



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: December 9, 2013  
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Meeting Date: December 17, 2013

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services in consultation  
with the Managing Director of Cultural Services

SUBJECT: 639 Commercial Drive - York Theatre - Sign By-law Amendment

***RECOMMENDATION***

THAT the General Manager of Planning and Development Services be instructed to amend the Sign By-law to allow signage consisting of one fascia sign containing third party advertising, and two canopy signs containing automatic changeable copy and third party advertising at 639 Commercial Drive (York Theatre) and that the application be referred to a Public Hearing together with:

- (i) Draft Sign By-law amendments, generally as contained in Appendix A; and
- (ii) The recommendation of the General Manager of Planning and Development Services to approve, subject to the conditions contained in Appendix B;

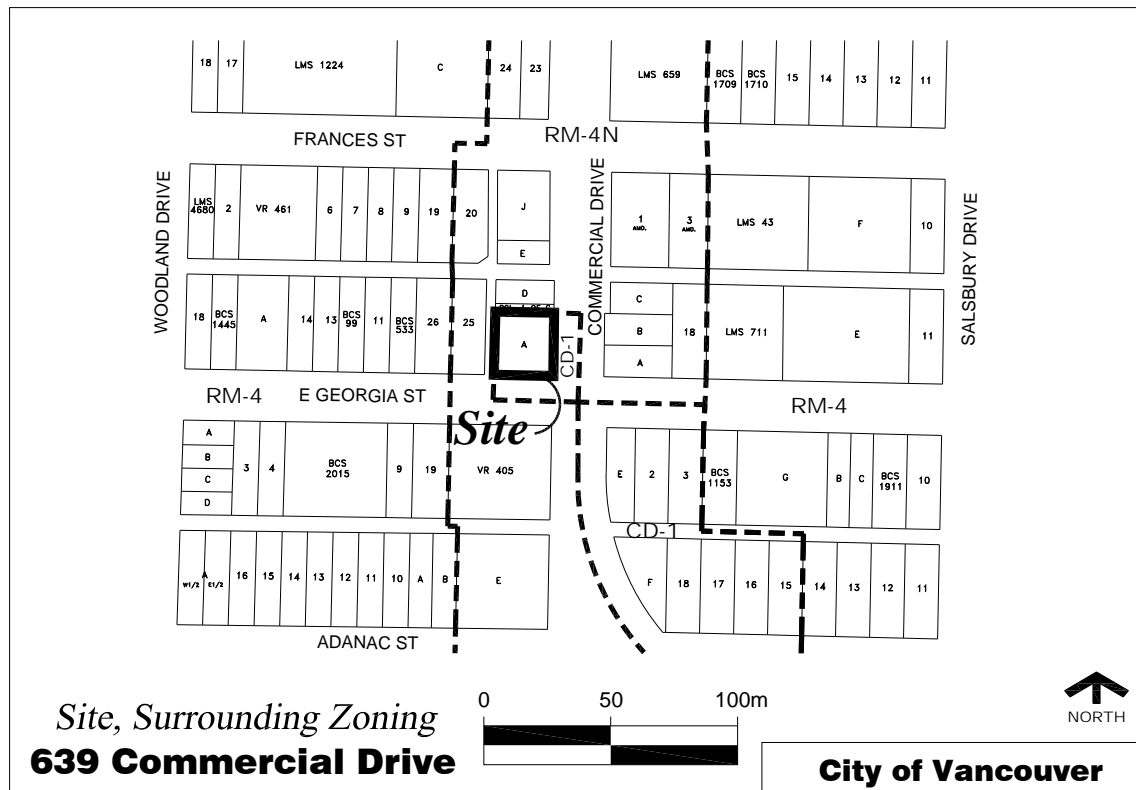
FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally in accordance with Appendix A, for consideration at the Public Hearing; and

FURTHER THAT no legal rights or obligations be created or arise unless and until the legal agreements have been executed and delivered by the Director of Legal Services.

***REPORT SUMMARY***

This report seeks Council approval for amendments to the Sign By-law to permit a fascia sign on the parapet of the newly renovated York Theatre at 639 Commercial Drive (see Figure 1), and two canopy signs with automatic changeable copy over the main entry.

