

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **DVP #24-03 – 6450 DEER LAKE AVENUE – VARIANCES TO SIDE YARD SETBACK AND OFF-STREET PARKING REQUIREMENTS**
PURPOSE: To seek Council approval for Development Variance Permit (DVP) #24-03.

REFERENCES

Address: 6450 Deer Lake Avenue
Legal: PID: 018-795-218
Lot 1 District Lot 79 Group 1 New Westminster District Plan
LMP14645
Applicant: Spencer Davies (Authorized Agent)
Ledcor Design-Build (B.C.)
Land Owner: City of Burnaby
Current Zoning: P3 Park and Public Use District

RECOMMENDATION

THAT the issuance of DVP #24-03 included as Attachment 2 in the report titled “DVP #24-03 – 6450 Deer Lake Avenue – Variances to Side Yard and Off-Street Parking Requirements” dated July 8, 2024, be approved; and

THAT the City Solicitor be directed to register notice of DVP #24-03 with the Land Title Office.

1.0 POLICY SECTION

The subject development variance permit (DVP) application aligns with the following policies and plans adopted by Council: Corporate Strategic Plan (2022), Regional Context Statement (2013), Official Community Plan (1998), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), and Transportation Plan (2021).

2.0 BACKGROUND

2.1 The subject property is comprised of two hooked parcels with frontages along the south and west sides of Deer Lake Avenue, as shown in Attachment 1. It is one of many City-owned properties within the Deer Lake Park and the Civic Precinct.

- 2.2 The larger parcel site is improved with the Shadbolt Centre for the Arts, built in 1995, and the James Cowan Theatre, which was constructed in 1929, acting as the northern wing of this civic complex. This parcel is also home to a large outdoor green space commonly referred to as the “Deer Lake Festival Lawn” and two parking lots, an underground parking lot beneath the Shadbolt Centre and a large surface parking lot between Deer Lake Avenue and the theatre. The smaller parcel is improved with the heritage-designated R.F Anderson House, which is currently used by the Parks, Recreation and Culture Department as administrative offices. The two parcels are separated by a north-south oriented lane allowance that serves as both a pedestrian walkway and a fire truck access lane for all the buildings on the two hooked parcels.
- 2.3 To the north across Deer Lake Avenue is the Burnaby RCMP’s main detachment. To the east across Deer Lake Avenue is the Burnaby Village Museum. To the south is Deer Lake and to the west sits the Burnaby Art Gallery. There are also a number of single-family homes in the vicinity along Rowan Avenue, Price Street, and Deer Lake Avenue.
- 2.4 The property is currently the subject of a Preliminary Plan Approval application (PPA 24-00038) to facilitate the demolition of the existing James Cowan Theatre, construction of a new replacement theatre and various exterior improvements, including a new shared entrance for both the theatre and the Shadbolt Centre located near the surface parking lot, a new passenger drop-off area, and updated landscaping beside the existing pedestrianized fire access lane. To note, the existing Shadbolt Centre for the Arts will remain in operation throughout construction.

3.0 GENERAL INFORMATION

- 3.1 The applicant is seeking to vary Section 503.5 of the P3 Park and Public Use District that requires a side yard on each side of a building of not less than 6.0 m (19.69 ft.) in depth. The proposed reduction in side yard width is from 6.0 m (19.69 ft.) to 0.25 m (0.82 ft.) along the east property line of the larger parcel, adjacent the fire truck access lane (see Schedule A in Attachment 2). On the ground level, an existing covered pedestrian pathway and an existing staircase from the upper floors will extend into the side yard. Above the ground floor, the theatre building itself will extend into the side yard.

