



## REFERRAL REPORT

Report Date: November 16, 2020  
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VanRIMS No.: 08-2000-20  
Meeting Date: November 24, 2020

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability and General Manager of Arts, Culture and Community Services

SUBJECT: Employment Lands and Economy Review Quick Start Actions: Zoning and Development By-law Amendments to Remove Barriers to New Work-Only Artist Studios in Industrial Areas

### **RECOMMENDATION**

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make an application to amend the Zoning and Development By-law to remove barriers to the creation of new work-only artist studios in the industrial district schedules, generally in accordance with Appendix A; and that the application be referred to Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally as set out in Appendix A for consideration at Public Hearing.

- B. THAT Recommendation A be adopted on the following conditions:
- (i). THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii). THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws;
  - (iii). THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

## **REPORT SUMMARY**

Council adopted the *Employment Lands and Economy Review Phase 2: Emerging Directions for Consideration Through the Vancouver Plan (“ELER Phase 2”)* on October 22, 2020 to guide further research, policy and program development and inform the economic foundations of the Vancouver Plan process. As part of ELER Phase 2, Council also approved the implementation of five immediate “quick start” ELER actions requiring by-law amendments, one of which was for the removal of barriers to new work-only artist studios in industrial areas within the Zoning and Development By-law.

This report recommends Zoning and Development By-law amendments to various industrial district schedules to remove certain date and floor area conditions for Artist Studio – Class A and Artist Studio – Class B uses while maintaining existing restrictions for the “Residential Unit associated with and forming an integral part of an Artist Studio” use. The intent of these changes is to remove existing barriers to allow new work-only artist studios in these district schedules while supporting Council’s cultural space targets of no net loss of arts and cultural space and goal of 800,000 square feet of new space by 2030.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- On October 22, 2020, (RTS 13633) Council approved *the Employment Lands and Economy Review Phase 2 Report*.
- On September 11, 2019, (RTS 13175) Council approved Vancouver’s 10-year culture plan *Culture|Shift: Blanketing the City in Arts and Culture* which included *Making Space for Arts and Culture*, a 10-year cultural infrastructure plan, and the *Vancouver Music Strategy*.
- On January 7, 2013, (RTS 9863) Council adopted *Proposed Amendments to the Zoning and Development By-law to Support Artist Studios in Industrial Areas* to expand opportunities for work-only artist studios.
- On October 6, 2011, (RTS 09132) Council adopted the *Artist Studio Regulatory Review Implementation Framework*, which describes opportunities to improve the creation, preservation and operation of artist studios.
- In 1996, Council adopted the Artist Studio Guidelines, Strata Title Conversion Guideline for Artist Studios, and amended definitions and regulations for artist studios to encourage functional, liveable, affordable and safe artist live-work studios.
- In 1995, Council approved policies from the *Artist Live/Work Studio Policy Review*.

## **CITY MANAGER’S/GENERAL MANAGER’S COMMENTS**

The City Manager recommends approval of the foregoing.

## **REPORT**

### **Background/Context**

On October 22, 2020, Council received the *Employment Lands and Economy Review Phase 2: Emerging Directions for Consideration Through Vancouver Plan (“ELER Phase 2”)* to guide further research, policy and program development and to inform the economic foundations of the Vancouver Plan process. Launched in January 2019, the Employment Lands and Economy Review included in-depth research and stakeholder engagement to inform the economic foundations of the Vancouver Plan process.

Since the onset of COVID-19 in March 2020, the ELER program also incorporated emergency response initiatives to support workers and employers. This included the identification of short-term recovery actions that the City can take to support economic recovery. This is of particular importance for Vancouver’s arts and culture sector, currently projecting losses in excess of \$90 million for artists, cultural workers, and cultural organizations as a result of COVID-19.<sup>1</sup> As part of ELER Phase 2, Council approved the implementation of immediate quick start recovery actions requiring by-law amendments, one of which was the removal of barriers to new work-only artist studios in industrial areas.