Figure 1. Site and Surrounding Zoning



Pursuant to the Naming Rights Policy, the Vancouver East Cultural Centre (VECC), who will operate the theatre, has requested City approval to reference a significant corporate donor (West Coast Reduction Ltd.) in the signage. Subject to City approval the theatre stage will be named, in honour of the sponsor, the West Coast Reduction Stage. The stage name will be included in the fascia and canopy signs on the exterior of the building. The application is consistent with the Naming Rights Policy; however, before the naming rights application can be approved, Sign By-law amendments are required to address several aspects of the signage which the By-law would otherwise not permit (e.g. third party advertising, sign location and size, and use of changeable copy).

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

In May 2011, Council approved the rezoning of 639 Commercial Drive to CD-1 to permit the renovation of the historic York Theatre building for use as a performing arts theatre. The application included a conceptual signage proposal for four signs: a fascia sign, two canopy signs and a vertical projecting sign. This rezoning was made possible with Council's December 2008 approval of a City contribution of up to 100 percent of capital costs for the renovation, a transfer of density and a property tax exemption. Council also required an arrangement that the City be the ultimate owner of the property and enter into a long-term lease arrangement with the VECC.

In October 2013, Council received Vancouver's *Culture Plan: Strategic Directions - the Next Five Years*. A key objective articulated in the plan is to support partnerships to retain and develop affordable and sustainable cultural spaces.

In November 2006, Council approved the Naming Rights Policy for Civic Community Facilities which includes guidelines and a decision-making framework to consider naming requests for City-owned buildings and facilities. The policy requires all signage associated with naming rights to comply with applicable regulations. Therefore, applicants must obtain necessary Sign By-law amendments before seeking City approval of their naming rights proposal. Naming rights proposals for interior components of a civic community facility, such as a stage, which may be referenced in an exterior sign, are subsequently reported to the City Manager for consideration and approval.

## **REPORT**

### ***Background/Context***

The York Theatre at 639 Commercial Drive was built in a residential area of Grandview-Woodland in 1913 and was in operation until 2000. In 2011, the site was rezoned to CD-1 to allow restoration of the theatre and was also designated as a heritage property. Renovations to the theatre for use as a performing arts facility have revived a valuable community resource with both historic and cultural significance. The theatre is owned by the City and will be operated by the VECC as a rental venue for use by artists and community groups. The facility will revitalize the north corridor of Commercial Drive between Venables and Hastings Streets and will strengthen the area as a vibrant cultural district.

Four signs are proposed for the building (see Appendix C, Figure 1). Three signs are the subject of this report. The vertical projecting sign has already been approved under a Heritage Revitalization Agreement.

The corporate sponsor, West Coast Reduction Ltd., has their industrial plant located a few blocks to the north of the theatre, on property owned by Port Metro Vancouver. They are a long-time supporter of the VECC, and have supported many other local charitable causes.

### ***Strategic Analysis***

#### **1. Sign By-law Intent and Definitions**

The Sign By-law regulates the number, type, form, appearance and location of signs according to zoning districts and uses. It applies to all signs other than those on streets, lanes or public parks. The intent of the Sign By-law is to permit signage that provides information to identify and locate.

This report uses several terms that are defined in the Sign By-law:

“Automatic changeable copy (ACC) signs” include copy that changes through the use of bulbs, tubes and other electronic technology.

“Canopy signs” are attached to the face or a structural element of a canopy.

“Facia signs” are attached to the wall of a building, on the same plane as the wall and do not project more than 400 mm from the wall.

“Third party advertising” refers to sign content which directs attention to products or services provided which are not the principal products or services provided on the site at which the sign is located. Exterior signage with reference to a sponsor’s name is currently considered third party advertising.

## 2. Proposed Sign By-law Amendments

Amendments to the Sign By-law are being sought to permit the installation of three signs on the exterior frontage of the building:

- a) a facia sign to identify the theatre and acknowledge the corporate sponsor (West Coast Reduction); and,
  - b) two canopy signs with ACC to provide information about theatre events and to reference the corporate sponsor.
- a) The proposed facia sign (see Appendix C, Figure 2) will be located on the parapet above the second storey. Its dimensions will be 1.4 m (height) by 5.7 m (width) with a total area of 8 m<sup>2</sup>.

