Conserving the Cultural Landscape in the City of Victoria: Artist Live-in Studios ... or not?

by

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ABSTRACT

City of Victoria municipal policies permitting artist live-in studio developments can potentially protect valuable cultural landscapes downtown early in the 21st century, but they do not. Pertinent policies include the heritage Tax Incentive Program (TIP), live-work and work-live zoning regulations. A Chinatown cultural landscape investigation and surveys (Dragon Alley, Shoal Point) show that gentrification threatens artists. Different styles of urban development in post-industrial Paris, London, and New York are analyzed using a political/planning framework subsequently applied to the City of Victoria. A case study doing institutional ethnography explicates the social relations of a typical low-income artist searching for a live-in studio downtown using a text-work sequencing map and textual analysis. Findings show artists are *excluded* from ruling relations dominating the policy-making process. Recommendations for policies that encourage development of appropriate, affordable artist live-in studio are transferable to other low-income groups with special architectural needs, such as the elderly and disabled.

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Dedication

To my mom, and all mothers who teach their children to love art.

Introduction

Downtown in the City of Victoria at the turn of the 21st century, great changes mark buildings that have sat empty or underused for decades. This is due in large part to new regulations developed by the local municipal government. Programs subsidizing the costly renovation of historic buildings through forgiveness of property taxes, and new zoning regulations that permit live-in studio types of units have spurred the development of residential projects that might otherwise have waited for a better economic climate. The new regulations stem from a major City of Victoria policy thrust to repopulate the central core, as documented in the *Official Community Plan* (1995: 5.9, 8.6), the *Victoria Economic Development Strategy* (1998: 9), and the *2000 Corporate Strategic Plan* (2000: 4). That related policies have been effective is indicated by the construction of over one hundred new residential units in new and heritage building in the central core area since 1998 (Barber 2003, Sikstrom 2003). The question arises: *Who is moving into the city centre?*

The new units in the City of Victoria's central area are mostly sold as condominiums, designed to appeal to young working "bohemians" and retirees who want to move to the convenience of the central city (Knox 2000). These new residents are changing the downtown street scene from one of vacant stores and desperation to a new clean look based

on cultural consumption. This new glossy face of gentrification leads to the question: *Who is moving out of the central city?*

Artists who have rented cheap, albeit sometimes illegal, spaces for living and working in old industrial and commercial buildings in the downtown of City of Victoria are definitely on the list of those forced to leave the gentrifying areas, as upper-middle and middle class citizens purchase and move into spaces that have been "fixed up" into trendy apartments and "lofts" in previously "under-used" buildings. Consider the case of an imaginary artist devoting her life to her art and in the process furthering culture in the City of Victoria. She is a painter, and while she shares an apartment with several friends outside the city centre for day-to-day living, she also rents a very small studio for her art working in an old Chinese tenement building tucked behind a Chinese restaurant that raises squab in an open-air coop in a courtyard behind the back kitchen (and right in front of her studio). While she doesn't technically live in her studio—it's far too small—the painter does frequently sleep overnight there when she's been working until late at night. The place has a bathroom, fridge and gas ring for cooking.

With coos and ruffling feathers in the background, the painter dabs away diligently in her tiny studio for several years. Then one day after climbing the three-storey exterior staircase to reach her studio, the artist finds a notice tacked to her green-painted wooden door and observes them on her neighbour's doors as well. The notice informs that the entire building has been slated for "renovation." All six tenants, including several elderly single Chinese men, a writer, a couple of recent (and probably illegal) immigrants, a strange shadowy figure who is hardly ever there and herself, are to vacate the premises in three months time. The notice informs that the construction project will take six months and when it is finished, the tenants will be able to reoccupy their units if they wish. More than a

year later, the building is ready for occupancy. What was previously six small basic dwelling units has been redesigned into three splashy two-level units with granite countertops and showers with triple heads. The rent also has tripled, and our artist can no longer afford the luxury of a small studio space in Chinatown separate from her living quarters, nor can she afford to rent one of the newly gentrified units which in any case do not provide a suitable space for her art working. Besides she could hardly be expected to wait more than a year without studio space and in the meantime, the artist has had to make other arrangements for living and working (we return to the artist's predicament in Chapter 3).

Like the imaginary artist painter, many real-life artists have left their historic studios in central areas of the City of Victoria over the past five years, including Luis and Sandra Merino, Andy Sinats, and Allan Edgar. This author contends that the loss of artists from the central core—including painters, sculptors, writers, musicians, composers, photographers, performers and multi-media artists—is a serious *déshabillement* of the urban cultural landscape, and that something should be done to prevent further erosion of the downtown's vital artistic landscape. The research presented in this paper is the culmination of ten years of investigation into the experience of artists in the City of Victoria. A pilot paper, *Need and Vision: The Cultural Landscape of Artists in Greater Victoria* (Niwa 1996), postulated that the provision of safe, affordable *artist live-in studios* is one viable way to prevent the haemorrhage of the cultural underpinning of the City of Victoria. Back in 1993, development of the types of spaces suitable for artists to live and work in was not in accordance with the zoning regulations in most core areas, and was certainly not commercially viable. New policies and regulations at City Hall have changed all that. Now, artist live-in studios *could* be constructed legally and (almost) affordably in the city centre—but this is not happening. Rather, gentrification is occurring at an alarming rate in the central area of the City of Victoria (see

Figure 1). Although gentrification is not the focus of the thesis, the subsequent pressure on artists to move out of the city centre at the beginning of the 21st century generates the primary question addressed by the research in this paper: *What is the role of politics and planning in the failure of local government policies to provide opportunities for appropriate, affordable artist live-in studios to be built in the central areas of the City of Victoria?*

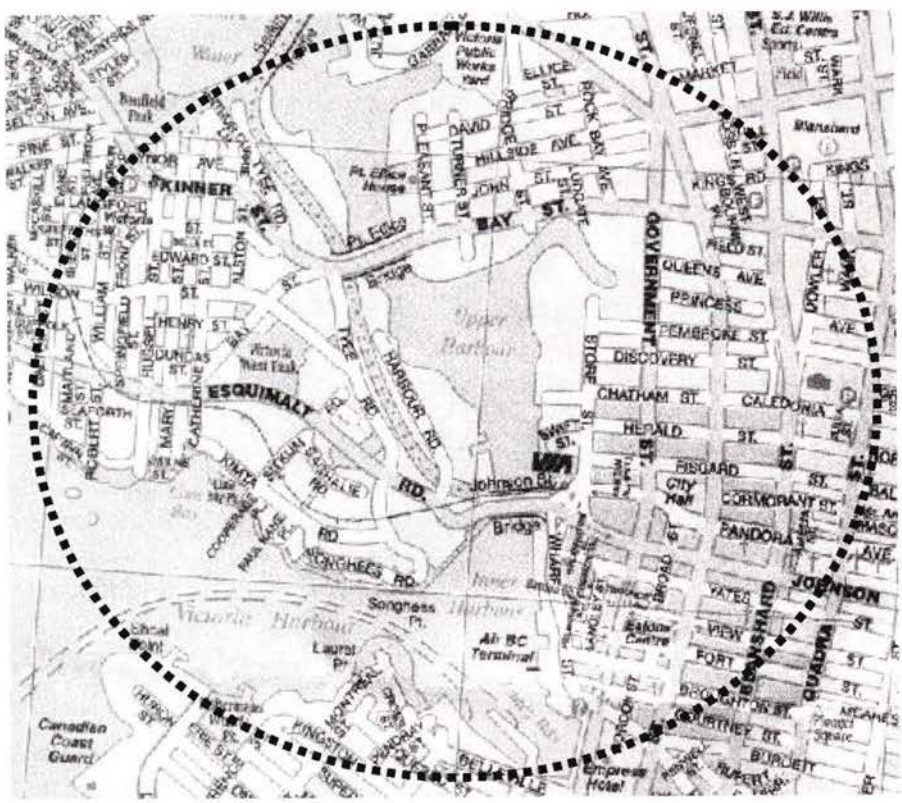

Figure 1. Map of the central area of the City of Victoria included in the research
Base map reproduced with permission of Rand McNally Canada Inc.© (2001).
Source: Canadian Automobile Association

In order to answer this question fully, it must first be set into context. Chapter 1 reviews relevant literature to establishing the value of artists in contemporary urban landscapes, including an example of a threatened artistic cultural landscape in Chinatown in the City of Victoria. In Chapter 2, examples of artist live-in studio developments in Paris,

New York and London are analyzed using a framework that provides a macro view of the effect of politics and planning on urban development in post-industrial cities (Savitch 1988). Chapter 3 begins to detail the effects of politics and planning in the City of Victoria by identifying policies permitting development of artist live-in studios in the central core. Research and survey results identify the extent of the problem of live-in studios being built but not accessible to artists in the city centre. Chapter 4 works up a detailed case study of the local government policies permitting artist live-in studios using the approach of institutional ethnography (Smith 1987, 1990a, 1990b). The process of obtaining appropriate, affordable live-in studios is mapped out for the typical artist, with emphasis on the legislation that permits local governments to shape policies. The institutional ethnographic technique of textual analysis is employed to gain insight into background ideologies that shape the institutions affecting the realization of artist live-in studios in the City. Chapter 5 concludes with recommendations to improve opportunities for appropriate, affordable artist live-in studios to be built in the City of Victoria.

Part 1 The Situation

Photograph 1. New Era Social Club circa 1990
Photo credit: L.Niwa

1

Artists and Contemporary Urban Landscapes

A Literature review: the artistic cultural landscape

Described as elusive and fragile (J.Smith 1992), cultural landscapes in urban settings have been written about from various perspectives in the contemporary literature. These include general publications on urban landscapes both in the field of urban geography and heritage conservation (Melnick et al. 1984, Hough 1990, Jackson 1997). Some of the literature specifically addresses the role of the artist in urban settings and artistic cultural landscapes that result when artists conglomerate, often in city centres (Williams et al. 1993, Gilmartin 1995, Page 1999, Stahl 2001). Other writers recognize the contribution of artists and the cultural landscapes they form to economic health (Jacobs 2000: 42, 57-59, 127). Frequently, authors are concerned with threats to artistic cultural landscapes ranging from displacement due to gentrification (Zukin 1982, Ley 1996) through to fundamental shifts in post-industrial life (Zukin 1991, 1995; Drew 1998). The following discussion provides a clear indication of the value of artistic cultural landscapes and justification for their conservation.

The early years of the 21st century are times of great change. Historically humanity has moved from nomadic hunter-gather groups to agrarian settlements, and in modern times from hand-made to industrial systems of production. Now our contemporary urban settlements face yet another major structural shift as the "information revolution" encourages deindustrialization. We are in the thick of the post-industrial age, with consumption on the verge of replacing production as the driving force in the market. Fundamental changes in society are visible all around us—in high unemployment rates as the manufacturing sector declines, in the globalization of the market as international chain

stores replace local family owned businesses and in the commercialization of arts and "culture" for consumption.

So what do these marked structural shifts in a post-industrial urban society have to do with artists? In fact, arts and culture play a significant role in many of the transformations occurring in our contemporary society. First, artists create the material from which an historical record of the passing industrial age is fabricated, providing the markers to measure changes. Gregory Gilmartin illustrates this process in detailing the influence of the Municipal Arts Society (MAS), a special interest group, on contemporary New York City in *Shaping the City* (1995). MAS played a pivotal role in development of an early City Plan, and later in forming the Landmarks Law that allowed preservation of historic districts that were home to many artists, such as Greenwich Village and SoHo. In another example, in *The Creative Destruction of Manhattan*, author Max Page describes the Society of Iconophiles, an obscure early 20th century group, who annually commissioned engravings to record "a personal rendition of historic sites" that was unattainable, in their opinion, in the new-fangled photograph (240). These artists' engravings provide a valuable record of times gone by in the early industrial age. In addition to contributing to the historical record, artists also help fabricate the contemporary story using modern technological devices.

Artists play another significant role in society as new technologies—such as satellite television, the internet and affordable transportation—all make the arts and culture readily available to many people, not just to the well-educated, wealthy upper classes. In *Landscapes of Power: from Detroit to Disney World* (1991), Sharon Zukin describes painters whose works are inspired by market prices rather than creative juices, and architectural superstars whose skills are sought solely because their designs have proven to be saleable investments in the marketplace. The influence of such "arts heroes" has the potential to extend far beyond the

limitations of the place of production of their artistic works, such as Michael Graves tea-pots sold in the gift shops of art galleries around the world, and cars bearing the Picasso name (Citroën 2003). This leads to the phenomenon of cultural consumption, most visible in gentrified areas in the centre of cities.

As the growing middle classes and demographics of an affluent, ageing baby boomer population result in wealth and leisure, well-off people are free to patronize and even emulate "artistic" lifestyles in the guise of gentrification. Historically and in modern times many low-income artists have been able to obtain cheap, albeit illegal, live-in studio spaces in derelict or underused buildings; often these are in disbanded industrial buildings near the centre of cities, such as the former manufacturing lofts in the SoHo district of New York City. These large, airy spaces with open floor plans are well suited to the production of many types of artistic works, and artists tend to congregate in neighbourhoods where such facilities are available. Over time a vibrant, convivial cultural landscape is formed by the artists. When these lofts are eventually legalized, the gentrification process accelerates sharply as the upper middle-class, attracted to the artist-generated vibrancy, begins to move in to the city centre and "update" historic buildings, converting them into living lofts—often condominiums. The increased demand puts pressure on prices, and live-in studios that were once cheap and undesirable become pricey and trendy. As the "gentry" move in, artists are often forced to move out as they can no longer afford to stay.

Gentrification has been documented in many post-industrial cities, with the process in New York City authoritatively studied by Sharon Zukin in *Loft Living* (1982). In Canada, David Ley has spent many years observing gentrification in Toronto's Cabbage Town and Gastown in Vancouver, among other cities. Ley notes that,

> While one must be cautious not to overgeneralize, gentrification is creating new landscapes of privilege in the inner city (1993: 232).

Both Zukin and Ley note the role of artists in initially "sanitizing" gentrified spaces, and also the ultimate contribution of artists to a society of cultural consumption. In *The New Middle Class and the Remaking of the Central City* (1996), Ley argues that the artistic cultural landscapes in pre-gentrified areas metamorphose into upper-middle class emulation of the conviviality of the landscape, via consumption. He contends that artists and hippies from the 1960s "counter-culture movement" are responsible for major components of urban Canadian landscapes, including niche marketing which is deemed to have arisen from hippy craft shops (185); and the "festival city" concept currently in vogue with city planners that is based on German and French critical writing in the 1970s (178). Today's gentrified urban dwellers are on a quest for the "convivial" city in imitation of the true artistic cultural landscape. The result is an urban aesthetic with a surface veneer of pleasure and comfort, underlain with frivolous consumerism and sophism. It seems that Ley sees artists as setting the initial role-model that later gentrifiers attempt to emulate.

In *Landscapes of Power* (1991), Sharon Zukin observes further that artists play yet another significant role in the latter stages of gentrification, forming a *"critical infrastructure"* that permits culture to be capitalized upon and consumed:

> New products, and new practices of consumption, require a labour force that can deal with cultural capital. Artists, actors, and graduate students are often mobilized to fill these roles. Neither servile nor professional, restaurant waiters and boutique sales clerks interpret cultural goods to potential consumers. They help constitute the experience of consumption (202).

Ironically, the cultural authenticity of artists involved at the beginning of the gentrification process results eventually in an influx of international chain stores to service upper-middle class condominium residents seeking a lifestyle of cultural consumption in the rejuvenated, gentrified downtown. At this point, the original artist residents must often supplement their artistic incomes by becoming service-providers, if they are to have any chance of affording

British Welding Building

Top left: In the mid-1980s, the building was still used as an industrial welding business. Bottom: In 2002, the building houses a furniture store, lawyer, and restaurant, serving many of the new residents of the gentrifying neighbourhood.

Gainer's Meats Building

Left: In the early 1990s, this former meat packing plant was gutted and rebuilt as an emergency shelter and apartments. Centre and right: Later on, residential "living lofts" and a licensed lounge were added on the formerly vacant harbour side of the building.

City Lights Building

An historic electricity generating plant is now a waterfront pub.

Photograph 2. Cultural consumption: changing building uses in Chinatown

Photo credit L.Niwa

the new, expensive, rejuvenated, gentrified downtown lifestyle. Zukin's observations are supported with an astute theoretical model that considers both sociological and economic trends, and points clearly to the value of artists in contemporary urban cultural landscapes. Throughout, she stresses three critical processes responsible for major changes to the historic industrial market structure: "abstraction, internationalization and the shift from production to consumption" (44). As the process of new replacing old continues, many "places of interstice" with liminal markets result: [1]

> ... a zone that situates buyers and sellers in a brief, socially recognized transition ...a zone that stands 'betwixt and between' major social institutions(29).

Zukin explicates the pervasive experience of liminality through the "polar experiences" of modern literature and urban design, concluding that, "the urban landscape relies [more than ever] on image consumption" (38). The theoretical model is followed by practical case studies showing how economic power can irremediably shape and destroy the vernacular landscape Some of the observations made in *Landscapes of Power* are applicable to the centre of the City of Victoria where an increasingly abstracted, internationalized consumer culture is threatening existing cultural landscapes, such as the artistic cultural landscape in Chinatown.

B A cultural landscape of artists in the City of Victoria

The cultural landscape of artists in Chinatown is one example of a distinct group of artists contributing to the vitality of the City of Victoria, yet largely unrecognized. Artists have lived and worked in historic buildings in Chinatown since the 1950s, when Jack Kidder and Jack Wise reportedly took studios in an abandoned opium factory in Fan Tan Alley. Certainly, a significant number of artists occupied "studios" in Chinatown from the mid-1970s on. These artists include

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[1] Zukin conceives of liminal spaces as places that blur the distinction between "market and non-market cultural consumption," for example gift shops in museums or art shows in hotel lobbies (Landscapes of Power, Berkeley: University of California Press, 1991, 54).

Andy Sinats , Catherine McTavish, Char Davies, Darcy Gould, Glenn Howarth, James Lindsay, Kris Kahn, Laird Campbell, Luis and Sandra Merino, Roland Brenner, Wayne Rysak and many more. Galleries include Fran Willis's North Park, Dales's Gallery and less formal places regularly showing artworks such as Swan's Pub, Heart's Content and the New Era Social Club. Figures 2 and 3 are "mental maps" of the cultural landscape made by two Chinatown artists in 1992. Since the late 1990s, a number of these artists have moved away from Chinatown because of accelerating rents as the once "cheap" undeveloped spaces in Chinatown become desirable "loft" addresses (for example the development of Dragon Alley on lower Fisgard Street and the Gee Tuck Tong Rooming House, tucked in behind 605 Fisgard); and perhaps artists are also leaving because the area is simply loosing appeal as the artistic life-style is subsumed by gentrification. The live-in studio spaces that artists fashioned in old gambling clubs and tenements above Chinese grocery stores, crafted with hard earned personal income and artistic sensibilities, are becoming harder and harder to find. Unfortunately, the cultural landscape of artists, some of whom have lived and worked in Chinatown for the past fifteen to twenty years, is vanishing along with the artists.

