



REFERRAL REPORT

Report Date: April 19, 2023
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 15715
VanRIMS No.: 08-2000-20
Meeting Date: September 12, 2023

TO: Vancouver City Council

FROM: General Manager of Development, Buildings and Licensing in consultation with General Managers of Planning, Urban Design and Sustainability; Vancouver Fire and Rescue Services; and Arts, Culture and Community Services

SUBJECT: Report Back – Amping up the Arts Event License Policy to Support Arts & Culture in Vancouver

RECOMMENDATION TO REFER

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward the by-law amendments as described below and that the applications be referred to the Public Hearing together with the recommendations set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amendments to the Zoning and Development By-law, License By-law, Building By-law (VBBL) and Fire By-law, in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT Council approve, in principle, the application to amend the Zoning and Development By-law to change the name and definition of Arts and Culture Indoor Event to increase the maximum frequency to six days per month, and update regulations to permit use of adjoining outdoor space on private property, generally in accordance with Appendix A;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Zoning and Development By-law, generally in accordance with Appendix A.

- B. THAT Council approve, in principle, amendments to the License By-law to change the name and definition of Arts and Culture Indoor Event including increasing maximum frequency to six days per month, update regulations on the number of supervisory staff at the event, and set licence fees for Arts and Culture Events, generally as presented in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the License By-law, generally in accordance with Appendix B.

- C. THAT Council approve, in principle, amendments to the Building By-law to change the name and definition of Arts and Culture Indoor Event and create new alternative compliance measures for events that occur more than three days per month and/or have occupant loads exceeding 250, generally in accordance with Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Building By-law, generally in accordance with Appendix C.

- D. THAT Council approve, in principle, amendments to the Fire By-law to change the name and definition of Arts and Culture Indoor Event, enable events with occupant loads of more than 250 people with a Special Event plan check, with the concession fee of \$150 per hour plus GST for the Special Event plan check, generally in accordance with Appendix D;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Fire By-law, generally in accordance with Appendix D.

- E. THAT Recommendations A to D 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 by-laws including zoning by-laws; and
 - (iii) THAT the City and all its officials 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.

Purpose and Executive Summary

This report responds to the resolution “Amping up the Arts Event Licence Policy to Support Arts & Culture in Vancouver”, approved by Council on April 12, 2023. Staff have reviewed the Arts and Culture Indoor Event (“Arts Event”) Licence and relevant by-laws, as well as engaged with community stakeholders. A path forward that expands opportunities for Arts Events in a safe and risk-informed manner has been formulated. Staff recommend amendments to the Zoning and Development By-law, License By-law, Building By-law (VBBL) and Fire By-law that will:

- Double the maximum number of permissible days per month for Arts Events from three to six days, subject to additional requirements for smoke separations between spaces, combustibility, egress and other safety measures;

- Enable Arts Event organizers to acquire a Special Event plan check to increase the maximum occupancy load beyond 250 people, with the exact load to be determined by VFRS, but requiring full compliance with the Fire By-law regarding the number of exits, fire alarm system, supervisory staff and washrooms; and
- Allow Arts Events to use adjoining outdoor space on private property (e.g. parking lot) under the same licence.

Increasing the frequency of days per month and maximum occupancy load will entail additional technical analysis and site inspections by staff to determine site and building suitability. Staff are recommending moderate adjustments to the existing licence fees and introduction of a new licence fee for events with occupant loads over 250 persons (Appendix B) and use of an existing fee of \$150 per hour plus GST for a Special Event plan check connected to an Arts Event.

If the aforementioned approach is approved by Council, it is anticipated that the amended Arts Event licence program could be launched in late Fall.

Council Authority/Previous Decisions

- On [October 20, 2015](#), Council approved the establishment of the Arts Event Licence as a permanent program, including by-law amendments that increased the frequency of events from two to three days per month.
- On [April 12, 2023](#), Council directed staff to undertake the following:
 - Review the Arts Event Licence Policy and relevant by-laws and bring a recommendation to Council on increasing or doubling the frequency of events allowed each month;
 - Consider increasing the 250 person maximum occupancy load and include outdoor spaces, subject to the safe capacity and size of each venue; and
 - Consider harmonizing with or exceeding the allowable number of events per liquor licence subject to Provincial regulations.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

A perennial issue facing Vancouver's arts and culture event scene is the lack of affordable and suitable venue spaces, particularly for smaller, pop-up events that feature more innovative works. These events are typically more suitable in alternative venues, such as industrial, retail or office spaces that are otherwise not approved for assembly usage under the VBBL. The City's Arts Event licence program responds to this need by allowing arts and culture events in alternative venues. This program also simplifies the application process by combining five separate City, VFRS and Vancouver Police Department (VPD) reviews into one business licence with a reduced fee. Arts and culture events organizers who are hosting Arts Events with 30 persons or less are exempted from requiring an event licence.