The following amendments to the Sign By-law are required to allow the facia sign:

Current Sign By-law Regulations:	Proposed Amendments:
<ul style="list-style-type: none"> <li>• facia signs are not allowed above the first storey level</li> </ul>	<ul style="list-style-type: none"> <li>• allow a facia sign on the parapet, above the second storey</li> </ul>
<ul style="list-style-type: none"> <li>• the vertical dimension of a facia sign cannot exceed 800 mm</li> </ul>	<ul style="list-style-type: none"> <li>• allow a maximum vertical dimension of 1400 mm</li> </ul>
<ul style="list-style-type: none"> <li>• signage across from a residential premises or residential area cannot be illuminated</li> </ul>	<ul style="list-style-type: none"> <li>• allow illumination of the facia sign which is across from a residential area</li> </ul>
<ul style="list-style-type: none"> <li>• third party advertising is not allowed unless the advertised products or services are provided on-site</li> </ul>	<ul style="list-style-type: none"> <li>• allow third party advertising for products or services not provided on the premises (to reference the corporate sponsor)</li> </ul>

- b) The proposed signs with ACC will be located on the canopy above the main entrance (see Appendix C, Figure 3). Each sign will be 0.7 m (height) by 3.4 m (width). The area of both canopy signs combined will be 4.7 m<sup>2</sup>. The ACC will provide programming information for the theatre, as well as reference the corporate donor.

The following amendments to the Sign By-law are required to allow the canopy ACC signage:

Current Sign By-law Regulations:	Proposed Amendments:
<ul style="list-style-type: none"> <li>only one canopy sign allowed on any premises</li> </ul>	<ul style="list-style-type: none"> <li>allow two canopy signs</li> </ul>
<ul style="list-style-type: none"> <li>ACC not allowed at this location</li> </ul>	<ul style="list-style-type: none"> <li>allow ACC on canopy signs</li> </ul>
<ul style="list-style-type: none"> <li>ACC is not allowed within 60 m of a residential area</li> </ul>	<ul style="list-style-type: none"> <li>allow ACC on canopy signs, which are within 60 m of a residential area</li> </ul>
<ul style="list-style-type: none"> <li>ACC is allowed on only one sign on a frontage</li> </ul>	<ul style="list-style-type: none"> <li>allow ACC on two signs on the frontage</li> </ul>
<ul style="list-style-type: none"> <li>the ACC cannot exceed 80 percent of the sign area, to a maximum of 4 m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>allow ACC on 100 percent of the sign area, to a maximum of 4.7m<sup>2</sup></li> </ul>
<ul style="list-style-type: none"> <li>third party advertising is not allowed on canopy signs</li> </ul>	<ul style="list-style-type: none"> <li>allow third party advertising on the canopy signs (to reference the corporate sponsor)</li> </ul>

The recommended amendments to the Sign By-law will support the York Theatre's ongoing operational viability.

To mitigate impacts on nearby residents, the proposed amendments include requirements to dim the ACC on the canopy signs by 25 percent at dusk and to turn the signs off between 11 pm and 8 am. The text message will not scroll or flash at any time and the facia sign will only be illuminated between dusk and 11 pm.

### 3. Naming Rights Policy

The Naming Rights Policy enables the City to grant the right to name a piece of civic property or portions of a property usually in exchange for financial consideration. The policy is intended to balance public and private interests by encouraging philanthropic giving while acknowledging public investment in, and ownership of, civic community facilities.

In May 2013, VECC made an application to the City to name the stage at the York Theatre after a significant and long-time corporate sponsor, West Coast Reduction Ltd., and to include its name in the exterior signage in recognition of a \$2 million contribution to the VECC.

After review, it has been determined that the application is consistent with the Naming Rights Policy requirements:

Naming Rights Policy Requirements:	Requirement Satisfied:
<ul style="list-style-type: none"> <li>applicant must establish an internal naming rights policy, approved by Board of Directors</li> </ul>	<ul style="list-style-type: none"> <li>yes</li> </ul>
<ul style="list-style-type: none"> <li>current signed Occupation Agreement in place with City</li> </ul>	<ul style="list-style-type: none"> <li>yes</li> </ul>
<ul style="list-style-type: none"> <li>naming entity's products, services and business practices may not contradict the mandate, policies or objectives of the City, and must conform to all federal, provincial and municipal statutes</li> </ul>	<ul style="list-style-type: none"> <li>yes</li> </ul>
<ul style="list-style-type: none"> <li>naming rights provided for a fixed term and do not extend beyond the term of the Occupation Agreement</li> </ul>	<ul style="list-style-type: none"> <li>yes (20 year term)</li> </ul>
<ul style="list-style-type: none"> <li>applicant must provide a capital campaign plan, including case for support; current market valuation of the proposed naming opportunity completed by</li> </ul>	<ul style="list-style-type: none"> <li>yes</li> </ul>

an independent fundraising professional; and, intended use of funds	
• applicant must show demonstrated support from key stakeholders	• yes
• applicant must provide draft naming rights agreement	• yes
• applicant must provide draft signage and acknowledgement plan	• yes
• no logos on signage	• yes
• signage and acknowledgement must comply with all applicable laws and by-laws	• subject of this report