### **Arts and Culture**

Arts and culture are vital to the city’s identity, quality of life, economic prosperity and development, social cohesion, and sustainability. Cultural facilities are essential to providing balanced, complete communities and neighbourhoods. Further, the arts and cultural sector and the creative economy are critical to employment and economic growth. In British Columbia, arts and cultural industries contributed \$7.9 billion to GDP in 2016, which is higher than agriculture, forestry, fishing and hunting (\$5.8 Billion) and utilities (\$6.3 Billion). Vancouver-based artists have achieved worldwide renown with Vancouver having the highest concentration of artists per capita among Canada’s major cities. The median income of Vancouver artists, which is \$22,116, combined with the lack of affordable studio space, make Vancouver an extraordinarily challenging city for artists to build and maintain sustainable careers.<sup>2</sup>

In 2019, Council approved *Making Space for Arts and Culture*, a ten-year, cultural infrastructure plan to optimize City policies, tools, programs and investment priorities to secure, enhance, and develop vibrant and affordable arts and cultural spaces. The plan identifies accelerated loss and displacement of cultural spaces as the most critical challenge facing the arts and cultural sector - particularly studio and production space in commercial and industrial zones. It sets Vancouver’s first cultural space target of 800,000 square feet (74,322 sq. m) of space by 2030, which includes 650,000 square feet (60,387 sq. m) of new or repurposed space. The plan also sets out policy to ensure no-net-loss of cultural space, including production space such as artist studios and music spaces.

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<sup>1</sup> Greater Vancouver Professional Theatre Alliance (2020), COVID-19 B.C. Arts & Culture Impact Survey. Accessed at <https://www.gvpta.ca/programs/covid-19-sector-impact-survey>.

<sup>2</sup> Hill Strategies (2016), Artists in Canadian Municipalities in 2016. Accessed at <https://hillstrategies.com/resource/artists-in-canadian-municipalities-in-2016/>

This report recommendation addresses one of the Plan actions to remove barriers for new work-only artist studios in industrial zones, to support no net loss of space and allow for the replacement and growth of work-only studio and production space.<sup>3</sup>

### **Strategic Analysis**

Two of the key policy areas in ELER Phase 2 are promoting the diversity, resilience and equity of the city's economy as well as placing emphasis on the value of the city's industrial lands. The report includes policy directions that encourage a diversity of jobs and sectors and enhance viability of arts and culture sector. Many of these issues have been amplified by COVID-19. Canada Council reported 43% of artists and cultural workers were concerned that they would lose 75% of their projected income in 2020.

### **Artist Studios and Production Space in Industrial Lands**

Industrial land is critical to local arts production jobs: it serves as the arts and culture sector's "back of house" with creation, rehearsal, and production. For example, nearly one-in-five businesses in the False Creek Flats identify as being part of the arts and cultural economy, with an estimated minimum of 525,000 square feet (48,774 sq. m) of artist production and rehearsal studios.<sup>4</sup> Production and studio spaces typically exist in older, lower rent, industrial and commercial building stock. Industrial spaces are required for a variety of high-impact art production such as construction of large built forms for public art, toxic materials, and loud noise.

### **Previous Work**

In 2011, City staff conducted a comprehensive review of artist studios leading to Zoning and Development By-law amendments to expand existing artist studio uses in industrial zones. The conditions limiting new artist studios, however, were not removed at that time. As a result, most artist studio uses continue to be subject to conditions that limit the development of artist studios to buildings that existed prior to a specific date (originally 1996; later amended to 2013 or 2017 depending on the zone), and limit additions to a maximum of ten percent of the existing floor area<sup>5</sup>.

These conditions were originally intended to address concerns around new developments in industrial areas that were using residential units associated with artist studios as strata condominiums. While these measures may have helped to address further conversion of industrial land into residential use, they have also effectively stopped on-site replacement and needed growth of work-only studios.

### **Loss of Artist Studios and Productions Spaces**

Vancouver has experienced an escalating loss of artist studios. As documented in *Making Space for Arts and Culture* and the Vancouver Eastside Culture Crawl's 2019 report, *A City Without Art*, there has been a loss of 400,000 square feet (37,161 sq. m) of visual arts studio

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<sup>3</sup> Culture|Shift: Blanketing the City in Arts and Culture Vancouver Culture Plan 2020-2019, Appendix D Making Space for Arts and Culture (RTS 13175).

<sup>4</sup> Making Space for Arts and Culture: Cultural Infrastructure Plan Update 2018 (RTS 12420)

<sup>5</sup> There are only a few circumstances where the date and floor area conditions do not apply: outright-approved artist studios within specific sub-areas of the I-2 and I-3 zones and conditionally approved artist studios in the MC-1 and IC-3 zones.

space over the past 10 years in the eastside catchment of the Crawl (does not include for example music spaces). The majority of artists (78%) rent their workspace and most (77%) are seeking to relocate due to rent increases and property redevelopment, as summarized by one respondent:

*“East Vancouver artists are living on hefty rents and borrowed time as they watch one block redevelop after another, resulting in the displacement of yet another studio. I feel that this pattern will continue, leading to an exodus of creatives.”<sup>6</sup>*

ELER and *Making Space for Arts and Culture* also recognize that the sector faces a number of space-related challenges such as displacement, affordability, regulatory barriers, competition from other uses, availability of safe and affordable workspaces, a diverse continuum of workspaces, and overall supply of workspaces. Artist studios, in particular, face a difficult and unique challenge as the majority of Vancouver’s industrial zoning, while allowing for existing studio spaces, does not allow for the replacement of new artist studios.

