



Supports Item No. 4
CS&B Committee Agenda
February 3, 2011

ADMINISTRATIVE REPORT

Report Date: January 18, 2011
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VanRIMS No.: 08-2000-20
Meeting Date: February 3, 2011

TO: Standing Committee on City Services and Budgets

FROM: Managing Director of Cultural Services and Director of Licenses & Inspections, in consultation with the Directors of Development Services, Fire & Rescue Services and Planning; the General Managers of Engineering and Parks & Recreation; and Inspector In Charge - Emergency and Operational Planning Section of Vancouver Police Department.

SUBJECT: Cultural Services Regulatory Review for Live Performance Venues: Phase I

RECOMMENDATION

- A. THAT Council receive for information an update on the Live Performance Venues Regulatory Review as outlined in this report.
- B. THAT Council direct the Chief Building Official and Fire Chief to explore options for safely increasing occupant loads in venues serving liquor (licensed and non-licensed spaces) through the development of the next edition of the Building and Fire By-laws, targeted for spring of 2011.
- C. THAT Council approve, in principle, the minimum base life safety standards and protocols for temporary indoor events as outlined in this report, and direct the Chief Building Official and Fire Chief to develop and incorporate these standards into the next edition of the Building and Fire By-Laws, targeted for spring of 2011.
- D. THAT Council direct the Director of Licenses and Inspections to incorporate a definition and fee schedule for temporary indoor events into the License By-Law revision, targeted for spring of 2011.
- E. THAT Council approve the time-limited "Interim Program" for Live Performance Venues as outlined in this report.
- F. THAT Council direct the Chief License Inspector to undertake a liquor policy review with recommendations to address barriers for liquor service in live performance venues.

- G. THAT Council receive for information an update on the implementation of the *Artist Studio Regulatory Review* as outlined in this report.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

In January 2008, Council adopted *The Culture Plan for Vancouver 2008 - 2018* (RTS 6994), which defines the vision and strategic themes guiding the City's continuing support for Vancouver's creative sector.

In the same year, Council adopted the *Cultural Facilities Priorities Plan 2008 - 2023* (RTS 7315), which identifies strategies and tactics for enabling the sustainable creation and operation of cultural spaces. One of the key recommendations in that plan is addressing the City's regulatory systems to harmonize and modernize these systems to better support cultural spaces.

In January 2010, Council received for information the first report on the *Regulatory Review for Live Performance Venues* (RTS 8398).

Under the Vancouver Charter, the City of Vancouver may pass By-laws to regulate the construction and operation of buildings and adopt any code relating to the construction and operation of buildings, with any changes that Council considers appropriate. This is done through the City of Vancouver Building and Fire By-laws.

The License By-Law regulates the operation of businesses and services in Vancouver such as liquor establishments, restaurants, theatres, and special events.

PURPOSE

The purpose of this report is to update Council on the progress of the Cultural Services *Live Performance Venue Regulatory Review* and to seek Council approval for the resulting proposed changes from the Phase I work. This report also includes an update on the launch of the Artist Studio Regulatory Review.

BACKGROUND

Guided by the *Culture Plan for Vancouver 2008 - 2018* and *Cultural Facilities Priorities Plan 2008 - 2023*, Cultural Services staff launched the Regulatory Review on Live Performance Venues in October 2009. The launch included a series of community roundtables to identify regulatory issues and opportunities. The roundtable participants included representatives from the arts, culture and creative industries sectors as well as staff from across city departments. Nine key issues were identified as follows:

1. Lack of mechanism to collect and address regulatory issues
2. Incongruent and outdated policies (City and external agencies and associations, e.g. BC Liquor Control and Licensing Branch)
3. Restrictive requirements and permitted uses
4. Complex processes and lengthy staff response time
5. Inconsistent interpretation of regulations
6. Noise and nuisance complaints
7. Inconsistent, costly fees for permits and licenses
8. Limited knowledge, mutual understanding and communication between staff and cultural community
9. Lack of coordination/implementation body

To address these nine key issues, the Council Report presented in January 2010 proposed recommendations that were divided into three phases (see updated *Review Framework* in Appendix A). This current report provides an update on Phase I.

