



ADMINISTRATIVE REPORT

Report Date: December 20, 2011
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Meeting Date: January 17, 2012

TO: Vancouver City Council

FROM: Managing Director of Cultural Services in consultation with the Directors of Real Estate Services, Facilities Design & Management and Legal Services

SUBJECT: Artist Live/Work Studio Awards 2012-2015

*RECOMMENDATION **

- A. THAT Council approve the Artist Live/Work Studios Awards for the 2012-2015 term as outlined in this report and Appendix A.
- B. THAT Council approve the leasing of the four studios as follows, subject to the terms and conditions outlined in Appendix B and to the satisfaction of the Managing Director of Cultural Services and the Directors of Real Estate, Facilities Design & Management and Legal Services:
 1. Award Studio 1 - #303 - 272 East 4th Avenue: for a lease term of three years less two weeks, awarded free of rent, excluding all utilities;
 2. Rental Studio 2 - #223 - 428 West 8th Avenue: for a sub-lease term of three years less two weeks, at a monthly rent equal to the maximum BC Employment and Assistance (BCEA) shelter allowance for single persons (currently \$375 per month), excluding all utilities;
 3. Rental Studio 3 - #367 - 485 West 8th Avenue: for a sub-lease term of three years less two weeks, at a monthly rent equal to the maximum BC Employment and Assistance (BCEA) shelter allowance for single persons (currently \$375 per month), excluding all utilities;
 4. Rental Studio 4 - #106 - 1202 East Pender Street: for a lease term of three years less two weeks, at a monthly rent equal to the maximum BC Employment and Assistance (BCEA) shelter allowance for single persons (currently \$375 per month), excluding all utilities.

- C. THAT Council approve Recommendations A and B on the basis that no legal rights or obligations are hereby created and none shall arise hereafter except upon execution of all necessary legal documents by all parties.

REPORT SUMMARY *

The report seeks Council's approval of the 2012-2015 Artist Live/Work Studio Awards. Through a peer review jury selection process, four Vancouver-based professional artists are to be awarded live/work studios for a period of three years less two weeks for the term February 1, 2012 to mid January 2015. The awardees for 2012 are:

- Amiel Gladstone
- Kelly Lycan
- Elizabeth Zvonar
- Sarah Shamash.

COUNCIL AUTHORITY/PREVIOUS DECISIONS *

2011 - RTS 9132 - *Artist Studio Regulatory Review Implementation Framework* - Approval by Council which will provide opportunities to improve artist studio creation, preservation and operation in the City including eight items for immediate action:

- Opportunities for studio development
- Improvement to functionality of studios
- Timely issuance of permits and licences for studio development
- Identify known multi-tenant studios
- Implement "interim program" for artist studios
- Mechanism for ensuring artist tenure is newly approved studios
- Notification of approved uses for artist studio buildings
- Engagement and learning opportunities for artists

2008 - RTS 7556 - *2009-2012 Artist Studio Awards* - Approval by Council to add an artist live/work studio at #367-485 West 8th Avenue to the Program, transfer an artist live/work studio at 1202 East Pender Street from the Property Endowment Fund to the Program, and award the four artist live/work studios.

2008 - RTS 7315 - *2008-2013 Cultural Facilities Priorities Plan* outlined strategies and tactics for the first five-year implementation of a cultural spaces master plan designed to enable the sustainable creation and operation of cultural facilities in Vancouver.

2008 - RTS 7313 - *2008-2018 Culture Plan* outlined high level direction for cultural policy in Vancouver.

City of Vancouver Standing Authority which provides the Director of Finance the authority to approve leases where the total rental value is less than \$250,000 for terms (including renewal options) of no more than 10 years and where City standard documentation is not amended, excludes any lease of real property of any value or any term for "social purposes." In such situations, the lease(s) must be approved by Council. In addition, leases that are provided for at less than market rent are considered equivalent to a grant to the tenant and therefore require approval by eight affirmative votes of Council.

*CITY MANAGER'S/GENERAL MANAGER'S COMMENTS **

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

*REPORT:**Background/Context **

Award Program and Studios: Since 1995, the City of Vancouver has offered an Artist Live/Work Studio Award Program, designed for Vancouver-based professional artists of emerging and low income status. The Program provides living and work space to enable the growth of artists' practices at a critical moment in their careers. The Artist Live/Work Studio Award Program is recognized annually as part of the Mayor's Arts Awards, and while distinct from the Mayor's Arts Awards, it follows a similar process of application submission and peer-review jury.