The Naming Rights Policy requires that the proposal comply with all City by-laws, as noted in the table above. If Council approves the recommended Sign By-law amendments, the City Manager will be empowered to review and approve the Naming Rights Agreement and an Approval Agreement (to be executed by the City, VECC and West Coast Reduction Ltd.). These Agreements set out the terms and conditions of approval. Proposed Conditions of approval are outlined in Appendix B.

The Naming Rights Policy requires that the advice of the City's Heritage Commission be sought for requests associated with a heritage building. The Heritage Commission has reviewed the proposal and is supportive.

## FINANCIAL IMPLICATIONS

Although the recommendations of this report have no financial impact on City finances, they will play a significant role in supporting the operational sustainability of the York Theatre. If approved, the signage and associated naming rights will enable the VECC to attract a \$2 million contribution for the theatre's start-up.

## PUBLIC CONSULTATION

The VECC hosted a public open house June 19<sup>th</sup>, 2013 to explain the proposal and obtain community input. Residents and property owners within a two block radius of the York Theatre were notified by mail about the open house (approximately 1,300 notification postcards were mailed out). The VECC also notified patrons and members of the arts community. Staff from Cultural Services and Planning and Development Services were in attendance. Approximately 40 community members attended the meeting. Over 80 e-mails and comment forms were received, with a significant majority (74%) indicating support for the signage proposal. Many indicated support for both the recognition of corporate sponsorship and, specifically, West Coast Reduction Ltd.

Those who did not support the signage were averse to this particular corporate sponsor (13%) due to impacts on the community and the nature of the business conducted by the sponsor and/or corporate sponsorship being recognized on exterior signs (9%). Others (10%) were concerned about the potential impact of the sign illumination and changing text of the ACC on nearby residents and that the signage is not attractive or consistent with the heritage character of the building. The proposed mitigation measures regarding illumination of the signage and the ACC is intended to address concerns.

*CONCLUSION*

It is recommended that the application to amend the Sign By-law to allow the installation of a fascia sign and two canopy signs, including reference to the corporate sponsor, on the York Theatre be supported. The signage is consistent with current and emerging City policy and will support the operational sustainability of a significant cultural asset.

\* \* \* \* \*

639 Commercial Drive  
(York Theatre)

Draft for public hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend Sign By-law No. 6510**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. To Schedule B of the Sign By-law, at the end, Council adds:

“(o) despite anything to the contrary in this By-law, but only on the site regulated by CD-1 By-law No. 10344 and described as CD-1(514) (639 Commercial Drive):

(i) two automatic changeable copy canopy signs located above the main entrance adjacent to the Commercial Drive frontage in respect of which:

- a) the height of the signs must not exceed 3.81 m above grade;
- b) the height of the copy area must not exceed 686 mm;
- c) the copy area of each sign must not exceed 2.4 m<sup>2</sup>;
- d) the area of third party advertising must not exceed 50% of the copy area;
- e) the automatic changeable copy must be turned off between the hours of 11 pm and 8 am;
- f) the illumination of the automatic changeable copy must be reduced by 25 percent at dusk; and
- g) sections 10.4.1, 11.1.4., 11.8.2, 11.8.3, 11.8.4, 11.8.5, 11.8.9 do not apply; and

(ii) one facia sign at the level of the parapet adjacent to the Commercial Drive frontage in respect of which:

- a) the size of the sign must not exceed 7.8 m<sup>2</sup>;
- b) the vertical dimension of the sign must not exceed 1.4 m;
- c) the height of the sign must not exceed the top of the parapet;
- d) the area of third party advertising must not exceed 20% of the total copy area;
- e) the sign may only be illuminated between dusk and 11 p.m. and must not be backlit; and
- f) sections 10.6.2(b)(iii), 10.6.4(b), 11.1.4 and 11.6.2(d) do not apply.”