DISCUSSION

Implementation of the Live Performance Regulatory Review has involved the collective efforts of an interdepartmental staff team and members of the arts and cultural community.

Updated Review Framework

The Review Framework (Appendix A) was developed to structure three phases of “start of work” dates for each of the recommendations. In Phase I, much of the work focused on laying the foundation: developing interdepartmental relationships, understanding existing roles and responsibilities of each department and jurisdiction, unravelling complex processes and regulations, as well as forming functional work teams. The foundational work was essential to moving the project forward and will result in stronger outcomes and more efficient processes in the future phases.

Implementation of Phase I also included adjustments to the Framework. Some items in the Framework were moved forward or added; this includes creating an all-in-one application process for related permits, developing templates (e.g. site management plan, safety and security plan, etc.), and adding a liquor team ahead of the scheduled liquor review in Phase II. Some items were delayed, namely work on neighbourhood complaints and expanded community consultation. These shifts to the schedule were based on an evaluation of urgent need, opportunities and available resources.

Project Oversight

Oversight Committee

An interdepartmental Oversight Committee was created comprised of representatives from Cultural Services, Licenses & Inspections, Development Services, Fire & Rescue Services, Planning, Engineering, Parks & Recreation, and the Vancouver Police Department (see

Appendix B for list of members). Members of the Oversight Team act as liaisons for their respective departments and champions for change as needed. Members also advise on priorities, resources, upcoming opportunities, changing circumstances and evolving needs.

Cultural Facilities Implementation Team

Cultural Services staff have used the Cultural Facilities Implementation Team for advice and community input. This Team consists of representatives from umbrella cultural organizations as well as the creative industry, economic development and city staff (see Appendix B for list of members).

Project Teams (Education, Base Life Safety, Liquor)

Project Teams were created to undertake the detailed work of implementing the Regulatory Review. Phase I of the Review launched three teams: Base Life Safety, Liquor, and Education. The results of these project teams can be found in subsequent sections of this report.

The *Base Life Safety team* focused on identifying minimum safety requirements, which became the foundation for developing an “all-in-one” City of Vancouver approval process for temporary indoor events.

The *Liquor team* was launched ahead of its Phase II schedule as the Oversight Committee recognized the urgent need to coordinate and share information across departments and jurisdictions (City and Provincial governments). This will lead to further advancement of a liquor review to be launched in the second phase.

The *Education* team was responsible for fostering knowledge, understanding and communication between staff and the cultural community through workshops for community members (planned for Spring 2011) and presentations to frontline regulatory staff. Staff presentations and discussions on the *Live Performance Venue Regulatory Review* were held with nine relevant staff groups in Licensing & Inspection, Fire & Rescue, Development Services and Cultural Services. Future presentations and discussions are planned in 2011 for Property Use Inspections and the Vancouver Police Department - Emergency and Operational Planning Section.

Recommendations for By-Law Changes (Recommendations B, C & D)

Staff are recommending three by-law updates in the Vancouver Building, Fire and Licenses By-Laws as a result of the *Phase I Live Performance Venue Regulatory Review*. These recommendations encompass both occasional and permanent event spaces. While specific to cultural live performance venues, it is understood that the recommended improvements to processes and by-laws will have an impact beyond culture-specific events and venues.

New occupant loads for venues serving liquor (Recommendation B)

Current Building and Fire By-laws limit the number of occupants permitted in venues serving liquor (licensed and non-licensed spaces). The By-laws require the number of occupants to be reduced to half the allowable number (compared to venues not serving liquor) when the establishment exceeds 60 persons. As such, establishments wanting to host more than 60 persons must double their exit capacity (e.g. widening exits or creating additional exits) or reduce the number of guests. Should Council accept the recommendations in this report, the Chief Building Official and Fire Chief will work collaboratively to develop options that will reduce the need to always

mandate this requirement, which is similar to what was done during the 2010 Winter Games. This recommendation applies to both temporary and permanent event spaces.

