



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: February 4, 2013
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Meeting Date: February 12, 2013

TO: Vancouver City Council

FROM: Directors of Cultural Services, and Licenses and Inspections, in consultation with the General Manager of Planning and Development Services, General Manager of Fire and Rescue Services, and Vancouver Police Chief

SUBJECT: Arts and Culture Indoor Event Pilot Program

RECOMMENDATION

- A. THAT Council approve the implementation of the Arts and Culture Indoor Event Pilot Program, as outlined in this report.
- B. THAT the Director of Planning be instructed to make an application to amend the Zoning and Development By-law regarding Arts and Culture Indoor Events and that the application be referred to Public Hearing, together with the draft amendments as outlined in Appendix A to this report;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-law generally as set out in Appendix A for consideration at the Public Hearing.
- C. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, the License By-law be amended to permit Arts and Culture Indoor Events and to establish a fee for these events, generally as set out in Appendix B.

- D. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, the Building By-law be amended to regulate Arts and Culture Indoor Events, generally as set out in Appendix C.
- E. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, the Fire By-law be amended to regulate Arts and Culture Indoor Events, generally as set out in Appendix D.
- F. THAT the Director of Legal Services be instructed to bring forward the amendments to the License By-law, Building By-law and Fire By-law at the time of enactment of the amendments to the Zoning and Development By-law.
- G. THAT Council direct staff to report back after two years on the results of the Arts and Culture Indoor Event Pilot Program, including advice on: i) whether refinements should be made the Program; and ii) the potential expansion of the program to other types of events.

REPORT SUMMARY

This report seeks Council's approval to implement the Arts and Culture Indoor Event Pilot Program (hereafter "the Pilot"). The Pilot seeks to streamline the City permit approval process for small-scale, arts and culture indoor events (hereafter "arts events") in existing buildings. The Pilot will make it procedurally and regulatorily easier for arts and culture groups to deliver arts events featuring live performance, while maintaining assurances of basic life safety and neighbourhood fit.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies and directions include:

- In June 2008 Council adopted the Cultural Facilities Priorities Plan 2008 - 2023 (aligned with the Culture Plan for Vancouver 2008 - 2018), 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 to facilitate arts events in small and medium sized performance venues.
- In January 2010 Council received for information the first report on the regulatory review on arts events. Based on a series of community and staff roundtables, the report identifies 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 events in the City.

- 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 the City.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of this report.

REPORT

Background/Context

The City launched the regulatory review on arts events in 2009. It is one of two regulatory reviews underway, with the other concentrating on artist studios. The goal of the regulatory review is to modernise and harmonise the regulations to make it easier to hold an arts event. The review sought ways to support fun, culturally-oriented events, while maintaining the necessary assurances of base life safety and neighbourhood fit. The review focusses on small-scale performance venues such as art galleries, studios, warehouses, retail stores and cafes, provided they have a well-defined cultural program.

Under the City's Building By-law, gatherings of people are considered an assembly use, and accordingly are required to meet the highest building safety standards¹. Arts and culture groups occasionally hold events in spaces which are not rated for assembly use (e.g. a gallery or an artist studio). The regulations for assembly use do not differentiate between small vs. large scale attendance, or intermittent vs. permanent use. As a result, a full building upgrade could be required in order to get approval to host a small, one-time event. These upgrades (e.g. additional exits, full wheelchair accessibility) are difficult for organizations to undertake given the temporary nature of the event. Events may be cancelled, or held regardless and without proper permits. This raises potential life safety concerns as unpermitted events may not meet minimum safety standards and many are managed by untrained volunteers.

It is very difficult to get accurate data on the number of events happening, because many operate without approvals (i.e. they go "underground"). Based on information gleaned from social media, word-of-mouth, and any City records held in relation to unpermitted events of this type, staff estimate that there may be about 250 to 500 such events a year.

¹ Examples of assembly uses include halls, theatres, restaurants and bars.