**PROPOSED CONDITIONS OF APPROVAL:**

**Note:** Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

**PROPOSED PRIOR-TO CONDITIONS TO CONSIDER PRIOR TO BY-LAW ENACTMENT**

- (a) That, prior to consideration of enactment of the Sign By-law:
  - (i) the Vancouver East Cultural Centre and the West Coast Reduction Ltd. shall enter into an agreement, in a form and substance satisfactory to the Director of Legal Services, by which the Naming Rights to be exercised pursuant to the proposed amendment to the Sign By-law will be established; and
  - (ii) the City and the Vancouver East Cultural Centre shall enter into an agreement, to the satisfaction of the Director of Legal Services by which the signage to be permitted under the amendment to the Sign By-law will be established.

These agreements, and any related agreements shall provide security to the City including, without limitation, indemnities, warranties, equitable charges, and letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services and shall, if required by the Director of Legal Services, be registered on title to the lands.

Figure 1. Proposed Signage for York Theatre



Figure 2. Proposed Facia Sign

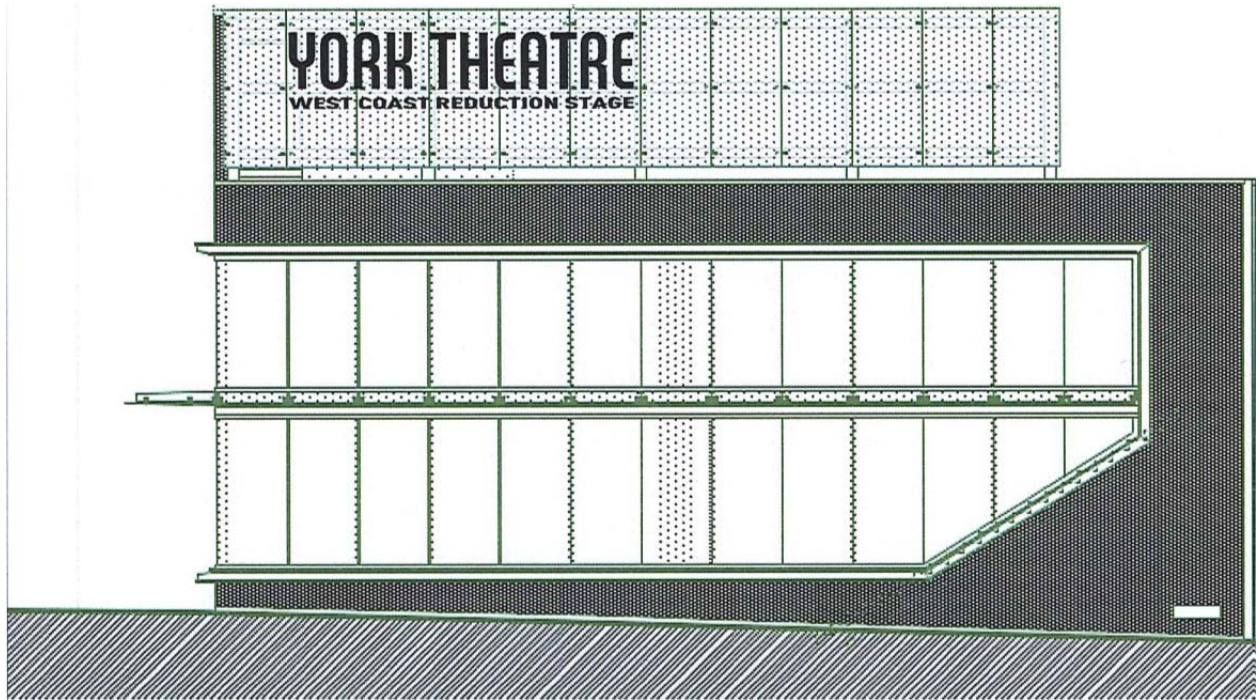
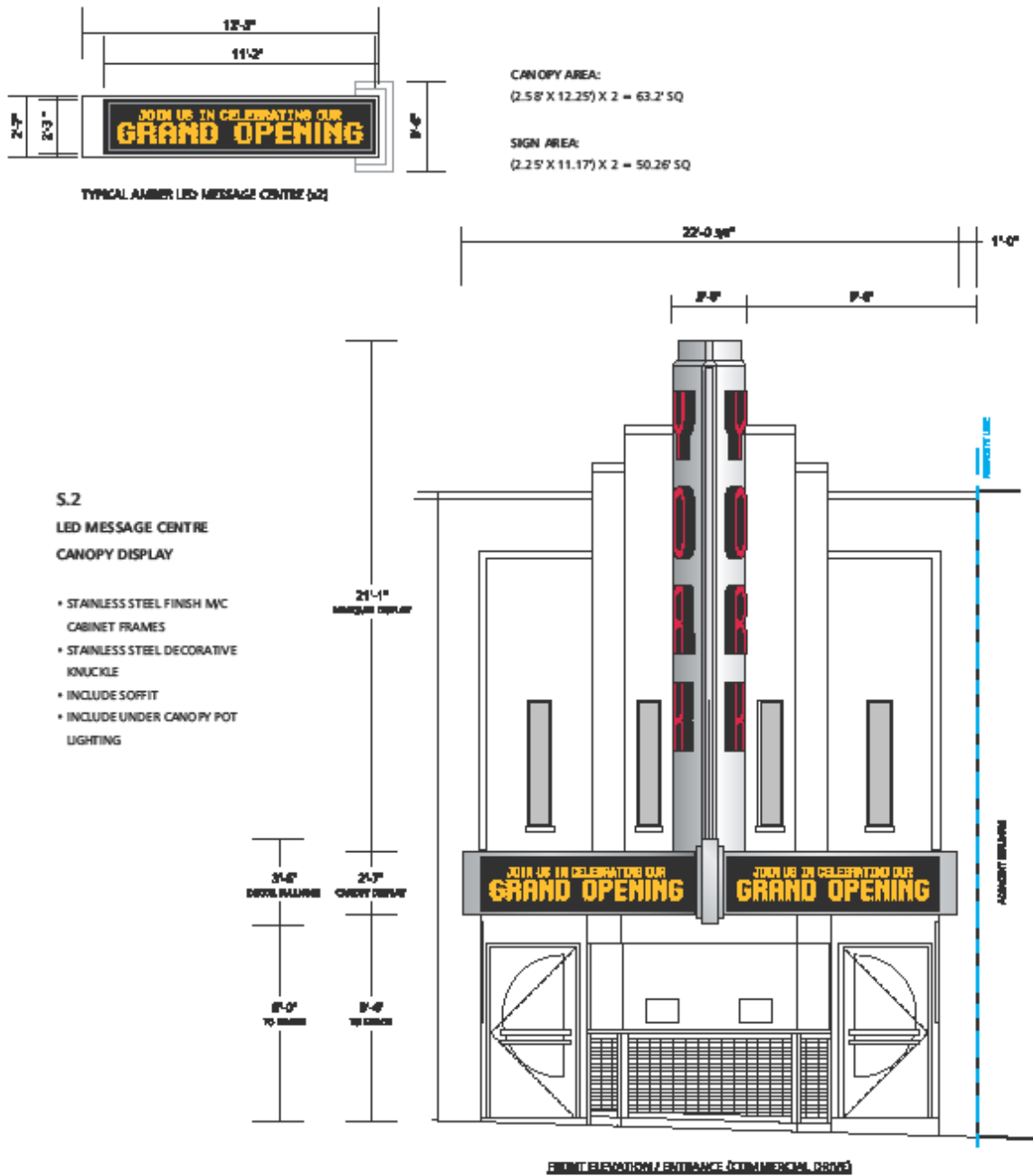