New minimum base life safety standards for Temporary Indoor Events with a capacity up to 250 persons (Recommendation C)

Current Building and Fire By-law requirements are intended for permanent uses in existing buildings. As a result, it is not uncommon for a temporary assembly use in an existing building to result in overly onerous requirements that do not reflect the temporary nature of the use. The cost of By-law upgrades are often prohibitive for many organizations and limit creative uses of their real estate resources. To address this issue, staff have developed new levels for life safety requirements that more appropriately reflect the temporary nature of the use.

Using statistics derived from the 2010 summer season's special occasion liquor applications, staff found that over 90 percent of events serving alcohol had a capacity below 250 people (these findings are based on a sample of 364 BC Special Occasion License applications between 2010 May to September). As such, the proposed Standards for events with a capacity up to 250 people will enable a large majority of events to have greater flexibility and clarity around safety requirements. Whether the event is a performance, celebration, festival or some other gathering, the proposed Standards are tiered based on size and liquor service to better reflect the risk levels of the particular event attributes. Please see *Appendix C* for proposed standards and review protocols.

Staff recommend that the proposed Minimum Base Life Safety standards be included in the next Building By-Law revisions, targeted for spring of 2011.

Add 'temporary indoor events' to the License By-Law (Recommendation D)

Based on the proposed *Minimum Base Life Safety Standards for Temporary Indoor Events up to 250 persons*, staff synthesized city-wide requirements for temporary indoor venues into one centralized and streamlined City approval process. This all-in-one process will be coordinated and approved through the Licenses and Inspections Department. In order to implement this proposed change, a definition and fee schedule for temporary indoor events must be added to the License By-law.

Time-limited Interim Program (Recommendation E)

During the course of Live Performance Regulatory review, it became apparent that there needs to be an interim "protocol" to address current issues arising from the cultural community ahead of the completion of the Review and by-law changes. Currently, organizations or spaces that come to the attention of staff and do not meet the City's by-law standards are subject to enforcement and potential closure. This situation does not engender participation by the cultural community in the Review and seriously impacts the sustainable operation of cultural spaces.

In order to overcome this situation, staff have proposed an "Interim Program" (Appendix D) whereby cultural organizations and venue owners agree to participate with the City in addressing identified issues within a specific period of time. In so doing, the City agrees to withhold enforcement on by-law infractions (this does not include imminent life safety issues, which must be addressed immediately).

The proposed Program aims to address the following:

- A. To engage cultural venue operators and owners in the Review and enable venue owners and operators to enquire about permit and license information without triggering enforcement action; and
- B. To enable staff to approach by-law infractions in a coordinated manner in order to: reflect Council's direction and the goals of the Review; ensure messaging is consistent and clear; and inform the Review of a diversity of issues.

The proposed Program allows venues and the designated staff team to collaboratively address regulatory issues within reasonable timelines without threat of enforcement action. This allows the venue to continue limited operation, unless imminent life safe issues exist (which would need to be addressed without delay). The program would be offered to cultural venues that volunteer participation as well as venues undergoing enforcement action by city inspectors. In all cases, venues must agree to the terms and conditions of the Program to participate.

This Program is currently being piloted with the Western Front Society Artist Run Centre. Opening its doors in 1973, the Western Front is one of Canada's first artist-run centres and remains one of the largest and most important arts institutions. The Front, like many cultural spaces, is encountering a number of regulatory issues and in working with the City through the Review, is seeking to legitimize its space and ensure long-term operational sustainability. The process and outcome of this pilot has helped to shape the Interim Program and its applicability to cultural organizations.

Liquor Policy Review (Recommendation F)

In every situation, the addition of liquor service to live performance venue operations increases the complexity of the regulations that govern the event and space. Staff are recommending a review of current City liquor policies by the Chief License Inspector, with a report back on recommendations to address barriers for liquor service in live performance venues. This review will have a direct and positive effect on live performance venues as many operators have expressed concerns with liquor policies as well as the regulatory processes related to liquor licensing. As part of this review, staff will engage with a wide range of stakeholders including the Province of British Columbia.