Past Recipients of the Artist Live/Work Studio Program include the following artists:

City of Vancouver Artist Live/Work Residency Studio

- Michelle Allard (2009-2012)
- Kevin Schmidt (2005-2008)
- Myfanwy MacLeod (2002-2005)
- Steven Shearer (1999-2002)
- Teresa Marshall (1996-1999)

City of Vancouver Artist Live/Work Rental Studios

- Josh Beamish (2009-2012)
- Kristen Roos (2009-2012)
- Althea Thauberger (2009-2012)
- Rhonda Wepler (2006-2009)
- Alex Morrison (2003-2006)
- Alison MacTaggart (2000-2003)

The first City of Vancouver Artist Live/Work Studio Award was established in 1995 with **Studio 1** at 272 East 4th Avenue as an amenity bonus through a rezoning development process (Policy Report March 12, 1996). This studio is a strata unit owned by the City of Vancouver. Since then, two additional studios were created through conditions of development: **Studio 2** at 428 West 8th Avenue (RTS 0430, 1999) and **Studio 3** at 485 West 8th Avenue (DE 407357, 2004) are both owned by developers and leased to the City. **Studio 4** at 1202 East Pender Street was created as a condition of rezoning (RTS 2261, 2001). It is a strata unit owned by the City. The term of the occupancy for all studios is for three years less two weeks. One studio is awarded rent-free while the other three are awarded at reduced rental rates of \$375 per month. All artists are required to pay operating costs of utilities and to enter into either a lease or sublease with the City depending on whether the City owns or leases the unit. (*See Appendix A for a list of the City of Vancouver Artist Live/Work Award Studios and Appendix B for a summary list of conditions of the awards.*)

All of the units save one (Studio 3 at 485 West 8th Avenue) are Class B studios which support artistic practices involving the use of toxic materials and/or amplified sound. While there is a shortage of all types of artist studio space in Vancouver, Class B spaces are particularly limited due to the industrial nature of the practices and restrictions for

such activities in residential environments (*see Appendix C for Class A and Class B definitions and permitted uses*). Studio 3 is a one bedroom unit (unlike the others which are studio units) and pending applications to the program and the jury process, may be made available to an artist with a child.

Artist Selection Process: All four artist live/work studios are awarded through an open call to professional artists currently living and working in the City of Vancouver through an open call. Applicants are pre-qualified based on Vancouver residency and financial need, then assessed for artistic merit through a peer review selection process. This process is managed by the Cultural Services Department.

Studio descriptions, program eligibility and criteria, application process, and submission requirements were advertised via the City's website, as well as postings to VanCulture and the Public Art listservs. City staff held open houses for the units on September 24 and 27, 2011 so that potential applicants could assess first hand whether the studios would meet the needs of their artistic practices.

Interested artists were invited to submit an application and supporting documentation including demonstration of financial need, samples of their art (electronic image and video files), professional references, and a statement of intent indicating how the work produced during the residency term would benefit the artist and the community. Artists were also asked to indicate their studio preference. Where possible, based on the jury assessment and ranking, staff sought to offer the studio that best suits the artist's practices and interests including the one bedroom Studio 3 per above.

The City's Social Development staff assisted Cultural Services in pre-qualifying candidates with respect to financial need using the core-need housing criteria (\$29,000 maximum gross annual income for a studio residency and \$32,500 for a one-bedroom residency) per City of Vancouver Housing guidelines. Candidates were required to meet the financial need test and proof of Vancouver residency, before their applications were forwarded to a jury of peers to assess applications on the basis of artistic merit.

The deadline for application submission was October 7th, 2011 and the jury met for the peer review over two days on November 14th and 15th, 2011. Staff would like to thank jury members for their thoughtful and enthusiastic participation. The 2011 jury members were:

- Michelle Allard, Artist and 2009-2012 award studio recipient
- Malcolm Levy, Curator, New Forms Festival
- Sherry Yoon, Artistic Director, Boca del Lupo

For the 2011 intake, 72 applications were received and 11 were deemed ineligible due to lack of documentation / information or due to not meeting the residency or financial requirement.

Of the 61 applications evaluated, the jury selected the following four artists for the Studio Awards:

- Amiel Gladstone is a playwright and stage director, who has written or directed for various companies including Vancouver Playhouse, Arts Club Theatre, Touchstone Theatre and Alberta Theatre Projects. He has a Bachelor in Fine Arts with a specialization in Theatre from the University of Victoria, and has completed Master Classes in Directing with the Vancouver Opera.
- Kelly Lycan is a visual artist who has exhibited extensively locally, nationally, and internationally. With a Bachelor of Fine Arts from Nova Scotia College of Art and Design (Halifax) and a Master of Fine Arts from University of California, Santa Barbara (California), she is a recipient of various residency, research, and project grants.
- Elizabeth Zvonar is a visual artist with a Bachelor of Fine Arts from Emily Carr University. She has done solo and group exhibitions locally, nationally, and internationally and was a recipient of the 2009 City of Vancouver Mayor's Arts Award in the Emerging Artist category, honouree selected by Marian Penner Bancroft.
- Sarah Shamash is a media artist with a Bachelor of Arts in Film Production from University of British Columbia and Master of Arts and a Master of Fine Arts at Paris VIII, University of Saint Denis. She is currently an instructor at the Native Education College and is a sole proprietor of ARTIST. She has completed artist residencies in multiple cities and has exhibited her work in various art venues and film festivals.