To reduce exposure to fire and other safety risks, Arts Events in non-assembly use buildings are currently subject to a number of restrictions, including a frequency limit of three days per month

and a maximum occupancy load of up to 250 people, determined by VFRS according to the size of the venue. The VBBL and License By-law further require event spaces and organizers to comply with a number of safety measures, including the preparation and posting of a Safety and Security Plan, and maintaining the minimum number of exits and supervisory staff. Under the existing by-law definition, an Arts Event must also be fully contained within the indoor venue and may not use adjoining outdoor spaces on private property (e.g. parking lot). A full list of the current requirements is attached in Appendix E.

If liquor is served at the Arts Event, the organizer must obtain a Special Event Permit (SEP) issued by the provincial Liquor and Cannabis Regulation Branch (LCRB). Holders of the SEP must abide with the permit's terms and conditions, including restrictions on hours of sale or service and an annual limit of 24 SEPs per organizer, with each day that liquor is served at the permitted event counting towards this total. The LCRB may grant exemptions to this limit if it is in the public interest and the SEPs are not being used in a manner that approximates a permanent liquor licence. In addition, SEP holders must comply with all applicable local government by-laws, including acquiring any required municipal permits or licences. Staff are not aware of any other municipality in BC that allows event organizers to use alternative venues with streamlined approvals similar to the City's Arts Event licence program. Around 94% of Arts Event licences issued since 2018 are "wet" events with SEPs, because stakeholders that were consulted emphasized that serving or selling liquor is often critical to the financial viability of these events.

Discussion

Development, Buildings and Licensing (DBL), Arts, Culture and Community Services (ACCS), Planning, Urban Design and Sustainability (PDS) and VFRS have reviewed the Arts Event licence program and relevant by-laws with the following guiding principles in mind:

- a) Ensuring health and safety;
- b) Expanding opportunities for arts and culture events with a risk-informed lens;
- c) Preserving ease of compliance for artists and cultural groups; and
- d) Enabling a fun and vibrant city.

Ensuring Arts Events remain an accessory use to the primary economic use of these alternative venues, especially for buildings on the City's critical industrial lands was also a consideration. Minimizing nuisance from noise was considered.

The following sub-sections summarize the findings from the by-law and program review and consultations.

Options for balancing health and safety with increase opportunities for Arts Events

Staff have been tasked with exploring options to increase the duration, size, and frequency of temporary arts and culture events in buildings that are neither purpose built for, nor designed for assembly occupancy. Expanding the number of days per month for an Arts Event beyond the presently permitted three days, along with increasing the occupancy load above 250, will increase the risk of negative fire and life safety outcomes for event attendees by an unspecified amount. Different options were assessed for the number of days permitted per month (Appendix E).

Provincial and National building codes, which through adoption form the basis for the present Building By-law, establish certain minimum construction requirements for new purpose built

construction suitable for assembly occupancies, the application of which is specific to particular buildings. Among the National and Provincial model codes, there is no presumption of reduced risk or reduction in requirements, to accommodate temporary or occasional usage.

In the case of the temporary Arts and Culture Event provisions of the Building By-law, unique to Vancouver provisions have been explored that are intended to achieve a middle ground balance. These improve the level of safety within spaces not otherwise designed to accommodate assembly use through the imposition of certain specific safety features and the assumption of occasional occupancy to minimize the attendant hazards. However, it cannot be readily be shown that this “trade-off” approach provides an equivalent level of safety on a quantitative basis, due to the wide variety of buildings to which this could be applied, and the inherent difficulty in quantifying performance between a wide variety of building designs (even among purpose built code compliant buildings of assembly occupancy). In essence, this a bit of an “apples to oranges comparison”.

The proposed approach has therefore extended the past approach to incident mitigation, by requiring additional minimum life safety features based on past experience, and case studies from past fire events. Drawing from findings from well known tragic fires such as the Station Nightclub (2003, Rhode Island)¹ and Coconut Grove (1942, Boston)², or even recent fires such as the Chonburi nightclub fire (2022, Thailand)³ and Coal Mine Theatre⁴ (2022, Toronto), it is understood that the hazards of an assembly occupancy arise due to larger occupant loads and reduced occupant awareness. Current code requirements for purpose built assembly use buildings address this through requirements for improved automatic notification, and have more restrictive construction requirements than comparably sized office, mercantile, or low hazard industrial use to minimize the risk of fire spread and risk to life safety.

Staff therefore recommend the following additional minimum requirements to expand usage as follows:

Additional Minimum Safety Requirements to increase Frequency or Duration to 6 days month

To accommodate the potential increased frequency or duration of temporary arts and culture events, staff require at a minimum, a fire alarm and if the building is not sprinklered, wall finishes are to be provided with flame resistant materials, and loose fabric materials are to have been tested as fire-resistive, A fire separation will be required to adjacent areas to limit the potential impact to or from other floor areas.

Additional Minimum Safety Requirements to increase Occupant Load beyond 250

In response to larger potential occupant load, egress and exiting from a space used for a temporary arts and culture event with occupant load over 250 shall demonstrate compliance with the regular requirements for egress and exiting for a building of assembly use, with regards to size, travel distance, and number. This will facilitate more timely egress, and better first responder access.