Community Input

At the beginning of this process, staff held two open houses with the arts and cultural community to discuss options to support and legitimise arts events. Representatives from event organisers, audiences, and venue operators contributed valuable feedback. Among the 129 participants, 85 percent supported a streamlined City approval process. The community identified the key impediments to the sustainable creation and operation of arts events:

- A. Onerous regulations
- B. Complex approvals processes
- C. High City fees

In 2011 Cultural Services also sponsored a student internship to conduct a case study evaluation of five local performance venues. The report supported the consultation's findings that the City's processes tend to be complex and unsupportive of performance events.

Over the last 18 months staff have been working across the many staff with regulatory responsibility in this area (such as Development Services, Planning, Licences and Inspections, Fire Services, and the Vancouver Police Department). External agencies such as the Provincial Liquor Control and Licensing Branch and Vancouver Coastal Health were also consulted to develop the proposal for a program to meet the goals outlined above.

In October 2012 staff met with a small group of representatives from the arts and cultural community to review the specific policy program in draft format. The feedback from this consultation has been considered and incorporated into the final policy recommendations.

Strategic Analysis

Arts events are an important part of a city's cultural ecology. They may entertain, inspire introspection or discussion, and generate emotion. For the arts and culture groups who organise these events, however, the City's regulations and approval process can represent a significant barrier to holding an event.

The Pilot Program will enable arts events on an intermittent (i.e. occasional) basis in a range of places while ensuring a responsible and reasonable level of public safety. Having reviewed the regulations and procedures, staff, in consultation with community, have concluded that some regulatory streamlining is warranted in the case of small-scale, temporary events. Accordingly staff are recommending to Council:

1. A two year Pilot Program for arts events (Recommendations A and E);
2. Changes to the Zoning and Development By-law to enable this Pilot (Recommendation B);
3. Simplified license processing (Recommendation C);
4. Customised fire and life safety requirements (Recommendation D); and,

5. An enforcement process to provide public safety oversight (using existing tools and staff resources).

1. Pilot Program

Staff recommend a two year Pilot Program for intermittent, small-scale arts and culture events. The Pilot will apply to indoor events having an artistic or cultural nature, such as visual, performing, media, literary, craft or interdisciplinary arts in an existing building not approved for assembly occupancy.

Upon completion of the second year of the Pilot, staff will report back to Council on its effectiveness and opportunities to expand it. Staff will consult with the community and staff for feedback on the Pilot, and as necessary recommend options to improve and expand the policies and procedures as appropriate.

2. Zoning

Currently the Zoning and Development By-law does not contain a specific use category that allows for arts events. In order for this use to be authorised, it is necessary to provide for the use in the Bylaw, and specify the locations in which it may take place. The proposed amendment will define an arts event as follows:

“An event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, which occurs not more than two days per month in a building”

Arts events will be permitted in:

1. zoning districts which are primarily commercial or industrial: C-2, C-2B, C-2C, C-2C1, C-3A, C-5, C-6, C-7, C-8, FC-1, M-1, MC-1, MC-2, M-1A, M-1B, M-2, IC-1, IC-2, IC-3, I-1, I-2, I-3, HA-1, HA-1A, HA-2, HA-3; and,
2. appropriate Comprehensive Development Districts: BC Place/Expo and False Creek .

Staff note that the Downtown District and Downtown Oppenheimer Eastside District Official Development Plans already allow events. Accordingly, they would be included in the Pilot as well.

Arts events promoters advise that the events operate with small (or non-existent) profit margins and tight timelines. As such they are sensitive to processing delays and permit costs. To address this concern, staff recommend that the Zoning and Development Bylaw be amended to exempt arts events from the requirement to obtain a Development Permit. (Note: the Licensing process will confirm that the event is located in an approved zone).

3. Simplified License Processing

The current approvals process for arts events can be complex and cumbersome. Applicants may require approval from multiple departments such as Development Services, Planning, Licences and Inspections, Fire Services, and Vancouver Police Department, as well as external agencies such as the Provincial Liquor Control and Licensing Branch when liquor is served, and Vancouver Coastal Health when food is provided.

