



POLICY REPORT
CULTURE

Report Date: September 21, 2015
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Meeting Date: September 29, 2015

TO: Vancouver City Council

FROM: General Manager of Community Services, in consultation with the Vancouver Police Chief, and the General Managers of Fire and Rescue Services, and Planning and Development Services.

SUBJECT: Report Back on the Arts Event Licence Pilot Program

RECOMMENDATION

- A. THAT Council adopt the Arts and Culture Indoor Event Licence ("Arts Event Licence") as a permanent program based on the positive outcomes of the two-year pilot.
- B. THAT the General Manager of Planning and Development Services be instructed to make application to amend the Zoning and Development By-law to change the definition of "Arts and Culture Indoor Event", to increase frequency of events from two to three days per month, generally as set out in Appendix A, and that this application be referred to a public hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the Zoning and Development By-law for consideration at the public hearing.

- C. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the Licence By-law be amended to change the definition of "Arts and Culture Indoor Event" to increase frequency of events from two to three days per month, to add the words "series of events" to the Licence term to simplify the approval process and to reduce the fee for event series, generally in accordance with Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law to amend the Licence By-law, at the time of enactment of the amendment to the Zoning and Development By-law.

- D. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the Building By-law be amended to increase maximum site capacity to 250 people for artist studios, in alignment with other facility types, to relax the emergency lighting requirements for single-toilet washrooms, to add office spaces to the eligible spaces under this program, and to clarify accessibility requirements generally in accordance with Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law to amend the Building By-law, at the time of enactment of the amendment to the Zoning and Development By-law.

REPORT SUMMARY

In 2013, Council approved the implementation of the Arts and Culture Indoor Event Licence ("Arts Event Licence") to pilot for two years and then report back to Council with results and recommendations. This program was created to enable industrial and retail spaces to be occasionally used for events, safely, legally, and through a streamlined regulatory process. This report summarizes the pilot outcomes and feedback, and seeks Council's approval to continue the program (Recommendation A) and to amend applicable by-laws to support the Arts and Culture Indoor Event as a permanent program (Recommendations B, C and D).

COUNCIL AUTHORITY/PREVIOUS DECISIONS

In June 2008, Council adopted the Cultural Facilities Priorities Plan 2008 - 2023, which identifies strategies and tactics for enabling the sustainable creation and operation of cultural spaces. A key recommendation in this plan is to address the City's regulatory system in order to better support cultural spaces.

In May 2009, Council directed staff to commence a regulatory review on small and medium sized spaces for live performances. In January 2010, Council received the first report based on a series of community and staff roundtables, which identified nine key issues and an implementation framework to address them. In February 2011, Council received the second report and approved in principle a series of recommendations aimed at enabling more arts and culture events in Vancouver.

On October 23, 2013, Vancouver's Culture Plan: Strategic Directions for the Next Five Years was presented to Council providing policy directions and a framework to support our diverse, thriving cultural ecology. The plan identified five key strategic directions: further develop adaptable support programs; support increased community participation and engagement; foster artistic and cultural leadership; optimize investment in civic cultural assets; and invest in our creative economy.

Through the City's Zoning and Development By-law, Building By-law, Fire By-law and Licence By-law, the City regulates the use, health, safety, and responsible operation of buildings in Vancouver.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

In March 2013, Council approved the Arts and Culture Indoor Event Licence Program ("Arts Event Licence"), a small-scale pilot to explore permitting occasional arts and culture events in a range of industrial and retail spaces. The program simplifies application processes by combining five City and VPD reviews into one approval. The simplified pilot process was found to significantly reduce overall staff processing time for temporary assembly approval and to result in savings that could be passed on to applicants by means of a reduced licence fee.

The program was developed based on the arts and cultural sector's input collected through roundtables, focus groups, open houses and surveys. Staff also consulted with two external regulatory bodies during the course of development the program, the Provincial Liquor Control and Licensing Branch, and Vancouver Coastal Health.

The two-year pilot program received positive feedback and suggestions for further improvement. The pilot, for all intents and purposes, was a major step outside of standard practice for regulators as well as for the artists and cultural organizations who are seeking municipal approval for the first time. This report summarizes the findings and feedback, and offers staff recommendations for Council to consider.

