

Discussion Paper Comments — November, 2020
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Arts Habitat Response To Zoning Bylaw Review Initiative

Tasked with overseeing Edmonton's creative infrastructure, Arts Habitat is very interested in the City's proposed updates and changes to its zoning bylaw.

Success for creative space in Edmonton depends on a regulatory environment that supports and allows for arts and culture infrastructure to create, develop and succeed.

This document has been written with two intentions:

1. Comment on aspects of the current zoning bylaw review documents in how they potentially interact with arts and culture infrastructure.
2. A brief summary of work Arts Habitat has previously done reviewing City of Edmonton land-use tools, including feedback we've previously heard from our stakeholders.

Zoning Bylaw Review Discussion Paper

Many of the proposed updates to Edmonton’s zoning bylaw are a net positive to arts and culture spaces in the city, but there are still many functional process aspects of this plan we’re interested to see develop. Specifically how uses will be integrated into surrounding neighbourhoods, how more general groupings of use-classes will ultimately be determined and how arts spaces’ unique operation model can be facilitated by city land-use tools.

In all major cities, arts and culture spaces have a complicated relationship with zoning and city land-use tools. The evolving nature of many of these spaces make it difficult to create precise business classifications — for instance, some may operate as artist studios or gallery space during the day, changing into rehearsal or performance space in the evening while also containing an element of live-in artist spaces. Arts spaces can also often shift and add to their offerings and business model as time goes on. For example, a theatre may begin limited retail or a home studio may evolve into limited manufacturing.

This shifting of uses complicates often rigid zoning and use-class definitions (compared to, for example a restaurant or office which have typical expectations for operation and come before the city for licensing and permitting much more frequently). Allowing for increased flexibility in zoning revisions is important for arts and culture spaces.

We appreciate the acknowledgment in your review documents that the learning curve for small businesses and first-time applicants is steep. This is especially the case for many arts and culture spaces, the majority of which are independently operated non-profits with low-capacity for administrative tasks and limited staffing resources.



Above

- (Top) Walterdale Theatre, 10322 83 Ave NW
- (Middle) Neon Sign Museum, 104 St NW, Edmonton
- (Below) Garneau Theatre, 8712 109 St NW

New Food, Cultural, and Entertainment Use Category



Combining use categories into the broader umbrella of “Food, Cultural, and Entertainment” is potentially very beneficial to arts and culture spaces, expanding their reach into the majority of the city as permitted uses in residential, commercial and industrial zones. The test will be how this is implemented in neighbourhoods and how it will ease the burden of adaptive re-use of existing space.

The definition for this new combined use-class leaves a lot up to future interpretation:

Food, Cultural, and Entertainment

Restaurants, pubs, cafes, nightclubs, theaters, concert halls, church, stadium, etc.

Occurs at a variety of scales and requires regulations to minimize impacts appropriate to the zones.



What we see here in this new categorization is a focus on external impact of business typologies, rather than the activities that take place within the structures themselves. Parking, noise, crowds exiting a building, as opposed to what type of activity is happening inside. Further discussion on how impacts will be minimized on a case-to-case basis will be important. The nature and scale of each operation is quite different. It doesn't make sense to treat the application of a 100-seat micro theater the same as a night-club in its use-permissibility in a certain zone.

Above

(Top) Gibson Block, 9608 Jasper Ave

(Below) The Grindstone Comedy Theatre & Bistro, 10019 81 Ave NW

Arts spaces run the gamut in where they are located and the type of space they inhabit. Outside of purpose-built art space, which is quite rare, theaters may be drawn to space in former commercial locations because of the neighbourhood and access to transit, galleries might want to open in industrial space due to the low cost compared to more developed commercial areas and dance studios might operate out of converted residential space.

Allowing these type of businesses to expressly open and operate in a wide stratum of zones is a great start to remove initial barriers to the success of arts infrastructure. But the next step is improving the process of facility reuse and change of use to make it practical for these rare and important spaces to open and operate in Edmonton.

Districting, Hubs, Nodes, Corridors

The city's focus on districting and creating node/corridor hubs is another positive investment in the success of the city's arts and cultural spaces.

Allowing for and encouraging the creation of creative spaces in neighbourhood development should be the same as supporting employment, retail or recreation. If included in the process, arts and culture spaces can be an important part of successful mixed-use development. Integrating arts spaces into aspects of urban planning such as transit development can also be a great tool to encourage the success of these spaces.

The proposed simplification of zones in the city by removing the majority of Direct Control Zones and overlays could also help create more flexible opportunities for arts and culture infrastructure.

Facilitating creative spaces means both allowing for flexibility while understanding the unique challenges they operate under.

Below

(Left) ATB Financial Arts Barns Building, 10330 84 Ave NW
(Right) Sewing Machine Factory, 9562 82 Ave NW



Related Historical Data — November, 2020

Arts Habitat is currently in the early stages of creating Edmonton's first Cultural Infrastructure Plan. This plan will review the current state of arts and cultural spaces in Edmonton as well as these spaces' relationship to city tools and administrative processes, such as the zoning bylaw.

While this work is still ongoing, Arts Habitat has historical data related to space use that we'd like to share with you and your team. We feel that, although many of these details may be more finely grained in scope than your current project, they do inform further discussion around, for instance, how new general use-classes for arts and cultural spaces may be implemented.