Further to the above requirements, review and inspection by the Fire department described in

¹ <https://www.nfpa.org/Public-Education/Staying-safe/Safety-in-living-and-entertainment-spaces/Nightclubs-assembly-occupancies>

² <https://www.nfpa.org/Public-Education/Staying-safe/Safety-in-living-and-entertainment-spaces/Nightclubs-assembly-occupancies>

³ <https://www.cnn.com/2022/08/04/asia/thailand-chonburi-nightclub-fire-intl-hnk/index.html>

⁴ https://www.thestar.com/entertainment/stage/the-show-must-go-on-for-coal-mine-theatre-despite-damage-from-fire/article_d4c2229f-5207-51d7-97bd-c4b2e4096d27.html

the following section will continue to be required for all new spaces, and those with an occupant load over 250. A Special Event plan check will be required for VFRS, generally in alignment with provincial Fire Commissioner maximum occupant load guidance⁵, to determine the maximum number of people above 250 who can safely use the space, based on criteria including internal configuration (i.e. furniture layout), the number of exits, and whether the space is equipped with a fire alarm system. It is also recommended that Arts Events with approved occupancy loads above 250 be subject to additional safety and hygiene measures, such as a minimum of one supervisory staff per designated exit, limits on indoor cooking (warming of food is permitted) and having the required number of washrooms per VBBL. For a comparison of safety and hygiene measures in place for an occupancy load of 250 or less and the proposed approach to increasing occupancy load above 250, see Appendix F.

Preserving the program's ease of compliance

A fundamental premise of the Arts Event licence program is its ease of compliance by artists and cultural groups. These applications are currently reviewed and approved by the City's licensing clerks, with additional approval from VFRS.

Increasing the frequency of days per month and maximum occupancy load will entail additional safety requirements that require more technical information and approvals from event organizers and City staff, including site inspections by VFRS, property plan research and self-declaration of compliance from applicants, based on reports from a third-party with building expertise (e.g. engineer) confirming that requirements have been met. Staff assessed the safety requirements necessary, and considered increasing the number of days from three to both six and nine days and are recommending an increase in the frequency of Arts Event to six days. There were concerns that increasing the frequency to nine days would require additional safety requirements. Proposed requirements can be relatively easy to vet through visual inspections, and are likely to be present in many existing alternative venues. In contrast, the safety requirements for nine day Arts Events are significantly harder to verify, for example the possible need to open a portion of a wall to determine its fire separation rating, and will likely disqualify a substantial portion of existing alternative venues, requiring their owners to undertake costly upgrades in order to qualify.

With respect to an application for an Occupancy Load Permit for over 250 people, the Fire By-law currently imposes a fee of \$600 that covers three hours of review by VFRS officers, plus an hourly rate for any additional review time. This is a one-time permit, based on the building's internal configuration and furniture layout, which if approved, allows the building to be used for future Arts Events with the same approved occupancy load and internal configuration. Nevertheless, staff recognize that a \$600 permit fee may be an onerous requirement for artists and cultural groups. To reduce the regulatory barrier, staff are proposing the use of the Special Event plan check of \$150 per hour plus GST which is an existing fee in Schedule D of the Fire By-law for any occupant load above 250 for Arts Events.

Allowing use of adjoining outdoor spaces

Another regulatory barrier identified by stakeholders is the requirement that an Arts Event be fully contained indoors, even if there is available, adjoining outdoor space on the property (e.g. a private parking lot, patio or garden). Staff are recommending amendments to the name and

⁵ <https://www2.gov.bc.ca/gov/content/safety/emergency-management/fire-safety/legislation-regulations-codes> (see Occupant Load); and https://www.bclaws.gov.bc.ca/civix/document/id/lc/bcgaz2/v47n12_249-2004.

definition and regulations for Arts Events (i.e. to Arts and Culture Event) in the Zoning and Development, License, Building and Fire By-laws to enable events indoor and/or outdoor, and the total number of event participants in the indoor and outdoor event spaces cannot be more than the occupancy load determined by VFRS. Note that this expansion does not include adjoining public outdoor spaces (e.g. sidewalks and public right of way), which will require a separate Special Event Permit issued by Engineering.

3-1-1 and VPD complaints

Community complaints received via 3-1-1 and VPD were reviewed, including any fire-related incidents, resulting from Arts Events. Of the 192 licensed Arts Events since 2018 taking place over 334 days, the City only received 11 complaints, while VPD received one, all of which relating to excessive noise or events taking place beyond the allotted hours on the licence. There were also no reported fire incidents. Based on this information, staff have determined that there is little nuisance or safety impacts from existing Arts Events, which further supports staff's recommended risk-informed expansion.

Ensuring Arts Events remain an accessory use

Another potential concern with expanding Arts Event is the displacement of the primary economic use of these alternative venues, particularly those located on the City's critical and vital industrial zones. Of the 192 licensed Arts Events since 2018, 125 or 65% took place on industrial zones. However, 114 of these events occurred during evenings or on weekends (i.e. after working hours). Furthermore, these Arts Events on industrial land are highly concentrated in the same addresses (125 Arts Events in 18 separate addresses, sites hosting 10 or more events holding 70% of the Arts Licences), with the daytime use of these spaces being primarily artist or production studios. Staff deduced from these findings that to date, Arts Events have not displaced industrial users, which supports a cautionary expansion of the program.