Program origin: Alternative venues

Conventional venues such as a theatre or hall are not always suitable for smaller performances or audiences, limited budgets, or the artistic intent of site-specific works. There is a growing demand for alternative venues for innovative works that allow audiences to engage in new ways. In the past, the producer who wished to hold a show in a space not designed for assembly (for example, rehearsal studios, warehouses, factories, etc.), was faced with a dilemma: either undertake a number of potentially complex City approvals and costly building upgrades, or operate outside City safety and other regulations. The cost of building requirements and upgrades could be financially insurmountable. Upgrading for assembly classification needs to meet the highest building safety standards, which might include seismic upgrades, and installation of sprinkler and fire alarm systems, because the applicable by-laws did not differentiate between small and large-scale event spaces or between occasional and regular use.

The Pilot Program

In 2013, Vancouver launched the pilot program with customized and simplified requirements for temporary assemblies, addressing life safety concerns but also making it easier for small scale, occasional events to be both legal and much safer.

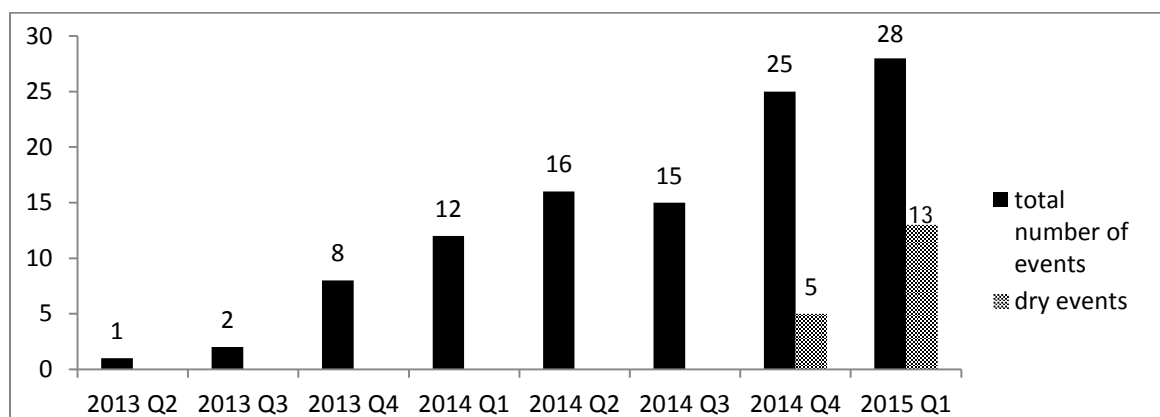
Examples of events

Between April 2013 and March 2015, over a hundred diverse events took place under this pilot program. Some examples include: a 24-hour drawing event at an artist-run centre (Project Space); a clown showcase series in an artist studio (Dusty Flowerpot Society); and a variety of music performances, often with album releases, in a retail store (Antisocial Skateboard Shop), a vacant bank-turned-warehouse historic building, and several production studios (Red Gate Arts Society, etc.). Hundreds of people saw new works at exhibition/book launches in a pop-up gallery (West End Arts) and a studio (Van East Studio). In a shared rehearsal studio, an established theatre company (Theatre Replacement) hosted over a hundred arts presenters, artists and producers to see and share excerpts of tour-ready works and projects in development (PushOFF 2014 at Progress Lab 1422). Generally, tickets were affordably priced and, where possible, organizers paid artist fees.

Results of the two-year pilot

A total of 110 events and 12 locations were approved during the pilot. The uptake of the program was and continues to be steady: on average, one new location and new applicant every two months. The majority of events took place in neighbourhoods where artists are concentrated: the Downtown Eastside, Mount Pleasant and Grandview-Woodlands.

- Approximately 90% of events were reoccurring events or part of a multi-day event series.
- Approximately 84% of events were licenced to serve liquor.
- Event sites were generally artist/production/rehearsal studios, or in vacant spaces with other “last approved” use that is eligible under this program.
- Five first-time applications were excluded from the program either due to unresolved safety issues, due to the limited capacity of the proposed site, or because the proposal was beyond this program’s scope.