Update: Regulatory Review for Artist Studios

When Council sought to prioritize live performance venues in the cultural regulatory review (May 2009), it provided an opportunity for staff and community to initiate the review process focused on one typology of cultural spaces. There are many other spaces that also require the regulatory review, namely creation and production spaces having the highest need. Within this category, artist studios are the most pressing.

Artist studios include spaces that may exist alone or in multi-tenant venues, and may be used by all disciplines of artists including, but not limited to, visual, performing, media, literary, textile, craft, interdisciplinary and cross-discipline arts. For the purpose of this review, artist studios are exclusively for individual use (i.e. not a studio with employees) and not combined with assembly uses.

In the fall of 2010, staff launched the Artist Studio Regulatory Review with two community roundtables of 40 artists from all disciplines. These roundtables identified key barriers affecting artist studios and explored opportunities for their sustainable creation and operation. These roundtables initiated the Artist Studio review process, which will follow a similar process to the *Live Performance Venue Regulatory Review*. A report to Council is planned for summer 2011.

FINANCIAL IMPLICATIONS

The *Live Performance Venue Regulatory Review - Phase I* Implementation recommends a series of improvements to City processes and by-laws as well as clarifies information for the cultural community. These recommendations do not result in any additional financial responsibility by the City.

CONCLUSION

This report represents Phase I of the *Live Performance Venue Regulatory Review*. During this first phase, staff focused efforts to laying the foundation to enable more efficient processes and stronger results in future phases and regulatory reviews. The recommendations contained herein respond to key issues that impact the sustainable creation and operation of live performance venues and will result in significant improvements for cultural event spaces.

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UPDATED FRAMEWORK FOR LIVE PERFORMANCE VENUES¹ (DECEMBER 2010)

Key issues	Objectives	Phase I	Phase II	Phase III
1 Lack of mechanism to collect and address issues	Process for capturing and reviewing regulatory issues as they arise	Develop intake mechanism to track, prioritize and review new and recurring issues; Establish protocol for ongoing regulatory review		
2 Contradictory and outdated policies and regulations (City and external agencies and associations)	Regulations that enable development of cultural spaces	Involve Cultural Services in creating new or revising existing policies and formalize Cultural Services as a review group for culture-related applications		Update arts and culture definitions in regulations and policies, and explore adding "cultural uses" as a permitted use in the Zoning and Development By-laws for key areas and districts
	Up-to-date, streamlined and harmonized regulations between various regulatory systems	Review and, as appropriate, delete, create or update regulations and policies	NEW: Engage with BC Liquor Control and Licensing Branch in Review of SOLs	Undertake review of liquor licensing issues
3 Restrictive requirements and permitted uses	Minimum base life safety standards that safeguard residents, operators and visitors	Finalize and implement minimum Base Life Safety standards	Apply lessons learned from 2010 Winter Games By-law for temporary venues (building code)	Review accessibility requirements
			Develop Building Code for industrial flex space, harmonize with other policies and regulations (e.g. land use policy), and pilot	
4 Complex processes and lengthy staff response times	Appropriate staff response time	Convey to cultural community importance of early communication with staff and providing complete information		Create processing streams and procedures for common types of spaces and/or uses ³
		Review and, where appropriate, revise and communicate anticipated processing times		

¹ Phase I (2010), Phase II (2011), Phase III (2012) indicates the start of work program.