So how do we describe this fragile cultural landscape of artists in Chinatown that is being threatened? A documentation of the cultural landscape addresses multiple layers: natural, monumental, vernacular and social landscapes (J.Smith 1992). A description of the cultural landscape of Chinatown artists includes the small natural world shared by residents: plum blossoms on the street trees in spring, the sun and moon glimpsed through skylights, evening sea breezes, no access to community park space. The monumental landscape is obvious in the tiled Chinatown entry gate—the "Lion Gate" spanning Fisgard Street at Government Street. Less apparent is the symbolism of the unrecorded history of artists who have lived and worked, and borne children and artworks in various studios over the past twenty years. The importance of

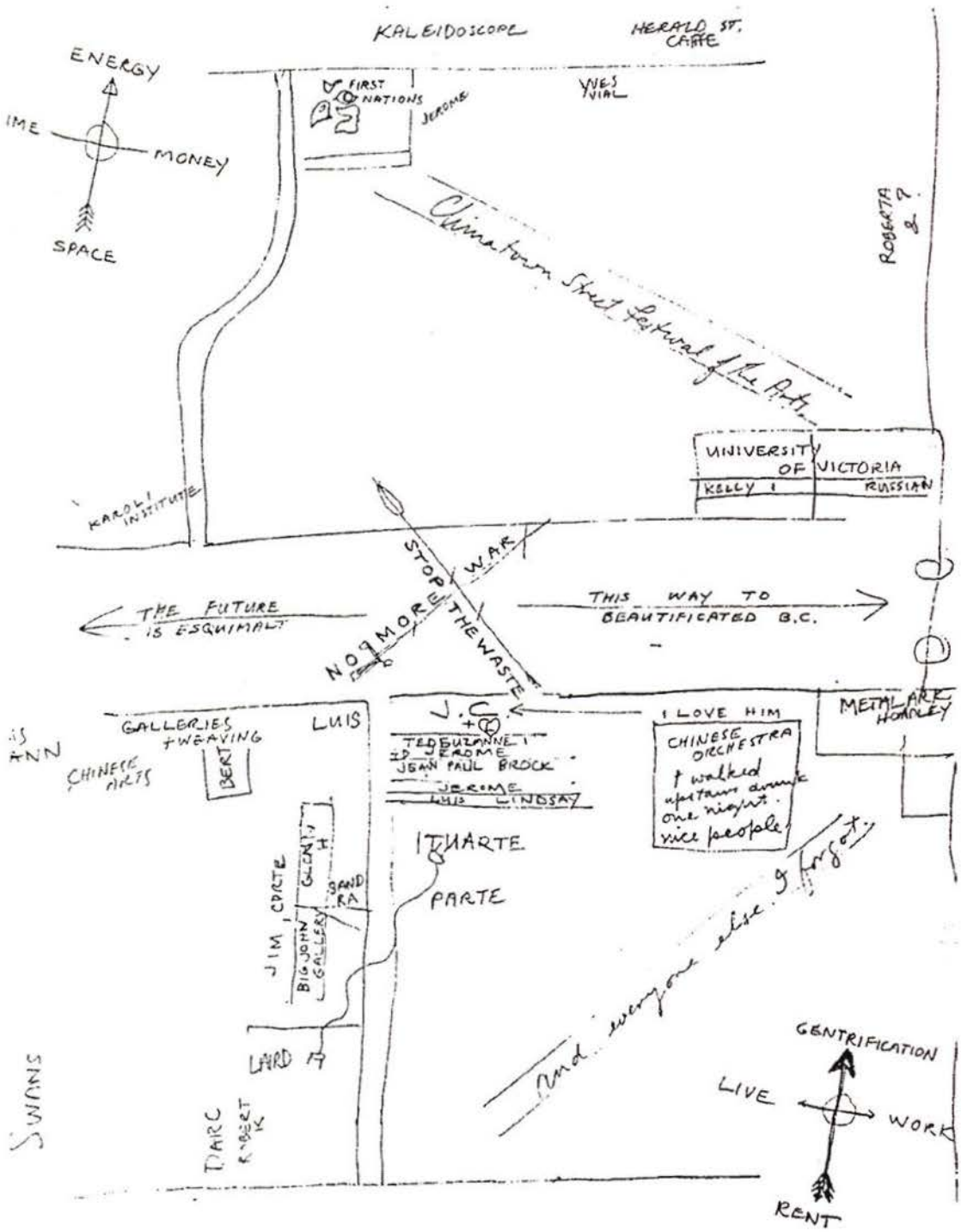

Figure 2. One Chinatown artist's mental map of the cultural landscape circa 1992

Reproduced with permission of James Lindsay ©(1992)

Figure 3. Another Chinatown artist's mental map of the cultural landscape circa 1992
Reproduced with permission of Andy Sinats ©(1992)

these places is intimately known by members of the artistic community (see Figures 2 and 3). The vernacular landscape of Chinatown artists includes sing-song Cantonese, the early morning roar of street cleaners and the occasional face of a startled tourist on a double decker bus, catching a glimpse of the model's pose through float glass, wood frame windows. The incessant clickity click of mah jong buttons, tippity tip or clippity clop of people running up and down wooden stairs to second or third floor studios, moulds and winter colds, few modern conveniences and parking woes: these are all part of the vernacular landscape shared by Chinatown artists. The social part of

the cultural landscape has traditionally been close and rich with annual parties, impromptu dinners, informal art shows and "underground" galleries, community discussions on the street planter benches and the wail of Chinese opera on Saturday nights. The local unwritten news, rife with speculation, also adds to the sense of community which contributes to the cultural landscape: who is doing what and when with whom and why? All of these elements make up the cultural landscape of Chinatown artists in the City of Victoria. The density of artists in a small urban core, separated by little more than the sheer volume of space in their individual studios, contributes to the vitality of Chinatown in myriad subtle yet discernable ways.

C The plight of artists and accommodation

The mental maps drawn by artists in Chinatown illustrate vibrant personal and cultural lives that contribute to the overall urban landscape, supporting the literature review that reinforces the understanding of artists as valuable contributors to urban cultural landscapes. Unfortunately, the contribution of artists to the vitality of urban life is often not reflected in the standard of living they are able to achieve from their production of culturally valuable artefacts. For example, Statistics Canada reports that the average income in 2000 for musicians and singers in the Census Metropolitan Area (CMA) of Victoria was $14,140 for "musicians and singers," and $10,750 for "painters, sculptors and other visual artists." [2] Compare these statistics to the 2000 average income for men of $38,347, and women of

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[2] The 2001 Census lists no dancers, actors or photographers reporting income in the CMA Victoria. While this may relate to the way that data is collected for the census, it could also reflect low-income artists working *in nero* , who simply do not report income to Revenue Canada. In 1994 the British Columbia Advisory Committee on the Status of the Artist found that,

> ... the net estimated artistic income of composers [was] $7,000 a year, $11,000 for writers and visual artists, and $13,000 for dancers, $15,000 for actors and $18,000 for musicians (*In Spirit and Law*, Victoria: Ministry of Small Business, Tourism and Culture, 3).

Considering that Statistics Canada reports that with the exception of wealthy Canadians, there was no increase in income on average between 1990 and 2000, the 1994 data on British Columbian artists' estimated incomes is likely still valid (*The Daily*, May 13, 2003, Statistics Canada website).

$24,390 (CMA Victoria, Statistics Canada 2001b). Also, consider the low income cut-off level—below which lies poverty—of $15,757 for unattached individuals in 2000, or $19,697 for a family of two (Statistics Canada 2001a). It is clear that not only is the typical artist's income below average, in many cases it is at or below the poverty line. Put into perspective, this data shows that the average artist's income in 2000 ranged from *$10,000 to $13,500 below* women's average income; and a scary *$24,000 to $27,500 below* men's average income!

The phenomenon of the low-income artist is certainly not confined to the CMA Victoria. Sharon Zukin discusses the implications of high prices for some artists' artworks in New York in the 1980's with reference to incomes of the "average" artist, reporting findings from a Research Center for Arts and Culture study in 1989:

> ... the market value of some art and [the] artist as celebrity contrast with *the living and working conditions of most New York artists*. At the end of the 1980s, half of a survey sample of about 500 New York painters, writers, and actors earned an annual income of only $3,000 or less from their art work, and nearly half reported they earned only $10,000 or less from all sources (italics added, Zukin 1995: 143).

The New York data underline two important points with respect to this research. First, Zukin alludes to the necessity for many artists to work at "outside" jobs in order to subsidize their art work. This indicates the difficulty in identifying the portion of artists' incomes directly attributable to production of art work. Secondly, these data show that the income status of "most" artists living and working in New York—an international "culture capital"—is low, similar to the low income of the average artist in British Columbia based on data in the previous paragraph. While *some* artists are able to command high incomes in the art market, *most* artists are not. As the former are comfortably able to purchase live-in studios should they so desire, this research, instead, focuses on the latter group of average, low-income artists who face difficulty finding appropriate, affordable live-in studio spaces.

Similar to other low-income earners, one of the major difficulties for artists living on such reduced means is finding affordable accommodation. For the artist, this is further exacerbated by the need to find space with dual functions due to economic necessity, and that is suitable for both living and working. The affordable studio must also be available for long-term occupancy. The question of security of occupancy is addressed in much of the literature regarding artist live-in studios, and the conclusion is often reached that ownership is preferable to renting (Cole 1987, Galloway 1991, Keister 1993, Seligman 1986, Toronto Artscape 1994, Williams et al. 1993). Arguments are also made in favour of ownership that concern the distribution of "surplus value" that accrues to property owners who enjoy profits from real estate sales, while renters "have usually lost money" during the same time period (Bourne and Bunting 1993: 179; cf. Harvey 1973: 176-94).

Affordability is a primary issue, both for the end-user artist and the developer of the studios, regardless of whether the units are sold on the market or rented. However, over the long term, rental units pose a quandary both in non-profit and private sector developments. Artist live-in studios which are rented in non-profit situations such as cooperatives are susceptible to gradual decline, as motivation for maintenance and improvement is directly related to the longevity of the group dynamic, and subject to stagnation over time (Keister 1993, Toronto Artscape 1994). By contrast, artist live-in studios that are rented from a profit motivated, private sector landlord are susceptible to gentrification and eventual displacement of the artist by more up-scale, wealthy tenants (Aird 1994, Amis 1987, Leshgold 1998, Cole 1987, Ley 1996, Surrey Institute 1998, Williams 1993, Zukin 1982). Considering that the role of the artists as a nomadic urban revitalizer—who comes into an area, makes it attractive for living, then moves along—is a recurrent pattern in urban development, a strong case can be made for private ownership of artist live-in studios. In a free market economy, the degree of

security of tenancy that comes about when the artist owns the live-in studio facilitates a full participation of the artist in the cultural landscape, inevitably benefiting the whole community.

One of the biggest threats to artists contributing to the cultural landscape in the core of the City of Victoria at the beginning of the 21rst century is instability of place, due to rapid land development and gentrification, spurred in part by new municipal policies that permit live-work studios and encourage the development of residential units in previously vacant second storey commercial buildings. Given the justification for private ownership in the literature in similar urban development scenarios, the research in this paper is directed primarily towards *artist owned* live-in studios, or equivalent scenarios providing stable, long-term occupancy. When studios are owned, or leased for 30 to 60 years terms for example, low-income artists and their families can be assured they will not be squeezed out of the city centre by encroaching gentrification with its traps of cultural consumption and unaffordable rents. Local governments can encourage such security of occupancy with municipal policies that assist in the development of appropriate, affordable artist live-in studios. Such policies are generally arrived at through a combination of "politics" and "planning." In the next chapter, we look at how these factors have affected artist live-in studio developments in Paris, New York and London and subsequently situate the City of Victoria within this context.

2

Urban Development Styles and Selected Artist Live-in Studios

A Urban land development, politics and planning

The development of appropriate, affordable artist lived-in studios can be viewed as a subset of all land development in an urban settlement. In turn, urban land development can be viewed as a highly competitive, "high-stakes *competition*" (Kaiser, Godschalk and Chapin 1995: 6). While the exact processes vary from city to city, the final configuration of a development is influenced by the "players," including elected and appointed officials in various levels of government, people active in the real estate market (owners, developers, builders, bankers), special interest groups and professional planners (Kaiser, Godschalk and Chapin 1995: 7). Essentially, theses influences can be grouped under two categories—politics and planning.

For the purposes of analyzing local government policies that permit development of artist live-in studios, "politics" is defined at the local government level, referring to the processes by which citizen-residents are democratically represented by municipal officials (i.e. elections, political party alliances), and the various influences upon the decisions made by the elected officials once they have taken office (e.g., special interest groups, organized businesses, land market players, personal interests, local news media). The influence of special interest groups in urban land development decisions can be considerable, illustrated by middle-class reformers in the 1960s and 1970s who were successful in protesting major development proposals that would have destroyed existing neighbourhoods, such as Portage Avenue and Main Street in Winnipeg and the Spadina Expressway in Toronto (Smith and

Moore 1993: 357). Specifically, when elected and appointed officials are responding to "public opinion, electoral messages, and other political stimuli" related to land use development issues, they are acting within the politics of planning (349). These officials play a critical role as,

> [t]he ultimate discretion, of course, is vested in the political decision makers, so the key question always is how they will respond to the many influences playing upon them (Smith and Moore 1993: 358).

Another important political characteristic of elected local government officials in Canada has to do with their very authority to regulate land development. Operating within a constitutional system that devolves power from the federal to provincial governments, and, in the case of regulation of land use, from the provincial to the various levels of local governments, multiple jurisdictions result with fragmented, sometimes overlapping boundaries. This makes large scale, regional planning a political exercise in negotiation skills or "social cooperation" (Smith and Moore 1993: 345). In addition professional planners—often considered to be objective "players" outside of the "arena"—must also necessarily be involved in the politics of development in order to persuade others when the intrinsic value of their recommendations is not immediately apparent.

In contemporary cities, the political will in urban land development is implemented through "planning." Simply put, planning refers to the way that communities manage change (Kaiser, Godschalk and Chapin 1995: 63). More specifically, planning can be described as,

> the means by which society attempts to direct the processes of urban change and development for public or collective ends … to ensure that the eventual forms of urban development, the "planned" forms, best satisfy the community's own goals and aspirations—or are the best that can be obtained in the circumstances (Smith and Moore 1993: 343).

Although urban settlements have certainly been planned since the times of fortified cities such as Babylon in ancient Mesopotamia (Hodge 1998: 20) and medieval Carcassonne in France, organized modern planning started in response to recognition by the bourgeois of

the horrible living conditions of people in the lower class slums in the late 19th century.[3] Feelings of guilt, revulsion and fear—accompanied by a growing scientific understanding of the spread of disease through germs—led to development of social housing in Europe. However in New York, public monies were not forthcoming and urban reform was essentially stalled until massive slum clearance projects started in the late 1920s (Hall 1995: 15; Page 1999: 97). Other events that contributed to the organization of professional planners include: the City Beautiful design movement inspired by displays at the Chicago World Fair in 1893; social movements in the early 20th century such as women's groups lobbying for parks, playgrounds and open air; and recognition of the work of prominent landscape architects such as Frederick Law Olmstead designing Central Park in New York (Wolfe 1994, Gilmartin 1995, Page 1999). The most influential factor, however, was the organization of property owners on prestigious Fifth Avenue in New York to prevent the construction of manufacturing lofts on the Avenue that were threatening to devalue their real estate (Gilmartin 1995). The "Fifth Avenue Association" was instrumental in New York City's adoption of a formal Zoning Ordinance in 1916 accompanied by a City Planning Commission with advisory powers (Gilmartin 1995, Hall 1995, Page 1999). Soon after, official organizations of planners were founded including the American City Planners Institute in 1917 in the United States, followed by the Town Planning Institute 1919 in Canada (American Institute of Planners 2003, Wolfe 2003). Since then, planning has developed into a full-fledged profession characterized by a deep schism between academic theory and actual practice in contemporary times (Hall 1995: 21).

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[3] According to planner and theorist Peter Hall, two writings of social reformers in particular alerted the public to the desperate conditions in late 19th century slums: "Andrew Mearns' *The Bitter Cry of Outcast London*, in 1883, and Jacob Riis' *How the Other Half Lives*, in New York in 1890"(The Turbulent Eight Decade, in *Classic Readings in Urban Planning*, Jay Stein, editor, New York: McGraw Hill, 15).

There are several different ways to conceptualize land use planning. One way is to consider planning as consisting of "process" and "activity," with process referring to the political aspects of planning discussed above, and activity referring to the technical work of city planners in making arrangements for aesthetic, functional future development that matches the city's social values (Smith and Moore 1995: 344-45). Another way to view planning is by considering the functions that a planner must fulfill, including 1/ the collection and dissemination of information to help the community make "good" land development decisions, 2/ the preparation of (often negotiated) plans for the future of the community including physical, social, economic and environmental goals, 3/ "problem-solving" or responding to issues outside the scope of the formal community plan, and 4/ implementation of land use policies that have been sanctioned by the municipal council, including negotiating and managing land development projects (Kaiser, Godschalk and Chapin 1995: 61-3). Some of the major contemporary topics facing city planners include:

- managing population growth (Chinitz 1990, Landis 1992, Capital Regional District 2000),
- settlement impacts including new urbanism, walled suburbs, urban husbandry and other contemporary planning approaches (McDonald 1995, Gabor and Lewinberg 1997, Crittendon 1998, Congress for the New Urbanism 2000),
- participatory planning (Oregon Land Use Information Centre 1996),
- sustainable suburban and exburban development (Davis et al. 1994, Province of Ontario 1995, City of Calgary 2001),
- affordable housing (Province of British Columbia 2000c) sprawl and transportation issues (Nasmith and Colthoff 1996, Nivola 1999),
- protection of environmental and cultural heritage (Callaway 1991, Province of British Columbia 1995 and 1997, Andrews and Loukedelis 1996),
- protection of farmland (Arendt 1994, Province of British Columbia 2000), power centres and big box retailing (Hollinshead 1996, Toderian 1996),
- revitalization of core and post-industrial lands (City of Toronto 1994, Smith and Moore 1995, Gratz 1998).

City planners are important "players" in the land development game, as they not only throw their expert opinions into land use decisions, they also help fashion the "rules" by which the game is played (Kaiser, Godschalk and Chapin 1995: 7).

For the purposes of this analysis, planning refers primarily to the work of professional city planners, such as those working in the City Planning Department in a municipality like the City of Victoria. Overseeing the development of a community plan is one important way that city planners assist contemporary municipalities to anticipate change in the future. Provision of safe, affordable artist live-in studios certainly falls within the scope of work of interested city planners working within the context of the Victoria *Official Community Plan* (1995b). A vibrant artistic cultural landscape contributes to the urban economy (4.4-4.5), it meets social goals of provision of affordable housing to minority groups (5.4-5.6), and certainly fulfills the mandate to provide cultural enrichment (3.8). Here, it is suggested that harnessing the power of municipal land use planning is an appropriate challenge in bringing about the development of suitable, affordable artist live-in studios in the City of Victoria. For example, the work of Senior Planner Michael Gordon in the City of Vancouver has resulted in experiments with a number of creative policies to provide appropriate, affordable artist live-in studios in that city (See *The Vancouver experience* in the Conclusion of this paper, also bibliography entries for the City of Vancouver).

The structural changes in urban centres due to the effects of the new post-industrial condition have resulted in numerous challenges for city planners in contemporary times. The development of urban land is significantly affected when industry departs, due to both a shrinking tax base for municipal revenues and the need to find a use for abandoned or underused land left behind. In *Post-Industrial Cities – -Politics and Planning in New York, Paris and London* (1988), H.V.Savitch describes post-industrial urban development as,

> ... a broad phenomenon that can be gauged along multiple dimensions. It encompasses a change in what we do to earn a livelihood (processing or services rather than manufacture) as well as how we do it (brains rather than hands) and where we do it (offices rather than factories)(5).

He develops a useful framework for identifying different "styles" of urban development in post-industrial cities based upon the local approaches to planning and politics resulting in variations in cityscapes in terms of built forms and even social structures. Critical stages in the development process are defined by the decision-makers at each stage of the development, including

> 1/ initiation, who originated and moved a decision through the political process; 2/ consideration, focus on the process and outcome of debates over a decision; 3/ implementation, who carried out a decision and how a newly-built environment was created (239).