The Pilot will provide event organizers with a single point of contact for all City-wide approvals necessary for arts events. Licensing staff will oversee coordination with other departments. In most cases, event organizers would only need to visit one office (i.e. Licencing) for all their event-based City approvals. Note: applicants will still need to get approval from external agencies regarding liquor and food.

Staff also recommend several amendments to the License By-law (see Appendix B) to define indoor events and set conditions for the licence approval (e.g. safety planning, hours, occupant load, neighbourhood fit and an application fee). The fee for a Business License will be tiered to reflect the fact smaller events require less staff time to process and monitor than larger events.

The number of arts event licences issued to any location will be capped at two per month. Based on available data, the *total* number of arts events applying for permits is estimated to be as follows:

Event Type (based on number of people present at any one time):	Estimated Number of Events/Month (based on Special Occasion Licence Data)
1-60 people (with alcohol), or 1-250 people (without alcohol)	3-5
61-150 people (with alcohol)	12-15
151-250 people (with alcohol)	6-8

Existing staffing resources will be sufficient to process the inquiries, applications and follow-up for the estimated number of arts events.

4. Customised Fire And Life Safety Requirements

Staff recommend amendments to the Building and Fire By-laws (see Appendices C and D) to make it easier to safely host an arts event.

Staff reviewed comparable jurisdictions across Canada and the US and concluded that no best practices exist for the regulation of live arts events (e.g. the responsibility for regulating arts events ranges widely from Police oversight to having none whatsoever). As a result, a

customised, a made-in-Vancouver solution is needed. The proposed requirements mandate that an arts event's space must meet base life safety requirements. These are easier to meet and retrofit into existing space than the requirements for a permanent assembly space (e.g. a bar or hall). The proposed Building By-law requirements address the number of exits, exit signage (e.g. wayfinding), emergency lighting, fire detection and protection (e.g. fire alarms and supervisory staff), evacuation procedure and planning, and structural sufficiency of floor systems.

Both the Fire By-law and Building By-law specify occupancy limits and exit capacity for arts events. The proposed amendments will align these two bylaws with each other. Furthermore, the proposed Fire By-law amendments would eliminate the requirement for an occupancy load permit (but will require a temporary occupancy load calculation instead), and determine the standards for providing fire extinguishers and a safety plan.

5. Enforcement Process To Provide Public Safety Oversight

The Pilot will streamline and simplify the City's usual approach to licensing arts events. As a result, some additional enforcement and monitoring is warranted.

During the Pilot, enforcement staff will employ a risk-based approach to monitoring complemented by random checks (i.e. focussing on highest risk types). Licences and Inspections staff will cross-check Special Occasion Licence (SOL) records and, as necessary, remind event organisers of the need to comply with City criteria. Staff from Licences and Inspections as well as the Fire Prevention Division will be reassigned to monitor compliance at arts events on a rotating basis.

The consumption of alcohol can increase risk of safety issues and neighbourhood impacts. Alcohol is also an integral part of many arts events, both from a social as well as an economic perspective. City policy in this area needs to balance the interests of safety with fun, while complementing the role of the Provincial liquor control and licensing branch, which has the authority for regulating alcohol. The City will require events serving alcohol to follow basic procedures:

- (a) Ensure that a Special Occasion Licence has been obtained from BC Liquor Control and Licensing (which also confirms that event staff serving alcohol have obtained a Serving It Right certificate);
- (b) Have sufficient number of event staff members to monitor patrons (e.g. overconsumption, minors) and assist in the event of an emergency, as follows:

No. of Persons Attending	Required Supervisory Staff
Under 100	Two staff
101-150	Three staff
151-200	Four staff
201-245	Five staff

- (c) Manage safety at the event by:
 - a. Posting the Safety and Security Plan at egress doors
 - b. Checking ID at door
 - c. Posting sign saying “No Liquor beyond this point” at all exits from the licenced area
 - d. Issuing last call 30 minutes before end time for event
 - e. Allowing no customer re-entries after 11 pm
- (d) Ensure that event staff must wear name tags to identify them as staff;
- (e) Ensure that staff do not consume alcohol while on duty;
- (f) Provide the City with contact information for the persons responsible for the event