Key issues	Objectives	Phase I	Phase II	Phase III	
	Streamlined processes	Explore creating one application intake system for related permits and licenses; Review and, where appropriate, revise and communicate anticipated processing times	Develop and apply processes for multi-year and recurring permits and licenses		
5	Inconsistent interpretation of regulations	Consistent interpretation by staff, senior staff and Council	Empower staff to apply flexibility that meets City objectives and initiatives	Clarify interpretations and objectives of relevant regulations	
6	Complaints, noise and nuisance	Clear responsibilities for live performance venues	Require venue operators to submit and abide by Operation Management Plans, which would include provisions for dealing with neighbourhood complaints		
		Clear responsibilities for new developments near live performance venues		Explore mechanism for purchasers to acknowledge potential impacts of neighbouring live performance venues (apply lessons learned from Northeast False Creek)	Explore enhancing building requirements for new developments neighbouring live performance venues
		Process and standards for addressing complaints		Confirm Council's tolerance for responding to complaints	
7	Inconsistent, costly fees for permits and licenses	Transparent realistic fee structures	Ensure all application forms capture non-profit society numbers and staff are aware of different fees for non-profits	Clarify and review fee structure	
8	Limited knowledge, mutual understanding and communication between staff and cultural community	Knowledge and understanding of challenges and opportunities for live performance venues		Undertake expanded community consultation with cultural live performance venue community including case study analysis	Prepare guidelines for use of key spaces to help simplify issues for land owner, users and staff
			Prepare inventory of high-usage cultural venues and applicable regulatory information (i.e. allowable use; occupancy load, etc.)	Make inventory accessible to public and staff	

Key issues	Objectives	Phase I	Phase II	Phase III
	Readily available information and resources	Research other municipal models for regulating live performance spaces		
		Improve online information through centralized information and links to relevant permits, licenses, fees, checklists, "how-to's", processes and review timelines		
		Create templates for documents such as Operational Management Plan, Fire Safety Plan, Security Plan, etc.		
	A knowledgeable and capable cultural community	Facilitate capacity building activities for cultural community such as "how to" workshops and opportunities for mentoring and information-sharing	Ongoing capacity building activities for cultural community	Ongoing capacity building activities for cultural community
				Explore creation of a "learner's license" for new live performance cultural groups with additional assistance, clear expectations for learning and performance
	A knowledgeable and capable staff team	Facilitate capacity building activities for staff such as workshops on cultural organizations and their activities and constraints, as well as applicability of relevant permits and licenses	Ongoing capacity building activities for staff	Ongoing capacity building activities for staff
9 Lack of coordination/ implementation body	Appropriate staff and community oversight for regulatory review implementation	Create an interdepartmental staff team to oversee the implementation of the live performance regulatory review with community input via a reporting relationship with the existing community/staff Cultural Facilities Implementation Team	Work with "FEST Committee" on regulatory review implementation	

OVERSIGHT COMMITTEE
Live Performance Venues Regulatory Review

Jacque Gijssen, Senior Cultural Planner	Cultural Services
Diana Leung, Cultural Planner	Cultural Services
Rick Michaels, Assistant Director	Development Services
John Greer, Manager	Development Services
Rick Cheung, Building Code Specialist	Development Services
Muriel Honey, Manager	Engineering - Film and Special Events
Rick Critchlow, Assistant Fire Chief	Fire and Rescue Services
Will Johnston, Chief Building Official & Director	Licensing and Inspections
Dave Rieberger, Film and Events Officer	Park Board
Heather Burpee, Planning Analyst	Planning
Heike Roth, Senior Planner	Planning
Mike Purdy, Sergeant	Vancouver Police Department
Alex Clarke, Liquor Coordinator	Vancouver Police Department

CULTURAL FACILITIES IMPLEMENTATION TEAM
Cultural Facilities Priorities Plan 2008 - 2023

Amir Ali Alibhai, Executive Director Alliance for Arts and Culture	Brent Toderian/ Director Dwayne Drobot/Planning Liaison COV Planning Department
Jane Cox, Creative Director Cause + Affect Design	Jacque Gijssen, Senior Cultural Planner - Facilities COV Cultural Services
Jeffrey Boone, Executive Director Eastside Culture Crawl Society	Jil Weaving, Coordinator - Arts & Culture COV Parks Board
Jonathan Middleton, Director/Curator Or Gallery/Pacific Association of Artist Run Centres	John Breckner, Associate Director COV Real Estate Services
John Tylee, Director - Policy & Communications Vancouver Economic Development	Rich Newirth, Managing Director COV Cultural Services
Morna Edmundson, Administrative Director MusicFest Vancouver/ Arts Festivals of Metro Vancouver	
Nancy Noble, CEO Museum of Vancouver / BC Museums Association	
Sue Porter, Executive Director Greater Vancouver Professional Theatre Alliance	