Primary decision makers include politicians, "technocrats" who are powerful public sector employees such as planners who influence the outcome of decisions, and profit-motivated private sector interests such as business. The decision-making processes influenced by politics and planning are used to develop a framework to analyze the "style" of urban land development, summarized as follows (from Savitch 1988: Table 8.1, 240):

- *elitist* – where the *upper class* initiates a land development proposal that is in their own interests, *dominates* the consideration process, and is able to harness *public resources* to implement the development;
- *pluralist* – where many different *private groups* or individuals are able to initiate land development proposals, the consideration process is characterized by *conflict* between groups and governments, and *private interests* are primarily responsible for implementing the development; or,
- *corporatist* – where *politicians* and/or powerful local government *technocrats* generally initiate a land development proposal that may be on a large scale involving entire urban districts for example, the consideration process is characterized by *collaboration* between the initiators and corporatist groups— "mass organizations...composed of business, labor, communities, or government [that] represent the direct interests of thousands of people"

(Savitch 1988: 300)— are able to affect the outcome of the development decision, and the implementation generally involves joint *public/private* or *private/public* efforts.

Savitch uses this framework for analyzing case studies to investigate the style of urban land development in Paris, London and New York. When land development in the City of Victoria is put into this analytic context, the following table results:

City ➡ Label ➡ ***Decision – making stages*** ⬇	**Paris Mobilizing corporatism**	**New York Corporatist – pluralist hybrid**	**London Liberal corporatism**	**City of Victoria Pluralist Liberal corporatism**
Initiation	Politicians / technocrats	Politicians / technocrats / private sector	Technocrats / politicians	Politicians / technocrats / private sector
Consideration process	Domination	Conflict	Collaboration	Conflict / collaboration
Implementation (public / private sector)	Public / private	Private / public	Public/ private	Public / private

Table 1. Characteristics of urban land development styles in selected world cities
(Based on Savitch 1988: 240-41)

Savitch's framework provides a concise model of the degree of power that political and planning influences have on urban land development in different scenarios. In the following section, his analyses of the characteristics of urban land development style in Paris, New York and London are briefly discussed and then used in describing the development process of a selected, successful artist live-in studio in each of the cities. Employing Savitch's analytical approach clearly illustrates how dependent urban land development in general, and artist live-in studios in particular, are upon politics and planning . At the end of this chapter, implications of the application of Savitch's urban land development framework to the potential development of artist live-in studios in the City of Victoria are discussed.

B Paris

As argued by Savitch, urban land development in post-industrial Paris is dominated by a political-technocratic elite, with special interest groups participating in a token manner, if at all. Called "mobilizing corporatism," the government instigates urban land development so that an overall planning vision with Paris as the heart of France, surrounded by concentric bands of satellite development "poles" connected by broad radial transportation bands, will be fulfilled. Politicians play key roles in directing a highly specialized civil service (Savitch 1988: 132), and use powerful aids such as unilateral zoning bylaws to regulate private sector development, even to the point of fixing land prices for up to fourteen years (*Zone d'Aménagement Differe*, 135). The redevelopment of *Les Halles*, building of *La Defense*, and plans for the *Secteur Seine Sud-Est* are used by Savitch as case studies to illustrate the flow of power from the top politicians and centralist government in Paris, which Savitch describes as pyramidal in form (250). Although funds for post-industrial development in Paris are often supplemented by the private sector, top politicians and technocrats are responsible for "mobilizing corporatism" by providing the infrastructure and framework for development. The general public has little or no opportunity to contribute to the shape of the development once votes are cast for the local government politicians.

Cité d'Artistes

The *Cité d'Artistes* is a good example of how "mobilizing corporatism" and strong centrist power affect the development of artist live-in studios in Paris. Designed by architect Michael Kagan and completed in 1992, the *Cité d'Artistes* project was built on the site of the disbanded Citroën manufacturing plants in the 15th arrondissement. When Citroën left the area in the early 1980s, the *Régie Immobilière de la ville de Paris* (the office responsible for real

estate for the City of Paris) decided to create a park out of the site rather than allow the land to be used for another commercial venture (Hendel 2002). The result is a thirteen hectare open green space with new accommodation buildings in the south-east corner, altogether forming the Citroën-Cévennes Park. According to Kagan, writing about the project in *GA Houses* (1993),

> The brief asked for thirty-eight artists' studios, each having its own living accommodation and twelve apartments which were separately financed … The system responded to a stipulation … that the lodgings adjoining the studios have independent access so that the artists may separate their working and private lives. It allowed emphasis on community lifestyle … [and] general conviviality (144-57).

The buildings consist of glass and glass block walls, set into geometric concrete structures: a cylindrical shape for the "artist workshops" and cubes for the residences, connected by an elevated gangway. Overall, the clean, modern aesthetic of the architecture contributes to a striking impression, reflecting a genuine respect for artists and their works. This physical commitment to maintenance of the artistic cultural landscape is due in large part to the style of politics and planning in the *ville de Paris*.

The power of politics is clear in the development of Citroën-Cévennes Park, as the valuable abandoned industrial land could have provided potentially greater returns had it been used for other purposes such as, for example, a satellite high-rise development in one of the many suburban development "poles" ringing central Paris. That the bulk of the area is used for open park land is remarkable. The choice of artist studios and "social housing" as the type of units to be built around the park reflects the commitment of the local government to the cultural landscape: the *ville de Paris* provides incentive to artists by developing and managing studios and housing to artists at low rental rates (Williams et al.

1993).[4] That the *Cité d'Artistes* includes twelve non-subsidized units sold on the open market could relate to various political issues, including participation of the private sector in the development, attempts to provide stability for artist occupants, and that not all artists require subsidization—some are able to flourish in the active free art market in France, even without gaining super-art-star status. In any case, political support for the project was crucial to the development of the park and artists' residences and studios.

It is difficult to know whether political or planning impetus came first in realizing Citroën-Cévennes Park from disbanded industrial land, however, once political support for the project gained momentum, the Parisien "technocrats" begin to shape the development in more ways than just physical layout. This is indicated by the brief that the architect Kagan received, with detailed instructions about the social aspects to which the new development should aspire. The living and working spaces were to be separated yet accessible, and a sense of "community" was to be encouraged by the architecture. These requirements of the *Cité d'Artistes* urban development were certainly imposed upon the architect by planners with an ideological goal in mind, apparently without consultation with the artist end-users.

Even the choice of architect for the project reflects political and planning concerns. At the time of construction, Michael Kagan was a relatively young architect with few built projects to his credit. To be selected for such a prominent project indicates political approval for some reason, and planning approval likely for Kagan's modern style of design and ability to work within complex parameters.[5] The public did not participate in this or any other

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[4] The *ville de Paris* follows in the footsteps of the *Ministere de la Culture*, which grants twenty to fifty percent of the cost of construction of new artist live-in studios, or conversion of industrial spaces to studio spaces (Jennifer Williams et al., London: British American Arts Association, 1993).

[5] In addition to multiple requirements for living and studio spaces, social goals and budget, the *Cite d'Artistes* building site was severely restricted by a nearby motorway and "enterprise zone," (Michael Kagan, *Cite d'Artistes* in *GA Houses*, November 1993, 144-57).

aspect of the development. Thus the direct centrist, patriarchal style of urban development in Paris, called "mobilizing corporatism" by Savitch, is clearly seen in the regular, planned development of artist living and working studios in the *Cité d'Artistes*, unlike the rather sloppy, overlapping processes that tend to occur in New York.

C New York

Land development in New York is more chaotic than in Paris. According to Savitch politics and planning in New York result in a "corporatist-pluralist hybrid," with decisions characterized by compromise. Governments are numerous and fragmented, politicians with strong personalities lead the actions, interest groups are vocal and included early in the decision-making process, and the economic reality of private sector corporations responsible for the actual construction of projects all combine to result in "imbalanced development." The power structure is described as "circular," with a political / technocratic elite surrounded by various interest groups, private sector developers and community activists. New York's post-industrial development is focussed on Manhattan Island and this affects the shape of the entire metropolitan settlement. The redevelopment of Times Square, the Westway highway project and the development of Lincoln West in mid-town are used by Savitch to illustrate the effect of pluralist-corporatist influences. New York's post-industrial development exhibits the overall will of strong political leaders and city planners, yet final development is affected at all stages by interest groups and the private sector.

Westbeth

The role of planning and politics in the development of artist live-in studios in New York is exemplified by Westbeth—"the largest artists community in the world" (WARC 2002). Formed in 1967, Westbeth is a non-profit organization dedicated to providing low

cost living and studio spaces to low-income artists and their families, providing a total of 383 rental units of varying sizes for "professional creative artists." There is stiff competition to become a Westbeth resident, including proving *bona fide* artist status to the membership committee, followed by a seven to ten year wait before gaining a live-work studio. Once in, however, Westbeth provides for artists, families and non-artist spouses—the latter sometimes remaining long after the artist has moved on.

The attractive location of Westbeth in Greenwich Village is augmented by the building itself. Renowned architect Richard Meier designed the renovation of the former laboratory building of Alexander Graham Bell in Manhattan for Westbeth, providing open interior units for the artists to finish as they wished. A gallery, theatre and some commercial spaces were also designed into the project. A brilliant colour scheme in the corridors and public areas has since been painted over with neutral whites. This was apparently part of a *coup* in which one group of Westbeth residents attempted to have the non-profit rental status of the organization changed to a strata-condominium type of development, where artists would own their own units and be able to sell them freely on market. In fact, all units in Westbeth are rental, and must remain so by the legal charter of the organization.[6] Artist residents must qualify as low-income earners under U.S. Housing and Urban Development (HUD) regulations, else the rent is slapped with a surcharge. While this is contrary to the stated interest of this paper in artist-*owned* live-in studios, it may be the "exception to prove the rule." New York City has some of the most expensive land prices in the world. In an attempt to alleviate the onerous burden of excessive rents shifting the high land costs onto

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[6] Other Westbeth residents objected to forming a condominium, claiming that the price of units on the open market would preclude low-income artists from being able to afford to live at Westbeth. A lawsuit ensued, with the Court ruling that it is illegal for units at Westbeth to become privately owned (from the Westbetharts website, Who are the Millionaires? in *Westbeth Artist News*, 2002).

tenants, the municipality has strict rent controls that have been in place since World War II (Financial Express 1997). Rent controls distort the real estate market as capital values of rental properties fall and new rental construction is limited, putting upward pressure on the cost of suburban dwellings (L. Smith 1988, Jacobs 2000: 117). Thus the incentive for artists to *own* live-in studios in central New York is not as high as in cities without rent controls.

While we cannot use the example of artist live-in studios in New York City to judge the value of artist-owned units in a free market, Westbeth provides valuable lessons about the role of politics and planning in the development of artist live-in studios in New York. Politics were involved in 1966, when arts activists in the local community of west Manhattan convinced the quasi-political Chairman of the U.S. National Council for the Arts to put his weight behind the idea of adapting the old Bell Laboratories to provide affordable housing for artists. With this strong personality leading the action, the Kaplan Foundation was convinced to participate in the development of artist live-in studios, and Westbeth was formed in 1967. Thus a special interest group provoked development of the project, and once it gained support of a prominent political figure, the group was able to garner matching funds from a beneficent foundation in the non-profit sector. There is some question about the intention of the Kaplan Foundation in participating in the Westbeth project. There was a previous Kaplan funded "Westbeth" artists residence building in Greenwich Village which was turned into a condominium type "co-op," indicating that the economic reality of the private sector may intrude even in the not-for-profit sector of land development in New York (Westbetharts 2002). Nonetheless, without the monies from Kaplan, Westbeth would not exist today.

Several governments also contribute to Westbeth. The role of the planning department of the local municipal government in the development of Westbeth is not

exceptional—of course the project must conform to relevant zoning regulations and building codes, but planners in this case do not seem to have had an extraordinary influence. Other governments playing an active part in Westbeth include HUD, which supplied additional mortgage funds for development of the units and as a result maintains regulatory control, e.g., the requirement for artists to be low-income earners. Then there is the conflict-laden internal government of Westbeth itself, the official Westbeth Artists Residence Committee (with non-artist members who still want to condominimize) and its unofficial shadow, Westbeth Artists in Residence (with low-income artists members who object to the privatization). Overall, it seems the various governments affecting Westbeth, both external and internal, are fragmented and exhibit weak controls.

When the processes culminating in the artist live-in studio project of Westbeth are considered in their entirety, the "imbalanced development" Savitch notes as a character of the "corporatist- pluralist hybrid" style of development is apparent. First, the ambiguous relationship of Westbeth to the Kaplan Foundation is based on compromise—the Kaplans are tolerated by low-income artists as their contribution was essential to establishing Westbeth. Low-income artists are tolerated by the Kaplans as they are the key to the development of Westbeth which may eventually be privatized and thus profitable. Second, the instability of the make-up of the not-for-profit organization is highlighted by the on-going threat of a condominium take-over bid, led by political non-artist members within Westbeth. Finally, the infighting among residents about repairs, apartment allocation, and perceived perks to politically active members sets the tone for upheaval of the entire organization. Nonetheless, resident artists are active in their art, vehement about the value of the organization, and Westbeth will in all likelihood continue to carry on for many more decades. In New York, it seems individuals become embroiled in controversy surrounding

land development, often with a charismatic leader representing the way. This is not dissimilar to London, where controversy surrounding land development still exists, but corporations—whether private or public sector—have led the way.

D London

According to Savitch, urban land development in London traditionally follows a structured process characterized by tiered layers of governments with specific, non-overlapping powers, a professional civil service, and public consultation in decision-making. However, the city is in transition to more of a "New York style" of urban development, except that organized groups have a major influence rather than individuals. Labelled "liberal corporatism," development in post-industrial London is described as "ambivalent," an attitude attributed to economic stagnation (at least in the late 1980s when the book was written), and the tendency for groups to affiliate with established political parties—promoting conflict between different levels of government. This is seen in the case studies: the redevelopment of Covent Gardens, a proposal for a freeway called Motorways, and the development of the Docklands. Even though professional planners sometimes unveil plans only after they are fully developed, public special interest groups entering the decision process "mid-stream" are nonetheless influential when absorbed by larger political groups in a process Savitch calls corporatism. In fact, he states,

> This quality of incorporation is the bedrock of corporatist politics. In nearly every case, one group after another was made part of a government or quasi-government organization ... The absorption of small groups into larger organizations leaves little room for autonomy (Savitch 1988: 229).

The influence of a special interest artist group that has become part of the system of land development in London is illustrated by the Acme Artist Housing Association (Acme), described below.

The Fire Station

The Fire Station project is one of many properties developed by Acme in London to provide living and working spaces for artists, although spaces for the two uses are normally separated. The Fire Station was one of the very first projects that Acme was able to *purchase* rather than lease, and work-live artist studios are provided in the five-storey brick building located in an industrial zoned area. The old fire station property was not attractive to developers interested in building "living lofts" as zoning precludes strictly residential development on the property. Because demand was limited, the Fire Station property was listed for a low price, making acquisition possible by Acme. Based upon a solid reputation of working well with many the layers of local governments in London, Acme was able to:

> demonstrate to the local authority that we would use it for workspace and they allowed us then to be able to insert the living element because the work element was the thing that drove the whole project. The living element is ancillary to the studio space (VADS 1998).

With government approvals in hand Acme renovated the old fire station—originally built in 1911—to provide twelve new live-in studio units on the top floors, converted from the original twelve "fireman's flats." Six large studio-only units are located on the ground floor, helping to meet some of the demand for Acme's waiting list of over 600 artists. Rents for the live-in studios are fixed by Acme for a period of three years with three bursaries available to artists in need of financial assistance. The Fire Station building is a plain brick building located in an industrial area. There are no fancy shops in this area of London, but Acme's renovated Fire Station does fulfill the need for low-cost space for living and working in a very expensive city.

The Fire Station project fulfills Acme's goal of providing accessible, appropriate spaces for artists and exemplifies how the functioning of an organization is complicated by the typical British system of layered governments, each with its own circle of power and

responsibility. For example, when Acme was formed in 1972 by a group of art students from Reading University wishing to move to the art mecca of London, the group found the rents for living and studio space unaffordable. Noticing vacant, derelict buildings around the city, the group found the most convenient way to get access to the underused buildings was to incorporate as a Housing Society. This process put the students in touch with one of many government departments. Next, the newly official "Acme Housing Association" repeatedly contacted the Housing Authority of the Greater London Council, then convinced that government department to rent properties that were waiting for redevelopment to Acme on a short-term basis. Once the Housing Authority was persuaded and a building was allotted, Acme had to deal with the local government authorities (e.g., Hackney in East London), in order to conform to any local regulations that might apply. Acme also deals with government authorities for some funding support—first the Greater London Arts Council, now the London Arts Board. [7] More recently, Acme has had to deal with the federal government department in charge of the Lottery Fund. It was this dedication of funds that allowed Acme to purchase buildings for long-term studio development for the first time, for example the Fire Station project: due in large part to the respect from civil servants for the group's record of success. [8]

The professionalism of the civil service in London is noted in the short history of Acme. First, employees of the Housing Authority were able to make the initial decision to rent semi-derelict buildings on a short-term basis to Acme. An important point is that Acme

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[7] The funding support Acme receives from outside sources is limited to five percent of the budget: for the most part the organization is self-funded (Jonothan Harvey in an interview by the Visual Arts Data Service, 1989, on the Surrey Institute of Art and Design website, see VADS in bibliography).

[8] In fact, Acme's ability to work well with governments has spread to the point where they now locate and manage live-in studios for the governments of Sweden, Austria, Germany and Switzerland: so that foreign artists have a chance to work in London for a period of time (*ibid.*).

approached the Housing Authority from the position of being "good users of housing," rather than artists in need of cheap housing (VADS 1989). With the group seeming to fit the criteria of the local government, the Housing Authority was able to accommodate their needs. Secondly, government employees evaluated the performance of Acme over some years, including criteria such as national awards made to artists affiliated with Acme. Based on this quantitative data, recommendations were made for lottery funding to allow Acme to purchase and develop long-term artist live-in studios for the first time. The professional evaluation made of Acme by the civil service thus augmented the group's overall influence.

In Savitch's framework of "liberal corporatism," organized groups have a much stronger influence on the outcome of urban land development than individuals. Acme certainly exemplifies this as once the seven original fellow students organized into a group with credentials recognized by society—namely, a housing association—they were quickly able to make real contributions to the plight of many penniless artists in London. In fact, the group of seven students was originally concerned with providing affordable living and studio spaces (not necessarily in the same unit) for themselves only. Once organized, their ability to use the semi-derelict buildings to great advantage was quickly noted by the Housing Authority of the Greater London Council and soon the group found themselves allotted more space than they needed. Well aware of the difficulty of artists in finding cheap spaces in London, Acme began to manage the overflow space and within two years of formation was responsible for over eighty houses renting spaces for living and working to artists for limited short terms—normally one to three years. Today, Acme oversees more than 500 studios in short-term buildings, and is well on its way to successfully providing "a permanent network of space" in projects such as the Fire Station (VADS 1998). The power of organized groups in "liberal corporatism" is clearly illustrated by nearly thirty years of

Acme's success in supplying living, working, and live-in studios for artists in London. Although much smaller than London, organized groups in the City of Victoria could benefit from Acme's example, as the two cities have similarities when placed in Savitch's framework.

E City of Victoria

When politics and planning in the City of Victoria are analyzed using Savitch's framework, we are able to generalize about the style of urban land development. The City of Victoria seems to exhibit a real blend of the New York and London styles of development: hence the "pluralist liberal corporatism" label (see Table 1). Certainly the City of Victoria is similar to London in that there are many layers of governments, each with dedicated duties and fairly circumspect powers. [9] Yet, like New York, the *initiation* of urban land development projects may be political, coming from *politicians* (e.g., the new Memorial Arena development supported by the Mayor), or from the *private sector* (e.g., development of the former industrial Songhees land into a zone of condominiums and a hotel). Alternatively, projects may stem planning rationale, initiated by *technocrats* / city planners (e.g., the "no zoning" area of Harris Green near the central city). Organized groups are capable of influencing land development in the City of Victoria. The *consideration* process can be marked by *conflict* (e.g., the "new" Eaton's Centre which destroyed numerous historic buildings), yet at other times special interests groups *collaborate* and new developments proceed smoothly (e.g., the Convention Centre). Finally, although *implementation* of developments are substantially funded by the *private sector* that puts up substantial funding for land development, it is the *public sector* that legally approves the project and organizes the infrastructure that makes the development

[9] Some of the various local governments affecting people living in the City of Victoria include the City of Victoria, the Capital Regional District, the Provincial Capital Commission, the Greater Victoria School District No. 61, Vancouver Island Health Region and the Greater Victoria Public Library Association.

viable. Thus in the City of Victoria we see City Hall supporting contentious rezoning applications made by private developers (such as Shoal Point, a luxury condominium development built on industrially zoned land which is also waterfront property). By setting the City of Victoria into the framework developed by Savitch, we see that post-industrial urban development is characterized by *inconsistency*. Some urban development projects are politically driven in the City of Victoria, others are fostered by planners—and in either case, motivated special interest groups can (usually) have some influence on the final development.