Community feedback on options

Staff consulted with 7 event organizers and artistic groups (Appendix G) on proposed options for expanding the Arts Event program. There was unanimous support from stakeholders on enabling the usage of adjoining outdoor space. In general, stakeholders were supportive of the requirements for increasing the frequency of Arts and Culture Events to 6 days per month and most of the safety measures did not raise any concern since venues currently already have them, or organizers are in the process of asking the property owner to install them. Many stakeholders urged the City to consider the possibility of maintaining a tiered option that goes all the way up to nine days per month (i.e. retaining all the options, 6-day and 9-day, each with escalating levels of safety requirements). For increasing the maximum occupancy load, stakeholders were generally supportive of the requirement for a Fire Permit and increasing levels of safety requirements for occupancy loads above 250, but wanted to make sure the Fire Permit is a one-off requirement that can be used for multiple events provided the safety requirements, number of supervisory staff, emergency instructions, and internal layout of furniture remains the same.

Further to the above, many of the stakeholders have identified a desire, and expressed the need to increase the threshold for licensed events from 30 to 60 persons. Staff have considered, but at this time do not recommend, taking this further step as this would curtail the City's ability to enforce fire and life safety provision pertaining to gathering of up to 60 persons in buildings not designed for assembly use. In the absence of licensing, there would be no validation of the suitability of a space, or the presence of basic safety features for such an

event, and there would be no awareness of events occurring, or record of the individual taking responsibility for hosting these events.

Summary of recommendations and implementation

In summary, staff are recommending the following changes to the Arts Event licence program, which will require amendments to the Zoning and Development By-law, License By-law, VBBL and Fire By-law:

- Expanding the frequency of Arts Events from three to six days per month, with Arts Events surpassing three days per month at the same location to be subject to additional safety requirements regardless of how many days each individual event organizer has allotted;
- Enabling an increase above 250 to the maximum occupancy load of Arts Events with a Special Event plan check – Arts Events with approved occupancy loads of more than 250 will also be subject to a fee for a Special Event plan check and additional life safety requirements;
- Allowing Arts Events to use adjoining outdoor space on private property; and
- Moderately increasing the business licence fee for Arts Events (in accordance with Appendix B) to recover City costs.

If approved, it is anticipated that the new Arts Event licence program can be launched in late fall.

Financial Implications

No financial implications.

Legal Implications

Council is authorized to enact and amend by-laws governing arts events under a variety of sections of the Vancouver Charter, including those in Parts VI, IX, X, and XXVII.

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APPENDIX A
DRAFT A By-law to amend Zoning and Development By-law No. 3575
to facilitate arts and culture events

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

1. This by-law amends the indicated provisions or schedules of the Zoning and Development By-law No. 3575.

2. Council strikes the definition “Arts and Culture Indoor Event” from section 2, and replaces it with:

“Arts and Culture Event: An event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, which occurs not more than 6 days per month.”.

3. Council strikes the word “Indoor” from “Arts and Culture Indoor Event” in the definition of “Cultural and Recreational Uses” in section 2.

4. Council strikes the word “indoor” from section 4.8.1 (t).

5. Council strikes the word “indoor” from section 11.2.2 and section 11.2.2.1.

6. Council strikes the word “Indoor” from the use “Arts and Culture Indoor Event” in section 2.1 of the following District Schedules:

- a. C-2,
- b. C-2B,
- c. C-2C,
- d. C-2C1,
- e. C-3A,
- f. C-5, C-5A and C-6,
- g. C-7 and C-8,
- h. FC-1,
- i. FC-2
- j. I-1,
- k. I-1A,
- l. I-1B,
- m. I-1C,
- n. I-2,
- o. I-3,
- p. I-4,
- q. IC-1,
- r. IC-2,
- s. IC-3,
- t. M-1,
- u. M-1A,

- v. M-1B,
- w. M-2,
- x. MC-1 and MC-2,
- y. HA-1 and HA-1A,
- z. HA-2, and
- aa. HA-3.