PROPOSED MINIMUM BASE LIFE SAFETY REQUIREMENTS

For capacity up to 250 persons

Under these proposed standards and protocols, temporary indoor event spaces under a capacity of 250 persons must follow all the requirements listed below, including **Fire safety and emergency evacuation** and **Structural safety**:

Tier	Criteria	Occupant Load Cert ¹	Exit (s)	Door/exit person ²	Exit Signage	VPD security assessment
A*	30 persons and under - private or dry events	No	1	1	No	No
B*	30 to 60 persons - private or dry events	No	1	1	No	No
C	60 persons and under - public events serving alcohol	Yes	1	1	No	No
D	60 to 250 persons - all events	Yes	2	1+	Yes	Yes

* Tiers A & B have the same safety requirements but differ in review protocol. Please see section titled "Review Protocols" below for details.

Fire safety and emergency evacuation (applicable to all venues)

All event spaces must satisfy all of the following:

- At least one exit needs to be accessible for persons with disabilities;
- Emergency lighting in public areas;
- Approved fire extinguishers;
- A fire alarm system or designated trained personnel to carry out emergency evacuation; and
- Approved *SAFETY AND SECURITY PLAN* posted beside fire extinguishers and at the main entrance. A template will be provided.

Structural safety (applicable to all venues)

The event floor space must be slab on grade³ or have completed a structural review that deems the space to be structurally safe for assembly use. The City will also accept the following types of spaces that have appropriate permits from the City of Vancouver approving their respective uses (other spaces will be added pending implementation and review of program);

- approved assembly space (such as religious spaces/church, community centre or neighbourhood house);
- approved hall;
- approved gallery or retail area;
- approved office area located in the basement or first storey;

¹ Vancouver Fire and Rescue Services will assess for a *Temporary Occupant Load Certificate* for specific events.

² The Door/exit person refers to a designated person to monitor the door/exit.

³ "Slab on grade" refers to the lowest level of a building that is constructed as a concrete floor/slab set directly on to the ground. There would be no underground parking, crawl space, basement, or any other space below this level.

- approved wholesale areas;
- approved warehouses (excluding storage garages); and
- approved factories.

REVIEW PROTOCOL

Tier A

Events that meet the description of *Tier A* will not be required to make an application to the City. The event organizer should complete and retain a copy of the completed application form (for information purposes only) at the event site as it contains valuable information on event safety and security (a template for a *Safety and Security Plan* is provided within the Application Form).

Tiers B & C

Events that meet the descriptions of *Tiers B* or *C* will be required to submit a completed application form. These applications will be reviewed at the Licenses counter unless it is determined that a more detailed review is required.

Tier D

Events that meet the description of *Tier D* will be required to submit a completed application form. These applications will be circulated to relevant staff groups for review.

TIME-LIMITED INTERIM PROGRAM

The time-limited Interim Program is proposed to be available during the Regulatory Review to assist the cultural community with by-law issues that arise ahead of the completion of the Review and by-law changes.

A cultural venue may approach the City to enrol in the Program on a voluntary basis or as a result of a city inspection or public complaint. The venue owner/operator must formally agree (in writing) to the process, goals, risks and expectations of the Program and must be willing to work with staff to develop a timeline to resolve by-law issues. Pending the agreement, staff will recommend deferment of enforcement action; however, in all cases, imminent life safety issues must be addressed immediately.

The staff team will comprise of representatives from Development Services, Building Inspection, Fire and Rescue Services, Property Use Inspection and Cultural Services.