Politics and planning play a significant role in urban development in the City of Victoria, as they do in most other urban places. The characteristics of development style are largely defined by these two dominant factors, which clearly and equally affect the development of artist live-in studios. By using the framework developed by Savitch, we see that artist live-in studio developments in the City of Victoria have the potential to emulate those found in London and New York, more so than in Paris. This is because the influence of politics and planning on land development in the City of Victoria is a blend of that found in London and New York when considered at the local government level.

Through analysis of the style of politics and planning in cities, we see the effects on urban development from the macro viewpoint. It is the translation of political and planning decisions by the local government into detailed, working policies and their associated regulations that we look at next. The City of Victoria has several policy options that permit the legal development of artist live-in studios. In the next Chapter, we begin to focus on the micro view of how politics and planning affect the realization of appropriate, affordable artists live-in studios in the central area of the City of Victoria, starting with a good look at the situation of an imaginary artist, whose plight is typical of many artists today.

3

Artist Live-in Studios in the City of Victoria

A Mise-en-scène

When we left the imaginary the artist in described in Chapter 1, she had received an eviction notice from her Chinatown studio where she had painted for some years. Unable to leave her artwork undone in order to wait for the renovation of her studio to be completed, and afraid of the new rental rates resulting from the "up-grade," the artist decides to go looking for a new place. Undaunted by the on-going gentrification of the central city, the artist manages to "score" another studio and she can even live there, too! This achievement is likely due to a long history of networking within the artistic community and some good luck. The studio is in an old, historic building in the centre of town that has not yet been updated but probably will be converted to condominiums within the next five years. The studio consists of a huge open space with twelve-foot high ceilings, is well windowed, and has a toilet, fridge and wood stove (i.e., "heated"), and her trusty Coleman camper stove will do for cooking. She knows she can afford to pay the monthly rent of $850 per month, [10] as

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[10] If the artist pays $850 per month rent, what could she own for similar payments? "Typical" monthly studio expenses, * *including 10 years of property tax forgiveness under the Tax Incentive Program (see p.53)*, might be:

utilities - $50 electricity, $50 gas	$100
taxes	$ 60 * *(property tax estimated at $1200/year for 10 of 20 years)*
insurance	$ 60
condo fees (estimated)	$ 30
mortgage payment	$600
TOTAL MONTHLY EXPENSES	$850

In terms of a potential live-in studio with a purchase price of $160,000 such as Dragon Alley (considered "affordable" housing in Victoria which has the most costly housing in Canada [BCTV News, April 2003]) this translates into the following mortgage: $70,000 down payment, balance amortized over 30 years at 8% interest with monthly payments of approximately $650 (Mortgage Centre 2003). In addition, the artist still has other monthly expenses as shown above The problem with this scenario, of course, is the *$70,000 down payment* that few low-income artists have access to.

long as the provincial government keeps giving her those free-lance writing jobs on a regular basis. Our artist is ecstatic!

The artist's first improvement to her new studio is to install a hot water heater and tub, likely at her own expense. After all, she must have a place to wash her two year old toddler. This darling tiny-mite is in his exploratory years, so mother's artist-bottles must be stored far from his reach. Some of them contain aromatic hydrocarbons like benzene and toluene used in resin solvents; chlorinated hydrocarbons like methylene chloride used in paint strippers and petroleum distillates like N-Hexane used in clean-up. These and numerous other compounds regularly used by artists can cause severe illness, allergies, and even death (Gaudet 1988). Fortunately, our imaginary artist was well vetted in studio safety procedures during her four years of university so she segregates her work space and storage lockers from her child's sleep and play areas with eight-foot high partitions built from inexpensive 2x2 spruce and translucent plastic sheets.

But what about the toxic vapours and fumes? Our poor painter can't afford the estimated $5,000 required for a proper exhaust ventilator with a hood. She must rely on dilution ventilation: an open window with a small fan. Fortunately our artist does not work with controlled materials requiring conformance to industrial air pollution emission standards. For some artists working in other mediums such as etching, using strong acids and alkalis, pursuit of their work in a wide open studio without proper separation of living and working areas is simply out of the question with a two year old underfoot. A similar scenario can be written for the sculptor with his sharp tools and "potter's rot," a form of silicosis acquire from long-term inhalation of certain stone dusts, or "cotton lung" which results from the inhalation of dust and hairs from fibres used in weaving and so on.

Clearly, the difficulties for the artist searching for an affordable studio in a gentrifying area such as the centre of the City of Victoria is matched by the problem of finding a well designed space that allows separation of living and working areas in order to protect the health of the artist and her family. The improvements our artist is putting into her new studio must be balanced by the knowledge that, at most, she will be able to live there for five years. Oh, if only she could buy her own place somewhere downtown where she and her artist friends have such a lively community. Then all the improvements she makes to the space would build upon each other and she could gradually fashion a truly appropriate artist live-in studio.

Live-in studio "types"

Artist live-in studio, lifestyle loft, live-work, work-live, home occupation—such terms describe a new class of building unit that has recently taken North America by storm. Existing perhaps since prehistoric times when cave-dwelling artists drew images of bison and ibex on their limestone walls, our contemporary concept of "live-work" originated in the early 20th century when starving artists combined living and working spaces in freezing attics in Paris and other European cities, usually out of economic necessity (Peppiat and Bellony-Rewald 1982). In contemporary times, New York, Minneapolis, San Francisco and Vancouver have been leaders in allowing this type of mixed cultural / residential use in commercial and industrial zones that normally restrict residential occupation. The effect has been startling with real estate investors in the United States looking seriously at some live-work condominiums selling for over US$1 million as investments (Protopappas 1997). Recently regulations in the City of Victoria have spawned this type of development locally.

Live-work developments in the City of Victoria have been newly constructed since the late 1990s, when City Hall approved new land use planning policies with the potential to

permit development of legal artist live-in studios. These policies include the Tax Incentive Program (TIP), and formal "live-work," and "work-live" zoning regulations. The first projects with "live-work" units were 40 Huron Street, now known as Shoal Point, and 407 William Street, both of which gained rezoning approval to allow residential occupancy in non-residential zones at least partially on the basis of providing the live-work units. As of 2003, no projects receiving the TIP assistance have been directed specifically towards artist live-in studios, nor have any formally designated work-live projects been constructed; however, both of these polices legally provide options for development of artist live-in studios. The three policy thrusts—the TIP, live-work and work-live—with potential for artist live-in studio developments are analyzed below with attention to the dual roles of politics and planning in their inception and application.

B Politics and planning - the policy making process

In British Columbia, local governments are empowered to regulate land use by the mandate given in the provincial *Local Government Act* (Part 26).[11] Policies are crucial tools in this regard, providing broad statements of objectives that are employed to formulate regulations to shape future development. The public participates in policy making in various ways, from voting for municipal politicians in the democratic process, through to lobbying, sitting on appointed boards, and letters and conversations with public officials (Bish and Ostrom 1973). Members of the public with special interests, history, the press, politics and planning all play roles in answering the question: *How did the kinds of public policies come about that permit artist live-in studios in the City of Victoria?* Let us start our analysis with a look at significant historical influences playing a role in policy making in contemporary times,

[11] The exception in British Columbia is the City of Vancouver, where governance at the local level is delegated through the Vancouver Charter.

followed by a discussion of political issues and planning responses in the City of Victoria.

History

Restrictive zoning and industry – Zoning is a mechanism developed to exclude incompatible land uses from one another with origins in the English Picturesque movement in the mid-1800s when affluent industrial moguls began to move away from polluted urban centres to the outskirts of the cities, establishing the first residential suburbs (Southworth and Ben-Joseph 1995: 66). Later, this trend was formalized in late 19th century Germany in the form of "city-wide districting" (Hodge 1998: 142). The most definitive moment in the history of zoning in North America, however, was the passage of the Zoning Ordinance of 1916 in New York City. By the end of the 1920s, over 750 cities in the United States had followed suit, legalizing zoning regulations because "everyone could see that it was good for business," and furthermore was much cheaper than the beautification schemes put forth by proponents of the City Beautiful design movement, according to planner and academic Peter Hall (1995: 16). Essentially, zoning is a "tool" of city planning that proscribes land use characteristics for individual properties, specifically the permitted use(s), and the permitted size and height of buildings (Hodge 142).[12] Hall distinguishes between two theories of zoning: the "property value" theory and the "planning theory. Essentially, the former refers to the belief that:

> each piece of property should be used in a manner that will give it the greatest value … without causing a corresponding decrease in the value of other propert[ies nearby] (1995: 134-36).

This incentive is often considered to be the driving force behind New York's upper-class Fifth Avenue property owners who were influential in having the seminal 1916 Zoning

[12] Other planning tools traditionally used by planners to control urban development include restrictive covenants, capital improvement programmes and subdivision controls (Christopher Lee, *The Effects of Planning Controls on the Morphology of the City of Victoria, British Columbia*, unpublished Master of Arts thesis in the Department of Geography, University of Victoria: 1969).

Ordinance passed. In contrast, Hall attributes the latter theory of zoning to the tendency of city planners, backed by municipal legal departments, to insist upon conformance to a pre-developed "comprehensive plan" consisting primarily of zoning ordinances (137-39). In reality, Hall argues, both theories of zoning have flaws: the property value theory is parochial; the planning theory ignores the necessity for contemporary municipalities to situate themselves in a regional (at a minimum) context. Thus zoning is perhaps better regarded as:

> a process. It is that part of the political technique through which the use of private land is regulated (Babcock 1995: 139)

Babcock's prescription is upheld in modern Canadian cities,

> [w]here planners once attempted to anticipate future development forms in their technically derived plans and zoning maps, proposals for change must now be dealt with by the planning process, case by case and site by site (Smith and Moore 1993: 358)

Whatever the theoretical case may be, during the post-war building boom in the late 1940s and 1950s the profession of urban planning blossomed and since then zoning regulations have become progressively more and more complex (Wolfe 1994). Planner Brian Sikstrom of the City of Victoria (hereafter also referred to as the City) concurs that the number and complexity of zones have proliferated in the twenty years he has been with City. Presently there are over four hundred different zones (up from eleven zones allotted in the 1956 Zoning Bylaw (Lee 1969: 49). Today, the City of Victoria's core consists of various zones that restrict usage to commercial, industrial, institutional and some site specific development permits that permit deviation from the standard zoning in the area. Some of the development permit areas allow high-density residential uses such as those found in the Songhees district adjacent to downtown. While standard City zoning regulations are permissive regarding residential use within many commercially zoned areas such as Old

Town, until the advent of "work-live," residential occupancies were not permitted in any of the modern industrial zones which ring the Inner Harbour.

In the City of Victoria, like most North American cities, the urban settlement grew up around a central historic trans-shipment point—today's Inner Harbour—where goods were exchanged, such as native furs from the land traded for imported medicines from the ships, for example. Early industries located along the waterfront of the Inner Harbour and James Bay, the points of maximum accessibility to marine transportation. In fact various industries were encouraged to locate in these areas by incentives from the City which included property tax forgiveness for periods of 5 to 15 years, specially discounted water rates, fixed tax assessments and in some cases cash bonuses and/or bonds guaranteed by the City (Lee 1969: 23). Thus encouraged, industry gradually spread north of downtown into the present Rock Bay, Garbally Bay and North Douglas areas. Although many of the industries "collapsed" when the City's incentives ran out, these areas were formally designated by the City for industrial use in the first zoning bylaw of 1929, as a strong manufacturing base was considered essential for the economic health of the new settlement (Lee 1969: 21-22, 31). According to Christopher Lee who undertook a comprehensive study of City of Victoria Council meeting minutes from the time of the City's incorporation in 1862 to the late 1960s, by 1956 when the zoning bylaw was finally updated:

> [f]or the most part industrial land was situated along the harbour because most of the industrial users, such as shipyards and sawmills, required waterfront sites. The Council, in expectation of individual expansion, zoned more land for industrial purposes than was actually required, and as a result, had a surplus of such land. … North of Rock Bay, in the area zoned for industry, both industrial and residential functions were mingled … at the same time there was considerable vacant land in the industrial reserve [consisting of the present day Dockland/Songhees](1969: 45, underline added).

Clearly, very early decisions by the City's local government to entice industry were reflected in formal zoning regulations regardless of the lack of industry in reality through to

the 1950s. The situation worsened as technology developed, in particular improvements in transportation. During the 1960s and 70s, it became less and less important for the remaining industrial firms to remain centrally located where demand from a growing urban population and tourism uses contributed to rising land costs, and they began to move out to suburban locations on the Saanich peninsula—nearer to the ferry terminal and airport—where land and transportation costs were lower. The loss of industry, combined with the permanently vacant land from the over-allocation of industrial zones since the late 1800's, contributed to a decidedly derelict, semi-abandoned look in the City's core industrial zones by the mid-1980s. In the late 1990s, the City again addressed the loss of industry from the central core—in part with new regulations that have the potential to permit artist live-in studios.

Political impetus

Revitalization of post-industrial areas – The trend for industry to relocate away from the city centre to suburban locations after the middle of the 20th century was common in many cities built up during the industrial revolution ("industrial parks" Findlay 1992: 119; Hodge 1998: 73, "suburbanization" Harvey 1989: 122-23; Findlay 1992: 280; Jackson 1997:150-54). As early as the 1920s (McCann 2003) and certainly in the 1950s (Zukin 1982), abandoned warehouses proliferated in areas like SoHo in New York and Montmartre in Paris. Artists—as low-income earners hard pressed to find appropriate spaces in which to produce their art and live—were attracted to these large, lofty, empty spaces. Undeterred by the possible illegality of occupying such spaces under zoning regulations, and unfazed by the lack of amenities most people take for granted (heat, hot water, etc.) artists moved into these spaces instigating pockets of "new work" in the urban fabric (Jacobs 1969, 2000: 57). Cafes, stores, and other economically diversified enterprises were attracted to the vitality of the

artist-driven communities. Over time gentrification occurred and artists were forced out of the warehouse districts and were once again left to search for urban areas in transition from one use to another, where low demand results in increased affordability (Bish and Kirk 1974, Bourne and Bunting 1993).

A similar trend has occurred in the City of Victoria, where artists moved into abandoned semi-industrial and commercial spaces in Chinatown and Old Town as early as the 1950s (Siebner 1996). Economic stagnation resulted in a thirty year hiatus from the excessive pressure of rapid urban growth, allowing these small artists' enclaves to become established in the centre of the City of Victoria. These avant-garde studios remained relatively stable and affordable until the late 1980s when several factors combined to put a sharp upward pressure on land costs in the core areas. At that time demand grew for residential development to meet the needs of an in-migrating population that included many retirees—both national and international. As in many other Canadian cities, the cost of accommodation in the centre of the City of Victoria was becoming inflated by increasing gentrification "and the preference shifts that it represents" (Bourne and Bunting 1993: 190).[13] The constricted geography of the City of Victoria also affected land costs. Bounded as it is on three sides by adjacent municipalities and on the fourth side by the Strait of Juan de Fuca, available land for new development is scarce (see Figure 4). Thus three factors combined to make development of any type costly in the City of Victoria: high demand for centrally located residential units, a limited supply of land and expensive construction to

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[13] In *The Changing Social Geography of Canadian Cities*, David Ley writes about Toronto since 1980,

> ... the inflation of central-city housing costs has far exceeded that in the suburbs. Indeed, rather than conversion and downfiltering, deconversion and upfiltering are a major force ... A principal cause of deconversion is gentrification, the movement of wealthier households into districts formerly occupied by less affluent residents (Larry Bourne and David Ley, editors, Montreal and Kingston: McGill-Queen's University Press, 1993, 228).

provide the seismic reinforcing necessary because the City of Victoria is in a primary earthquake zone (Holmes 2003, Province of British Columbia 1998). These factors began to seriously affect the affordability of the existing come-what-may artists' studios located in the core areas of the City of Victoria.

Artists were not the only ones affected by affordability problems. In the late 1980s and early 1990s the largely abandoned industrial lands adjacent to the urban centre came to be viewed as desirable waterfront property with potential for real estate profits, even though the City's restrictive industrial zoning regulations still precluded residential development. Determined to "protect" the few remaining industries, the City of Victoria staunchly kept the industrial zoning in place. However, the mid-1990s saw a new local government elected to City Hall, one with a political platform based on urban growth and economic development. In 1997 the newly formed Economic Development Division stated "Victoria is open for business," and came up with the idea of marketing the City of Victoria as a high-tech regional centre based on quality of life attractors of a mild climate, good education facilities, low crime, etc. (Durlak 1994: 85). After these broad policy directions were further developed by city staff, including planners, response was solicited from the general public.

Members of the public with special real estate interests were quick to point out that the City's existing zoning regulations did not permit the high-tech and "service commercial" uses being touted in the *Economic Development Strategy*—and that underused industrial lands near the urban core were prime candidates for such development. With this new impetus, the City agreed to review the existing industrial zoning in central areas. In 1998 the City discussed allowing high-tech and "service commercial" uses in some of the light industrial zones in the areas adjacent to the Douglas Street corridor, one of the main arterial routes into the urban centre just north of downtown (detailed in Chapter 4). Concurrently,

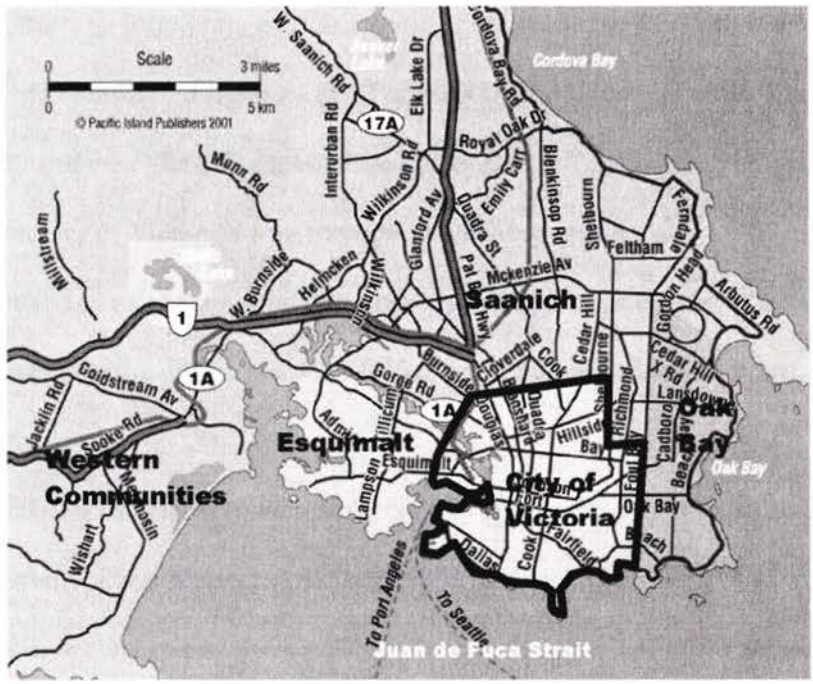

Figure 4. Map of the City of Victoria and Greater Victoria *in situ.*
Base map reproduced with permission of Pacific Island Publishers © (2001).
Source: Tourism Victoria website.

other real estate developers were pressing the City for approvals for mixed-use projects containing "live-work" units that combined a residential and commercial function. Obviously this was more palatable to City Hall than having strictly residential development on commercial and industrial zoned lands around the Inner Harbour and central core areas, judging by the success of the rezoning applications (e.g., 40 Huron, 407 William Street). These developments on the land development front may have spurred the idea of allowing work-live" into industrial zones along with "high-tech." Once planted there was no looking back—the concept of work-live occupancies in core industrial zones took off.