7. Council strikes the word “Indoor” from the use “Arts and Culture Indoor Event” in the following CD-1 By-laws:

- (a) CD-1 (1) or By-law No. 3568,
- (b) CD-1 (60) or By-law No. 4491,
- (c) CD-1 (117) or By-law No. 4986,
- (d) CD-1 (136) or By-law No. 5270,
- (e) CD-1 (328) or By-law No. 7337,
- (f) CD-1 (427) or By-law No. 8978,
- (g) CD-1 (435) or By-law No. 9116,
- (h) CD-1 (551) or By-law No. 10754,
- (i) CD-1 (596) or By-law No. 11159,
- (j) CD-1 (614) or By-law No. 11294,
- (k) CD-1 (622) or By-law No. 11407,
- (l) CD-1 (626) or By-law No. 11487,
- (m) CD-1 (633) or By-law No. 11577,
- (n) CD-1 (637) or By-law No. 11622,
- (o) CD-1 (638) or By-law No. 11623,
- (p) CD-1 (647) or By-law No. 11691,
- (q) CD-1 (652) or By-law No. 11742,
- (r) CD-1 (658) or By-law No. 11754,
- (s) CD-1 (659) or By-law No. 11770,
- (t) CD-1 (662) or By-law No. 11784,
- (u) CD-1 (665) or By-law No. 11801,
- (v) CD-1 (672) or By-law No. 11888,
- (w) CD-1 (673) or By-law No. 11895,
- (x) CD-1 (677) or By-law No. 11900,
- (y) CD-1 (679) or By-law No. 11930,
- (z) CD-1 (682) or By-law No. 11933,
- (aa) CD-1 (683) or By-law No. 11952,
- (bb) CD-1 (684) or By-law No. 11944,
- (cc) CD-1 (685) or By-law No. 11950,
- (dd) CD-1 (694) or By-law No. 12073,
- (ee) CD-1 (696) or By-law No. 12105,
- (ff) CD-1 (704) or By-law No. 12195,
- (gg) CD-1 (705) or By-law No. 12176,
- (hh) CD-1 (706) or By-law No. 12177,
- (ii) CD-1 (707) or By-law No. 12178,
- (jj) CD-1 (708) or By-law No. 12241,
- (kk) CD-1 (711) or By-law No. 12254,
- (ll) CD-1 (714) or By-law No. 12298,
- (mm) CD-1 (715) or By-law No. 12299,
- (nn) CD-1 (719) or By-law No. 12304,
- (oo) CD-1 (723) or By-law No. 12363,
- (pp) CD-1 (728) or By-law No. 12425,

(qq) CD-1 (731) or By-law No. 12496,
(rr) CD-1 (733) or By-law No. 12498,
(ss) CD-1 (734) or By-law No. 12509,
(tt) CD-1 (741) or By-law No. 12665,
(uu) CD-1 (742) or By-law No. 12666,
(vv) CD-1 (745) or By-law No. 12726
(ww) CD-1 (746) or By-law No. 12744,
(xx) CD-1 (753) or By-law No.12812
(yy) CD-1 (756) or By-law No. 12861,
(zz) CD-1 (759) or By-law No. 12870,
(aaa) CD-1 (760) or By-law No. 12871,
(bbb) CD-1 (765) or By-law No. 12914,
(ccc) CD-1 (768) or By-law No. 12940,
(ddd) CD-1 (770) or By-law No. 12946,
(eee) CD-1 (772) or By-law No. 12962,
(fff) CD-1 (775) or By-law No. 12995,
(ggg) CD-1 (776) or By-law No. 12996,
(hhh) CD-1 (777) or By-law No. 13002,
(iii) CD-1 (779) or By-law No. 13061,
(jjj) CD-1 (780) or By-law No. 13062,
(kkk) CD-1 (781) or By-law No. 13082,
(lll) CD-1 (784) or By-law No. 13107,
(mmm) CD-1 (785) or By-law No. 13103,
(nnn) CD-1 (786) or By-law No. 13104,
(ooo) CD-1 (787) or By-law No. 13108,
(ppp) CD-1 (790) or By-law No. 13114,
(qqq) CD-1 (792) or By-law No. 13144,
(rrr) CD-1 (793) or By-law No. 13154,
(sss) CD-1 (794) or By-law No. 13147,
(ttt) CD-1 (799) or By-law No. 13210,
(uuu) CD-1 (801) or By-law No. 13221,
(vvv) CD-1 (817) or By-law No. 13353,
(www) CD-1 (820) or By-law No. 13416
(xxx) CD-1 (830) or By-law No. 13482,
(yyy) CD-1 (832) or By-law No. 13484,
(zzz) CD-1 (834) or By-law No. 13486,
(aaaa) CD-1 (837) or By-law No. 13489
(bbbb) CD-1 (843) or By-law No. 13588, and
(cccc) CD-1 (844) or By-law No. 13589.

8. Council inserts “(a) arts and culture event,” in correct alphabetical order in section 2.2.1 of the following District Schedules:

- a. C-2,
- b. C-2B,
- c. C-2C,
- d. C-2C1,
- e. C-3A,
- f. C-5, C-5A and C-6,
- g. C-7 and C-8,
- h. FC-1,
- i. HA-1 and HA-1A, and

- j. HA-3, and
re-letters the subsequent subsections accordingly.
9. Council inserts “arts and culture event,” after the word “except for,” in section 2.2.2 (a) of the following District Schedules:
 - a. I-1,
 - b. I-1A,
 - c. I-1B,
 - d. I-1C,
 - e. I-3,
 - f. IC-1,
 - g. IC-2, and
 - h. IC-3.
10. Council inserts “(i) arts and culture event,” in correct numerical order in section 2.2.2 (a) of the FC-2 District Schedule and renumbers the remaining subsections accordingly.
11. Council inserts “(i) arts and culture event”, in correct numerical order in section 2.2.2 (c) of the MC-1 District Schedule and the MC-2 District Schedule and renumbers the remaining subsections accordingly.
12. Council inserts “(a) arts and culture event,” in correct alphabetical order in section 2.2.2 of the HA-2 District Schedule and re-letters the subsequent subsections accordingly.
13. Council strikes the word “indoor” from section 2.1 (h) of the (BCPED) B.C. Place/Expo District Schedule.
14. Council strikes the word “indoor” from section 2. (h) of the FCCDD (False Creek Comprehensive Development District).
15. This by-law is to come into force and take effect on the date of its enactment.