## **Proposed Amendments**

### **1. Work Only Artist Studios**

Staff are recommending the removal of regulatory barriers for work-only artist studios with by-law amendments to remove date and floor area conditions for “Artist Studio – Class A” and “Artist Studio – Class B” uses listed under the [Cultural and Recreational] sections of the industrial district schedules (as per Appendix A). This would allow new work-only artist studios to be developed through the Development Permit process to allow the replacement and growth in the supply of work-only artist studios and production spaces.

### **2. Residential Units Associated with Artist Studios**

Staff are also recommending to retain existing limitations on residential units associated with artist studios by transferring the date and floor area conditions from the artist studio uses listed under [Cultural and Recreational] to the residential units associated with artist studios listed under [Dwelling] (as per Appendix A). As indicated through ELER Phase 2 and the Metro Vancouver Regional Industrial Lands Strategy, the limited supply of industrial land in the region needs to be protected and prioritized for employment uses. Furthermore, as experienced in the 1990s in the IC-3 district schedule, new residential units associated with artist studios often function as market strata residential units, which do not achieve the longer-term community benefit of affordable housing for artists. This will ensure that no new residential uses are inadvertently allowed in industrial zones or where this use is not supported by existing regional and municipal regulations and policies including Metro Vancouver’s Regional Growth Strategy and the Regional Context Statement Official Development Plan.

## **Next Steps**

Staff are continuing to work to address barriers to artist studios through the implementation of *Making Space for Arts and Culture*. The delivery strategy of arts and culture infrastructure, along with other public benefits will continue to be explored through various mechanisms, including

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<sup>6</sup> Eastside Culture Crawl (2019), A City Without Art. Accessed at <https://culturecrawl.ca/about/community-engagement>.

capital planning, senior government partnerships, and the Vancouver Plan's Public Investment Framework.

### **Consultation**

The recommendations in this report builds upon extensive engagement undertaken as part of *Making Space for Arts and Culture* as well as concerns raised during ELER's engagement that highlighted the vulnerability of non-profit and arts and culture workspaces due to displacement and competition with other land uses, and affordability.

Staff also reached out to the Arts and Culture Advisory Committee – Spaces Subcommittee and the broader arts and cultural community via the City's Cultural Services e-mail listserv for feedback on this specific action. There was support as well as reiterated concerns around displacement, net loss, lack of growth and ensuring studio spaces are available to artists.

### **Financial Implications**

Any new work-only artist studios (Class A and Class B) are eligible for a reduced rate of \$10 per building permit under each applicable Development Cost Levy By-law, see the City's [DCL Bulletin](#) for details on DCL rates.

The recommendations of this report will be undertaken with existing budgets and personnel.

### **CONCLUSION**

These amendments to the Zoning and Development By-law industrial district schedules to remove existing barriers to allow new work-only artist studios are a small step to sustain livelihood opportunities for arts and cultural workers who contribute significantly to Vancouver's economy, liveability, and identity. This aligns with Council priorities including *Making Space for Arts and Culture*, ELER Phase 2, and COVID- 19 pandemic recovery.

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**DRAFT By-law to amend the Zoning and Development By-law  
Regarding Artist Studios**