Figure 3. Proposed Canopy Signs



THIS DRAWING IS FOR THE COORDINATION OF USES ON EXISTING AND SPECIFIC SIZE, COLOR, PATTERN & LOCATION ONLY. IT IS NOT TO BE USED FOR FABRICATION.

NO ITEM COULD BE PRESENTED FOR ANY USE OR APPLICATION OF THIS SIGN OR BEYOND THE PRESENTATION, AS THE RIGHTS TO HAVE A SIGN ARE TO BE DETERMINED BY THE CITY.

THE CLIENT'S SIGNAGE BY THIS PRESENTATION MAY NOT DIFFER FROM THOSE USED IN THE MAIN CENTER OF YOUR DISPLAY, FOLLOW SPECIFIC CITY CODE.

DESIGN	SALES	CLIENT	PROJECT
11-12269	MILES	YORK THEATRE	YORK THEATRE 639 COMMERCIAL DRIVE VANCOUVER
SCALE	DESIGNER	FILE NAME	
3/16" = 1'-0"	SCHNIBIDER	A1/MILES/2013/COMMERCIAL/YORKTHEATRE/SIGNAREA	
PRINT DATE	DWG DATE	CLIENT APPROVAL / DATE	REVISIONS
MAY/28/2013	MAY/28/2013 (NOV24/2011)		