APPENDIX B
Draft A By-law to amend the License By-law No. 4450
to facilitate arts and culture events

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, Council strikes the definition of “Arts and culture indoor event” and replaces it with:

““Arts and culture 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 unless subject to a fire permit, which occurs not more than six days per month in a building or adjacent outdoor space, not approved for assembly occupancy.”.
3. Council strikes the word “indoor” anywhere it exists in section 10.3.1A.
4. Council strikes subsections 10.3.1A (9) to (12) and replaces them as follows:

“(9) The person organizing, promoting, or holding an arts and culture event must not permit the number of persons in the premises to exceed the maximum occupant load permitted under the Fire By-law.

(10) The person organizing, promoting or holding an arts and culture 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
201-250	5
251 or more	No less than 5 and in accordance with Fire Permit

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

5. In Schedule “A”, Council strikes “Arts and Culture Indoor Event” and its related fees and license terms and replaces them as follows:

“Arts and culture event

(a) 31 to 60 persons	Per event or series of up to 6 events in a 30-day period	\$35.00
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- | | | |
|---------------------------|--|----------|
| (b) 61 to 150 persons | Per event or series of up to 6 events in a 30-day period | \$150.00 |
| (c) 151 to 250 persons | Per event or series of up to 6 events in a 30-day period | \$200.00 |
| (d) 250 persons and above | Per event or series of up to 6 events in a 30-day period”. | \$250.00 |
6. 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.
 7. This By-law is to come into force and take effect on the date of its enactment.

APPENDIX C
Draft A By-law to amend the Building By-law No. 12511
to facilitate arts and culture events

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

1. This By-law amends the indicated provisions of Building By-law No. 12511.
2. In Book 1, Division A, Section 1.4.1.2 Council strikes the definition of “Arts and culture indoor event” and replaces it with:

“Arts and culture event means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, which occurs no more than six days per month in a *building* or part of a *building* not approved for *assembly occupancy*, or in a designated outdoor area.”.

3. In Book 1, Division B, Section 11.6.1.2, Council strikes 11.6.1.2.3) and replaces it with:

“3) The alternative compliance measures provided in Article 11.6.2.1. apply to *existing buildings* used for *arts and culture events* and do not apply to new work, which must conform to the requirements for new *construction* in other Parts of this By-law.”.

4. In Book 1, Division B, Section 11.6.2.1, Council strikes 11.6.2.1. include Table 11.6.2.1 and replaces it with:

“11.6.2.1. Alternative Compliance Measures

1) Where the occupancy of an existing building or portion of an existing building is classified as Group D offices, Group E retail, Group F Division 2 production or rehearsal studio, wholesale, warehouse, or factory, or Group F Division 2 artist studio without living accommodations, the major occupancy may be classified as a temporary Group A Division 2 major occupancy for an arts and culture event where

- a) the *arts and culture event* is located in the *first storey* or the *storey* below the *first storey*,
- b) the *floor area* containing the *arts and culture event* complies with the fire and life safety requirements of Sentences (2) and (3), and
- c) an *Occupant Load* plan acceptable to the *Fire Chief* is obtained where an *arts and culture event* has an *occupant load* of more than 60 persons or where alcohol is served in connection with a Special Occasion Liquor License issued by the Province, or
- d) an approved Security Assessment by the Vancouver Police Department is obtained where an *Arts and culture event* is a public event with an *occupant load* of more than 60 persons or where alcohol is served in connection with a Special Occasion Liquor License issued by the Province.

2) *Floor area* used for an *arts and culture event* shall

- a) be constructed of concrete supported by solid ground without suspended slab, or certified by a *registered professional*, to be suitable for *assembly*

occupancy and designed to a minimum specified uniformly distributed *live load* of 4.8 kPa,

- b) include at least one *accessible* entrance conforming with Subsection 11.3.7.1.(1)(d) or (e),
- c) be sprinklered in a basement used for an *arts and culture event*,
- d) except as required by Clause 11.6.2.1(4)(b), be provided with a fire alarm or at least one designated *supervisory staff* posted at each required egress door, but in no case shall there be fewer than two *supervisory staff* for an *arts and culture event*, and
- e) include emergency lighting
 - i) inside washrooms or, in the case of a single toilet room, immediately outside the entrance door and visible under the closed toilet room door, and
 - ii) in locations leading from the *arts and culture event* to the *street* as described in Sentence 3.2.7.3.(1).

3) Means of egress from *floor areas* used for an *arts and culture event* shall include

- a) *exits* in compliance with the requirements of Section 3.4. with respect to size, travel distance, and number, as applicable to a Group A, Division 2 *major occupancy*, except that not less than
 - i) one *exit* is permitted where the *occupant load* does not exceed 60 persons, or
 - ii) two *exits* are permitted where the *occupant load* does not exceed 250 persons, and
- b) *exit* signs installed over or adjacent to exits and in common paths of travel where the *occupant load* exceeds 60 persons.