Something we have consistently heard in the past is that, rather than adding more use-class definitions that contain more limited and specific definitions for arts spaces, our communities are looking for use-classes that provide more flexibility. And this flexibility would see arts uses allowed in more, if not all, zones and allow for multiple activities within the space.

This information came out of work that was done jointly with the City of Edmonton and Arts Habitat from 2010-2012, reviewing municipal processes related to arts and culture. As noted, some of these issues have advanced since this project completed a decade ago.

Historical Zoning Bylaw and Related Data

Home-based studios

One area that was particularly represented in our previous data collection was around art-related home-based businesses. Some of the activities taking place in residential areas were not explicitly allowed under city regulations, causing many artists to operate “under-the radar” rather than face expensive restrictions. This lack of support within the administrative system can potentially create safety issues when artists operating out of their homes are unaware or unable to bring their practices to code.

The team at the time added the Creation and Production Establishments use-class to the bylaws as part of this review, which was also permitted under Live Work Units, but there remained some confusion around the distinction between Minor and Major Home Based Business use-classes.

Live Music Venues

Seen as a dwindling and under-supported use-class, smaller scale live-music venues are seen as distinct from night-clubs and bars and are looking for that recognition from the city. Liquor licensing, capacity, age-restrictions and noise issues are some of the important aspects recognized by this community around zoning, bylaws, code and permitting.

Adaptive Reuse of Space

For practical reasons, the vast majority of creative space comes to life through the adaptation of existing buildings. These are quite often in a state of disrepair and require change of use approvals, triggering extensive building code and site improvements that are typically unaffordable for artists or arts organizations.

The community is largely looking for less restrictive regulations and variances to code that are adaptive and contextual while also maintaining safety.

Arts Spaces in Industrial Zones

Typically due to finances, certain arts and artist groups may look at raw warehouse space for their needs but are unable to access these areas due to current regulations. Opening up appropriate areas to certain arts uses is something arts spaces would benefit from.

The Aviary

A brief case of navigating the city's system for arts spaces is The Aviary (9314 111 Avenue NW) a 140 capacity venue featuring live music, art shows, private parties, theatre and pop up food events.

Finding an affordable space that had been most recently used as a health and wellness centre, the closest permitted use in the area to their envisioned business was Neighbourhood Pub and Restaurant. Rezoning the area to allow for their actual use, Spectator Entertainment Establishment, was seen as not worth the length or cost to go through.

Their process was road-blocked frequently by city staff and only by escalating to the media did high-level planning staff overturn previous rejections to their change of use application. A lengthy process that might typically exhaust the cash reserves of most small arts spaces.

The Aviary was then met with a string of other expenses unnecessary for their business but required for a restaurant, including a massive \$15,000 HVAC system. Over the past several years since the space has operated, you would be hard-pressed to go into the venue and find food available, despite their classification.

"I really want to play by the rules," we were told in an interview with the operator. "I want there to be something that represents what we're doing but you have these spaces pretending to be bars and restaurants."



Above The Aviary, 9314 111 Avenue NW



Above McLuhan House, 11342 64 St NW

Liquor Licensing

Although mainly under provincial jurisdiction, many performance and gallery spaces are unable or unable to apply for a full liquor license, both due to the cost as well as the difference in business model compared to a liquor primary establishment. The province's B-class license has also not been seen as a solution for practical operation or a difference in process.

Parking Requirements

This was a frequent issues for many arts spaces, specifically those in re-used facilities in higher density neighbourhoods. Council's vote in June 2020 to remove minimum parking requirements is an example of a positive change for arts and culture spaces providing they apply to existing and new spaces that host public and private events.

Overlap in Use-Class

As mentioned earlier, many arts and culture spaces may offer multiple services and activities in their space. For instance, use-classes like those listed below, among others, may allow for duplication of activity. In the city's proposed simplification of uses, it's important to account for all activities in Food, Cultural, and Entertainment spaces.

- Creation and Production Establishments
- Equipment Rentals
- General Retail Stores
- Media Studios
- Community Recreation Services
- Private Clubs
- Public Libraries and Cultural Exhibits
- Spectator Entertainment Establishments

City of Edmonton Administrative Process



An issue that has been brought up frequently to us is the difficulty in navigating the process of opening creative space.

Without repeating some of those listed above, the process of permitting and rezoning has been described as “lengthy and confusing” and that the city often has a “black and white approach” to what is allowed and what isn’t, and this approach will differ from staff member and department.



Largely non-profits, arts spaces will more often than not defy strict use-classes. When under review, unique arts spaces are looking for unique consideration from city administration for their situations.



Truthfully, the creation of these arts spaces are rare and infrequent, perhaps happening once or twice a year. Understanding their needs and how to help facilitate their success is important. Once these spaces disappear, unlike a restaurant or bar, they are unlikely to ever be replaced by a similar operation - a loss of vibrancy to their neighbourhoods and the city.

Above & Right

(Top) Society of Northern Alberta
Print-Artists, 10572 115 St NW

(Middle) Former Roxy Theatre,
10708-124 Street

(Below) La Cité Francophone, 8627
Rue Marie-Anne Gaboury

(Right) Edmonton Opera Centre,
15230 128 Ave NW