Revitalization of the downtown core – A further political impetus for the development of policies permitting artist live-in studios is the City of Victoria's formalized goal of increasing population in the central core. This policy is considered to be the answer to economic stresses caused by the gradual erosion of the City of Victoria's industrial base

over the past thirty to forty years and the leaking of businesses to locations outside the core areas. The City's *Corporate Strategic Plan* (1997 and 2000), the *Victoria Economic Development Strategy* (1998), and the *Official Community Plan* (OCP) (1995)[14] all contain policies aimed at revitalizing the City of Victoria's core through intensifying residential use.[15] The general public was invited to a series of public hearings regarding proposed policies in the 1995 *OCP* intended to revitalize the downtown core. When council passed the *OCP* Bylaw, these policies became law.

Several policies related to increasing the resident population in the core of the City of Victoria received political support in the late 1990s. Theoretically artist live-in studios could be developed under any one of these policies which include an innovative tax incentive program for residential conversions of vacant upper stories of downtown heritage buildings. Other possibilities for development of artist live-in studios are by using the "live-work" and "work-live" unit definitions that were added to the zoning regulations in the late 1990s due to political agitation by special interest groups from the development and real estate sectors, namely, the developer of Shoal Point Condominiums in James Bay and the Industrial Zoning Focus Group respectively (Sikstrom 2000, City of Victoria 1998a and 1999a, discussed in detail in Chapter 4). The latter zoning definitions are perceived to be consistent with the goal of revitalization through increasing core residential population, in addition to answering several other needs:

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[14] The *Official Community Plan* (OCP) is a comprehensive planning tool, containing policies that shape growth, social, and environmental objectives. Public input into the *OCP* is required by law, with plan review every five years (LGA s.877(1) (a)-(g), Province of British Columbia 1996b).

[15] Here, the core area is considered to be somewhat larger than the area designated as "developing" in the *OCP* (Victoria *Official Community Plan*, 1995, City of Victoria, Map 1 dated January 1999) including more of James Bay, Rock Bay and Victoria West—all easily within walking distance for the average person living or working in central Victoria (see Figure 1).

- the City's need to attract high-tech businesses for economic development,
- the real estate industry's need to develop land for residential use,
- the needs of citizens to obtain affordable accommodation and working spaces.

Thus the *maison-type* or studio house—spaces with an open, flexible floor plan, airy volumes and simple, unadorned interior finishes, proposed by architects Le Corbusier and Andre Lurcat to suit the needs of artists with modest means in Paris in the 1920s (Banham 1980: 216)—has evolved into a new development rage in the City of Victoria, in step with the rest of North America. Using Savitch's terms, we could say that in the City of Victoria, developers and special interest groups have collaborated with politicians and planners to bring about several different policy mechanisms with potential for artist live-in studio development.

Planning provisions

Policy mechanisms – Unlike numerous other cities in Canada, the United States and Europe, the City of Victoria has no specific policies directed towards ensuring an affordable, safe supply of *artist* live-in studios. Nonetheless, during the process of developing the broad policy objectives referred to above into concrete regulations to encourage rejuvenation of abandoned and underused industrial lands and the downtown urban core, artist live-in studios were not excluded. In fact artists' studios are a permitted use under three distinct categories of City planning regulations that satisfy the political impetus described in the above section:

- *Live-work units*—where residential concerns take precedence over work concerns.
- *Work-live units*—where commercial or manufacturing activities take precedence over residential needs. In this use certain negative externalities such as noxious odours, high noise levels and walk-in trade are permitted.

- *Downtown heritage Tax Incentive Program (TIP) for residential conversions*—where developers are encouraged to renovate vacant upper-stories of designated heritage downtown commercial buildings into residential spaces with the incentive of property tax forgiveness for up to ten years: equivalent to the cost of seismic upgrading for the residential units, which can easily run up to thirty percent of total project costs.

Of the above classifications, work-live is deemed to be the most suitable for artist live-in studios involving the use of semi-industrial materials and processes which may generate negative externalities—such as heat from a ceramic artist's kiln or the flammable chemicals of the photographer. Other artists, such as water-colour painters, might get by in a live-work studio, or in a renovated upper storey in a downtown heritage building. Whether or not an artist studio occupancy will be legal depends upon conformance with City regulations which interpret policies to the public, the most important of which is the zoning regulation bylaw.

Definitions – Specific definitions of the various uses under which artist live-in studios have the potential to be permitted in the City of Victoria are found in the definitions and schedules of the Zoning Regulation Bylaw (City of Victoria 2003c, 2003d) and in heritage policy summaries of the *Building on our past* program (City of Victoria 1995a). Having been established during the policy formation phase, these definitions are the critical base upon which the City reviews projects and enforces regulations. The parts of the definition relevant to potential development of artist live-in studios are shown below, with underline added for emphasis:

- *Live-work* – defined during the rezoning application process for a multi-use project at 40 Huron Street (now called Shoal Point):

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Schedule A, Part 7.31 MS-2 Zone, Huron Residential and
   Marine Service District
1. In this Part, "live/work" means a use that includes
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(a) not more than 3 people engaged in any of the following uses that involve the making, servicing or selling of goods, or the providing of services:

(i) artist studio

(ii) making, processing and assembly of products in an area that does not exceed 280 square metres (3000 sq.ft.)

(iii) personal and professional services, including barber, hairdresser, bookkeeper, medical therapy;

(iv) testing, servicing, and repairing of goods, and

(b) at least one person residing in the dwelling unit where the use specified under paragraph (a) is carried on (City of Victoria 2003d).

- *Work-live* – defined during a collaborative focus group advice process between City of Victoria staff and members of the real estate industry:

Part 7.1 - M-1 zone: Limited Light Industrial (amended 10 Nov 1999)

1.(2) In this Part, "work-live" means a use that

(a) combines residential use, as an accessory use, with any of the indoor uses otherwise permitted under this Part, as a principle use; and

(b) is located in a unit that is a room or suite of rooms of which not more than 50% of the floor space is used for residential use.

1.(3) The following uses are permitted, provided they are not noxious or offensive to any adjacent Property or the general public by reason of emitting odours, dust, smoke, gas, noise, effluent, radiation, broadcast interference, glare, humidity, hear, vibration or hazard:

...(ff) work-live (City of Victoria 2003c)

Furthermore, *Work-Live Design and Planning Guidelines* (City of Victoria n.d.) form an integral part of the regulations for implementing work-live policies. They address issues of a general nature such as suite layout, flexibility, common amenities, security, noise, vibration, light and ventilation, storage, parking, loading, and utilities (see Appendix C).

- *The Heritage TIP* – This program was developed in 1998 in response to downtown property owners complaining about the cost of seismic upgrading necessary to develop

vacant second storey spaces, along with political and planning support (Barber 2003). To qualify for tax forgiveness, buildings must be located within the subject area to be eligible to make application to the Program (see Figure 5). Secondly, the building must have vacant or "under-utilized" upper storey spaces and be heritage designated, which is the only required definition involved in the planning process. Criteria for awarding heritage designation include architectural merit, historic associations and the integrity of the building (City of Victoria 2003a). Heritage designation is defined as:

> ... an official legal protection given to a property through a municipal heritage bylaw. A designated heritage property may not be altered or demolished without approval by City Council (City of Victoria 1995a).

Issues

There are a number of issues raised by City of Victoria planning regulations that affect the potential for development of successful artist live-in studios as discussed below.

- *Zones permitting artist live-in studios* – No new zones were created for regulations with the potential to permit artist live-in studios. Live-work is a permitted use in any existing City of Victoria zone on a project-by-project, site specific basis which requires a rezoning application. Making work-live a permitted use in the updated M-1, Limited Light Industrial Zone was achieved by amending the existing zoning bylaw. Residential use in commercial buildings has historically never been specifically prohibited in the downtown zones, so artist live-in studios developed in heritage buildings under the TIP do not require rezoning.

- *Parking* – Parking requirements for live-work and work-live are the same as for any other residential unit in the City of Victoria: one parking stall per one residential unit. Under the TIP, however, developers are not required to provide any parking stalls! This is a big incentive to developers as parking spaces and the access lanes to get to them require significant dedications of land. This raises two issues: 1/ the long-term implications of not

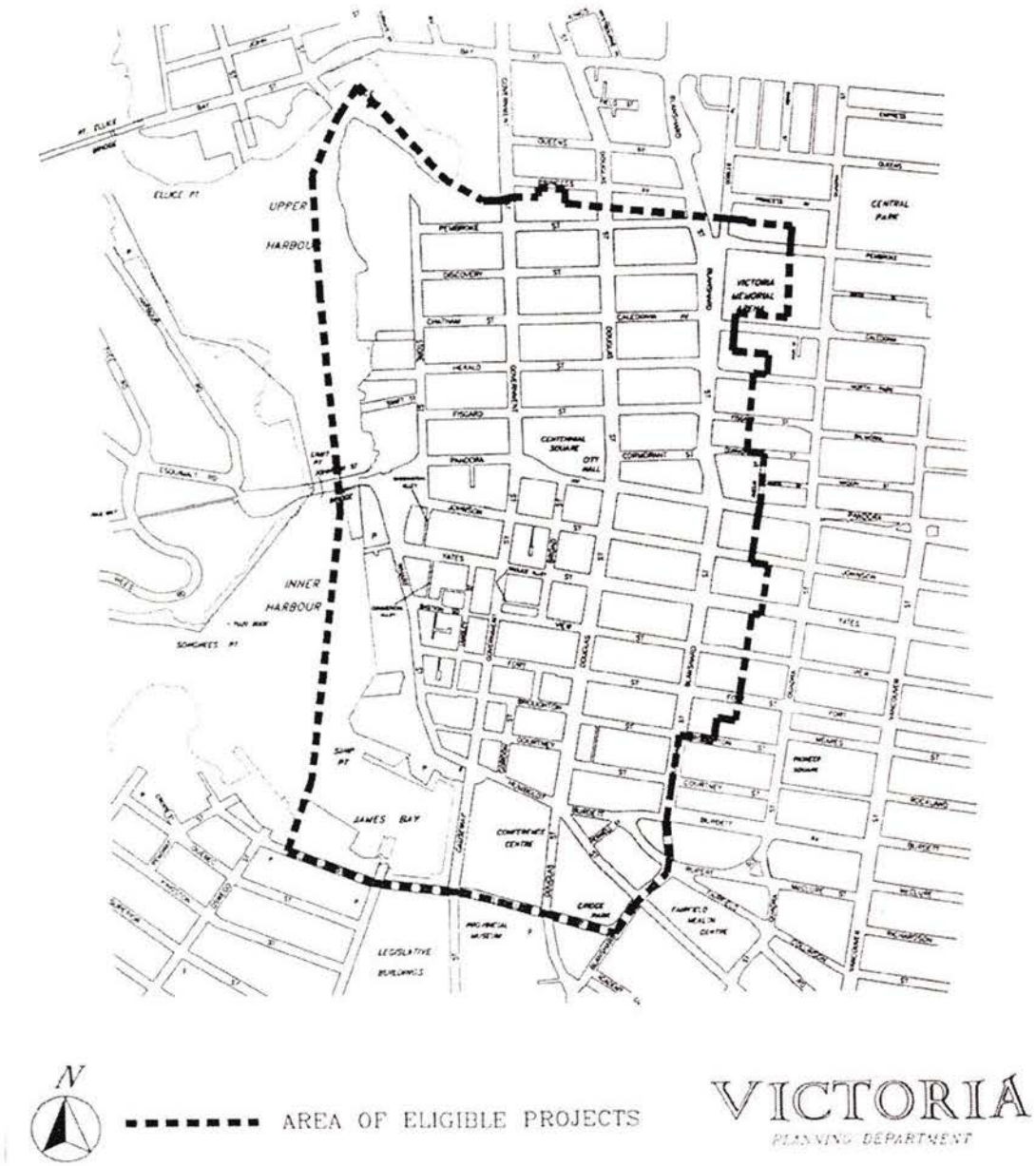

Figure 5. Map of eligible properties under the Tax Incentive Program (TIP) 1999
Credit: City of Victoria. From the Information package on the Downtown Heritage Tax Incentive Program For Residential Conversions, Planning Department (n.d.)

requiring parking stalls under the TIP, potentially resulting in the necessity for more above ground downtown parkades, and 2/ the possibility of using reduced parking requirements to encourage development of artist live-in studios. For example, the City of Vancouver relaxed parking requirements for artist live-work studios from one stall per unit to three-quarters of a stall per unit (City of Vancouver 1991) in order to encourage development of affordable artist live-in studios.

- *Building code issues* – Almost all municipalities in British Columbia are required to adopt the British Columbia Building Code under the *Local Government Act* (LG Act) (Bish and Clemens 1999: 125). While this requirement results in a reliable standard of construction to protect people and property, it also contributes to high construction costs in primary earthquake zones like Greater Victoria due to the specifications for seismic structural reinforcing. Both live-work and work-live units must conform to full building code standards and in a multi-unit development such as might be planned for new artist live-in studios, the highest residential fire, sound, and ventilation separation standards in the building code are called for. In some cities with a "home rule" charter, municipalities are more self-regulating (ACIR 1987) holding the ability to relax some code requirements without assuming liability for non-conformance.[16] Starting in 2004, the *Community Charter* will replace the current *LG Act*, giving British Columbia's municipalities greater autonomy (Province of British Columbia 2003a, 2003b).[17] Perhaps under the new enabling legislation, the City of Victoria can relax some stringent building code requirements for artist live-work

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[16] For example, the Vancouver Charter permitted the City of Vancouver to allow artists to occupy vacant spaces in heritage buildings in the late 1980s and early 1990s *without the necessity of upgrading to seismic codes* provided the City Engineer deemed the buildings "structurally sound" (Interview with Michael Gordon, City of Vancouver Planner in 1994).

[17] According to Sandy Gray, Executive Director of the Local Government Management Association of British Columbia, new *Community Charter* will delegate municipalities "further ... authority than in the past, moving toward the natural person power" (Interview, October 2001).

and work-live studios. Even if it is not possible, much less desirable, to relax seismic reinforcing requirements in new construction, it may be possible to reduce interior partitions by permitting the sharing of windows and ventilation, and minimize interior finish requirements, as has been recommended for the Ontario Building Code (Ontario Housing Development and Buildings Branch 1995). This would help reduce the cost of artist live-in studio developments.

Regarding the construction of artist live-in studios in heritage buildings assisted by the TIP, the Heritage Building Appendix in the building code allows certain relaxations to preserve the original aesthetic, for example, allowing retention of historic handrailings that might be too short by modern standards, or permitting narrow egress doors provided the building is sprinkled. The relaxations are designed to encourage the re-use of old warehouses with heavy timber construction, a building type well suited to artist live-in studios.

- *Enforcement of occupancy* – Another issue without any easy answers concerns enforcement of occupancy of artist live-in studios, as well as live-work and work-live units in general. What happens if a person only lives in or only works in these spaces? Then the uses are exclusively commercial or residential, not a combination. Enforcing general live-work/work-live is a problematic question with no consensus from planners across North America. In the City of Oakland, the attitude is that limitations of square footage areas and percentage uses:

> ... can be enforced like any commercial activity, though inspections, regulations of the business license, etc.(City of Oakland 2000).

However, experience in San Francisco and Vancouver has shown that live-work/work-live units often revert to strictly residential use after they are built regardless of attempts to enforce regulations, particularly when affordable accommodation is not available due to high land costs. Artist live-in studios are particularly susceptible as they are usually

designed to be very low-cost and may benefit economically from code and parking relaxations as discussed above. For example, projects in the Brewery Creek area of Vancouver—intended to accommodate artist live-in studios—underwent "rapid de facto transition to trendy 'lawyers lofts' " once they were built (Leshgold 1998: 36). In 1993, planners at the City of Vancouver proposed inspections and fines for artist live-work studios with occupants infracting zoning regulations. However, the cost of policing units and the onus of proving the zoning infractions in a court of law are politically unwieldy enforcement mechanisms (Usinger 1993). Legal issues are also involved in entry of inspectors into residential units (Sikstrom 2000).

The general consensus seems to be that occupancy of artist live-in studios can best be enforced by designing the spaces so that they are "attractive" only to artists. Exactly how to do this is not clear but definitions often include percentages of required live-work occupancy (e.g., 30 to70 percent in Vancouver), maximum sizes for the living area (usually the minimum allowed by code), minimum sizes for overall units (usually quite large), and minimal interior finishes (to lower the purchase price).

The City of Victoria has no program in place to enforce the use of live-work/work-live units. At the moment, it responds only to complaints from the public; and so far has received only one complaint that involved a hairdresser working out of a live-work unit, with no one in residence. There are no mechanisms in place to check whether or not live-work/work-live unit owners even have business licenses, which would at least indicate some semblance of commercial activity in the space (Sikstrom 2000). It seems that this issue has not been addressed by the City. Regarding the heritage TIP assisted units, enforcement of occupancy is not an issue, as there is no specific allocation of spaces for live or work.

Post-occupancy enforcement of live-work/work-live units is a touchy subject. No

matter how it is approached, the privacy of the occupant is at risk. For artist live-in studios the problem is compounded because occupants "must" not only live and work in the unit, but they "must" also be artists rather than, say, pharmacists. However, in the City of Victoria early in the 21st century, enforcement of occupancies in artist live-in studios is likely to be a small problem, as it would seem that few artists are occupying live-work, work-live or renovated heritage units assisted under the TIP, in any case (see Survey at the end of this chapter).

C Implementation

If we use Savitch's framework for determining the style of urban development to analyze City of Victoria policies with the potential to permit artist live-in studio developments, we see that live-work uses were initiated by a private sector developer. Work-live uses were instigated by a special interest group of real estate agents from the private sector. The initial idea for the heritage TIP was raised by private sector property owners, with the backing of politicians and technocrats / planners. The consideration process for Shoal Point—the first project in the City of Victoria with live-work uses—was very contentious and conflict ridden, while collaboration—or at least an absence of conflict—occurred during the consideration of work-live uses and the heritage TIP (see Chapter 4 for more detail on the consideration processes). Regarding implementation as defined by Savitch, live-work units were implemented largely due to the efforts of the private sector developer who built the first units, with implementation of heritage renovation projects assisted by TIP involving both the City on the public sector side and private sector developers. No work-live projects have been built as of 2003, but the City did implement the necessary zoning provisions. Once a developer goes ahead with construction of work-live

units, the analysis will be similar to heritage TIP units, with input from both public and private sectors. Let us now analyze the results of implementation of recent City of Victoria policies with the potential to permit artist live-in studios from a quantitative perspective.

Projects completed

Quantity – One way to judge the success of the policies is with the use of quantitative measure: a gross indicator of performance. With 102 new units added to the housing stock in core areas due to live-work and heritage units assisted by the TIP since the mid-1990s the policy thrust to increase density in the urban core seems to be working. The accumulations, assigned to the three policy types with the potential to permit artist live-in studios, are tabulated below (see Figure 6 for location map).

- *Live-work* – Since the live-work use was first employed in a zoning definition in 1998, four live-work projects have been completed (or nearly so), adding 44 live-work units to the residential housing stock in the core areas (Sikstrom 2003). The projects are:

Shoal Point	9 units (phase 1 and 2)
William Street	9
Dragon Alley*	12 (*with the TIP tax exemptions)
648 Herald	14
TOTAL	44 units

- *Work-live* – Since the M-1 zone was amended to allow work-live use in 1999, there has only been one project submitted to the City with a work-live component of a maximum of 78 units. The proposed project is, however, *outside* of the M-1 zone, rather it is located in an M-2, Heavy Industrial zone. The developer sought and gained the necessary rezoning approval to proceed with the permit phases of the project, but then halted the development plans. This was unfortunate, because work-live units are likely to be the most suitable and affordable for artists to live and work

in. This project proposal is analyzed in greater detail in the case study in Chapter 4.