4) Floor area used for an *arts and culture event* which occurs more than 3 days per month or occurs with any other arts and culture event more than 3 days per month, shall

- a) include a fire separation to adjacent occupancies or uses,
- b) be served by a permanent or temporary fire alarm system, and
- c) except where the floor area is *sprinklered*, draperies, fabrics or combustible hangings shall be flame retardant and other combustible finishes shall be of *fire-retardant-treated wood* or have a Flame-spread rating of not more than 150 (see Note A-11.6.2.1.(4)).

5) An arts and culture event shall include portable fire extinguishers installed in accordance with the Fire By-law, with

- a) at least one extinguisher at the main entrance and at each egress door leading from the *arts and culture event floor area*, and
- b) the approved fire emergency procedures and security plan with approved maximum *occupant load* posted beside each portable extinguisher at the main entrance and at each egress door leading from the *arts and culture event*.

6) Cooking which generates grease-laden vapour is not permitted at an *arts and culture event*, unless commercial cooking and ventilation equipment, installed under *permit* and conforming with Article 6.3.1.7., is used.

5. Council adds the following notes to the end of Part 11:

“Notes to Part 11

A-11.6.2.1.(4) Combustible Finishes – Combustible finishes have been associated with the rapid propagation of fire within assembly occupancies. Such materials will often be affixed to wall and ceiling surface, or loose hanging materials will be provided so as to improve the appearance of a space or reduce hard surface that reflect sound.

Sentence 11.6.2.1.(4) is intended to limit the type of built-in combustible wall and ceiling finishes and hanging materials (such as draperies or fabrics) to reduce the risk to occupants where the space is not protected by fire sprinklers, which can respond to a fire before rapid fire propagation occurs.

Loose fabric materials should be flame retardant, which is commonly demonstrable through a product listing identifying that it meets the requirements of CAN/ULC-S109. Built-in combustible finishes must demonstrate a flame-spread rating of not more than 150 which is readily demonstrable by listings confirming the product meets the requirement of CAN/ULC-S102, or they may be constructed with fire retardant-treated wood.”.

6. 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.

7. This By-law is to come into force and take effect on the date of its enactment.

APPENDIX D
Draft A By-law to amend Fire By-law No. 12472
to facilitate arts and culture events

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

1. This By-law amends the indicated provisions of Fire By-law No. 12472.
2. In Division A, Article 1.4.1.2 Council strikes the definition of “Arts and culture indoor event” and replaces it with the following:

“Arts and culture event means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, which occurs not more than six days per month in a building, a portion of a building, or an associated outdoor area not approved for assembly occupancy.”.
3. In Division B, Article 2.7.1.3 Council strikes 2.7.1.3.1) and replaces it as follows:

“2.7.1.3. Occupant Load

 - 1) Every building with an assembly occupancy over 60 persons must have an occupant load permit, except that the temporary use of a building for an arts and culture event for not more than 250 persons shall not require an occupant load permit provided that the temporary maximum permissible occupant load for the arts and culture event has been calculated pursuant to the provisions of this By-law.”.
4. In Division C, Article 1.5.1.1, Council strikes Article 1.5.1.1.1) and 2) and replaces them as follows:

“1.5.1.1. When a Permit is Required

 - 1) Except as provided in Sentence (2), every building with an assembly occupancy designed for more than 60 persons shall have an occupant load permit.
 - 2) The temporary use of a building for an arts and culture event for not more than 250 persons shall not require an occupant load permit if the temporary occupant load for the arts and culture event has been calculated pursuant to the provisions of this By-law.”.
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 the date of its enactment.

APPENDIX E

Comparison of current and proposed requirements for Arts and Culture Event Licences

	CURRENT	OPTION A: 6 days (Recommended)	OPTION B: 9 days
Maximum frequency (per-month)	3 days, 6 day event spanning two months is permitted	6 days, 12 day event spanning two month is not permitted	9 days, 18 day event spanning two month is not permitted
Eligible locations	No change - allowed in: <ul style="list-style-type: none"> • The Downtown, Downtown Eastside and False Creek areas (BCPED, CWD, DD, DEOD, FCCDD,) • Any industrial or historic zones (I, IC, M, MC, HA zones) • Commercial areas, with the exception of C-1 zones (C-2, C-2B, C-2C, C-2C1, C-3A, C-5, C-5A, C-6, C-7, C-8, FC-1, and FC-2 zones) 		
Eligible spaces	No change - allowed in: <ul style="list-style-type: none"> • Artist studios • Production and rehearsal studios • Retail, including galleries and cafes • Factories and warehouses • Offices Spaces must be: <ul style="list-style-type: none"> • On the ground floor, or in the basement; and • On a concrete floor supported by solid ground, or a floor that is professionally certified to be structurally safe 		
Fire separations (only if there multiple spaces)	Not required	Smoke separation wall to adjacent spaces	1-hour fire separation wall to adjacent spaces
Combustibility (i.e. materials)	Not required	If unsprinklered, draperies, fabrics or combustible hangings are to be flame retardant (meeting CAN/ULC-S109); combustible finishes – maximum 150 Fire Spread Rating (FSR)	If unsprinklered, Finishes are to be non-combustible – maximum 25 FSR.
Occupant load	250 maximum or by design – to be decided by VFRS	Maximum of 250 without a Special Event plan check for occupancy load applicant and/or venue owner may apply for a Special Event Plan Check to increase occupancy load above 250, with the exact load determined by criteria	Maximum of 250 without a Special Event plan check for occupancy load; applicant and/or venue owner may apply for a Special Event plan check for occupancy load to increase occupancy load above 250, with the exact load determined by criteria