The intent of the Zoning Bylaw requirements for side yard width is to ensure adequate building setbacks to allow for improved ventilation, lighting, sound insulation, site access and circulation, and landscaping. However, due to the unique circumstances of this development, in combination with existing site conditions, a side yard variance is sought and is considered supportable for the following reasons:

- The existing James Cowan Theatre has a legally non-conforming side yard setback from the east property line, along the fire lane. Currently, a portion of the building as well as a covered pedestrian walkway extend into the yard, resulting in a side yard generally less than half a metre. The new theatre proposes a similar condition at the ground level.
- The upper-level building extension into the setback area enables a larger replacement theatre to be constructed largely within the existing building footprint.
- Proposed extension of the walkway or the building into the side yard setback will not affect fire truck access or impact any surrounding land uses or the natural environment. The redevelopment includes comprehensive landscaping upgrades in front of the new theatre and improved pedestrian walkways parallel to the fire truck access lane from the surface parking lot to the front entrance of the Shadbolt.
- The requirement for a side yard setback along the east property line (along the fire truck access lane) of the larger parcel is only temporary until such time that the many City-owned parcels comprising Deer Lake Park are consolidated into a single park parcel.
- There are no privacy concerns with regards to the reduced side yard setback as the adjacent properties are city-owned and form part of the Shadbolt Centre.

3.2 The applicant is also seeking to vary Section 800.4(13) of Schedule VIII - Off-Street Vehicle Parking which requires that places of public assembly provide 1 parking spot for each 10 spectator seats or 1 parking spot for each 9 m² (95.88 sq ft) of floor area in areas without fixed seats which are used or intended to be used for public assembly. The proposed reduction in off-street parking is from approximately 259 parking spaces to 181, which is the current number of off-street vehicle parking currently provided on-site via the surface parking lot near the James Cowan Theatre and the underground parking lot under the Shadbolt Centre for the Arts. The intent of the Zoning Bylaw requirements for off-street vehicle parking is to ensure adequate automobile parking onsite to limit parking overflow and impact to the surrounding neighbourhood. However, due to project scope and unique constraints associated with the location of this project within the Deer Lake Park and Civic Precinct, a variance to the off-street vehicle parking requirements is required to accommodate the new replacement theatre. The supportive rationale for this variance is as follows:

- The scope of this project is to replace the existing aging theatre structure with a larger modern theatre which will increase the seating capacity from the existing 280 seats to 364 seats. While the proposed new theatre and ancillary additions trigger the zoning bylaw requirements to provide an additional 78 parking spots on site, it would be difficult to expand existing

parking facilities on site without either significant cost (e.g. by building structured parking) or significant disturbance to the existing landscaped park areas (e.g. by building surface parking).

- A goal of the project is to contribute towards climate action targets by reducing the total number of vehicles destined to the site while maintaining high attendance through alternative modes of transportation such as transit, walking, and cycling. The site is served by a number of transit routes and is well connected via pedestrian and cycling connections with the rest of the city, and therefore has the potential to attract visitors travelling by alternative modes. Furthermore, there is the opportunity to share parking with neighbouring civic facilities such as City Hall and the Burnaby Art Gallery, which have operating hours typically outside of theatre hours.

3.3 For the reasons outlined above, staff support the variances requested to the side yard setback and the off-street parking requirements to facilitate the construction of the new James Cowan Theatre. A copy of DVP #24-03 is attached to this report. Staff also request that if Council approves the issuance of DVP #24-03, that Council direct the City Solicitor to register notice of the permit in the Land Title Office.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

In accordance with the requirements set out in the *Local Government Act* (LGA) and the *Burnaby Development Procedures Bylaw*, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 50 m of the subject property) at least ten (10) days before Council considers the application for approval. In accordance with the *Burnaby Development Procedures Bylaw*, a sign was posted along the subject site's Deer Lake Avenue frontages. The City has received no comments on this application.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – Sketch #1

Attachment 2 – DVP #24-03

REPORT CONTRIBUTORS

This report was prepared by Chun Nam Law, Planner 2 and reviewed by Karin Hung, Director Strategic Initiatives, Jennifer Wong, Assistant City Solicitor, and Jesse Dill, Director Development.