*Strategic Analysis **

Vancouver is known for its creative community—artists of various disciplines have earned local, national and international reputations for their innovative leadership in artistic practice. Across Canada, Vancouver is recognized as having the highest concentration of artists of all the major cities¹, but many of these artists face challenges in Vancouver including a rapidly changing real estate market that has led to low vacancy rates and high rental costs for both living and working spaces.

The Artist Live/Work Studio Award Program is an opportunity for the City to support professional artists by providing space that enables them to focus on their practice and further their expertise. This Award Program is part of the active role the City is playing in the improvement of opportunities for artist living and working in Vancouver. The Artist Studio Regulatory Review Implementation Framework, approved by Council in October 2011, also works to benefit artists working in rented and leased spaces. Together these initiatives will support the sustainable creation and operation of vital creative spaces as well as the vibrant creative community within the City.

¹ Kelly Hill (Hill Strategies Research Inc.) 2010. *Mapping Artists and Cultural Workers in Canada's Large Cities*. Prepared for the City of Vancouver, the City of Calgary, the City of Toronto, the City of Ottawa and the Ville de Montreal.

*Implications/Related Issues/Risk (if applicable)**Financial **

For the two privately owned artist studios (Studios 2 and Studio 3) there are no City financial obligations. For the City owned studios (Studio 1 and Studio 4), minor costs may be incurred upon tenant changeover every three years. While tenants are responsible for leaving the space clean and in good condition (their damage deposit can be withheld to pay for any damages or cleaning required), minor repairs are sometimes required. These expenses will be paid through the existing Facilities Design & Management (FD&M) maintenance operating budget.

The monthly rental revenue received from Studio 4 allows the City to recover the strata fee costs attributable to this unit and unit #1. The rent for unit #4 of \$375/month or \$4,500/year covers the strata fees, which in 2011, were approximately \$3,200 and are projected to increase by approximately 2% per year. The strata fees for Studio #1 (the Award Studio), total \$1,400 annually and are projected to increase by 2% per year. These revenues and expenses flow through the existing FD&M operating budget and are tracked through FD&M's Cultural Facility Portfolio (order no. 18385). The net cost to the City is approximately \$100/year increasing at an annual rate of approximately 2% per year.

*CONCLUSION **

The City of Vancouver Artist Live/Work Studio Award Program has now completed four successful terms. By providing one rent-free award studio and three reduced rent award studios, the 2012-2015 Program will continue to enable four professional artists to explore and advance their practice within a context of having secure living and working spaces for a three-year term. The Studio Award Program furthers the City's objective to address affordable cultural spaces while recognizing the tremendous contributions of Vancouver artists.

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ARTIST AWARD STUDIO DETAILS

- 1) Artist Live/Work Studio 1
Address: #303 - 272 East 4th Avenue
Legal Description: Strata Lot 17 District Lot 200A Group 1 New Westminster District Strata Plan LMS2013
Owner: City of Vancouver
Lease Agreement: with City of Vancouver
Zoning: IC-3
Class: B

This studio is a 528 square-foot single-level, strata unit. This third-floor studio has a large northeast-facing window and concrete floors, and is equipped with a fridge, stove and washer/dryer. There is no associated parking stall in the building. There is a common roof deck area and amenity room. To date, three artists have been recipients of this award studio.

- 2) Artist Live/Work Studio 2
Address: #223 - 428 West 8th Avenue
Legal Description: Strata Lot 35 District Lot 302 Group 1 New Westminster District Strata Plan LMS3900
Owner: Intergulf Development (NYC) Corp.
Sub Lease Agreement: with City of Vancouver
Zoning: IC-3A
Class: B

This unit is a single-level studio space of 520 square feet plus approximately 60 square feet of patio space. The studio is on the upper ground floor of the building and faces the lane. It is equipped with a fridge and stove and there is access to one parking stall and a common workshop within the building. There have been three artist recipients of this studio to date.

