

Date: May 4, 2007



**TO:** Board Members – Vancouver Park Board  
**FROM:** General Manager – Parks and Recreation  
**SUBJECT:** Theatre Under the Stars – Operating Agreement for 2007 - 2009

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## RECOMMENDATION

- A. *THAT the Board approve a 3 year operating agreement for the 2007 - 2009 seasons for Theatre Under the Stars (TUTS) to occupy the Malkin Bowl which will include a provision to sublet the venue subject to the approval of the General Manager;***
- B. *THAT the Board approve the installation of a temporary new structure to incorporate patron admissions and concessions for food, beverages and merchandise with all details subject to the approval of the General Manager;***
- C. *THAT no legal rights shall arise and no consents, permissions or licences 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;***
- D. *THAT once the form of all legal documentation has been approved by the General Manager and the Director of Legal Services for the City of Vancouver, that the General Manager be authorized to execute and deliver such documentation on behalf of the Board.***

## BACKGROUND

Theatre Under the Stars, also known as TUTS, started in 1934 in an outdoor band shell (Malkin Bowl) in Stanley Park for summer afternoon concerts of choral or orchestra music. In 1940 a group of local theatre people formed a “not for profit society” called ‘Theatre Under the Stars’ to produce quality musicals during the summer.

At first their use of the site was based on an annual approval which was formalized in 1985 with an Agreement of Understanding. In 1994 the Board’s approval was extended to 5 year agreements.

In April, 2002, after considering the long term vision to redevelop Malkin Bowl the Board unanimously approved the following resolutions:

- A. *That the Board endorse fund raising by Theatre Under the Stars to redevelop Malkin Bowl;*
- B. *That the Board agree to enter into a license with Theatre Under the Stars to occupy and operate Malkin Bowl for ten years with a ten year option exercisable by the licensee subject to the completion of fund raising and a design satisfactory to the Board.*

In December, 2004 staff sent an information report to the Board stating that TUTS were commencing their fundraising program and had agreed to extend their current operating agreement for the 2005 season. At the end of the year the status of the project would be brought back to the Board for their information or approval as required.

In 2005 TUTS staged two musicals performing on alternating nights; *Can-Can* and *Big*. The organization was challenged to launch the fundraising program and the Society operations for the year resulted in an operating deficit.

In 2006 TUTS determined that they would not stage any productions and the Board approved a one year agreement which allowed TUTS to sublet the Malkin Bowl to other musical or concert groups subject to the approval of the General Manager. The organization contracted with the House of Blues and held 10 concerts at the Bowl during the summer season. These concerts were monitored by staff and there were some complaints concerning the sound volume. The House of Blues was advised of these complaints and adjusted the sound levels accordingly.

## **DISCUSSION**

During the past year TUTS has put plans in place to secure a stable financial future and has a new Board of Directors and General Manager. There are two musicals scheduled for the 2007 season, *Grease* and *Oklahoma*, which will perform on alternate nights and run from July 11 to August 18, 2007.

TUTS has had discussions with staff about creating a new "Gateway" entrance that would replace the kiosks and trailers that have been used in past years. The Gateway is a temporary structure with dimensions of 40' x 32' that would sit on a permanent foundation pad of brick pavers. Access plates set flush to the top of the pavers will house 16 lockdown points which correspond to the 16 wooden columns of the above ground structure. There will be an awning roof that will be securely fastened to the structure. TUTS has retained an architect and engineering consultant to design the structure and obtain the required building permit from the City. A development permit is not necessary for this structure.

The Gateway will accommodate ticket admissions and concessions for food and beverage and merchandise. TUTS is having discussions with the Liquor Control and Licensing Branch about a permit for serving liquor before their shows and during the intermissions,

similar to the licensing permit granted to Bard on the Beach for their shows in Vanier Park.

The construction of the Gateway and the provision of services to the building is the responsibility of TUTS and they have been able to secure corporate funding to finance this project. Any corporate recognition will be to the approval of the General Manager as stated in the Licence Agreement.

The Malkin Bowl itself is presently undergoing structural improvements, mainly to the roof and exterior. These are being carried out by our staff at the Park Board. TUTS is responsible for all other ongoing maintenance and repair at Malkin Bowl.

Staff are recommending a three year agreement to enable the current Board to focus on their short-term vision which is to re-establish themselves in the community as a viable outdoor theatrical society. Their objectives include upgrading their performances and improving the visitor experience. The Gateway project is a good example of TUTS meeting these objectives and providing their patrons with an improved level of service.

## **SUMMARY**

Theatre Under the Stars has reorganized and hopes for a successful season in 2007. Their plans and objectives deserve a multi-year term and a three year operating agreement is appropriate at this time to assist the organization prepare for the future.

Apart from the theatrical shows it is recommended to allow TUTS to continue to sublet the Malkin Bowl in order that they can generate additional revenue and provide different types of musical experiences for visitors to Stanley Park.

Prepared by:

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