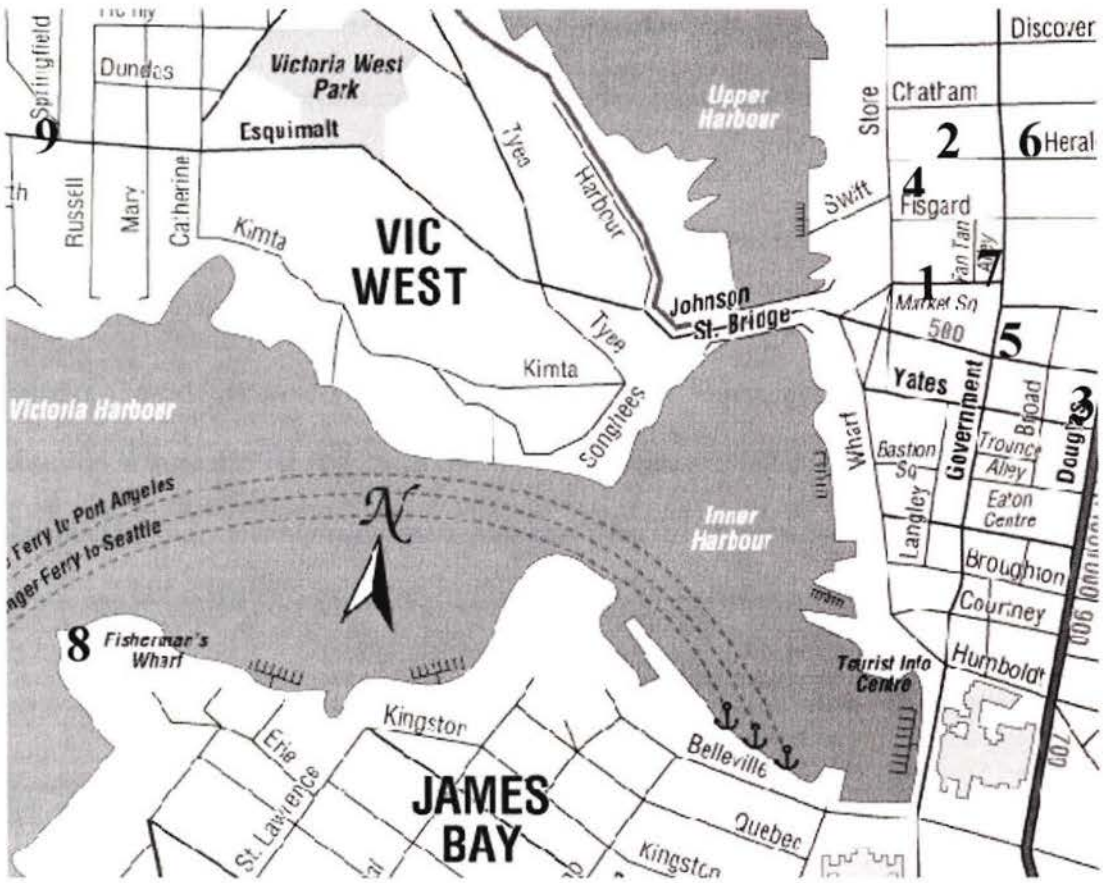
- *Heritage TIP* – Since the program began in 1998, 70 new residential units have been fashioned from formerly vacant spaces in heritage buildings downtown, benefiting from property tax exemptions ranging from five to ten years (Barber 2003):

Dragon Alley*	12 units (*designated live-work)
Kinemacolour Apts.	9
Bigger Staff Studios	31
1411 Government	8
B.C. Produce Building	2
Cross's Meats	8
TOTAL	70

Case Example – The Dragon Alley project consisted of a conversion of an abandoned industrial building (Hart's Herald Street Building) and Chinese Tenements (Quan Yuen Yen Building) between Fisgard and Herald Streets in Chinatown. The buildings were renovated with new retail and commercial occupancies in the Hart Building, and twelve three-storey live-in studios in the Quan Yuen Yen building. The City's original press release about the Dragon Alley renovation project states:

> VICTORIA, B.C. Committee of the Whole gave approval in principle last week to the first residential conversion project of a downtown heritage building …
>
> Three heritage buildings, including the Hart Block at 529 Herald Street and the former Chinese tenements at 532 ½ Fisgard Street will be rehabilitated for 12 residential ***artist live/work units.***"
>
> [The developer] is applying for a *ten-year tax exemption* for the rehabilitated residential centre block under the City's Tax Incentive Program for Residential Conversions …(City of Victoria 1998b, emphasis added)

- *Live-work* – Although the press release refers to live/work units in Dragon Alley, the project did not actually proceed bona fide under the live-work definition in the zoning regulations. As previously mentioned, it has always been legal in many zones in the City of Victoria to work in one's residence. Chinatown is one of those zones and Dragon Alley



LEGEND

1. British Columbia Produce Building
2. Bigger Staff Studios
3. Cross's Meats
4. Dragon Alley
5. 1411 Government Street
6. 648 Herald
7. Kinemacolour Apartments
8. Shoal Point
9. William Street

Figure 6. Locations of live-work and TIP projects in the analysis
Base map reproduced with permission of Pacific Island Publishers © (2001).
Source: Tourism Victoria website

took advantage of this provision to avoid rezoning the property which would have been required for "official" live-work units.[18] The press release also refers to *artist* live/work units: according to the survey results that follow this section, only *one* artist lived and worked in Dragon Alley in the fall of 2002. Thus the *artist* live/work aspect of Dragon Alley cannot be judged successful if based on numbers of artist occupants living and working there so far.

- *Heritage TIP* – Before the TIP assisted renovation, the Hart and Quan Yuen Yen buildings were located on one legal property. During the project, the property was subdivided to enable the new condominiums to be strata titled (Moore 2003). As the Hart Building was converted to commercial and retail uses, the TIP was not applicable. However, it was applied to the Quan Yuen Yen building. Here are the numbers:

Project	**Property tax before renovation**	**Property tax after renovation**	**Seismic costs approved by TIP**	**Value of Tax Exemption over 10 years**
Quan Yuen Yen	$ 18,564	$ 14,353	$ 344,000	$ 344,000
Hart Building		$ 25,930		
Total	$ 18,564	$ 40,583	$ 344,000	$ 344,000

Table 2. Estimated tax revenues and the TIP exemptions for Dragon Alley
Credit: City of Victoria. From the Information package on the Downtown Heritage Tax Incentive Program For Residential Conversions, Planning Department (n.d.)

According to these figures, the City has a net gain of $21,719 annually in taxes after the ten year tax exemption grace period. In addition, the TIP assisted project helps fulfill the *OCP* objectives of increasing density downtown, as there are twelve new units where before there were none. This particular project did not, to this author's knowledge, displace any illegal

[18] The developer did have to obtain a development variance permit that allowed residential occupancy on the ground floor condominium units as the Chinatown zoning only permitted residential occupancy on upper floors (Telephone interview with Tom Moore, May 16, 2003).

artist studios. The masonry on the buildings was literally rotting—too far gone even for artists to tolerate. Occasionally street people were known to stay outdoors in the courtyards between the Chinese tenement units late into the mid-1990s. While the building was still habitable in the 1980s, however, there were temporary artist occupants during the summer Chinese Festival of the Arts, held annually for some years in the Quon Yuen Yen Building.

Artists live-work developments – Of the new projects, there are no developments specifically geared towards artist occupants although two of them are perhaps best suited in terms of layout and economy of finish: Dragon Alley in Chinatown and the William Street project in Vic West (Sikstrom 2000). Surveys of all the occupants of all of the new units would have to be done in order to judge whether or not new City policies are contributing to the provision of suitable, affordable live-in studios for artists. In this preliminary survey, occupants of the live-work units in the two first "live-work" projects in the City of Victoria have been surveyed, as the TIP assisted units in heritage buildings are designed primarily for residential occupancy, and certainly are less likely to be well suited to the artist living and working "in the studio." The survey includes nearly half of the live-work units built in the City between 1998 and 2002 (21 of 44). The results are used in a preliminary way to assess whether or not the recent City of Victoria policies with the potential to permit development of artist live-in studios are having any effect in that regard.

D Surveys of two live-work studio developments

Has the reality of looking for suitable, safe, affordable accommodation in which to live and work changed for the artist in the City of Victoria as a result of new projects being built under regulations that permit construction of artist live-in studios? In order to answer this question, surveys were undertaken of the initial two projects built in the City that

potentially could accommodate artist live-in studios. In fact, when negotiating approvals from City Hall for construction of these projects, both developers made specific reference to artists as potential occupants of the proposed finished units as part of the pitch in presenting their proposals. Both developments are built with condominium units for sale on the open market. A short survey was designed in order to determine whether or not artists actually occupy potential live-in studio units in the Dragon Alley and Shoal Point (Phase I and II) developments. The survey results are given below (see Appendix A for a copy of the survey and full details of results).

Dragon Alley

The first project surveyed with the potential for artist live-in studios in the City Victoria was Dragon Alley. This project involved rehabilitation and conversion of two abandoned historic buildings in Chinatown, along with one other partially occupied building. It was the first project to receive incentives from the City under the TIP. Redevelopment of the early 20th century masonry buildings was completed in 1999. Contemporary occupants of the twelve live/work units were surveyed regarding their artistic activities in January, 2002. Of the twelve surveys given out, four were returned, a response rate of 33%. Of the four surveys returned, only one of the occupants of the "artist live-work units" described in the City of Victoria Press Release (1998) actually works, part-time, as an artist in the Dragon Alley unit. Two other artists returned the survey, but their studios are not live-in, rather they do their art work at distant locations. The final survey returned was not from an artist, and it is unlikely that more artists occupy the units at Dragon Alley, judging by the list of names on the doors of the units (see Appendix A).

Dragon Alley is marketed directly though the developer-cum-architect of the project. Selling prices ranged from $156,000 to $168,000 in 1999. Judging by the survey results a

reasonable down payment on the overall price of the unit would seem to be more than most artists could afford. Note that three of the units are currently being rented out, as they are being held by the developer/owner until the prices of condominiums rise (Crothall 2001: 34). Thus we see that while one of the initial intentions of the rehabilitation of Dragon Alley may have been to provide "residential artist live/work units," the reality of the high priced land market in the central areas of the City of Victoria precludes most artists in lower income brackets from actual occupancy. A similar finding, albeit exaggerated, results from the Shoal Point survey.

Shoal Point, Phase I and II

While all the Dragon Alley units are potential live-work spaces, at Shoal Point a selected number of designated units permit official live-work occupancies. In the first phase of this three-phase project located on the Inner Harbour waterfront in James Bay, completed in 2000, only 3 of 61 units were built as "live-work." According to the sales administrator at the end of the year 2000, none of the live-work units were occupied by artists (Shoal Point Sales Staff 2002, Tammy). One was a "show suite" for the developer, one was leased to a "health and wellness centre," and the other was vacant—and the developer was trying to rent it out because it was not selling. By October of 2002, the second phase of the development was completed. Of 43 units, four live-work spaces were built. According to the sales office manager (*ibid.*, Joy), one bona-fide artist— a concert pianist—occupied one of the new live-work units. Other occupancies included a Doctor's office and private residences. Finally, when the third phase of the project opens in 2003-2004, of 57 units 3 will live-work units. According to the original development permit, there were to be 5 additional live-work units in Phase III: for a total of 12 in the whole development. However, only 3

Dragon Alley
Left: View of entry gate from Fisgard Street. Right: Two units facing interior courtyard.

Shoal Point
Left: View from opposite side of inner harbour. Right: Sculptural cast concrete detailing.

Photograph 3. Developments with live-work units in the survey
Photo credit L.Niwa

live-work units are actually being constructed.[19] This means Shoal Point will eventually have a total of 10 instead of 12 live-work units, or 6 percent of the total number of units constructed.

Units at Shoal Point are directed to the luxury end of the market, as indicated by the development website (Shoal Point 2001, see Appendix D). Selling prices for live-work units in the first phase of the development ranged between $230,000 to $435,000 when they were completed in 2000, far out of the average artist's reach financially. Combining the international high-end marketing slant with the cost of purchasing a unit helps to explain why there is only one artist occupant living and working at Shoal Point, even though artists were first on the list of potential live-work unit occupants provided by the developer to the City when negotiating rezoning approval for the project. [20]

E Analysis

The survey results from Dragon Alley and Shoal Point show that even though the City of Victoria has policies in place that potentially allow artist live-in studios to be built, and even though developers claim (at least during the negotiation phase with City Hall) to want to build such studios, it seems that few artists are actually occupying units. Both projects received somewhat "exceptional" treatment from City Hall, with politics and planning playing strong roles in the development processes, as described below:

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[19] Two of the planned live-work units have been deleted from the Shoal Point development because buildings in the final phase of the project have been "lifted up," according to sales personnel (Joy, interview October 2002), presumably to permit a better view for the maximum number of luxury residential units on the upper floors.

[20] The Shoal Point developer's suggestions for the size and uses of "live-work" units became law when the City included them as a *carte-blanche* definition in the new bylaw for the "MS-2 Zone, Huron Residential and Marine Service District," a site specific zone for Shoal Point (Sikstrom 2000).

- *Dragon Alley* – Dragon Alley was the first condominium conversion project to benefit from the TIP's ten year property tax "holiday." Without this economic benefit, it is unlikely the developer would have proceeded with rehabilitation of the badly decayed masonry Chinese tenement buildings due to the cost of seismic upgrading (Down 1999). The idea of rehabilitation of vacant upper storeys downtown received political support for many years, starting with approval by elected City officials of several studies done by outside consultants in the early 1990s (Yardley 1992, Clayton Research Associates 1995). Later, the Mayor and City Manager were both very much in favour of residential development in core areas with the hope of revitalizing the downtown economy (Roughy 1996). After being a "topic of frequent discussion on the campaign trail … in 1996 or 1997" (Barber 2003), political support was well established and the hard work that heritage planners had put into researching and designing the program paid off. Planners were able to convince City council of the long-term economic benefits of tax incentives and the program was adopted in 1998 (Barber 1998).

- *Shoal Point* – The Shoal Point condominiums are built on land that was originally zoned marine industrial, intended for uses such as boat builders or marine gas docks, for example. In order to proceed with the project, the developer needed to rezone the property. In 1996 the development proposal faced stiff opposition from the local neighbourhood associations, industrial harbour proponents, many James Bay residents and the federal government (Watts 1997, Watts and Cleverly 1997, Blaney 1998, Chamberlain 1998). While the project was championed by the Mayor, other political support was sharply, and evenly, divided on City Council (Butterfield 2003). Both politicians and planners may have advised the developer to provide amenities to the community to attempt to overcome opposition,

resulting in an eventual rezoning approval by a narrow margin of one vote.[21] Certainly without the support of planners, the project would not have been recommended to Council, and without support from elected politicians, the necessary rezoning would not have been gained.

With political and planning support, therefore, both Dragon Alley and Shoal Point were implemented by private sector developers (with a public sector subsidy in the form of tax exemptions for Dragon Alley). The TIP and both developments have garnered recognition in the form of awards from various players in the real estate industry. The City of Victoria won the Gold Award for the TIP under the "Excellence by a Local Government in Co-operation with Industry" category in the CARE - Construction and Renovation Excellence awards sponsored by the Canadian Home Builders Association in 2001 (Barber 2003). Shoal Point won the Urban Design Institute's "Best multi-family high-rise in British Columbia" award in 2000, and has since won more awards (Shoal Point 2001). Dragon Alley placed silver in the Georgie awards sponsored by the Canadian Home Builders Association in 2000, and has won several other awards as well (CHBA 2002). Yet even with politicians, planners and other players in the development industry behind them, the survey results seem to indicate that both projects fail to provide appropriate, affordable artist live-in studios.

The results of the survey are further supported by media coverage concerning the gentrification of the City's central areas that indicates the increasingly "tony" face of downtown. Take a look at the titles of various articles in local newspapers and magazines relating to recent projects in downtown Victoria with a live-work component (underline added for emphasis):

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[21] According to developer David Butterfield, Shoal Point provided a cash donation to subsidize affordable housing in James Bay, plus additional recreational and beautification amenities (interview, 2003).

- Go, Bobos,[22] Go - They're hip, creative and taking over the town (Knox 2000)
- Tax breaks help transform derelict downtown dumps into townhomes (Down 1999)
- OAP Hall to be come suites, stores ... Retail, high-end suites (Jenish 1999)
- Trendy dwellings turn aged brick faces to downtown alley (Down 2000b).

The content of the above articles is consistent with the titles, relating a story of the remaking of abandoned or underused downtown spaces into living places culturally acceptable to the upper and middle-classes. There is no reference to the fate of existing, perhaps illegal, live-in artist studios in the news articles concerned with the new incarnation of the buildings, let alone the provision of new spaces suitable for artist live-in studios.

In fact, the survey results show that artists tend not to be occupying the new live-work studios in the centre of the City of Victoria. It seems that the current planning regulations do not provide for a range of live-work/work-live units to accommodate different needs. The situation is unlikely to change until the City comes to recognize the economic value of the artistic and cultural sectors (Cheney 1994; Zukin 1995: 113- 22; Capital Regional District 2000a; Thorne 2000). In the future, land use policies and zoning regulations may be reassessed with attention paid to ways of encouraging development of artists live-in studios, perhaps with inclusionary zoning requirements providing specific areas for artists to live and work, such as in Berkeley (City of Oakland 2000). A critical issue will be how to ensure the occupancy of designated artist live-in studios by *artists*.[23] After the first step of defining who is an "artist" (see Appendix F), the question of who is eligible on the basis of income or need will have to be addressed. Another challenge will be addressing the issues of suitability and affordability, particularly when studio units must accommodate

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[22] A bobo is a "bourgeois Bohemian," (Knox 2000).

[23] It is suggested that a formal definition of professional artists might be arrived at by a Focus Group or other consensual means as a starting point for developing enforcement regulations.

families. There are numerous successful examples of artist live-in studio projects in Vancouver, Minneapolis, Toronto and in Europe to provide inspiration when the time comes (Niwa 1996). However, according to Savitch's framework, political will—both from elected officials and the general public—and planning support will be necessary to initiate development of affordable, appropriate live-in studios in the City of Victoria.

With respect to recent City of Victoria policies with the potential for artist live-in studio developments, the observation can be made that even with political support and the public sector "setting the stage" in terms of technocratic / planning support (including indirect subsidies in the case of the TIP), implementation of urban land development projects by private sector "players" with a "for profit" motive in our free market economy results in built live-work units that are not affordable to the average low-income artist. When high demand for residential accommodation in core areas combines with a limited supply of land, high land costs in urban development projects are certainly a factor contributing to a hefty price tag on the new live-work units, putting the new units out of the financial reach of most artists who are low-income earners. In the next chapter, a case study is undertaken to see if there are other factors at play affecting the ability of recent City of Victoria policies with the potential for artist live-in studios to work in favour of artists searching for appropriate, affordable live-in studios in the city centre.