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

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

1. This By-law amends or adds to the indicated provisions of the Zoning and Development By-law.
2. In the MC-1 and MC-2 Districts Schedule, Council strikes “, the change of use must only apply to floor area existing as of February 26, 2013, and any additions are limited to no more than 10 percent of existing floor area” from section 2.2.1C.
3. In the MC-1 and MC-2 Districts Schedule, Council strikes “Artist Studio – Class A, but only in sub-area A as shown in Figure 1.” and “Artist Studio – Class B, but only in sub-area A as shown in Figure 1.” from section 3.2.2.C, wherever they appear.
4. In the MC-1 and MC-2 Districts Schedule, Council strikes “, but only if the change of use applies to floor area existing as of February 26, 2013 and additions do not exceed a maximum of 10 percent of the existing floor area” from section 3.2.3 C, wherever they appear.
5. In the MC-1 and MC-2 District Schedule, Council strikes “Residential Unit associated with and forming an integral part of an Artist Studio – Class B” from section 3.2.3 DW and replaces it with “Residential Unit associated with and forming an integral part of an Artist Studio – Class B, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of the existing floor area.”
6. In the M-1, M-1B, M-2, IC-1 and IC-2, IC-3, I-1, I-2, and I-3 District Schedules, Council strikes “, the change of use must only apply to floor area existing as of February 26, 2013, and any additions are limited to no more than 10 percent of existing floor area” from section 2.2.C, wherever they appear.
7. In the I-3 District Schedule, Council strikes “Artist Studio – Class A, but only in sub-area A as shown in Figure 1.” from section 2.2.C, wherever they appear.
8. In the M-1, M-1B, M-2, IC-1 and IC-2, I-1, I-2 and I-3 District Schedules, Council strikes “, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of the existing floor area” from section 3.2.C, wherever they appear.
9. In the M-1, M-1A, M-1B, M-2, I-1 District Schedules, Council strikes “Residential Unit associated with and forming an integral part of an Artist Studio – Class B.” from section 3.2.DW and replaces it with “Residential Unit associated with and forming an integral part of an Artist Studio – Class B, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of the existing floor area.”

10. In the IC-1 and IC-2 Districts Schedule, Council strikes “Residential Unit associated with and forming an integral part of an Artist Studio.” from section 3.2.DW and replaces it with “Residential Unit associated with and forming an integral part of an Artist Studio, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of the existing floor area.”
11. In the I-1A, I-1B, and I-4 District Schedules, Council strikes “Residential Unit associated with and forming an integral part of an Artist Studio – Class B.” from section 3.2.DW and replaces it with “Residential Unit associated with and forming an integral part of an Artist Studio – Class B, provided that the change of use applies to floor area existing as of May 2, 2017 and additions are limited to a maximum of 10 percent of the existing floor area.”
12. In the I-2 District Schedule, Council strikes “Residential Unit associated with and forming an integral part of an Artist Studio - Class B, but not in sub-area A or B as shown in Figure 1.” from section 3.2.DW and replaces it with “Residential Unit associated with and forming an integral part of an Artist Studio - Class B, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of the existing floor area, but not in sub-area A or B as shown in Figure 1.”
13. In the I-3 District Schedule, Council strikes “Residential Unit associated with and forming an integral part of an Artist Studio - Class B, but only in sub-area B as shown in Figure 1.” from section 3.2.DW and replaces it with “Residential Unit associated with and forming an integral part of an Artist Studio - Class B, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of the existing floor area, but only in sub-area B as shown in Figure 1.”
14. In the M-1A District Schedule, Council strikes “, the change of use must only apply to floor area existing as of February 26, 2013, and any additions are limited to no more than 10 percent of existing floor area” and “, provided that the change of use applies to floor area existing as of February 26, 2013 and additions are limited to a maximum of 10 percent of existing floor area” from section 3.2.C, wherever they appear.
15. In the I-1A and I-1B District Schedules, Council strikes “, the change of use must only apply to floor area existing as of May 2, 2017 and any additions are limited to no more than 10 % of existing floor area” from section 2.2.C, wherever they appear.
16. In the I-1A and I-1B District Schedules, Council strikes “, provided that the change of use applies to floor area existing as of May 2, 2017 and additions are limited to a maximum of 10% of the existing floor area” from section 3.2.C, wherever they appear.
17. In the I-4 District Schedule, Council strikes “and the change in use must only apply to floor area existing as of May 7, 2017 and any additions are limited to no more than 10 percent of existing floor area” from section 2.2.C, wherever they appear.
18. In the I-4 District Schedule, Council strikes “, including a Residential Unit and the change in use must only apply to floor area existing as of May 2, 2017 and any additions are limited to no more than 10 percent of existing floor area” from section 3.2.C, wherever they appear.

