



Date: March 30, 2001

TO: Board Members - Parks and Recreation
FROM: General Manager - Parks and Recreation
SUBJECT: DR. SUN YAT-SEN CLASSICAL CHINESE GARDEN
- PAGODA PROPOSAL

RECOMMENDATION

- A. THAT the Board support the revised Pagoda proposal, subject to City Council agreeing to increase the Board's global budget by \$38,500 to cover the cost of maintenance and operation.**
- B. THAT the Board approve the principles of Memorandum of Understanding as described in this report.**
- C. THAT all design, financial and legal requirements be to the satisfaction of the General Manager and the Director of Legal Services.**

BACKGROUND

On July 19, 1999, The Board passed the following motions with regard to the proposal to build a pagoda on the SE corner of Dr. Sun Yat-Sen Park.

- A. THAT the Board accept in principle the donation of a seven storey pagoda to be built in the Dr. Sun Yat-Sen Park and operated by the Dr. Sun Yat-Sen Garden Society of Vancouver subject to the following conditions:
- 1) That all design, financial and legal requirements be to the satisfaction of the General Manager and Director of Legal Services.
 - 2) That the Board authorize the preparation of a Memorandum of Understanding (M.O.U.) governing the development and operation of this facility.
- B. THAT the Board give approval in principle to the Dr. Sun Yat-Sen Classical Garden Society to expand the Classical Garden in front of the present gift shop for the purpose of an

education/presentation hall, public washrooms, a volunteer lounge and a larger gift shop.

- C. THAT the Dr. Sun Yat-Sen Society carry out appropriate public consultation on both of these initiatives.

DISCUSSION

Change of Use

Since the original report was approved in 1999 a considerable amount of further work has been done by the donor, the Society, their Consultants and the Park Board. The cost of the project has escalated considerably and the donor has agreed to increase his contribution to the project. The nature of the project has however changed appreciably. Originally the Pagoda provided public access to an observation deck on 7th floor and an elevator was to be included to ensure public access. The ground floor was intended to be a tearoom, providing a social meeting place for visitors. The elevator is not now included, and ground floor use has changed.

Instead of a programmatic feature in the garden, the concept has changed to a cultural icon or visual identity for the Garden which will not be accessible above the first level. The ground level will be accessible to the public and this will consist of washrooms and a large single room. The use of the latter remains undefined at this time but may include activity such as tai-chi. It is possible, but not planned at this time to include an elevator to the 5th floor. This would be subject to the construction costs coming in lower than currently expected and the donor being willing to pick up the additional costs (about \$110,000) for an elevator. Staff have been advised that the donor is not willing to have other donors participating in this project to assist with this aspect of the project.

Maintenance and Operating Costs

Dr. Sun Yat-Sen Society will provide the management of the donated building which is appropriate as they are on site. The structural and exterior maintenance for the Pagoda will be the responsibility of the Park Board. The maintenance costs for the Pagoda are estimated to be \$34,000 per annum. The Pagoda is an elaborate, intricate design to be constructed out of low maintenance materials (fibreglass, aluminum etc.). However bird perching, high levels of contraction and expansion in the fibreglass and a need to have the Pagoda in good visual appearance will result in significant maintenance requirements and cost. The estimates are premised on the project delivering a WCB approved fall arrest system and procedures. Should an elevator be added annual maintenance and inspection costs would increase by \$3,500.

In addition to the maintenance cost the building ground floor will have minimal heat and janitorial service. Annual water and sewage fees are also payable. These costs are \$4,500 per year. The Park Board would assume the operational costs until the Society comes forward with a revenue generating use for the building.

Staff recommend that Board request the City Council to approve an additional \$38,500 to the Board's global budget. Council is scheduled to consider such a report on April 10th, 2001.

Memorandum of Understanding

A Memorandum of Understanding (M.O.U) will be developed between the Dr. Sun Yat-Sen Society (Society) and Park Board to be based on the following principles:

- Society to be responsible for Pagoda construction
- Society to obtain all required zoning, development, building and occupancy permits
- Society to secure all funds prior to construction and provide City/Park Board with financial security (probably Letter of Credit) to complete construction, should Society fail to do so.
- Park Board to approve all construction drawings and specification
- Park Board to be provided with project cost estimates and budgets.
- Society not to issue change orders without Park Board approval
- Park Board to conduct periodic inspections of the works to ensure compliance
- Society to ensure compliance with WCB regulations during construction.
- Society to indemnify City/Park Board against liens
- Society to operate Pagoda
- Park Board to be responsible for maintenance and operating cost as described in this report.
- Society to assume operating costs at such time as it generates enough revenues from the facility

The General Manager and the City's Director of Legal Services will work on the realization of the Memorandum of Understanding. Of significant concern is obtaining adequate assurances to ensure that the building is completed to occupancy permit. This risk will be addressed and it could be, that ultimately the Park Board rather than the Society building the Pagoda may become part of a risk management package, acceptable to the City's Director of Legal Services.

The review of drawings and the periodic inspection of the construction will incur a cost of \$10,000 to \$15,000. These costs cannot be covered by the project and will need to be absorbed in the Park Board Capital Budget, General Facility account.

The proposal has proceeded through the Development Permit process, including a publically advertised information meeting and, as such, staff feel that the Garden Society has undertaken appropriate public consultation on the Pagoda. The DP was approved in November 1999 (see Appendix 1) subject to a number of conditions most of which have been met. Among the outstanding conditions to be addressed prior to the issuance of the permit are the review of potential soil issues by the Provincial Ministry of the Environment, and the conclusion of the M.O.U.

CONCLUSION

To summarize, in order of the Board's motions of July, 1999; the proposal envisaged at that time has changed to exclude public access to all but the ground level of the Pagoda. Although the revised concept will see limited public access to the Pagoda, the structure remains a significant icon for Chinatown and a relevant visual enhancement to the Dr. Sun Yat-Sen Garden and Park.

Prepared by:

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