Part 2 Case Study

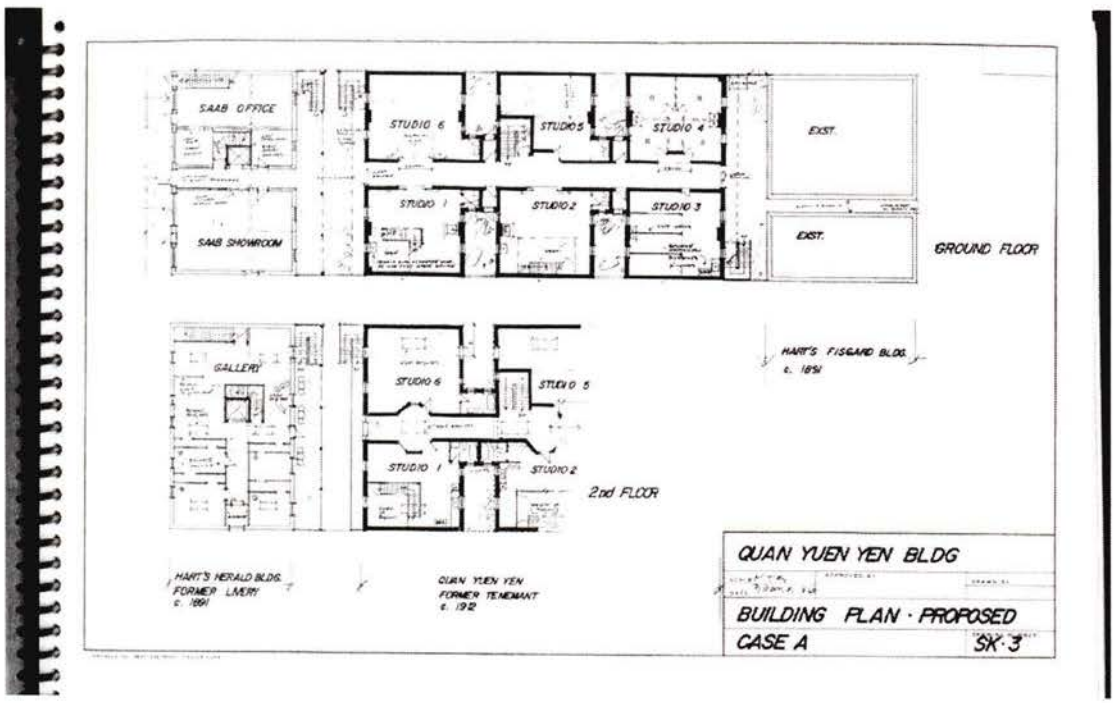

Figure 7. Original Proposal for artist live-in studios in Quan Yuen Yen Building and commercial and cultural use of Hart's Herald Building

Louine Niwa © (1996)

4

Case Study doing Institutional Ethnography

A Methodological / literature review

In this case study, we look at many of the issues raised in the previous chapter from a radically different approach. *Institutional ethnography*[24] has been developed by Canadian sociologist Dorothy Smith since the 1970s to account for women's *standpoint* in the *everyday/everynight world*. Being both a mother and a professional academic, Smith found herself puzzled on two counts. First, she came to know that what she knew as a mother in the real world became objectified in traditional sociological practices – that sociology was attempting to tell the world about her knowledge of mothering, rather than telling her about how it was that the world affected her knowledge (1990a: 28). Secondly, Smith observed that her everyday/everynight life was shaped by what she came to call *ruling relations* that were not always visible—powerful social and intertextual relationships consisting of both interpersonal actions and the texts, *discourses*, *ideological codes* that constitute dominant practices in contemporary capitalist society (1999: 76-80). Smith joined these two concerns by developing a sociology that inquires into the *social organization of knowledge*. Smith's approach investigates how it is that people actively participate, knowingly or not, in ruling relations that subordinate local experience through the "ubiquitous" *text-mediated* practices characteristic of our contemporary society that objectify the subject of the inquiry. In undertaking an institutional ethnography investigation, Smith says:

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[24] Key words that form a specific vocabulary in institutional ethnography are italicized the first time they are used in this Chapter. Refer to Appendix B for definitions.

> The aim is not to explain people's behaviour, but to be able to explain to them/ourselves the socially organized powers in which their/our lives are embedded and to which their/our activities contribute. (Smith 1999: 8)

Smith first set the method of institutional ethnography forth in its entirety in a formal publication in *The Everyday World As Problematic – A Feminist Sociology* (1987).[25] She continues to develop her "insider's sociology" (1990a: 4; 1999: 225), explicating the social organization of knowledge in further publications (1990a, 1990b, 1999). Unlike traditional sociology which starts from an "'Archimedean' point … a point external to any particular position in society," (Smith 1987: 71) the entry point into an institutional ethnography starts with the subject—it occurs where there is a *disjuncture* between something "known" and ruling practices in everyday/everynight life, and becomes established as the *problematic* of the investigation (Campbell 2003: 19). After this the institutional ethnographic investigation continues, all the while remaining grounded in the *experiences* in the embodied subjects' stories. The findings exhibit characteristics of *reflexivity* and *recursivity* when they stretch beyond the local experiences of individual participants to illuminate the "translocal ruling practices" embedded in *social relations* (Campbell and Gregor 2002: 90). Smith's sociology is unique in its focus on the active role of texts—*text-mediated knowing*—not only in coordinating people and their work in *institutions* and organizations, but in actually defining how institutions and organizations come to be (Smith 2001b).

Smith attributes the underlying materialist analysis in institutional ethnography to Marx, including the inspiration for her concepts of social relations and ruling.[26] However, where Marx was primarily concerned with production and the abstract social relations

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[25] Primary influences on Smith's development of a sociology for women include "Alfred Schutz, Maurice Merleau-Ponty in phenomenology, George Herbert Mead in symbolic interactionism, Harold Garfinkel and his students in ethnomethodology, as well as Marx …" (Campbell 2003:6).

[26] Smith is careful to distinguish between the writings of Marx himself, and the "isms" of Marxism in the mid- to late-20th century (1999:129).

between people generated by concepts such as money and commodities in capitalism, Smith's interest is in the objectification of personal experience resulting from a textually mediated social organization that did not exist historically (Smith 1990a: 8, 34-45). Other aspects of Smith's work drawn from Marx include attention to the materiality of texts, as well as the necessity of retaining the standpoint of the embodied subject in the material world, that is,

> ... the actual ongoing practices of actual individuals as they go forward in just the every/day/everynight sites in which they happen and in the time they perdure [sic] (Smith 1999:6).

For a concise and accessible introduction to the conceptual framework of institutional ethnography in Smith's own words, the reader is referred to the Introduction in *Writing the Social* (Smith 1999: 3-12). Also in this volume is an interesting investigation explicating the power of using the example of the "chilly climate" scandal in the Political Science Department at the University of Victoria in 1993 (195-223). Smith shows how a single letter, made authoritative by intertextually "hooking in" to other judicial texts and practices in the university, is able to repress expression of female disjuncture by shaping public and academic discourse translocally, providing a model for the methodological approach in this case study. For a very clear introduction to the background impetus for Smith's work and the primary concepts of institutional ethnography from a feminist perspective, Marie Campbell's article (2003) is recommended. Marjorie Devault places institutional ethnography in the "fieldwork tradition" of sociology and locates it the wider framework of feminist methodologies (1999).

While originating with women's experiences, institutional ethnography is not, of course, applicable only to problematics arising in women's worlds. In fact, this "sociology for people" (Smith 1999: 5) has been used to investigate a broad range of contemporary

issues. The methodology has been well received by a number of students, feminists and activists who have contributed to a growing body of institutional ethnography literature. These include critical works arising from a disjuncture between ruling practices and local experiences in various fields. These include:

- healthcare – Campbell (2001b), Manicom (1995), Diamond (1992).
- the safety of children and women – Pence (2001a), (Bell (2001), Pence and McDonnell (1999).
- education – Griffith (1995), Jackson (1995), Manicom (1995).
- social dissent / political struggles – Kinsman (1997), Ng (1996), George Smith (1995).
- Also published are several writings dealing with "how to do" institutional ethnography, including Campbell and Gregor (2002), DeVault and McCoy (2002).

Some of the literature relates to the case study done with the institutional ethnography approach in this Chapter. These include investigations into policies of various governments and collected into one volume (Campbell and Manicom 1995). Included is Roxana Ng's investigation of Canadian federal multiculturalism policies using the institutional ethnography tool of textual analysis on a 1971 speech given by the (then) Prime Minister Pierre Trudeau (1995). Adele Mueller provides a compelling account of how policies to alleviate poverty put forth by the Peruvian development regime lack any kind of fit with the actual lives of the women directly affected by them (1995). Marilee Reimer investigates how policies to rewrite of the job definition of clerical workers results in a downgrading of possibilities for advancement through the labour force (1995). Each of these analyses explicate ruling relations that affect people's lives by looking at texts that are the expression of the institutional power, including the policies related to the various topics.

Closely related to the thesis topic are Susan Turner's investigations of land use planning. Using institutional ethnography, Turner shows that sophisticated "processing" of

land use development applications involving both texts and actions occurs as the application passes through the approval stages required by the municipal and other governments (1995). Using textual analysis to investigate the minutes of a municipal council meeting where a decision is made on a rezoning application which threatens the ecology of a ravine in her neighborhood, Turner unravels the social organization behind the complex, textually mediated land use planning discourse. Her findings indicate that the "novice resident" is excluded from the institutional planning discourse, and thus has limited capacity to affect the outcome of decisions. In a later work, Turner investigates how it is that the original intentions of residents opposing land development over extended periods of time (as she did in opposing the ravine development for some five years) are appropriated by textual practices involved in the land use planning process (2001). Her findings show that over time residents come to "make their statements in the terms organizing the discourse" in order to be heard (307). For example, there is no way to formally register concern about the destruction of rare plant species in the textual activities involved in the rezoning application process, so opponents must instead purportedly object to the development proposal for multi-family units in a single family zone in order to be heard institutionally (317). Once the resident's objections are transmuted into the "speech genre" of planning in this way, they are subsumed by the media in a formula fashion that makes people opposing the development seem "NIMBY,"[27] whether in fact they are or not (320). Thus, the institutional ethnography shows how residents are "organized dialogically" through the texts involved in the politics of local land use planning (322), in order to fit them into the dominant practice in a capitalist system that grants owners the right to develop their property (310).

Turner's inquiries are a good example of the embodied subject in institutional

[27] NIMBY means Not In My Backyard.

ethnography, as it was her own neighborhood that was affected by the ravine development proposal. The disjuncture between the site plan of the proposed development in the official "Notice of public meeting" delivered to her mailbox and her actual knowledge of the ravine signaled the "puzzle latent" that became the problematic of the institutional ethnography (Smith 1987: 91). This is what Smith means by the embodied subject in institutional ethnography. Like Turner's institutional ethnographies, the investigation in the case study in this chapter starts from an everyday/everynight experience of the author concerning the artist's search for suitable, affordable living and working space.

B Case study methodology

Considering the characteristics of the investigations in the literature referred to above, institutional ethnography seems to be an appropriate methodological approach for investigating the social organization associated with City of Victoria policies with the potential to affect artist live-in studios. Many artists tend to be low-income earners, according them a marginal economic status as a group—not unlike the unfulfilled capacity for earning of many women in today's Canadian society.[28] The similarity between women and artists suggests an institutional ethnography may be useful in finding out how this happens. Also, the survey results in the last chapter indicate that the artist live-in studio as a building unit type may have been appropriated by other, more wealthy members of society in a process referred to as gentrification. Considering that Susan Turner's investigations of land use planning show how discourse "constrains and shapes" the participation of citizens with an agenda outside the dominant free market (2001: 321), it seems appropriate to employ the approach of institutional ethnography to investigate how it happens that most artists are

[28] In March of 2003, BCTV News reported Statistics Canada's latest findings that women still earn approximately 70 percent of what men earn. As Chapter 2 shows, average artist incomes in British Columbia resemble women's incomes much more closely than men's incomes.

apparently not purchasing live-in studios recently built in the City of Victoria's downtown.

The institutional ethnography starts with the problematic arising from a *disjuncture* in the actual lived experience of the artist that does not synchronize with the ruling relations that organize the availability of live-in studio spaces (or not) in the City of Victoria's downtown. This disjuncture affords an entry point into a problematic stemming from the standpoint of the artist searching to *purchase* appropriate, affordable live-in studio space in the City of Victoria. Having identified the problematic, the social organization of the everyday world around the problematic is determined by identifying social relations, ruling practises, and their related texts. The case study below represents an example of the possibilities available with an institutional ethnography approach. Employed are two of the "tools of Smith's method [that recognize] the importance of texts, language and discourse in the social organization or people's knowledge of the everyday world" (Campbell 2003:18).

The first analytical technique employed is development of a text-work sequencing map. Smith has often employed schematic drawings to illustrate the influence of texts (1990b: 72, 152), and to represent how texts "hook up" into the social relations (Smith 2001c). In her work with battered women in the legal system, Ellen Pence expands this mapping schemata to include what she calls "work interchange points" where texts are made actionable (Pence 2001b, DeVault 2002). Pence's approach to the text-work sequencing map is applied to explicate the social relations around the artist searching for appropriate, affordable space in the central City of Victoria. The problematic's social organization of knowledge is mapped by linking a series of work interchange points to the texts that rule them. The result shows how the work nodes "hook into" the associated texts, and *reflexivity* of forward and backward linkages. Analysis of the text-work sequencing map shows that:

> ... social life, people's experiences are "worked up" for ruling purposes through discursive means in 21st century Canada (Campbell 2001a).

In other words, what we "know" about how the artist goes about searching for live-in studio space is socially organized, both through the actions of people and active texts.

The next step in the institutional ethnography method is materialist analysis of the problematic's social organization of "knowing." The text-work sequencing map identifies three pertinent City of Victoria land use development policies with potential for artist live-in studios. These are analyzed with guidance from the work of Susan Turner's evaluation of the land use planning process (1998, 2001).[29] One City of Victoria policy most suitable to artist live-in studio development is analyzed in detail, using a second institutional ethnography tool. This is textual analysis and it is done following Smith's advice and exemplification (Smith 2001c, 1990a: 12-51, 120-58). A textual analysis of a critical document—an agenda for a Victoria Advisory Design Panel meeting—is the springboard for explicating the social relations of the problematic.

Data collected to investigate the social relations of the problematic include the work of City planners, special committees and focus groups. Comprehensive interviews with City planners were completed, followed up by email correspondence for clarification and further information (Barber 2000, 2002, 2003; Sikstrom 2000, 2002, 2003). Related texts forming part of the data include the substantial City of Victoria Committee of the Whole Reports to Council (1998, 1999). These contain among other items all the minutes from meetings of the "Industrial Zoning Bylaw Review Focus Group." This group instigated inclusion of work-live studios into the amended City bylaws. Various City of Victoria texts in several areas were also consulted:

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[29] Susan Turner's work continues with a PhD dissertation further explicating land use planning: *The social organization of planning: Institutional action as texts and work processes*, University of Toronto, 2002 (forthcoming).

- urban land development – Victoria Advisory Design Panel Agenda [date] [30]; Victoria approves first residential conversion of heritage building, Press Release (1998),
- city planning – *Building on our past Heritage Program: Policy Summ*ary (1995); Victoria *Official Community Plan* (1995); Guidelines for Rehabilitation and Restoration of Heritage Buildings, photocopy (n.d.); Work-live design and Planning Guidelines, photocopy (n.d.),
- municipal politics – Individual Application for a City Appointment to a Board, Commission or Committee (n.d.); Minutes – Committee of the Whole Meeting [date],
- economic development – *Victoria Economic Development Strategy* (1998); 2000 *Corporate Strategic Plan* (2000); Downtown Heritage Tax Incentive Program (TIP) Brochure (n.d.),
- community participation in local government policies – Industrial Zoning Update, Information Bulletins #1 (1999) and #2 (2000);

Other active, authoritative texts used to investigate the social organization of City of Victoria policies with the potential to permit suitable, affordable artist live-in studios include texts from the provincial government that enable trans-local ruling. These include:

- *British Columbia Building Code* (1998),
- *Land Titles Act* (2003),
- *Local Government Act* (2001); *Local Government Statutes Amendment Act* (2000),
- *Community Charter* (2003).

Other texts used in doing the investigation are:

- *Victoria Civic Heritage Trust Handbook* (n.d.),
- Shoal Point website (2001).

C The Investigation

Looking around at a number of real estate signs boasting "studio apartments," "live-work studios," and other concatenations in a similar vein in early 21st century Victoria, one might be tempted to think that the City is overrun with artists—as the concept of living and working in a studio has been associated with artists since the early Middle Ages, when monks illuminated

[30] Note that information which might identify individuals associated with projects not yet built has been removed for privacy purposes. Protected information is shown in square brackets [x].

manuscripts, living and working in cells adjacent to the scriptoria, or communal studios (Peppiatt and Bellony-Rewald 35). More recently, 20th century artists are commonly associated with individual garret or warehouse studios, living and working in the same space out of economic necessity. As discussed in Chapter 3, the City of Victoria has recently adopted new policies that legally accommodate live-work and work-live uses, and incentives for residential units in heritage buildings that can be used for artist live-in studios. However, the chance that a significant number of artists will occupy the new units is unlikely due to high demand for units and low supply of land, resulting in high land costs that drive up the cost of units, making them unaffordable to low-income artists. While there is truth to this assessment, is it the one and only answer? Below, the methodology of institutional ethnography is used to take a fresh look at the issue of why artists are not able, by and large, to occupy live-in studios in the City of Victoria.

Problematic

The problematic for the institutional ethnography is established as:

> ***How is it that it becomes difficult for the artist to secure appropriate, affordable space in which to live and work in the City of Victoria?***

The problematic is situated in the everyday/everynight world, from the standpoint of the artist who feels disjuncture arising from the experience of searching for a space which has dual functions: allowing her to work satisfactorily in her artistic medium—be it painting, sculpture, dance, composing, or whatever—and furthermore, providing a space suitable for living in, with the characteristics of affordability and safety in an environment that is appropriate for her family to grow up in. All this needs to be accompanied by the peace of mind that comes from being assured that the space is secure for long-term occupancy.[31]

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[31] As the problematic arises from disjuncture experienced by the author, the embodied subject of the institutional ethnography is considered to be *she*, in order to remain true to the everyday/everynight experience. However, the research findings apply also to *he* who has similar experience.

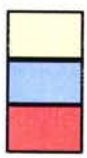
Social organization

The investigation of the socially organized "artist's studio" housing market begins by mapping out the arrangements that have been put in place. The social organization of knowledge of land use involved in the artist's search for a live-in studio in the City of Victoria is broad and sophisticated, and thoroughly textually mediated. The text-work sequencing map in Appendix C is a diagram of the research findings of the investigation into social relations around the artist searching for appropriate, affordable live-in studio space. The sequencing map demonstrates how an artist looking for space in the core area of the City of Victoria must engage with official bodies, organizations, and rules. In the process, the artist becomes a participant in textually mediated, socially organized ruling relations.

What influences the ability of the artist to purchase an appropriate, affordable live-in studio in the City of Victoria? From the standpoint of the artist in the everyday world, it is the social organization of the live-in studio housing market that is relevant. When the arrangements put in place that deal with the artist searching for space are investigated, the ruling relations that come to the fore include 1/ the policies of the local government, which are dependant upon 2/ the extra-local government legislation that enables local government to make those policies. Furthermore, local government policies direct the capacity of developers to work in a free market land development system, which responds to 3/ the real estate market.

The text-work sequencing map shows the processes affecting the artist. These are illustrated by hooking up "work interchange point" *circles*, representing people engaged in social relations, with "text" *boxes* representing written material—the charters, laws, policies, and so on used to organize the social relations involved in the work of the institution (Smith 2001c, Pence 2001b). Using this convention, the process of an artist looking for a live-in

studio in the City of Victoria can be visualized as a sequence of complex text-work linkages. The three primary ruling relations are colour-coded below to relate to the Text-Work Sequencing Map found in Appendix C and in the Attachment, and discussed below.



real estate markets and boards
extra-local governments – enabling legislation, provincial/federal regulations
local government regulations – zoning, planning, building codes

Figure 8. Ruling relations affecting the artist's search for a live-in studio in the everyday world, colour-coded to the Text-Work Sequencing Map *(see Appendix C)*

Ruling relations

Real estate markets and boards – The process of the artist searching for an appropriate studio is affected by the social relations constituting the real estate market. This is shown in yellow on the text-work sequencing map. What happens at the work interchange points and through the various texts all hook people into the "Offer to purchase"—a document of which proper completion is necessary in order for the artist to buy the live-in studio. Financing is one of the primary concerns in making the offer. For example, let us say that our imaginary artist does not want to have to move sometime in the next five years, and has decided to try to purchase her own, permanent studio rather than rent. She goes through the usual steps faced by all prospective property buyers, with one exception: her only equity is her art collection, in large part given to her by "still living" artist friends—thus unlikely to command a high valuation in the art market. Whether the bank accepts her art collection as collateral is unknown. However, this situation raises a fundamental concern about the possibility of artists being considered for conventional financing based on assets. The sequencing map makes it clear that the extra-local ruling relations of urban

land markets and lender financing affect the artist at the local level in her search for appropriate living and working space.