	CURRENT	OPTION A: 6 days (Recommended)	OPTION B: 9 days
		including number of exits, sprinkler, etc.	including number of exits, sprinkler, etc.
Exits and egress	<ul style="list-style-type: none"> Up to 60 people: 1 exit 61 to 250 people: 2 exits 	<p>Must comply with A2 occupancy requirements in VBBL</p> <p>Exact number determined by criteria including floor space, sprinklers, etc.</p>	<p>Must comply with A2 occupancy requirements in VBBL</p> <p>Exact number determined by criteria including floor space, sprinklers, etc.</p>
Fire suppression	Portable extinguishers; sprinkler in basement	No change - Portable extinguishers; sprinkler in basement	All occupied areas must have sprinklers PLUS portable extinguishers
Floor area safety measures	<p>Waiver from VBBL except for:</p> <ul style="list-style-type: none"> Emergency lighting in washrooms and areas leading outside Exit signs Signs directing occupants toward exits 	<p>No change - waiver from VBBL except for:</p> <ul style="list-style-type: none"> Emergency lighting in washrooms and areas leading outside Exit signs Signs directing occupants toward exits 	No waiver from VBBL with the exception of reduced handrail, guards and stair dimensions.
Supervisory staff	<ul style="list-style-type: none"> Under 100 guests: 2 staff 101 to 150 guests: 3 staff 151 to 200 guests: 4 staff 201 to 250 guests: 5 staff 	<p>No change if occupancy load is 250 or under:</p> <ul style="list-style-type: none"> Under 100 guests: 2 staff 101 to 150 guests: 3 staff 151 to 200 guests: 4 staff 201 to 250 guests: 5 staff <p>If approved occupancy load is above 250, at least one staff per designated exit .but not less than 5</p>	<p>No change if occupancy load is 250 or under:</p> <ul style="list-style-type: none"> Under 100 guests: 2 staff 101 to 150 guests: 3 staff 151 to 200 guests: 4 staff 201 to 250 guests: 5 staff <p>If approved occupancy load is above 250, at least one staff per designated exit but not less than 5</p>
Fire event notification	Fire alarm system or supervisory staff at all egress routes	Permanent or temporary fire alarm	Permanent or temporary fire alarm
Safety planning	No change – prepare and post a Safety and Security Plan and Emergency Evacuation Procedures		
Accessibility	No change – at least one wheelchair accessible entrance		

	CURRENT	OPTION A: 6 days (Recommended)	OPTION B: 9 days
Indoor cooking	Cooking allowed in designated facilities (if available)	No change if occupancy load is 250 or less; If event has an approved occupancy load above 250, only reheating of food is permitted	No change if occupancy load is 250 or less; If event has an approved occupancy load above 250, only reheating of food is permitted
Washrooms	Not regulated	Number of washrooms must comply with VBBL	Number of washrooms must comply with VBBL (Section 3.7, VBBL)

APPENDIX F

Maximum Occupant Load

	CURRENT	PROPOSED: increasing occupancy load above 250
Maximum Load	250	By building - to be calculated by Vancouver Fire and Rescue Service
Fire Permit required?	No	Yes – one-time application per building based on internal layout – include special rate for Arts & Culture Event to apply
Number of exits	<ul style="list-style-type: none"> Up to 60 people: 1 exit; 61 to 250 people: 2 exits. 	No waiver from Vancouver Building By-law– exact number determined by criteria including floor space, sprinklers, etc.
Number of supervisory staff	<ul style="list-style-type: none"> Under 100 guests: 2 staff 101 to 150 guests: 3 staff 151 to 200 guests: 4 staff 201 to 245 guests: 5 staff 	At least one staff per designated exit
Indoor cooking	Cooking allowed in designated facilities (if available)	Only warming of food is allowed
Washrooms	Not regulated	Number of washrooms must comply with Vancouver Building By-law

APPENDIX G

Consulted Arts Community Stakeholders

Contact:	Organization/Affiliation
Drewe G-Luve Archer	Vancouver Mural Festival
Sheena Botelho	Slice of Life, NextDoor
Nick Collinet	Public Disco, Vancouver Mural Festival
Paige Frewer	Eastside Studios, ManUp Drag
Erin Frizzell	Eastside Arts Society
Jivesh Parasram	Rumble Theatre
Sonam Swarup	312 Main st