Oversight and monitoring

Public safety oversight was provided by the Vancouver Police Department, Vancouver Fire and Rescue and Property Use Inspectors (on a rotation basis). Police and City staff audited one of every six events, with a focus on higher impact and larger events (e.g.

150 people or more). 85% of events did not have any incidents or complaints, even previously problematic venues. Where there were incidents and complaints, they were primarily attributed to two organizations: one has addressed the issues while the other was eventually excluded from pilot program. Anecdotally, the police observed fewer underground events since the launch of this program.

Feedback

Program users, other event organizers as well as a few neighbours and businesses provided feedback throughout the pilot program. The overall feedback was positive. Many event organizers generally saw this as a bright spot in what can otherwise feel like “a very frustrating and bleak situation” given the high cost of renting (or owning) space in Vancouver.¹ They felt that the program helped provide a stage for artists who could not otherwise afford to share their work with a Vancouver audience. The program was recognized for reducing regulatory-administrative complexity: comments included “the program saves us from crazy hoop jumping” and “[it is] in everybody’s best interest when we are not operating underground”.² The users stressed that they have “a high stake in this” because they believe their careers and their contribution to the cultural life of the city are linked to the success of the program.³

An end-of-pilot focus group of program applicants (approved or rejected, but all with first-hand experience with the program) brainstormed a list of suggestions for improvements to the pilot program (see Appendix D). The suggestions mostly focused on seeking more cuts to fees and regulations. In considering the scope of the program, public safety, neighbourhood impact, industrial lands policies, and other civic regulations, as well as the City’s jurisdiction, staff were only able to support a few of the ideas at this time. Staff will allow later music hours where appropriate and permitted under by-laws, pursue online application capability, and continue to work with organizers on a case-by-case basis to find the appropriate regulatory mechanisms to address specific needs.

Amongst the feedback received, there were two recurring opposing comments. On the one hand, event organizers want to see events allowed more frequently, e.g. twice per week. On the other hand, individuals running liquor establishments and promoters felt the program created unfair competition. The response from staff to both comments is the same: this program is designed only for occasional assembly use and the concern about unfair competition should be diminished by the pilot program’s restrictive event frequency.

While there is still room for improvement, the feedback indicates the program is achieving its intent to improve public safety and City processes for alternative venues in Vancouver. This pilot program is a successful stepping stone for artists from operating clandestinely without City approvals, to holding much safer, legal artistic events. Some have used the program to run a “part-time” venue in their studio to help generate supplementary income (albeit modest) to support their artistic practice.

¹ End-of-pilot working session, Arts Event License Pilot Program. Facilitated by Whole Picture Thinking. February 2015.

² *Ibid.*

³ *Ibid.*

Others have presented pop-up shows in cheap, otherwise vacant spaces. Program users Sarah Moore (Theatre Replacement Society) and Kristina Lemieux (Vancouver Creative Space Society) commented, "This program is absolutely and without question making things happen," and it "opens the city up and allows access for all sorts of groups to all sorts of spaces".⁴

Strategic Analysis

Based on the positive outcomes of the two-year pilot, staff recommend that Council adopt the Arts and Culture Indoor Event Licence as a permanent program (Recommendation A), and approve amendments to City by-laws to support and regulate the program (Recommendations B, C, and D). Recommendations B, C and D are developed to further enhance efficient service, flexibility, and reduce fees, as follows:

1. Three event days per month to streamline a greater range of event series (Recommendations B and C)

Staff propose amending City by-laws to increase events permitted from two to three days per month. If approved, short-run performances of up to six days (combining the permitted allowance for two consecutive months) can be streamlined under this program. When tested during the pilot period, it created an opportunity to encourage more dry events since the Provincial liquor policy at the time allowed only two special occasion liquor licences per month.⁵ The program results show an increase in dry events since the introduction of this change.

2. A dedicated stream to simplify application process and reduce fee for event series (Recommendation C)

Event series accounts for the majority of events approved under this program. The pilot results show that well-run "repeat" events required minimal resources to review applications. To improve processing efficiency, staff recommend amending the Licence By-law to streamline event series approval and, since the stream would require less staff processing, staff also recommend a reduction in Licence fee (see Appendix B).

3. Life safety provisions to increase event site flexibility (Recommendation D)

- An increase to the maximum occupant capacity for artist studios to match other types of spaces permitted under the program, provided that the artist studio meets all other safety requirements and provisions;
- An alternative emergency lighting provision for single-toilet washroom facilities;
- Permit spaces approved for office use that meet all other program requirements, including being located on a ground floor or in a "sprinklered" basement; and
- Permit the use of elevators to meet accessibility requirements.

⁴ *Ibid.*

⁵ In April 2015, the Provincial government introduced a new limit of three special event liquor licenses per month, up to 24 annually without requiring a policy exemption. <http://www.pssg.gov.bc.ca/lclb/docs-forms/policy-directive-2015-02.pdf>.

Financial Implications

The City will continue to reassign existing staff to provide the one-stop service and monitoring for this program. With the implementation of the "event series" (Recommendation C), the program is fully cost recoverable with no net financial impact to the City.

CONCLUSION

For a healthy, vibrant city to sustain and develop cultural vitality, artists and culture-makers need access to affordable, diverse and safe venues to showcase their work to audiences in Vancouver. The City of Vancouver offers a range of grants, resources and spaces to help expand access to presentation spaces in the city. Through the Arts Event Licence, the City is able to provide further support by bringing flexibility to occasional venues, whether it is a studio, warehouse, factory or other alternative performance spaces. The recommendations, if supported by Council, will afford greater flexibility and efficiency in existing regulations to better support arts and culture across Vancouver.

* * * * *

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting at public hearing.

**A By-law to amend
Zoning and Development By-law No. 3575
regarding Arts and Culture Indoor Event**

1. This by-law amends the indicated provisions of By-law No. 3575.
2. In Section 2, in the definition of "Arts and Culture Indoor Event", Council strikes out "two" and substitutes "three".

[This amendment would enable events to occur three days per month rather than two.]

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BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding Arts and Culture Indoor Event**

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

- 1. This By-law amends the indicated provisions of the License By-law.
- 2. In Section 2, in the definition of "Arts and culture indoor event", Council strikes out "two" and substitutes "three".
- 3. In Schedule A, Business License Fees, Council strikes out the fees for ARTS AND CULTURAL INDOOR EVENT and substitutes:

"

	Licence Fee	Licence Term
ARTS AND CULTURE INDOOR EVENT		
a) 31 to 60 persons	25.00	per event or series of up to three events in a 30-day period
b) 61 to 150 persons	100.00	per event or series of up to three events in a 30-day period
c) 151 to 250 persons	150.00	per event or series of up to three events in a 30-day period

"

- 4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
- 5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

END OF PILOT PROGRAM CONSULTATION

Artists and organization representatives with first-hand experience with the program¹ took part in a working session-format focus group in February 2015, facilitated by consultant *Whole Picture Thinking*. The facilitator's summary stated the overall impression of the pilot program was "overwhelmingly positive".

Users were interested in "more from the program". Here are some ideas brainstormed from this session:

Program scope:

- a desire to increase permitted frequency to enable regular "twice a week" events and to build incentive to lend out space to others;
- allow small, site-specific performance "runs" (usually 4 - 21 consecutive days), once or twice per year;
- expand program to include site capacity that is larger than 250 people;
- for issue-free venues, allow annual licensing with flexible event dates, instead of per event/series licensing;
- exclude small event sites (60 persons or less) from licence requirement.

Application form: simplify application forms especially for first time applicants.

License fee: lower fee for small, one-time events (currently at \$25).

Streamlining: further streamlining for low impact events.

Event hours: for events with liquor service, advocate for extending 2am closing time (provincial jurisdiction) and midnight restriction on amplified music as the current restrictions limits the viability of some types of events.

Certain organizers of larger events (120-person site capacity and larger) provided additional feedback relating to level of enforcement and stigma of their art form. These organizers felt that the misunderstanding of their art form has led to police watching them too closely and generated unfair complaints from their neighbours.

¹ licensees, rejected applicants, potential users