- 3) Artist Live/Work Studio 3
Address: #367 - 485 West 8th Avenue
Legal Description: Strata Lot 67 District Lot 302 Group 1 New Westminster District Strata Plan BCS2922
Owner: 654570 British Columbia Ltd. (Grosvenor Canada Limited)
Sub Lease Agreement: with City of Vancouver
Zoning: IC-3A
Class: A

This unit offered for lease to the City by the developer is located on the fifth floor. It is a 960 square-foot split-level, one bedroom unit with approximately 140 square feet of deck and balcony space as well as the use of one parking stall. It is equipped with a fridge, stove and washer/dryer. Amenities include an exercise room, green roof and common gallery space.

- 4) Artist Live/Work Studio 4
Address: #106 - 1202 East Pender Street
Legal Description: : Strata Lot 6 District Lot 182 Group 1 New Westminster District Strata Plan LMS3800
Owner: City of Vancouver
Lease Agreement: with City of Vancouver
Zoning: CD-1(411)
Class: B

The unit is a 1,075 square-foot strata unit with a 300 sq-foot loft area owned by the City of Vancouver. The split-level studio includes the use of one parking stall and is the largest of the four studios. It is equipped with a fridge, stove and security alarm.

SUMMARY OF LEASE, SUBLEASE TERMS

- **Term** - the lease or award term is three years less two weeks (the two week reduction is in order for the studios to be suitably prepared for the next award recipients).
- **Award Studio Rental Rates** - Studio 1 is an award studio and as such is fully subsidized.
- **Reduced Rent Studios** - Studio 2 rents at the BC Employment and Assistance (BCEA) shelter allowance (currently \$375 per month) payable directly to Intergulf; Studio 3 rents at the (BCEA) shelter allowance (currently \$375 per month) payable directly to Rise BT Holdings, and Studio 4 rents at the (BCEA) shelter allowance (currently \$375 per month) payable to the City.
- **Other Expenses/Utilities** - all artist tenants are responsible for any and all other expenses related to their occupancy including utilities, heat, hydro, gas, water, garbage collection, cable, phone and any other user (artist) related costs.
- **"As Is"** - while the City endeavors to provide the studios in as good a condition as possible, the studios are leased as is. Should the artist tenant wish to make any changes, additions, renovations or improvements to the space (at their cost), such work would be subject to the prior approval of the Director of Facilities Design and Management and the Managing Director of Cultural Services.
- **Vacancies During Term** - while the City wishes to provide flexibility to artists within the Artist Studio Program, it also wishes to see the four units fully utilized during the lease terms. As such, any artist who is to be absent from the studio for six months or longer will be requested to discuss the vacancy with the City and determine options for another artist using the studio during the vacancy period (as may be permitted under the terms of the head lease in the case of Studios 2 and 3).
- **Use:** the premises are to be used for both live and work; use for either residential only or work only is not permitted;
- **Taxes:** the artist tenant is not required to pay property taxes;
- **Sub-Letting or Assignment:** the artist tenant may not assign the lease/sub-lease the premises, or provide any third party occupation other than one family member that may reside with the artist. There may be no more than two family members in the space; this applies to all four artist live/work studios;
- **Damage/Renovations:** the artist tenant shall pay a damage deposit to the unit owner (varies per unit);
- **Repair/Maintenance:** the artist tenant is responsible for minor maintenance and repairs;
- **Insurance:** the artist tenant must, at all times during the term, maintain contents insurance as well as comprehensive general liability insurance, for a limit not less than two million dollars (\$2,000,000), and cannot provide for a limit of deductibility greater than two thousand dollars (\$2,000);
- **Compliance With Laws:** the artist tenant must abide by all of the strata corporation by-laws and any other laws, by-laws and lawful orders;
- **Acknowledgement:** the artist tenant gives permission to the City to use his or her name, photograph and photograph of artistic work in publicizing the City of Vancouver Artist Live/Work Studio Award Program.

DEFINITIONS - CLASS A & CLASS B ARTIST STUDIOS

City of Vancouver
Zoning and Development By-Law
Section 2 - Definitions

Cultural and Recreational Uses means and includes all of the following uses, and any one of them, but no other:

Arcade, which means the use of premises for four or more machines on which games are played for amusement or entertainment and for which a coin or token must be inserted or a fee is charged for use;

Artist Studio, which means where used without a qualifier both an **Artist Studio - Class A** and an **Artist Studio - Class B**;

Artist Studio - Class A, which means the use of premises for the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, none of which involves amplified sound or one or more of the materials or processes specified under **Artist Studio - Class B**;

Artist Studio - Class B, which means the use of premises for the production of (a) dance or live music involving electronically amplified sound, (b) moving or still photography (excluding video) involving on-site film processing, (c) paintings, drawings, pottery or sculpture involving the use of fiberglass, epoxy and other toxic or hazardous materials or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics;