



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: January 7, 2013
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Meeting Date: January 15, 2013

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services

SUBJECT: Proposed Amendments to the Zoning and Development By-law to Support Artist Studios in Industrial Areas

RECOMMENDATION

- A. THAT the General Manager of Planning and Development Services be instructed to make application to amend the Zoning and Development By-law to expand opportunities for “work-only” artist studios in all Industrial Districts, generally as presented in Appendix A;

FURTHER THAT the application be referred to a Public Hearing;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law for consideration at the Public Hearing.

- B. THAT, subject to enactment of the amendments to the Zoning and Development By-law, the Parking By-law be amended to provide parking regulations for “work-only” artist studios, generally as set out in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law at the time of enactment of the amendments to the Zoning and Development By-law.

REPORT SUMMARY

The Artist Studio Regulatory Review, completed in 2011, identified a shortage of affordable and suitable production spaces for artists. Although industrial areas can help meet this need, and artist studios are already allowed in many industrial zones, there are still opportunities to provide more studio space. Following on direction from

Council, the recommendations in this report will increase the number of industrial zones in which “work-only” artist studios are allowed, and will ease the approval process by allowing artist studios as outright uses in more industrial zones. Together, these amendments will expand opportunities for artist studios, and increase access to affordable production spaces.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On October 6th, 2011, Council approved the Artist Studio Regulatory Review Implementation Framework, which describes opportunities to improve the creation, preservation and operation of artist studios.

In June 2008, Council adopted the Cultural Facilities Priorities Plan 2008 - 2023, which identifies strategies for enabling the creation and operation of cultural spaces.

In January 2008, Council adopted The Culture Plan for Vancouver 2008 - 2018, which defines the vision and key directions guiding the City’s continuing support for a diverse and healthy creative sector.

In 1996, Council adopted the Artist Studios in Industrial Districts Strata Title Conversion Guideline to restrict strata titling of artist studios in specific industrial zoning districts.

CITY MANAGER’S/GENERAL MANAGER’S COMMENTS

The General Manager of Planning and Development Services recommends approval of the foregoing.

REPORT

Background/Context

With over 8,000 people working in artistic professions (according to the 2006 Census), Vancouver is fortunate to be the home to one of the highest concentrations of artists in Canada.¹ These artists have achieved world-wide renown in visual/media arts, music, theatre, dance, literary arts, interdisciplinary arts and other art forms. The role of artists and the creative economy is also recognised in the Vancouver Economic Action Strategy for their contribution toward employment growth and economic performance.

Although the local creative sector is vibrant, artists still struggle with Vancouver’s high cost of real estate and lack of affordable production spaces. These issues are intensified by the living wages of artists — in Canada the median annual income for an

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 Montréal.

artist in 2005 was 36 percent lower than the overall Vancouver labour force.² While there are many enticing qualities that draw artists to live and work in Vancouver, the lack of affordable studio space is a significant issue.

Very little data currently exists on the number of “work-only” artist studios in Vancouver³. However, we do know that artists struggle with three key space-related needs: affordability, functionality and tenure. The Cultural Facilities Priorities Plan (2008-2023) found that nearly two-thirds of artists surveyed report that their production space does not meet their needs. The Plan identifies the impact that the City’s regulatory structures have on the creation and operation of production spaces. One of the Plan’s nine global priorities is to better support production spaces.

In late 2010, Cultural Services launched the Artist Studio Regulatory Review with the purpose of improving opportunities for artist studios through a review of civic policies, regulations and programs. The Implementation Framework, approved by Council in October 2011, organises recommended actions according to five key issue areas and provides a time-frame for implementation. The priority for implementation is to focus initially on “work-only” artist studios over “live-work” studios. The rationale for this recommendation is the critical need for creation/production spaces. As stated in the Council Report: “Solutions for “work-only” studio space will have the broadest impact and applicability to the largest number of artists.”

Strategic Analysis

1. Terminology

This report references the terms described below. More information on artist studio definitions and land use policies is provided in Appendix C.

- Low-impact artist studio (Artist Studio - Class A), which includes creative activities such as dance, music, writing, painting, or sculpture that do not involve the use of amplified sound or potentially noxious materials or processes. Digital media forms, such as design, photography or video, are usually considered to be Class A;
- High-impact artist studio (Artist Studio - Class B), which includes creative activities that have the potential for noxious impacts because they involve the use of amplified sound, toxic or hazardous materials, or processes such as welding or spray painting.
- Conditional Approval Use, which is subject to conditions specified in the Zoning and Development By-law, and consideration of Council approved policies and guidelines.
- Outright Approval Use, which is not subject to any conditions.

² *Ibid.*

³ Artist Studio Regulatory Review (RTS 9132), September 27, 2011.

2. Proposed Zoning and Development By-law Amendments

The zoning amendments proposed in this report address two key issues identified in the Artist Studio Regulatory Review: 1) affordability, shortage and loss of studios; and 2) clarity and flexibility of regulations. They also fulfil one of the recommended short-term actions in the Implementation Framework: “Expand work-only, non-stratified, low-impact Artist Studio use in industrial zones.” (See Appendix D.)

The proposed zoning amendments will expand opportunities for “work-only” artist studios in all industrial areas, which provide access to the most affordable work spaces in the City. Both low-impact and high-impact artist studios will benefit from these recommended changes. No regulatory changes related to “live-work” artist studios are being proposed at this time.

The following Zoning and Development By-law amendments are recommended:

a. Allow low-impact “work-only” artist studios in the industrial zones that currently do not permit them.

Low-impact artist studios are currently allowed in only four industrial zoning districts. This amendment would allow low-impact artist studios in all 12 industrial zoning districts. (Map 1, Appendix E.)

Rationale: High-impact artist studios are already permitted in all industrial zones, but low-impact studios are not. The restriction on low-impact studios in most industrial zones may prevent artists from renting affordable work spaces. This regulatory distinction between low and high-impact studios has also created difficulties for artists who employ materials or techniques that span both categories.

Allowing low-impact artist studios in all industrial zones would provide more flexibility for artists and increase access to affordable work space. This amendment is not expected to place upward pressure on industrial land prices given that artists generally cannot pay high rents for “work-only” studio space.

b. Allow “work-only” artist studios as outright approval uses, as follows:

- low-impact artist studios in all industrial zoning districts, except M-1A, which has no outright approval uses; (Map 1, Appendix E.) and
- high-impact artist studios in the I-2 and M-2 industrial districts, which already permit higher impact industrial uses. (Map 2, Appendix E.)

In all industrial zones, artist studios are currently allowed only as conditional approval uses. This amendment would increase the number of zones where artist studios could be approved outright.

Rationale: This amendment would provide more certainty for artists seeking space in an industrial area. “Work-only” artist studios pose few concerns regarding compatibility with other industrial uses. Low-impact artist studios

could be permitted outright in all industrial zones. High-impact artist studios, however, could raise compatibility issues, and are more suitable as outright uses only in the heavier industrial zones. In the lighter industrial zones, high-impact artist studios would continue to be permitted as conditional uses.

c. Remove the 500 m² floor area size limit for “work only” artist studios.

Rationale: This amendment would provide more flexibility in locating suitable artist studio spaces. The maximum allowable floor area for permitted uses is specified in all zoning district schedules. The 500 m² size limit on artist studios is an additional regulation that reduces the potential for artists to share larger production spaces, which are typically found in industrial buildings. Note: For “live-work” artist studios, the current size limits will continue to apply.

d. Continue to support Council policies on strata-titling of artist studios.

The Artist Studios in Industrial Districts Strata Title Conversion Guideline does not support the strata-titling of artist studios in industrial districts (except for IC-3 and MC-1). The intent of these strata-titling policies is to limit upward pressure on industrial land prices by discouraging the illegal conversion of studios to residential use. Coincidentally, these policies also encourage rental artist studios, which are more affordable.

Council has the authority to approve the strata-titling of existing, previously occupied buildings. The proposed amendment would continue current zoning provisions to limit artist studios to existing buildings in industrial districts.

Artist studios are currently permitted in buildings existing as of September 10, 1996 (i.e. the date when previous artist studio regulations were enacted). To reflect the stock of buildings constructed since then, that date would be changed to the date when this report’s zoning amendments are enacted.

3. Current Regulations for Artist Studios

Other artist studio regulations in the industrial districts will not change under the proposed zoning amendments. “Live-work” artist studios will continue to be permitted as conditional approval uses, and will remain subject to Council-approved policies and guidelines. Where industrial zones currently permit strata-titling and new construction of artist studios (i.e. IC-3 and MC-1), these will continue to be permitted.

4. Proposed Parking By-law Amendment

To ensure greater consistency with parking requirements for industrial and service uses, the proposed amendment would require “work-only” artist studios to provide one parking space for each 100 m² of floor area.

Rationale: Although the proposed amendment lowers the current parking requirement for “work-only” artist studios, it would enable a sufficient, but not excessive supply of parking for artist studios. This amendment would also make it

easier for existing buildings to convert to artist studio use without the need to provide additional parking.

5. Consultation

Staff met with six key stakeholders from the architecture, arts and culture communities to discuss the proposed zoning amendments. These representatives have broad knowledge about designing, developing and operating artist studios. They were supportive of the City's proposal to reduce regulations for artist studios, noting in particular that the amendments would help to address current issues with the availability and affordability of work spaces for artist studios.

The stakeholders advised that, if approved by Council, information about the new changes should be broadly distributed to the cultural community and development industry. Staff advised they would work with Corporate Communications on an approach to inform interested parties.

Financial

There are no financial implications associated with the proposed zoning or parking by-law changes.

CONCLUSION

The zoning amendments proposed in this report address the shortage of affordable artist production spaces by providing more options and greater flexibility to create "work-only" artist studios in existing industrial buildings. Focussing on non-stratified (i.e. rental) "work-only" spaces for the production of art will also ensure that the City's industrial areas remain economically viable for industrial activity, and affordable for artists.

* * * * *

Artist Studios in Industrial Areas

Proposed Zoning and Development By-law Amendments

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Deleted text is struck-through; added text is bold-italic.

Artist Studio Use

1. Insert a new section ***2.2.C [Cultural and Recreational]*** in the I-2, I-3, IC-1 and IC-2, M-1, M-1B, and M-2 District Schedules.
2. Insert “work-only” Artist Studio - Class A as an outright approval use in section 2.2.C of the I-1, I-2, I-3, IC-1 and IC-2, IC-3, M-1, M-1B, and M-2 District Schedules and section 2.2.1C of the MC-1 and MC-2 Districts Schedule.
 - ***Artist Studio - Class A, provided that the use is not combined with a residential unit, the change of use applies to floor space existing as of [date of enactment] and additions are limited to a maximum of 10 percent of the existing floor space.***
3. Insert “work-only” Artist Studio - Class A as a conditional approval use in section 3.2.C of the M-1A District Schedule.
 - ***Artist Studio - Class A, provided that the use is not combined with a residential unit, the change of use applies to floor space existing as of [date of enactment] and additions are limited to a maximum of 10 percent of the existing floor space.***
4. Insert Artist Studio - Class B, with the condition that the building has no residential uses except for a caretaker suite, as an outright approval use in section 2.2.C of the I-2 and M-2 District Schedules.
 - ***Artist Studio - Class B, provided that the building does not contain any dwelling use other than a caretaker dwelling, the change of use applies to floor space existing as of [date of enactment] and additions are limited to a maximum of 10 percent of the existing floor space.***
5. For Artist Studio - Class B use in section 3.2.C of the I-1, I-2, I-3, M-1, M-1A, M-1B, and M-2 District Schedules and section 3.2.3C of the MC-1 and MC-2 Districts Schedule, change the date for existing buildings to the date of enactment of the proposed amendments.
 - ***Artist Studio - Class B, subject to the provisions of section 11.18 of this By-law, and provided that the change of use applies to floor space existing as of ~~September 10, 1996~~ [date of enactment] and additions are limited to a maximum of 10 percent of the existing floor space.***

6. For Artist Studio use in section 3.2.C of the IC-1 and IC-2 Districts Schedule, change the date for existing buildings to the date of enactment of the proposed amendments.
 - Artist Studio, subject to the provisions of section 11.18 of this By-law, and provided that the change of use applies to floor space existing as of ~~September 10, 1996~~ **[date of enactment]** and additions are limited to a maximum of 10 percent of the existing floor space.

Artist Studio Regulations

7. Remove the limit on maximum floor area for a “work-only” artist studio.

Amend Section 11.18.2 of the Zoning and Development By-law as follows:

11.18 Artist Studio

~~11.18.1~~ Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

~~11.18.2~~ The maximum size for an Artist Studio shall be 500 m².

Artist Studios in Industrial Areas
Proposed Parking By-law Amendments

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Deleted text is struck-through; added text is bold-italic.

Off-Street Parking Space Regulations

1. Amend section 4.2.1.10 as follows:

4.2.1.10 Residential Unit associated with and forming an integral part of an artist studio
~~No requirements.~~
A minimum of one space for every studio of 75 square metres or less of gross floor area, 1.3 spaces for every studio over 75 square metres of gross floor area and one additional space per 12 studios on sites with 12 or more studios.

2. Amend section 4.2.4.10 as follows:

4.2.4.10 Artist Studio (*non-residential*)
~~A minimum of one space for every studio of 75 square metres or less of gross floor area, 1.3 spaces for every studio over 75 square metres of gross floor area and one additional space per 12 studios on sites with 12 or more studios.~~
A minimum of one space for each 100 square metres of gross floor area.

Artist Studios: Definitions and Land Use Policies

This appendix provides background information on land use policies and regulations to help in understanding the rationale for the proposed zoning amendments.

Artist Studio Definition

The Zoning and Development By-law defines artist studio uses according to two categories based on their potential to cause impacts such as noise, dust, or fumes:

Low-impact artist studio is defined as:

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**;

High-impact artist studio is defined as:

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 fibreglass, epoxy and other toxic or hazardous materials or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics;

By definition, an artist studio is “work-only.” A “live-work” studio is approved as two uses: an artist studio and a residential unit associated with the artist studio. All zones that currently permit an artist studio also permit a “live-work” studio.

Mixed-Use Zones (C, HA, RT-3, DD, DEOD)

Artist studios, both low and high-impact, are permitted in all commercial and heritage zones, as well as the Downtown District and the Downtown Eastside Oppenheimer District. These zones generally permit a mix of commercial and residential uses.

Industrial Zones (I, M)

High-impact artist studios are permitted in all 12 industrial zones. However, low-impact artist studios are permitted in only four industrial zones that cover a relatively small land area.

Conditional vs. Outright Approval Uses

Artist studios, “work-only” and “live-work”, are conditional approval uses in all zones where permitted, except for low-impact studios, which are outright in the Chinatown and Yaletown Heritage (HA) zones. Conditional uses may be approved, subject to conditions specified in the Zoning and Development By-law, and consideration of Council approved policies and guidelines. Outright uses are not subject to any conditions.

In existing buildings, a change of use to an outright approval use does not require a development permit provided that the proposed use complies with all other zoning and parking regulations. A development permit is required for a change of use to a conditional approval use.

IMPLEMENTATION FRAMEWORK: Artist Studio Regulatory Review

Recommendations are organized by start-of-work sequence: Immediate Action (Fall 2011), short term (2012), medium term (2013), and long term (2014). In general, the Framework will prioritize improvements to “work-only” studios (single use) before expanding to “live-work” studios (mixed use).

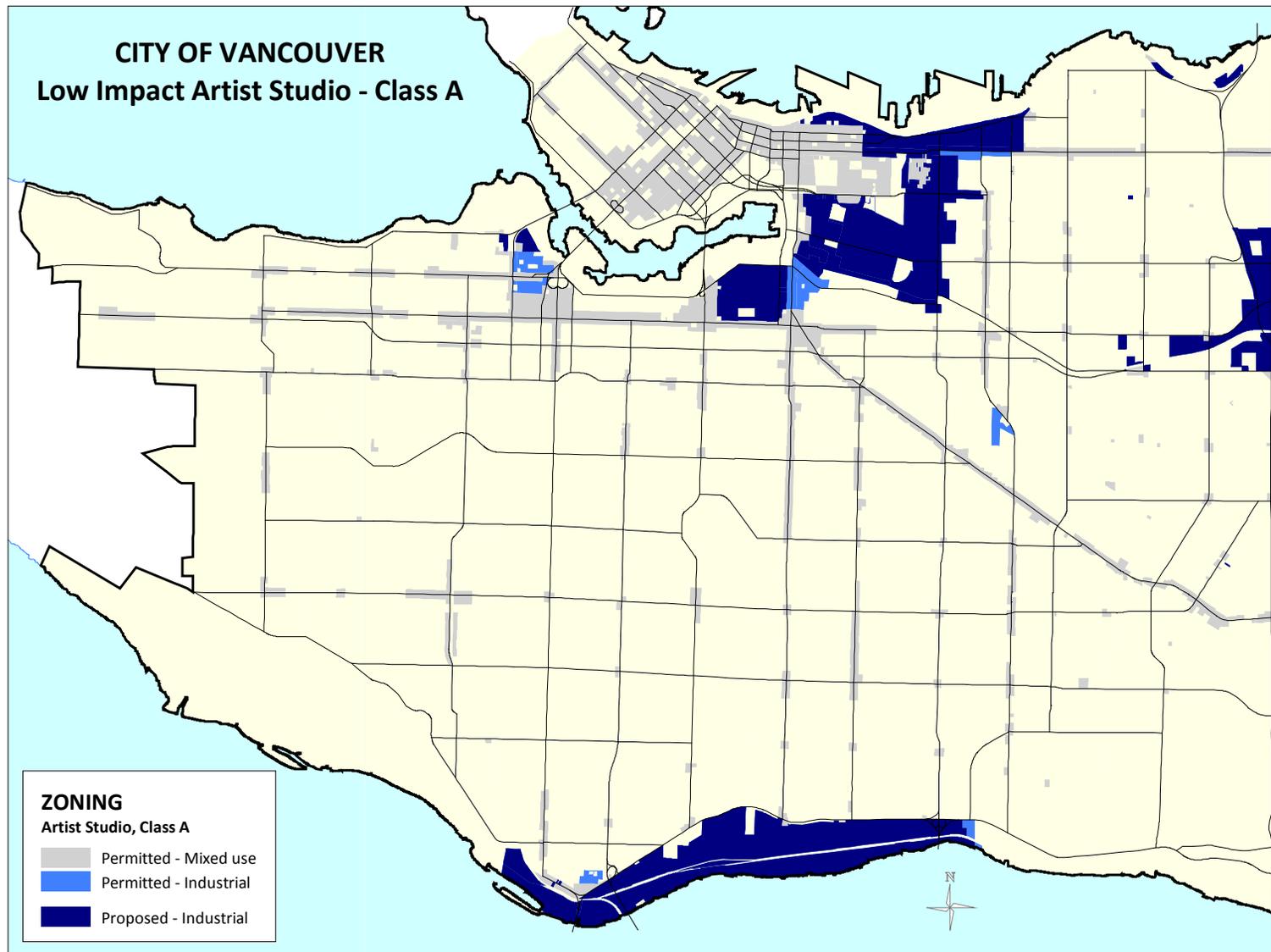
Key Issues	Objectives	RECOMMENDATIONS			
		Immediate Action	Short Term	Medium Term	Long Term
1 Affordability, Shortage & Loss of Studios	Studio affordability, availability and retention: THROUGH POLICIES	Explore requiring all new multi-tenant studio developments to have artist-led building management body	Assess existing policies and their effectiveness (e.g. artist studios policies, industrial policies)	Explore other policies, incentives and strategies to increase opportunities for studios	Comprehensively update policies and ensure policies are coordinated throughout the City of Vancouver
	Studio affordability, availability and retention: THROUGH PROGRAMS	Partner with umbrella artist associations to identify known multi-tenant studios	Identify and expand funding opportunities such as the Cultural Infrastructure Grant	Explore availability of existing spaces (civic and other) for studio use	
		Identify opportunities for studio development through rezonings underway and City-controlled spaces	Expand the CoV Studio Award Program		
	Studio affordability, availability and retention: THROUGH ALTERNATIVE MODELS			Explore options for an arms-length studio development agency	Explore financing options/partners to develop artist studios Consider development of alternative types studios (e.g. modular/portable studios)

Key Issues	Objectives	RECOMMENDATIONS			
		Immediate Action	Short Term	Medium Term	Long Term
2 Clarity & Flexibility of Regulations	Updated by-laws with broader, flexible, “future-friendly” classifications		Expand work-only, non-stratified, low impact Artist Studio use in industrial zones (MC-2, M and I zones) and offices	Consider amending by-laws to permit associated uses (such as retail) in artist studios	Explore other “use” classifications, such as office, to permit studio use
	Improved process & consistent interpretation		Update definitions for artist studios ⁴	Review and improve interpretation and application of current by-laws	
		Launch “interim” program to assist artists to address by-law issues and enforcement actions during the course of the Review	Clarify existing permit application processes	Ensure by-laws are applied correctly and consistently, and improve protocols for City inspections (e.g. site access)	Streamline and bundle permits and licence processes, where possible
3 Artist Tenure in their Studios	Consistent use of artist designated space by artists	Require multi-tenant artist studio buildings to post City-approved uses in common areas of the property	Encourage and support artist studio buildings to create artist-run advisory bodies to assist with artist occupancies and use		Explore the use of covenants and other tools to preserve studio spaces in artist studio buildings

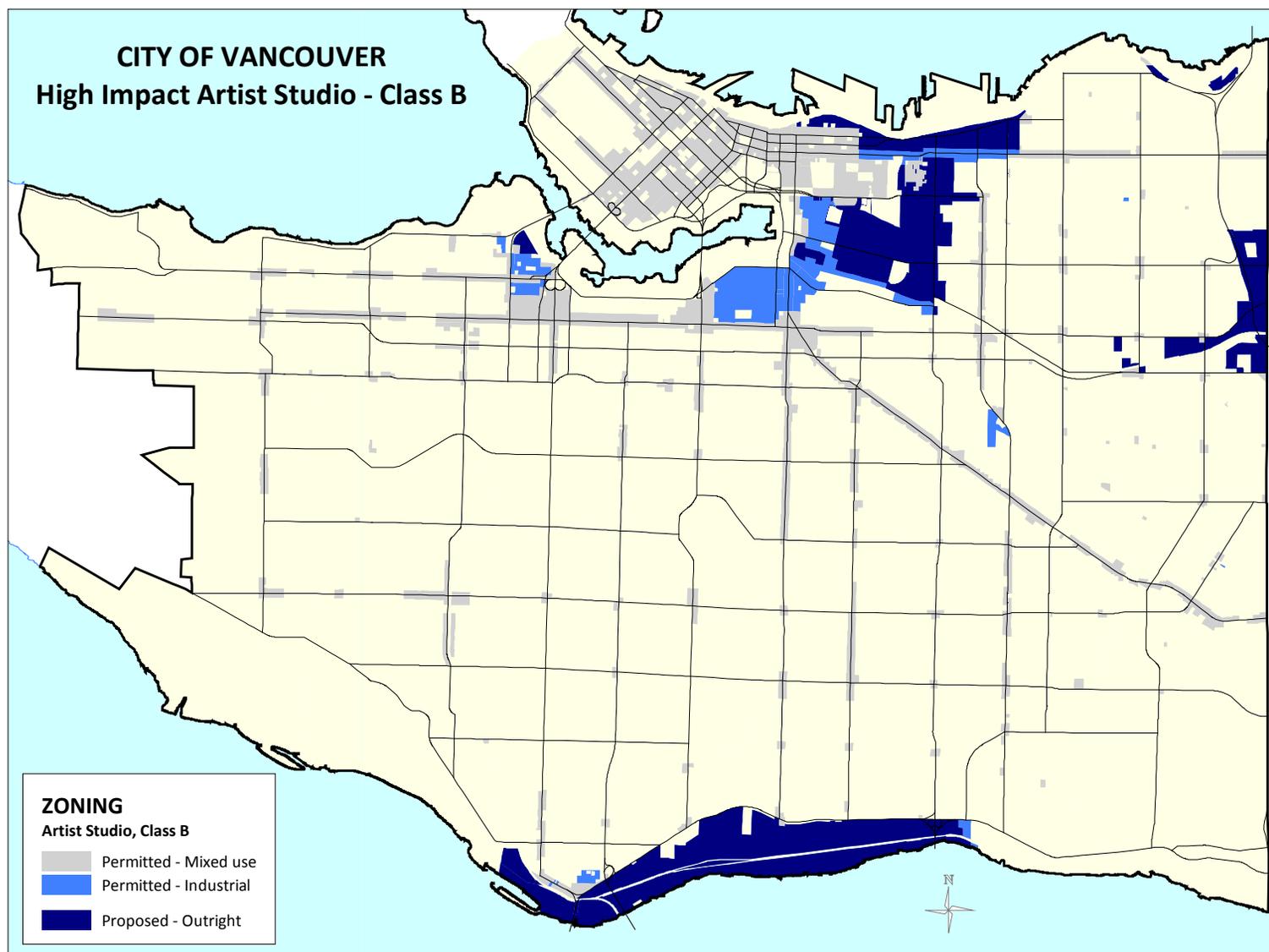
⁴ In collaboration with an artist advisory group as appropriate.

Key Issues	Objectives	RECOMMENDATIONS			
		Immediate Action	Short Term	Medium Term	Long Term
4 Knowledge, Understanding & Communication (artists & City staff)	Greater understanding of creating and operating studio spaces including regulations	Offer engagement and learning opportunities for staff and artists (e.g. mini workshops on topics such as leasing and navigating City Hall)		Provide opportunities for artist involvement and input into the City's artist studio programs and policies	Develop how-to and best practice guidelines
	Informative, up-to-date resources		Create "one stop" resources to make it easier to access information	Explore online access options for inventory of multi-tenant studio buildings	
	Foundational research		Develop an inventory of multi-tenant studio buildings	Research best practices and models for affordability and improving studio stock	Consider a studio needs assessment review
5 Functionality & Safety	Functional and safe studios	Identify and pilot potential improvements to existing design guidelines and the development review process	Update Design Guidelines for Artist Studios (e.g. ventilation) ⁵	Review and update all by-laws affected by Design Guidelines ⁵	Implement and enforce Studio Design Guidelines in all City approvals
			Research and document studio design types in Vancouver		

⁵ In collaboration with an artist advisory group as appropriate.



Map 1. Industrial zones proposed to allow “work-only” low-impact artist studios.
Note: “Work-only” low-impact artist studios are also proposed as outright approval uses in all industrial zones.



Map 2. Industrial zones proposed to allow “work-only” high-impact artist studios as outright approval uses.
Note: High-impact artist studios are currently permitted as conditional uses in all zones shown on the map.