
8. The Society will manage and operate the Facility and will pay all costs associated with the operation.
9. The Society will obtain and maintain insurance coverage including Five Million Dollars of Comprehensive General Liability and All Risk (Broad Form) Tenant's Legal Liability Insurance as specified by City of Vancouver Risk Management.

SUMMARY

The renewal of this agreement will enable the Kitsilano Yacht Club to continue to provide recreational and competitive sailing, boat training and instruction, and support aquatic non-motorized boating activities to members at no cost to the Park Board.

Prepared by:
Queen Elizabeth District
Vancouver Board of Parks and Recreation
Vancouver, BC

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