



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 13, 2006
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VanRIMS No.: 02-3000-10
Meeting Date: October 31, 2006

TO: Vancouver City Council

FROM: Assistant Director, Office of Cultural Affairs

SUBJECT: Acquisition of Two Air Space Parcels for Community Amenity
at 819/833 Seymour Street (Orpheum/VSO)

RECOMMENDATION

THAT Council authorise the Director of Legal Services to enter into agreements and execute documents as required to complete acquisition by the City of two Air Space Parcels in order to secure cultural amenities at 819/833 Seymour Street upon such terms and conditions as outlined in this report and to the satisfaction of the Director of Legal Services and Managing Director of Cultural Services; noting that no legal right or obligation shall be created and none shall arise hereafter, until the documents are executed to the satisfaction of the Director of Legal Services.

GENERAL MANAGER'S COMMENTS

The General Manager recommends approval.

COUNCIL POLICY

Downtown District (DD) Official Development Plan (ODP)

Section 6 (II) allows for an increase in the permitted floor space ratio or density of a building, in exchange for public, social or recreational facilities which have a demonstrated need, subject to Council approval. Bonused amenity spaces are leased by the City and subleased to Vancouver-based, non-profit social service or cultural organizations at a nominal rent for a term of up to 20 years and include a

series of requirements including the obligation to provide community services and benefits accessible to the public, to undertake a fund raising campaign sufficient to pay future operating costs, and to assume all of the City's obligations under the head lease.

PURPOSE

This report seeks Council's approval to enter into two Air Space Parcel subdivision agreements to secure community amenity facilities offered through the development of the Capital 6 property at 819/833 Seymour Street including stage expansion of the Orpheum Theatre, a rehearsal room/studio theatre and music school.

BACKGROUND

On July 5, 2005, Council provided approval for the acquisition of a cultural amenity via a lease agreement with the owner of 819/833 Seymour Street, former Capital 6 Theatres (Council Report, July 5, 2005 [RTS No: 5384]). The approved amenities include three elements:

1. the expansion of the adjacent stage and backstage of the City-owned Orpheum Theatre;
2. a rehearsal room/150-seat studio theatre with excellent acoustics; and
3. a music school proposed by the Vancouver Symphony Orchestra.

DISCUSSION

In July, Council approved a lease for the life of the building as the mechanism to secure these cultural amenities. In discussion with City Legal Services staff and the owner's legal counsel, the acquisition of two Air Space Parcels was proposed as the more appropriate legal instrument to secure the cultural amenities for the City. This report seeks Council's approval to enter into the Air Space Parcel acquisition. This alternative legal approach would, essentially, be subject to the same terms and conditions as approved by Council in the original Report of July 5, 2005 [RTS No: 5384].

CONCLUSION

The Assistant Director of Cultural Affairs in consultation with the Director of Legal Services recommends that the cultural amenities be secured through the acquisition of two Air Space Parcels subject to the terms and conditions as outlined in this report and previously approved by Council.

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