



Live Performance Venue Regulatory Review

Under the Culture Plan for Vancouver 2008 - 2018, the Cultural Facilities Priorities Plan 2008 - 2023 found Vancouver's regulatory system (by-laws and processes) to be one of the major impediments to the sustainable creation and operation of cultural spaces. As a result, the City of Vancouver is conducting a series of regulatory reviews to better support cultural spaces:

- Live Performance Venues, launched October 2009
- Artist Studios, launched December 2010

OVERVIEW

What is the Regulatory Review on Live Performance Venues (“the Review”)?

WHAT IS A LIVE PERFORMANCE VENUE?

For the purposes of this Review, live performance venues include both indoor and outdoor, temporary and permanent spaces for live music, theatre, dance, media, interdisciplinary, festival and performance arts. This includes spaces for celebratory events and activities.

WHO DOES IT SERVE?

The Review targets Vancouver's arts & culture community, creative industry sector and spaces with a defined cultural program. However, the outcomes of the recommended improvements to processes and by-laws will also have an impact beyond culture-specific events and venues.

WHAT IS THE PURPOSE OF THIS REVIEW?

The purpose of the Review is to enable the sustainable creation and operation of live performance venues by improving the City's regulatory systems.

HOW DID THE REVIEW IDENTIFY KEY REGULATORY ISSUES?

This Review began with a series of community roundtables to identify regulatory issues and opportunities. The roundtable participants included representatives from the arts & culture community, the creative industry as well as staff from across City departments. Together, the participants identified and prioritized nine key issues as shown in the Review Framework (see panel).

What is the timeline for the Live Performance Venue Regulatory Review?

Fall 2009	Identify regulatory issues and opportunities Hosted community and staff roundtables
Winter 2009-2010	Create a Review Framework Developed <i>Review Framework</i> consisting of nine key issues and corresponding recommendations to be implemented over a three-year period (see <i>Framework</i> panel for details). Presented to City Council in January 2010
Spring 2010	Launch Implementation and Phase I of Review Lay foundation for interdepartmental and multi-jurisdictional work. The <i>Phase I</i> Report to City Council is scheduled for February 3, 2011
2011	Launch Phase II of Review Phase II Report to City Council in 2012
2012	Launch Phase III of Review Phase III Report to City Council in 2013



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REVIEW FRAMEWORK (updated December 2010)

The community roundtables identified nine key issues with Vancouver’s regulatory system that are impeding the operation and development of live performance spaces. These issues are listed with corresponding recommendations. The Phases define the “start of work” timeline.

	Key Issues	Objectives	Phase I	Phase II	Phase III
1	Lack of mechanism to collect and address issues	Process for capturing and reviewing regulatory issues as they arise	Develop intake mechanism to track, prioritize and review new and recurring issues; Establish protocol for ongoing regulatory review		
2	Contradictory and outdated policies and regulations (City and external agencies and associations)	Regulations that enable development of cultural spaces	Involve Cultural Services in creating new or revising existing policies and formalize Cultural Services as a review group for culture-related applications		Update arts and culture definitions in regulations and policies, and explore adding “cultural uses” as a permitted use in the Zoning and Development Bylaws for key areas and districts
		Up-to-date, streamlined and harmonized regulations between various regulatory systems	Review and, as appropriate, delete, create or update regulations and policies		Seek to ensure cross-policy objectives are met (e.g. green building strategies may also improve sound proofing)
			Engage with BC Liquor Control and Licensing Branch in Review of SOLs (NEW)	Undertake review of liquor licensing issues	
3	Restrictive requirements and permitted uses	Minimum base life safety standards that safeguard residents, operators and visitors	Finalize and implement minimum Base Life Safety standards	Apply lessons learned from 2010 Winter Games Bylaw for temporary venues (building code)	Review accessibility requirements
				Develop Building Code for industrial flex space, harmonize with other policies and regulations (e.g. land use policy), and pilot	



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	Key Issues	Objectives	Phase I	Phase II	Phase III
4	Complex processes and lengthy staff response times	Appropriate staff response time	Convey to cultural community importance of early communication with staff and provide complete information		Create processing streams and procedures for common types of spaces and/or uses
			Review and, where appropriate, revise and communicate anticipated processing times		
		Streamlined processes	Explore creating one application intake system for related permits and licenses Review and, where appropriate, revise and communicate anticipated processing times	Develop and apply processes for multi-year and recurring permits and licenses	
5	Inconsistent interpretation of regulations	Consistent interpretation by staff, senior staff and Council	Empower staff to apply flexibility that meets City objectives and initiatives	Clarify interpretations and objectives of relevant regulations	
6	Complaints, noise and nuisance	Clear responsibilities for live performance venues	Require venue operators to submit and abide by Operation Management Plans, which would include provisions for dealing with neighbourhood complaints		
		Clear responsibilities for new developments near live performance venues		Explore mechanism for purchasers to acknowledge potential impacts of neighbouring live performance venues (apply lessons learned from Northeast False Creek)	
		Process and standards for addressing complaints		Confirm Council's tolerance for responding to complaints	
			Develop policy process and standards for addressing complaints	Outreach to neighbours and building owners near frequently used venues	
7	Inconsistent, costly fees for permits and licenses	Transparent realistic fee structures	Ensure all application forms capture non-profit society numbers and staff are aware of different fees for non-profits	Clarify and review fee structure	



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	Key Issues	Objectives	Phase I	Phase II	Phase III	
8	Limited knowledge, mutual understanding and communication between staff and cultural community	Knowledge and understanding of challenges and opportunities for live performance venues		Undertake expanded community consultation with cultural live performance venue community including case study analysis	Prepare guidelines for use of key spaces to help simplify issues for land owner, users and staff	
			Prepare inventory of high-usage cultural venues and applicable regulatory information (i.e. allowable use; occupancy load, etc.)	Make inventory accessible to public and staff		
			Research other municipal models for regulating live performance spaces			
		Readily available information and resources	Improve online information through centralized information and links to relevant permits, licenses, fees, checklists, “how-to’s”, processes and review timelines			
			Create templates for documents such as Operational Management Plan, Fire Safety Plan, Security Plan, etc.			
			Facilitate capacity building activities for cultural community such as “how to” workshops and opportunities for mentoring and information-sharing	Ongoing capacity building activities for cultural community	Ongoing capacity building activities for cultural community	
A knowledgeable and capable cultural community			Explore creation of a “learner’s license” for new live performance cultural groups with additional assistance, clear expectations for learning and performance			
	A knowledgeable and capable staff team	Facilitate capacity building activities for staff such as workshops on cultural organizations and their activities and constraints, as well as applicability of relevant permits and licenses	Ongoing capacity building activities for staff	Ongoing capacity building activities for staff		
9	Lack of coordination/ implementation body	Appropriate staff and community oversight for regulatory review implementation	Create an interdepartmental staff team to oversee the implementation of the live performance regulatory review with community input via a reporting relationship with the existing community/ staff Cultural Facilities Implementation Team	Work with “FEST Committee” on regulatory review implementation		



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General Update - Phase I

The first phase of the Review focused on laying the foundation to enable more efficient processes and stronger results in future phases and regulatory reviews, and addressing urgent priority issues with opportunities for immediate resolution. This draft work and the associated Phase I Recommendations are now complete and will be presented to Council February 3, 2011.

IMPLEMENTATION COMMITTEES & TEAMS

Implementation of the Review has involved the collective efforts of an interdepartmental staff team and members of the arts and cultural community.

OVERSIGHT COMMITTEE

This interdepartmental staff team oversees the implementation of the Review. Represented departments include Cultural Services, Development Services, Fire & Rescue Services, Licenses & Inspections, Parks & Recreation, Planning, Engineering Services and Vancouver Police Department.

CULTURAL FACILITIES IMPLEMENTATION TEAM

This joint community and City staff team provides advice and input to the implementation of the Cultural Facilities Priorities Plan 2008 - 2023, under which the Review takes place. This Team consists of representatives from umbrella cultural organizations as well as the creative industry, economic development and City staff.

PHASE I PROJECT TEAMS

These teams were created to undertake detailed implementation work of the Review.

BASE LIFE SAFETY TEAM

This team was tasked to identify minimum safety requirements that are consistent with the attributes and needs of an event. As a result of this work, staff are proposing, in principle, a new set of Minimum Base Life Safety Standards for temporary indoor events (up to 250 people).

LIQUOR TEAM

This team was launched ahead of its Phase II schedule to respond to the urgent need to coordinate and share information across departments and jurisdictions (City and Provincial governments). It is assisting in advancing the liquor review, which will be launched in the second phase.

EDUCATION TEAM

This team was tasked to fostering knowledge, understanding and communication between staff and the cultural community. Workshops for community members are being developed for Spring 2011. Presentations and discussions with frontline regulatory staff are ongoing; nine have been held for relevant staff groups in Licensing & Inspection, Fire & Rescue, Development Services and Cultural Services.



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ISSUE:

WHEN ALCOHOL IS SERVED, EXISTING BY-LAWS MAKE IT DIFFICULT TO HOST EVENTS

Current Building and Fire By-laws limit the number of total occupants (including guests and staff) allowed in a space when liquor is served.

Specifically, the By-laws require the number of occupants to be reduced to 50% if the venue is serving liquor and has more than 60 occupants.

What is the impact?

Currently, venues that want to host more than 60 persons and serve alcohol must double their exit capacity (e.g. widening exits or creating additional exits) or reduce the number of guests.

The Building and Fire By-laws dramatically limit the possibility of hosting licensed events with more than 60 people.

As a result of the Review, what are staff recommending?

Staff are proposing that the City develops options to reduce the need to always mandate this requirement. This would apply to both temporary and permanent event spaces.

Precedence:

This was done for the 2010 Winter Games on a temporary basis.



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ISSUE:

ONEROUS (AND OFTEN COSTLY) UPGRADES REQUIRED TO TEMPORARILY USE A NON-ASSEMBLY SPACE FOR AN EVENT

The Building and Fire By-law requires venues/buildings to be upgraded to meet safety standards in order to permit assemblies or gatherings of people (such as for a performance, celebration, festival, or other event).

Currently, the By-law requirements do not discriminate between permanent uses or temporary uses in a building. As a result, temporary assembly uses may be subject to overly onerous requirements that do not reflect the temporary nature of the use.

What is the impact?

The cost of By-law upgrades are often prohibitive for many groups and organizations and, as a result, current by-law requirements limit the types of uses allowed in a space.

As a result of the Review, what are staff recommending?

Staff are proposing, in principle, a new set of Minimum Base Life Safety Standards for temporary indoor events (capped at 250 people).

These proposed standards would be developed to ensure the level of life safety requirements are more consistent with the temporary nature and particular attributes of an event.



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ISSUE:

NUMEROUS CITY APPROVAL PROCESSES FOR EVERY EVENT

Currently, event organizers obtain separate permissions from a number of City of Vancouver departments such as the Vancouver Police Department, Fire & Rescue Services and Licenses & Inspections. Each department reviews applications independently.

What is the impact?

The process and requirements can be confusing, time consuming and inconsistent for event organizers.

It is difficult for event organizers to comprehensively understand safety requirements when information is held in separate departments.

As a result of the Review, what are staff recommending?

Staff are proposing to synthesize city-wide requirements for temporary indoor venues into one centralized and streamlined City approval process. This all-in-one process will be coordinated and approved through a single department. In order to implement such a process, the City will need to incorporate a definition for temporary indoor events into the City by-laws.



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INTERIM PROGRAM FOR VENUES FACING BY-LAW ISSUES

What is the Interim Program?

This proposed Program allows for interim solutions to by-law issues during the course of the Live Performance Regulatory Review.

The proposed Program allows venues and staff to collaboratively address regulatory issues within a reasonable timeline without threat of enforcement action. This allows the venue to continue operation, unless imminent life safe issues exist (which would need to be addressed without delay). In all cases, venues must formally agree (in writing) to the terms and conditions of the Program in order to participate.

Why create this Program?

During the course of Live Performance Regulatory review, it became apparent that there was a need for an interim protocol to address current issues arising from the cultural community ahead of the completion of the Review and by-law changes. Currently, organizations or spaces that come to the attention of staff and do not meet the City's bylaw standards are subject to enforcement and potential closure. This situation does not engender participation by the cultural community in the Review and seriously impacts the sustainable operation of cultural spaces.

The proposed Program aims to address the following:

- A. To engage cultural venue operators and owners in the Review and enable venue owners and operators to enquire about permit and license information without triggering enforcement action; and
- B. To enable staff to approach by-law infractions in a coordinated manner in order to: reflect Council's direction and the goals of the Review; ensure messaging is consistent and clear; and inform the Review of the diversity of issues.

Who can participate?

The program is voluntary; venues must choose to participate. This can apply to both venues wishing to participate in the Review and venues undergoing enforcement action by City inspectors.

What City departments are involved?

Development Services, Building Inspection, Fire and Rescue Services, Property Use Inspection and Cultural Services.