

REPORT

Parks & Recreation

To: Mayor Johnstone and Members of Council
Date: September 11, 2023

From: Dean Gibson
Director of Parks & Recreation
File: 2350983

Item #: 2023-584

Subject: **Authorization to Enter into License Agreements for 68 Sixth Street and 824 Agnes Street**

RECOMMENDATION

THAT Council approve the License Agreements for 68 Sixth Street and 824 Agnes Street in substantially the form attached to this report dated August 28, 2023 (the “License Agreements”) between:

1. The Corporation of the City of New Westminster (the “City”) and the Provincial Rental Housing Corporation (“PRHC”); and
2. The City and 1111262 BC Ltd.

AND THAT the Mayor and Corporate Officer be authorized to execute the License Agreements.

PURPOSE

The purpose of this report is to seek authority to execute two License Agreements, firstly, between the City and Provincial Rental Housing Corporation (referred to as “PRHC”) included as Attachment “A”; and secondly, between the City and 1111262 B.C. Ltd. included as Attachment “B”, to facilitate the relocation of the Downtown Dog Off-Leash Area.

SUMMARY

The existing Downtown Dog Off-Leash Area (OLA) located at 824 Agnes Street is scheduled to be closed at the end of September 2023. Per the License Agreement

(refer to Attachment “A” of this report), the vacant lot at 68 Sixth Street is proposed for a temporary interim off-leash facility in the downtown core for approximately 10 months. Simultaneously, staff are also seeking authority to enter into an agreement with 1111262 B.C. Ltd. for the temporary use of 824 Agnes Street for demolition and construction staging to construct a high-rise residential tower at 810 Agnes Street. The City’s 824 Agnes Street property will ultimately be reconstructed as a City park.

BACKGROUND

On August 28, 2023 City Council endorsed the following recommendations:

***THAT** Council approve, in principle, the relocation of the Downtown Dog Off Leash Area from 824 Agnes Street to 68 Sixth Street on a temporary basis, and*

***THAT** staff proceed with next steps as outlined in this report to:*

- a. Provide a draft licensing agreement for Council consideration at the September 11, 2023 meeting;*
- b. Begin preparing the site to meet City standards as a dog OLA; and*
- c. Continue working on planning for permanent off-leash space(s) in the Downtown neighbourhood given the time and space constraints, including an opportunity to explore the potential for a shared use area or enclosed dog OLA as part of the discussion with the community to develop a Master Plan for Albert Crescent Park towards the end of this year.*

Staff are now providing drafts of both license agreements and seeking authorization to execute.

DISCUSSION

The key components of the licensing agreement with PRHC for 68 Sixth Street (refer to Attachment “A”) include:

- City is the Licensee;
- PRHC will charge a license fee of \$10.00 annually;
- City may not use the land for any purpose other than a public dog OLA;
- Installation, maintenance, repair or replacement of landscape improvements to be provided by the City;
- The City will remove any new fencing prior to expiry of license term; and
- The term of this agreement to be 10 months (to June 2023) and may be terminated earlier on 60 days’ written notice.

The key components of the licensing agreement with 1111262 B.C. Ltd. for 824 Agnes Street (refer to Attachment “B”) include:

- City is the Licensor;

- The license fee of \$3,625 monthly (based on current market rates);
- The developer may not use the land for any purpose other than the permitted use (demolition and construction staging for the project at 810 Agnes Street);
- The license area will be closed to the general public for the duration of the term;
- The term may be extended by 2 months on 30 days’ written notice; and
- The term of this agreement to be 31 months or until park construction commences (beginning on September 29, 2023).

Notwithstanding the terms of the license agreement, the terms of the development covenant for the adjacent 810 Agnes Street require the developer to reinstate the 824 Agnes St. property as a City park. The detailed design and construction of the park will be in accordance with a design concept prepared by the City and previously endorsed by City Council.

NEXT STEPS

If endorsed by Council, staff will proceed with opening the temporary interim dog OLA (68 Sixth Street) and the closure of the existing dog OLA (824 Agnes Street) upon signing of the licensing agreement by both parties.

FINANCIAL IMPLICATIONS

The 2023-2027 Capital Plan includes approximately \$68,000 in 2023 for planning, design and implementation of Dog Off-Leash Area Enclosures. The estimated costs for temporary relocation of the Dog OLA is estimated to be under \$10,000. The ongoing maintenance and upkeep of the dog OLA can be accommodated within the City’s existing operating budget.

The estimated total revenue for lease of 824 Agnes Street is \$112,375 for the anticipated 31 month term.

INTERDEPARTMENTAL LIAISON

The license agreement has been developed by the City’s Solicitor with input from the Parks & Recreation Department and the City’s Insurance and Risk Advisor.

OPTIONS

The following options are presented for Council’s consideration:

- 1) **THAT** Council approve the License Agreements for 68 Sixth Street and 824 Agnes Street in substantially the form attached to this report, dated August 28, 2023 (the “License Agreements”) between:
 1. The Corporation of the City of New Westminster (the “City”) and the Provincial Rental Housing Corporation (“PRHC”); and
 2. The City and 1111262 BC Ltd.

- 2) **AND THAT** the Mayor and Corporate Officer be authorized to execute the License Agreements; or
- 3) Provide staff with alternate direction.

Options #1 and 2 are recommended.

CONCLUSION

The relocation of the Downtown OLA to 68 Sixth Street will provide an interim off-leash area in the heart of Downtown, a densely populated area with a high number of licensed dogs. Activation of an underutilized, vacant lot as a temporary dog OLA provides space to exercise dogs as well as the added benefit of space for neighbours to connect and socialize. The City's 824 Agnes Street property will ultimately be reconstructed as a City park.

ATTACHMENTS

Attachment A: Non-Exclusive License Agreement between the City and PRHC
Attachment B: License Agreement (Demolition and Construction Staging) between the City and 1111262 B.C. Ltd.

APPROVALS

This report was prepared by:
Erika Mashig, Manager- Parks and Open Space Planning, Design & Construction

This report was reviewed by:
Dean Gibson, Director of Parks and Recreation

This report was approved by:
Lisa Spitale, Chief Administrative Officer