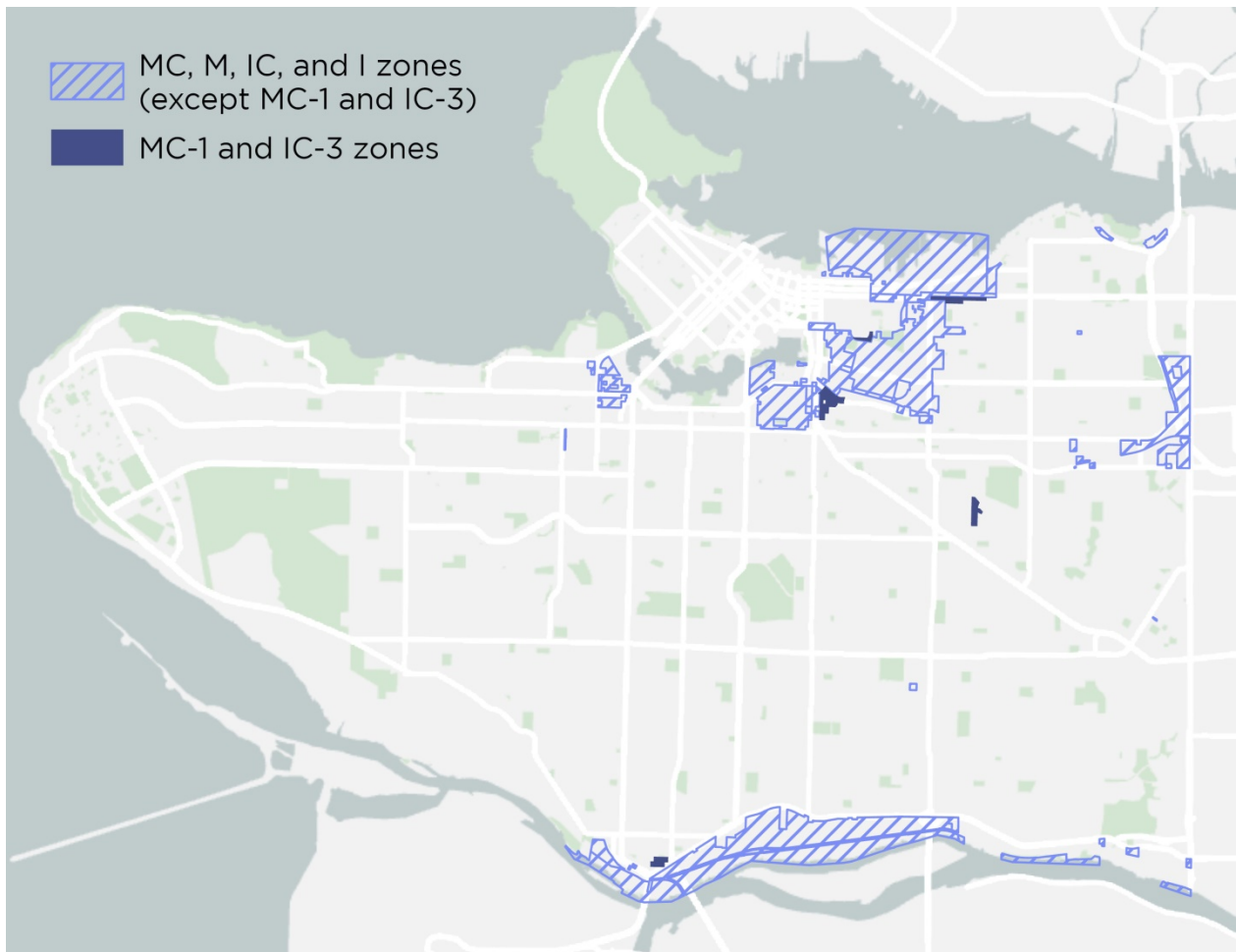


Summary of Proposed Changes

Table 1 and Map 1 summarize the proposed amendments from Appendix A. Staff are maintaining regulations that support the construction of new residential units associated with artist studios in MC-1 and IC-3 district schedules in order to remain consistent with existing City policies and Zoning and Development By-law regulations in these areas. Ultimately, the proposed amendments enable the construction of work-only artist studios in new buildings while retaining existing restrictions on residential units associated with artist studios, where applicable.

District Schedule	Proposed Amendments	
	Remove Conditions for Artist Studios under [Cultural and Recreational]	Add Conditions for Residential Unit associated with Artist Studios under [Dwelling]
MC-1	✓	✗
MC-2	✓	✓
M-1	✓	✓
M-1A	✓	✓
M-1B	✓	✓
M-2	✓	✓
IC-1 and IC-2	✓	✓
IC-3	✓	✗
I-1	✓	✓
I-1A	✓	✓
I-1B	✓	✓
I-2	✓	✓
I-3	✓	✓
I-4	✓	✓

Table 1: Summary of Proposed Artist Studio Amendments



Map 1: Industrial zones affected by proposed amendments