Staff will commence enforcement action against those groups with bylaw violations, such as holding an event without a license, in accordance with City practice. In cases of immediate life safety danger, the Fire Chief or the City Building Official may order an immediate evacuation of a building. In appropriate cases the City may also pursue charges, issue municipal ticket informations, or seek injunctive relief. Organisers of arts events that violate the City’s safety and neighbourliness criteria may have their license applications referred to Council by the Chief License Inspector in appropriate circumstances.

Staff note that audiences at arts and culture performances do not typically have problems with binge drinking or troublemaking. Accordingly it is expected that modest enforcement efforts will suffice to ensure neighbourhood fit.

If, prior to the Pilot Program’s completion (e.g. after the first 100 or 150 arts events), changes are needed, staff will bring these to Council for immediate consideration. Once the Pilot has concluded, staff will review the results and present recommendations to Council.

Arts and Culture Policy Council Feedback

In January 2013 staff presented the draft pilot program to four members of the City’s Arts and Culture Policy Council for feedback. They advised that the pilot would benefit from a staff resource to assist applicants, a system to licence recurring events, and an approach that is sensitive to the impacts of City regulation on small art galleries.

In response staff note that Licences and Inspections will assign a clerk position responsible for assist applicants, commencing in April. Under the pilot the approvals process for small galleries will made faster, cheaper and easier to meet.

Provincial Feedback

Staff reviewed the draft pilot program with senior staff at the Provincial Liquor Control and Licensing Branch (LCLB). The LCLB advised that arts events seeking to serve alcohol must obtain a Special Occasion License (SOL) and comply with the applicable guidelines: for example, the event should have a performance or event purpose (i.e. alcohol is secondary to the main purpose). Furthermore, an SOL is not allowed “for the prime purpose of making a

profit, unless... the purpose of the special occasion is to raise funds for a genuine charitable purpose” (Special Occasion Licence Policy Manual). Staff concluded that in many cases the characteristics of arts events comply with the objectives of SOL regulation.

LCLB staff prefer that SOLs events be held in assembly locations (e.g. banquet halls, restaurants); however, staff note that the purpose of this review is to broaden the range of venues at which arts events may take place.

Vancouver Coastal Health (VCH) Feedback

Staff also liaised with VCH on the proposed Pilot Program. They advised that additional monitoring should be conducted for the events that contain alcohol availability. VCH is prepared to assist the City to assess the potential harms associated with alcohol misuse via a future research project. Staff will work with VCH to conduct this research, and will report back to Council near the completion of the two year Pilot Program.

VCH also suggested that the Pilot Program is an opportunity to promote alcohol free events. Staff will ensure that information and resources are made available to applicants to encourage them to host dry arts events where feasible.

Financial

The City will reassign existing staff to provide the one-stop service and increased monitoring for the Pilot. As such no financial impacts are anticipated.

Environmental

Enabling arts events in more locations can support community resiliency and walkability, thus support City’s overall goal for reducing carbon outputs and enabling a neighbourhood culture hub.

CONCLUSION

Performing arts are a vital part of Vancouver’s arts and culture scene. By making carefully-conceived adjustments to its policies and procedures for arts events, the City can strengthen Vancouver as a cultural destination, while safeguarding life safety and neighbourhood fit.

