



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: September 9, 2008
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VanRIMS No.: 08-2000-20
Meeting Date: September 18, 2008

TO: Standing Committee on City Services and Budgets

FROM: Director of Planning in consultation with the Director of Public Art, Planning and Facilities Development and the Director of Legal Services

SUBJECT: Temporary Protection of the York Theatre - 639 Commercial Drive

RECOMMENDATIONS

- A. THAT Council considers the exterior and interior of the York Theatre, at 639 Commercial Drive, to have heritage value meriting conservation.
- B. THAT pursuant to section 589 of the Vancouver Charter, Council orders that the whole of the exterior and the interior of the York Theatre be subject to temporary protection in accordance with the provision of Section 591 of the Vancouver Charter for a period of 120 days from September 16, 2008.
- C. THAT Council agrees the form of this Order shall be satisfactory to the City's Director of Legal Services and that the Order shall be executed on behalf of Council by the Director of Legal Services.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing.

COUNCIL POLICY

Heritage Policies and Guidelines (1986)
Cultural Facility Priorities Plan (2008)
2008 - 2018 Culture Plan (2008)

SUMMARY AND PURPOSE

This report seeks approval of a Council order to protect the exterior and interior of the York Theatre at 639 Commercial Drive for 120 days. This action will allow time for a feasibility study to be completed to assess the long term viability of operating a theatre in the existing building at this location and the capital costs required to undertake its restoration.

BACKGROUND

The property was purchased by EDG Homes in October 2007 for redevelopment. When the property was for sale, a community group (Save the York) formed to explore purchasing the building and continuing the theatre operation. Save the York has collaborated with another developer (not the current owner) and the Vancouver East Cultural Centre (VECC) to explore options for the retention and operation of the theatre and to prepare a feasibility study to assess the overall physical, financial and operational viability of retaining the theatre. If the study determines there is a viable plan for the future, the Save the York/VECC group could offer to purchase the site from the current owners.

The VECC has applied to the City's Social and Cultural Capital Grants program for support towards the feasibility study. This contribution, subject to Council's approval, would form a small portion of the overall costs which are being resourced by the VECC with private support. Council will consider staff recommendations for the Capital Grants on September 16.

DISCUSSION

Heritage and Cultural Value

The existing theatre is not listed on the Vancouver Heritage Register. On March 17th, 2008 the Vancouver Heritage Commission supported a draft Statement of Significance for the theatre and supported its eligibility for addition to the Vancouver Heritage Register noting also its importance as a neighbourhood public amenity. A preliminary staff assessment indicates the building would likely be considered in the "C" evaluation category on the Vancouver Heritage Register.

The York Theatre is also notable for its association with the Vancouver Little Theatre Association, an amateur theatre company, from 1923-1977, as well as its use as one of the city's early Bollywood cinemas. The heritage value of the theatre is largely attributed to its cultural significance. This is consistent with the approach to the Heritage Register Upgrade work approved by City Council in 2007 which endorsed a change in approach to heritage values to go beyond architectural/aesthetic values and to capture broader community values. This is also consistent with the national approach modeled by the Canadian Register of Historic Places which encourages a much wider range of heritage values, including aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.

At approximately 500 seats, the theatre has been identified in the recently adopted Cultural Facilities Priorities Plan as a possible key addition to a range of cultural venues available within the City of Vancouver. The York Theatre is valued for its location in this neighbourhood and the size of venue. The Board of the VECC also recently passed a motion to proceed with

the feasibility study described above, noting that operating the York would be a remarkable opportunity for the VECC and the east end neighbourhood where it is located.

Current Status

The site is zoned RM-4N which permits medium density residential use (the existing theatre is a non-conforming use). On April 10, 2008, EDG Homes submitted a development application to replace the existing building with a new 3-storey 5 unit townhouse development as conditionally permitted in the zoning. The application was approved on July 28th, 2008. The development permit has not been issued. Staff are reviewing revised submission drawings. A building permit for the townhouses, which could take six weeks or more to process if a certified professional is not used, has not been submitted to date. It should be noted that the pre-application and development application process has been consistent with other like sites and development proposals and no undue delays have occurred.

As of early 2008, staff asked the owners to withhold making an application for demolition of the theatre, until they absolutely had to (i.e. all permits are issuable). As of the writing of this report, the development permit is not issuable and the building permit application has not been submitted. On August 26, it came to the attention of staff that materials were being removed from the building interior. The district building inspector attended and issued a Stop Work order. The same day, the owners made a building permit application to demolish the theatre.

Section 589 of the Vancouver Charter permits Council to order temporary protection of property for up to 120 days if it considers the property has or may have sufficient heritage value to justify conservation. Section 591 of the Vancouver Charter includes provisions which provide that, if the whole of the building is subject to temporary protection, no alterations to the existing building or any new construction could be undertaken during the temporary protection period except as authorized in a heritage alteration permit. The temporary protection order is intended to prohibit any alterations to the theatre during the temporary protection period.

Support for the temporary protection of the theatre would allow the feasibility study, which has been commissioned by the Vancouver East Cultural Centre Society, to be completed. It is anticipated that the feasibility study including an assessment of the viability of restoring the theatre as well as its long term financial operation will be completed by September 30. The temporary protection order would allow the Save the York advocacy group and the Vancouver East Cultural Centre to review the findings of the feasibility study, and pending the outcomes of that study, consider their options. This may include the possible purchase of the building in order to retain the theatre. City staff will work with the VECC and advocacy group to consider retention options for the theatre.

It is therefore recommended that the temporary protection order be approved. Staff will report back to Council, within the 120 day period, on the conclusions by the community group regarding the feasibility study and options for retention of the theatre for Council's review including recommendations on process and timing.

The owners of the property have expressed concern that the process seems to have become "open ended". Recently the owners asked staff to give them an assurance of when they might be able to demolish the theatre should they not receive an offer acceptable to them at the

end of September. Staff have indicated that the City cannot offer any conclusions on timing until staff have reported to Council and Council has reviewed the matter. As noted above, staff will report back to Council on the status of the matter within the 120 day period.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The York Theatre at 639 Commercial Drive has heritage value and potentially could fill an important need for a cultural venue of this size and in this part of the city. While a development permit has been submitted to replace the existing building, staff are recommending a temporary protection order of 120 days of the building in order to allow a feasibility assessment to be completed and retention options to be explored.

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