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Arts and culture indoor event

Draft for public hearing

BY-LAW NO. _____

A By-law to amend
Zoning and Development By-law No. 3575
regarding arts and culture indoor events

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

1. This By-law amends the indicated provisions of the Zoning and Development By-law.
2. In section 2, under “Cultural and Recreational Uses”, in alphabetical order, Council adds:

“ Arts and culture indoor event means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, which occurs not more than two days per month in a building.”
3. In section 5, after section 5.19, Council adds:

“5.20 An arts and culture indoor event.”
4. In section 10, Council adds the following in chronological order:

“10.37 Arts and culture indoor event

10.37.1 An arts and culture indoor event is not a permitted use in a dwelling unit.”
5. In section 2.2.C of the C - 2 District Schedule, in the appropriate alphabetical order, Council adds:

“
 - Arts and culture indoor event ”
6. In section 2.2 of the C - 2B District Schedule, in the appropriate numerical and alphabetical order, Council adds:

“2.2.C [Cultural and Recreational]

 - Arts and culture indoor event ”

7. In section 2.2 of the C - 2C District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

8. In section 2.2 of the C - 2C1 District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

9. In section 2.2.C of the C - 3A District Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

10. In section 2.2.1.C of the C - 5 and C - 6 Districts Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

11. In section 2.2.1.C of the C - 7 and C - 8 Districts Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

12. In section 2.2.C of the FC - 1 District Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

13. In section 2.2 of the M - 1 District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

14. In section 2.2.1C of the MC - 1 and MC - 2 Districts Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

15. In section 3.2.C of the M - 1A District Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

16. In section 2.2 of the M - 1B District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

17. In section 2.2 of the M - 2 District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

18. In section 2.2 of the IC - 1 and IC - 2 Districts Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

19. In section 2.2.C of the IC - 3 District Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

20. In section 2.2.C of the I - 1 District Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

21. In section 2.2 of the I - 2 District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

22. In section 2.2 of the I - 3 District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

23. In section 2.2.1.C of the HA - 1 and HA - 1A Districts Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

24. In section 2.2 of the HA - 2 District Schedule, in the appropriate numerical and alphabetical order, Council adds:

- “2.2.C [Cultural and Recreational]
- Arts and culture indoor event ”

25. In section 2.2.C of the HA - 3 District Schedule, in the appropriate alphabetical order, Council adds:

- “
- Arts and culture indoor event ”

26. In section 2.1 of the B.C. Place/Expo District (BCPED) Schedule, after “(g) parks and open spaces;”, Council adds “(h) arts and culture indoor event;”.

27. In section 2 of the False Creek Comprehensive Development District (FCCDD) Schedule, after “(g) parks and open spaces;”, Council adds “(h) arts and culture indoor event;”.

28. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

BY-LAW NO. _____

A By-law to amend License By-law No. 4450
regarding arts and culture indoor events

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

1. This By-law amends the indicated provisions and schedules of the License By-law.
2. In section 2, Council adds, in alphabetical order:

“ “Arts and culture indoor event ” means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, with or without liquor service, which occurs not more than two days per month in a building not approved for assembly occupancy.”

3. After section 10.3, Council adds:

“ARTS AND CULTURE INDOOR EVENT

- 10.3.1A(1) A person must not promote, advertise, sell tickets for, or hold an arts and culture indoor event for more than 30 people, without first obtaining an arts and culture indoor event license from the Inspector.
- (2) A person applying for an arts and culture indoor event license must make the application on the form provided by the Inspector and must submit it to the Inspector in accordance with the schedule outlined on the form.
- (3) The Inspector may, subject to subsections (4) and (5), issue an arts and culture indoor event license for a single event or for a series of events, which license shall not be transferable and shall be valid only for the dates, times, and location specified in the license.
- (4) The Inspector must not issue an arts and culture indoor event license unless the person applying for the license is licensed under this By-law and has submitted:
 - (a) a plan, approved by the Chief Constable, describing procedures to be put in place to ensure the safety and security of all persons attending or participating in the event; and

- (b) a plan, approved by the Fire Chief, describing procedures for evaluating potential emergencies, contacting emergency service providers, and conducting an evacuation of the premises.
- (5) Despite subsection (4), the Inspector may impose additional license conditions with respect to public safety, hours of operation, maximum occupant load, noise and neighbourhood impacts, if, in the opinion of the Inspector such additional conditions are necessary, having regard to the size, location and nature of the proposed arts and culture indoor event.
- (6) The Inspector must not issue an arts and culture indoor event license if, in the opinion of the Inspector, the event would unreasonably affect a local neighbourhood due to:
 - (a) proximity to residential areas;
 - (b) potential noise impacts;
 - (c) inadequate access to public transport; or
 - (d) other community impacts of a similar nature.
- (7) Notwithstanding the provisions of this By-law, the Inspector may refuse to issue or may suspend an arts and culture indoor event license if:
 - (a) in the opinion of the Chief Constable, the Fire Chief, or the Inspector, the holding of the event could endanger public safety;
 - (b) the applicant has failed to comply with the conditions of the licence; or
 - (c) the applicant has failed to comply with a plan submitted under subsection (4) of this section.
- (8) Every person applying for an arts and culture indoor event license must pay the prescribed fee set out in Schedule A at the time of the application for the license.
- (9) All sound amplification equipment and musical instruments used during an arts and culture indoor event must be wholly contained within the building or structure described in the license.
- (10) The person organizing, promoting, or holding an arts and culture indoor event must not permit the number of persons in the premises to exceed the maximum occupant load permitted under the Fire By-law.

- (11) The person organizing, promoting or holding an arts and culture indoor event with liquor service must provide supervisory staff in accordance with the following table:

Number of Persons Attending	Required Supervisory Staff
Under 100	2
101-150	3
151-200	4
201-245	5

- (12) The person organizing, promoting or holding an arts and culture indoor event with liquor service must ensure that all organizers, employees and supervisory staff wear a name tag that is clearly visible.

4. In Schedule A, in alphabetical order, council adds:

“

Arts and culture indoor event	License Fee	License Term
a) 31 to 60 persons	\$25.00	per event
b) 61 to 150 persons	\$100.00	per event
c) 151 to 250 persons	\$150.00	per event

”

5. 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.

6. This By-law is to come into force and take effect on _____, 2013.

ENACTED by Council this _____ day of _____, 2013.

Mayor

City Clerk

EXPLANATION

License By-law amending by-law
Re: Arts and culture indoor events

The attached By-law will implement Council's resolution of _____, 2013 to create a regulatory scheme for arts and culture indoor events.

Director of Legal Services
_____, 2013

BY-LAW NO. _____

A By-law to amend Building By-law No. 9419
regarding *arts and culture indoor events*

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

1. This By-law amends the indicated provisions of the Building By-law.
2. In Part 1 of Division A, in Article 1.4.1.2:
 - a) Council adds in alphabetical order:

“*Arts and culture indoor event* means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, with or without liquor service, which occurs not more than two days per month in a *building* not approved for *assembly occupancy*.” and

“*Supervisory staff* means one or more *occupants* of a *building* who have some responsibility for the well-being and safety of other *occupants* of the *building*, and have been so designated under a fire safety plan.”

3. In Part 10 of Division B, after Article 10.1.1.9., Council adds:

“10.1.1.10. Temporary Change of Occupancy

1) Except for *buildings* containing *high hazard industrial occupancy*, the *occupancy* of an *existing building* containing retail, *artist studio*, production or rehearsal studio, wholesale, warehouse, or factory use may be temporarily changed to *assembly occupancy* for an *arts and culture indoor event* provided:

- a) the maximum *occupant load* is not more than 250 persons, or not more than 60 persons in an *artist studio*,
- b) the *arts and culture indoor event* is located in the *first storey* or the *storey* below it and there is at least one *exit* which is *accessible* from *floor area* and leading to ground level as described in Clauses 3.8.3.19(1)(d) or (e),
- c) emergency lighting is provided in washrooms and in locations leading from the *arts and culture indoor event* to the *street* as described in Sentence 3.2.7.3.(1),
- d) portable fire extinguishers are installed in accordance with the

Fire By-law, with at least one extinguisher at the main entrance and at each egress door leading from the *arts and culture indoor event* floor area,

e) an approved fire emergency procedures and security plan with approved maximum *occupant load* is posted beside each portable extinguisher at the main entrance and at each egress door leading from the *arts and culture indoor event*,

f) the building is equipped with a fire alarm system, or *supervisory staff* are designated to monitor egress and *exit* doors and to carry out an emergency evacuation in accordance with approved fire emergency procedure, and

g) the *storey* below the *first storey* used for an *arts and culture indoor event* shall have a *sprinkler system*.

2) The floor of a *building* used for an *arts and culture indoor event* shall be:

a) constructed of concrete supported by solid ground without suspended slab, or

b) certified by a registered professional, after structural review, to be safe for *assembly occupancy* and designed to a minimum specified uniformly distributed live load of 4.8 kPa.

3) Cooking which generates grease-laden vapour is not permitted at an *arts and culture indoor event*, unless it is done using commercial cooking and ventilation equipment, which has been installed under permit and conforms with Article 6.2.2.6.

4) An approved maximum *occupant load* from the Vancouver Fire and Rescue Services, and a Vancouver Police Department security assessment shall be obtained for all *arts and culture indoor events* in accordance with Table 10.1.1.10.

5) The number of *exits*, designated *supervisory staff*, and *exit* signs shall be provided for all *arts and culture indoor events* in accordance with Table 10.1.1.10.

Table 10.1.1.10
Requirements for *Arts and Culture Indoor Events*
Forming part of Sentences 10.1.1.10 (4) and (5)

<i>Arts and culture indoor event</i>	<i>Occupant load Approval</i> ⁽¹⁾	Minimum number of <i>exits</i>	Total minimum <i>Supervisory staff</i> at egress/exit door ⁽²⁾	<i>Exit</i> signage	VPD security assessment ⁽⁵⁾
Not more than 60 people - private SOL ⁽³⁾ or dry event ⁽⁴⁾	Yes	1	1	No	No
Not more than 60 people - public SOL ⁽³⁾	Yes	1	1	No	Yes
61-250 people - private SOL ⁽³⁾ , dry event ⁽⁴⁾ or public SOL ⁽³⁾	Yes	2	2	Yes	Yes

Notes to Table 10.1.1.10

- (1) Vancouver Fire and Rescue Services will assess and approve the maximum temporary *Occupant load* for *arts and culture indoor events*.
- (2) Designated *supervisory staff* are required to monitor the egress/*exit* door. One *supervisory staff* must be provided at each required *exit* door at all times.
- (3) “SOL” means Special Occasion License issued by British Columbia Liquor Control and Licensing Branch.
- (4) “dry event” means no service of liquor at the event.
- (5) Vancouver Police Department (VPD) security assessment.”

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 ,
2013

Mayor

City Clerk

EXPLANATION

Building By-law amending By-law
Re: Arts and culture indoor events

The attached By-law will implement Council's resolution of _____, 2013, to amend the Building By-law to provide for arts and culture indoor events in existing buildings.

Director of Legal Services
_____, 2013

BY-LAW NO. _____

A By-law to amend Fire By-law No. 8191
regarding arts and culture indoor events

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

1. This By-law amends the indicated provisions of the Fire By-law.
2. In Article 1.2.1.2, Council:
 - a) adds the following definition in the appropriate alphabetical order:

“*Arts and culture indoor event* means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, with or without liquor service, which occurs not more than two days per month in a building not approved for assembly occupancy.”
3. Council strikes out Sentence 2.7.1.3.(1), and substitutes:
 - “1) Every *building* with an *assembly occupancy* of more than 60 people must have an *occupant load permit*, except that:
 - (a) the temporary use of a building with an existing *occupant load permit*, for an *arts and culture indoor event*, shall not require a *occupant load permit* provided that the maximum temporary *occupant load* for the *arts and culture indoor event* has been calculated pursuant to the provisions of this By-law.”
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.

EXPLANATION

Fire By-law amending By-law
Re: Arts and culture indoor events

The attached By-law will implement Council's resolution of _____, 2013, to amend the Fire By-law to provide for arts and culture indoor events in existing buildings.

Director of Legal Services
_____, 2013