Extra-local governments – Another sequence of text-work linkages affecting the artist's quest relates to extra-local government legislation, shown greatly abbreviated in blue on the sequencing map. Legal statutes define the extent of the power of the various levels of government: the most important ones are national, provincial and local. Distribution of legislative powers in Canada is set out in the Constitution Act of 1867. Section 92 lists provincial powers, including item 8, "Municipal Institutions in the Province." It is by this authority that the province of British Columbia is able to delegate powers to municipalities via the current ruling statute of the *Local Government Act* (LG Act). The provincial *LG Act* is an enabling act, a specific type of statute that provides power for "the enactment of subordinate legislation in the form of regulations or bylaws" (Stewart 2001). It is these very regulations and bylaws that allow local governments to enforce their policy objectives, because penalties may be attached for non-conformance. Some of the extra-local governments influencing the ability of the artist to purchase a studio are shown in blue on the text-work sequencing map.

Local government regulations – zoning, planning, building codes – Pertinent to our searching artist is the power delegated to local government by the province to regulate building construction (LG Act, s.692).[32] Here the municipality of the City of Victoria is granted powers to govern through the legislation of extra-local governments, shown in red on the sequencing map. This includes the power to adopt national and provincial construction and building codes to assure that reasonable standards for public health and safety are met; provisions to allow municipalities to

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[32] Note that all references to section numbers in the *Local Government Act* refer to the 1996 Act found on the Civic Info British Columbia website: referenced as Province of British Columbia 1996b in the bibliography.

control land use through planning, building regulations and the important tool of zoning (Bish and Clemens 123).

Land use control is doubtless one of the most contentious of many municipal issues. Local governments in British Columbia are enabled to regulate land use in order to control private sector development for the benefit of all members of the community, not just those directly involved such as land owners, developers, financial investors, and builders. The character of the contemporary City of Victoria is largely due to the way that municipality has used its land use control powers over time. Since its incorporation as a City in 1862, primary land uses in the City of Victoria have remained largely unchanged, including:

- government – starting with Governor James Douglas' dedication of the "government reserve" that is today's legislature compound,
- tourism – stemming from the City's tax and utility incentives to the Canadian Pacific Railway to build the Empress Hotel early in the 20th century,
- "attractive residential areas for the middle and higher income groups" – following patterns established by early provision of transportation and services, with difficulty providing affordable housing for low-income earners, and, [33]
- limited industry – while initially enticed to locate in the City, now has largely been lost from core areas as discussed in Chapter 3. (Lee 1969: 93-94)

Contemporary land uses have thus been determined by both the history of the City and restrictive boundaries of waterfront and adjacent municipalities, with post World War II residential suburbs developing, for the most part, outside the city limits. In the late 1990s, politicians and planners attempted to address the erosion of industry from the city core. Specifically, the *Victoria Economic Development Strategy* addresses the transition of the city to a

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[33] In *Laws of the Landscape—How Policies Shape Cities in Europe and America*, Pietro Nivola identifies land-use policies that result not only in suburban sprawl, but also in the development of expensive suburban homes that are unaffordable to low-income citizens due to practices such as large-lot zoning and excessive construction regulations, further contributing to affordability problems (Washington D.C.: The Brookings Institution, 1999, 27, 46, 89, 91).

post-industrial economy. The *Strategy* provides direction for the City's future, including the goal show below:

Enhance the Economic Vitality of Downtown

1. Increase residential density in the downtown core …
   - Review current zoning regulations to facilitate the development of affordable work/live studios to attract micro-businesses and *arts-oriented business* closer to downtown (City of Victoria 1998c: 14-15, underline added).

The goal to "populate" (or repopulate?) downtown in order to revitalize the City's economy is consistent with the popular New Urbanism planning approach which counsels a "return" of the urban landscape to that of intimate, early 20th century small-towns (Gabor and Lewinburg 1997). [34] Of particular interest to the City of Victoria's goal is the appropriation of the artist live-in studio unit type in order to stimulate business in the core areas due to the economy of construction realized from the overlap of working and living areas. The goal does not aim for *affordable artist live-in studios*, rather it seeks "affordable work/live studios …[for] arts-oriented *businesses*." It seems the low-income artist is somehow bypassed in this definition, although work/live studios as a contemporary unit type are certainly derived from *artist* live-in studios often found in old warehouses or manufacturing lofts in SoHo, for example (Zukin 1982).

Of particular relevance to the ruling relations affecting artist live-in studios in the downtown areas of the City of Victoria (or not) are the powers of zoning and city planning that have been employed to bring "affordable work/live studios" about. The power to zone allows local governments to regulate land use by legally controlling density, location, sizes of lots and buildings, provision of services, and heritage conservation (LG Act, s.903). Often

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[34] Other goals in the "Build Excellent Foundations" section of the *Victoria Economic Development Strategy* are:

- Create a positive business climate
- Improve the transportation links (City of Victoria, Economic Development Committee, 1998, 9).

there is conflict between property owners seeking to increase the value of their real estate, and neighbourhood organizations seeking other amenities, such as parks or street furniture. In our democratic system municipal councillors are accountable to the electorate, and strong interest groups are capable of influencing land use control decisions. Politics and planning play a role in the development of local government land use controls, and according to Savitch's framework, special interest groups influence the final shape of policies and regulations in the pluralist liberal corporate style of land development in the City of Victoria. Special interest groups comprised of developers, real estate agents and downtown property owners have certainly contributed to the development of late 20th century City policies with the potential for development of artist live-in studios: the definitions of live-work and work-live in the City's zoning regulations, and the Downtown Heritage Tax Incentive Program for Heritage Conversions (TIP). The progressive development of live-work and work-live zoning definitions, as well as the TIP, are shown in patterned red boxes on the text-work sequencing map. The consideration process of these policies is discussed in detail in Section D below. The text-work sequencing map makes it clear that whether or not the artist buys a live-in studio, depends not only on the resources available to the individual, but also on the legislation of extra-local governments and local government policies and regulations. Let us now investigate from a materialist perspective the three types of policies that influence the potential for development of artist live-in studios in the City of Victoria.

D Materialist analysis

The materialist analysis of potential artist live-in studios concentrates on explicating the social relations of the three types of municipal land use policies with the potential to permit construction of artist live-in studios: heritage, live-work and work-live. Social relations are *occurring*

behind the circles on the text-work sequencing map. They include the actions of people and the texts that mediate them. By explicating the social relations, we contribute to an understanding of the social organization which the artist—searching for an appropriate, affordable live-in studio in the centre of the City of Victoria—plays a part in.

Heritage live-in studios

In recent years there has been a significant reduction in the availability of live-in studios in heritage buildings in the downtown areas of the City of Victoria traditionally—and sometimes illegally—occupied by artists. The sequencing map explicates the social relations at play, as shown by the red brick pattern. Many of the heritage buildings in the City's downtown are zoned for commercial use on the ground floor, and residential use on the upper floor(s). However, building code regulations prohibit people living on the upper floors, unless the building is upgraded to meet seismic engineering standards—a costly renovation.[35] Downtown heritage property owners and the City [36] have long been frustrated by all the "vacant, underused" second storey spaces in Old Town. Although the issue was previously studied (Yardley 1992), it was not until the Province introduced the *Heritage Conservation Statutes Amendment Act: Bill 21* in 1994 that the situation changed (Crothall 2001: 16, Barber 2000). The change in enabling legislation provided the City with authority to grant tax exemptions for ten years for protected heritage properties (LGA, s. 400.1, 400.2, 819.2). City planners got to work and put the newly endowed power to good use in devising the TIP to add residential occupancies to the second floors of the heritage buildings that make

[35] Building code standards for multi-unit residential occupancies, including new side-by-side "studio" apartments designed into existing heritage buildings, are among the strictest. This translates into costly construction including fire- and sound-proofing, exiting, and ventilation requirements.

[36] Downtown heritage property owners frustrated by the vacant upper storey spaces included the then mayor of the City of Victoria, Robert Cross (Roughy 1996).

downtown Victoria so quaint and attractive to tourists.[37]

The second text to play a pivotal role in the development of the TIP was a study produced by the Victoria Civic Heritage Trust, a non-profit society established and largely funded by the City of Victoria. *Moving up – Developing Affordable Residential Units in Downtown Upper Storeys* was released in 1996 and detailed what many already knew: there were a lot of "vacant" upper floors in downtown Victoria -- some of which were being used as illegal live-in artist studios. Obviously people with the capacity to make decisions and allocate funds played a role in responding to the strong interest group of downtown heritage property owners in commissioning the study. In 1998, City Council approved the new TIP. In essence, new residential units that are developed in heritage properties with TIP assistance are indirectly subsidized by taxpayers, as the City agrees to forego tax revenues for a period of up to ten years after completion of the project.

Clearly, both *Bill 21* and the *Moving Up* study were implemented in a way that is useful to the ruling relations of the land development and real estate industries. These two texts are what made people's discontent with vacant spaces in downtown heritage buildings "institutionally actionable" (Pence 2001b). This is exemplified by noting the changes in the name of the *Moving Up* study: in 1995 a draft copy was released called *Moving Up – Downtown Upper Storey Housing Inventory and Needs Assessment.* This title refers to the necessity to make a record of what exists and what is missing in downtown upper storey housing, without necessarily making recommendations. The original title brings to mind quite a different scenario than the final title of *Moving Up – Developing Affordable Residential Units in Downtown Upper Storeys.* The new title emphasizes affordable housing and has an obvious agenda of repopulating downtown that "fits" with the ruling practices of economic and land development. Since City Council adopted the

[37] There were several more studies commissioned before TIP was finalized, including one by Gywnfor Symmons of City Spaces and another by Clayton Research: both in 1995 (David Crothall, *The City of Victoria Downtown Heritage Tax Incentive Program for Residential Conversions: A Critique*, University of Victoria, unpublished thesis, 2001, 16, 18).

bylaws (more texts) for the TIP, the tax forgiveness program has been an award-winning success in terms of heritage conservation in the City's centre.[38] The TIP's achievements also fit the goals of the City set forth in planning documents such as the *Official Community Plan* (City of Victoria 1995b: 5.9 E(b)(i)), *Corporate Strategic Plan* (2000a: 4) and *Economic Development Strategy* (1998c: 15): all with policies for "downtown revitalization" through increased population density. The pivotal role of texts in coordinating the sequence of actions resulting in the TIP is traced in the text-work sequencing map. These texts—including the amended provincial enabling legislation, City planning policies, [39] the *Moving Up* study—and the work around them constitute a T-discourse (Smith 1999: 158): the textual apparatus of the ruling relations around the TIP policy. This is one aspect of the social organization that affects artists looking for suitable, affordable space in the centre of the City of Victoria.

Participation by the general public in the development of the TIP was indirect and rather limited. Other than the opportunity to participate in public hearings on the *OCP* concerning broad policy statements about increasing downtown density since 1990 (with notoriously low public attendance rates), the TIP came about primarily due to activity on the part of downtown property owners, quasi-governmental heritage associations and City of Victoria planners. The Victoria Civic Heritage Trust did participate on a partnership basis in developing the TIP through their Architectural Conservation Committee—consisting of "appointed" volunteers from the architectural and heritage communities (Victoria Civic

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[38] In addition to the gold CARE (CHBA) award garnered by the City in 2001, the TIP also received a President's Award from the Hallmark Society in 2001, and the Cross's Meats Building on Douglas Street which benefited from the TIP received an Award of Honour in 2002 from the Heritage Society of British Columbia (Barber 2003, Heritage Society of British Columbia 2003).

[39] For eligible designated heritage buildings, the policy framework includes application to the City's Heritage Planner, review by the Victoria Civic Heritage Trust, preparation of a report to City Council's Committee of the Whole for approval in principle, draft bylaw of the proposed tax exemption prepared by City Solicitor, public notice published in the local newspaper for tax exemptions over one year, then final approval and adoption of the bylaw (Barber 2000).

Heritage Trust n.d.). In addition, an outside financial consultant hired to evaluate the specifics of the tax initiatives interviewed several local developers who owned properties potentially eligible for the tax forgiveness. Neither planners from the Capital Regional District nor neighbourhood associations were consulted, nor were artists who may have been illegally occupying "vacant" second floor spaces in heritage buildings sought out as public participants.[40]

Analytically, the TIP does not work in a manner that benefits artists seeking to obtain appropriate live-in studios downtown. Conversion of spacious heritage upper floors to apartments has displaced the illegal but satisfactory use of many spaces as studios. Although many of the new conversions are advertised as "studio-lofts," the profit motive of land development dictates that as many units as possible be stuffed into any given building so the new units tend to be a minimal size. In addition, the new units must meet all residential building code standards and do not accommodate light industrial processes. Thus the new units constructed under the heritage TIP are typically not well suited to artists who may use various machines or noxious substances in producing their artwork.

The analysis of the development of the policies leading up to the TIP indicates how the ideological code of land development in a free market economy gets "worked up" by downtown heritage property owners and the municipal government into reduced possibilities for workable, albeit sometimes illegal, artist studio spaces in the material world of the core areas of the City of Victoria. While the TIP may be judged successful by certain standards, in terms of the

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[40]In fact, the method of surveying for the "upper storey inventory" of the *Moving Up* study in the mid-1990s is associated with the disjuncture from whence the problematic of this institutional ethnography arises. This author was living and working in an upper storey space in Chinatown, Victoria at the time that a *Moving Up* researcher came by. A puzzle was left latent when the researcher rapidly asked a few questions about my space and that of my neighbours—but made no attempt to verify the validity of my answers. The whole process took less than five minutes, and left me disconcerted. Was this really an inventory and needs assessment? Perhaps the recommendations culminating in the TIP were a forgone conclusion, even before the inventory was completed?

problematic, the TIP organizes affairs in such a manner so that it becomes difficult for the artist to secure appropriate, affordable space in which to live and work in downtown Victoria. Thus we must look elsewhere for policies that address the provision of live-in studios for artists in the city, to live-work and work-live zoning regulations.

Live-work studios

The concept of live-work used by the City of Victoria today was established during the rezoning application process of 40 Huron Street, now called Shoal Point, in 1996-1998. In fact, the definition of live-work in current City bylaws was *written by the real estate developer* of the first live-work units as part of his rezoning application. The developer did background research on similar developments in other parts of North America and supplied a definition of live-work to the City which has stuck ever since without review. Zoning bylaws were amended to include the definition in Chapter 3, detailing a "live-work use" that permits up to three workers—with at least one person residing in the unit—and specifies artists as potential occupants. The process of development of live-work as an institutionally actionable zoning definition is shown in the red dotted pattern on the Text-Work Sequencing Map in Appendix C.

Changes to enabling legislation were not necessary for the City of Victoria to formally define live-work as a use in the zoning regulations. Live-work uses have always been permitted in many existing zones in the City, as historically regulations are quite permissive regarding residential uses in commercial occupancies.[41] Thus artist live-in studios have technically always been legal in downtown Victoria. However, new developments with "official" live-work units in the City of Victoria are subject to rezoning on a site-specific basis. The rezoning process involves many texts that proscribe activities. First, the City

[41] In fact, according to City of Victoria Planner Brian Sikstrom, certain areas of downtown, including Old Town and Chinatown, are explicitly zoned with grandfathered clauses dating back to early 20th century that explicitly permit studio type mixed use occupancies (interview, 2000).

Planning Department reviews the application and prepares a Committee of the Whole Report for City Council for approval in principle, with recommendations to forward the report to various bodies for review and approval. These might include the Advisory Planning Committee, Parks and Recreation Department, Advisory Design Panel, and so on. Property owners in the vicinity must also be notified of the proposed rezoning and public notices published in newspapers and with signage on the subject property. Once approvals from all concerned parties are received, a zoning bylaw amendment is drafted by a contracted outside law firm, under the direction of the City Solicitor. The draft bylaw is circulated to City planners for content checking and reviewed once again by the City legal department. Upon approval it is given a first and second reading in Council meetings. A public hearing is held the same night as the third and final reading at the opening of the Council meeting, after which Council votes for final approval on adoption of the zoning bylaw amendment to allow rezoning (also see Susan Turner's explication of rezoning in Appendix D).

40 Huron Street, also known as Shoal Point, not only required rezoning because it contained live-work units, it also required rezoning because the developer proposed to build residential condominiums on what was supposed to be land dedicated for marine industrial use. Located on water front property along the Inner Harbour in the community of James Bay, the massive thirteen storey development proposal was opposed by many local residents who claimed that it was out-of scale,[42] and opposed the removal of a significant chunk of waterfront from a zone intended for fishing and marine industrial services—called "harbour sterilization" by the president of the fledgling Harbour Authority at that time (Watts 1997,

[42] The inappropriateness of the scale of the massive Shoal Point complex is only being realized fully as the project nears completion of the final component of the project, Phase 3, in 2003, however, this aspect of the project continues to generate negative publicity. In 2000, Susan Down of the *Times-Colonist* newspaper reports Tim Van Alstine saying,

> It's worse than we ever expected. It's way oversized, (Developers take pride in complex, but James Bay activists still steam, March 4, F3).

Scott 1998, Chamberlain 1998). Project proposals described a mixed-use development employing cutting-edge technology for sustainability, with emphasis on "marine commercial" and "live-work" aspects—implying that 40 Huron Street would be a vital, working place with a maritime focus.

Publicity and public presentations to James Bay citizens about the 40 Huron Street development proposal were made by the developer. In this sense public participation in the City's regulatory development activities regarding the zoning definition of live-work were filtered *through* the developer.[43] As rezoning was involved, a public hearing at the Council Meeting before the third reading and adoption of the zoning amendment bylaw was required. At this hearing, many individuals and groups expressed their concern with the project (Watts and Cleverly 1997). The City did not consult the Capital Regional District nor other regional local government bodies during the approval stages of this large development (Goldburn 2000). However, the federal government did have something to say—negative—about the development. Transport Canada, the port authority at the time, advised the City to postpone consideration of the project until responsibility for governing the Inner Harbour Port was devolved to a new local Harbour Authority in the following year (Helm 1997). Although some input was solicited from local artists, this group was not consulted about their needs for appropriate, affordable live-in studios. Rather, a group of about twenty prominent local artists were invited to submit proposals for a $145,000 commission for

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[43] For example, a disjuncture occurred giving rise to the problematic when neighbours of the proposed 40 Huron Street development were invited to an afternoon "open-house" to find out about the project in 1996. Although there were pictures, hand-outs, coffee and snacks, there was no *site model*, a standard architectural tool at any public presentation. Peggy Walker, in a letter published in the *Times-Colonist* seems to know why:

> [A]s I was waiting in line the night of [the public hearing on] Nov. 13 to say a few words for preserving the last portion of James Bay which, though long neglected was still intact … I looked down to find myself standing beside the model of the proposed Huron Street project, and my thoughts were … this was a face only a mother or a press agent could love, (in Paul Minvielle, The New Islander—Letters—Bound to Bite, November 23, 1997, 1).

public art work that was one of the "carrots" offered by the developer to "sweeten the pot"—and eventually generated much disgust among local artists as no winner was ever officially announced, and no major public art work installed! (Anonymous artist 2003). Another "carrot" was the offer to donate $425,000 to the Capital Housing Corporation for subsidized housing *elsewhere* in the City (Down 2000a).

After much contentious publicity and a few trips back to the drawing board City Council eventually approved the rezoning, with the Mayor[44] casting the definitive vote to break the tie of an evenly split Council (Walker 1997). Although the developer claimed that the original design of the project was changed to include "affordable" units[45] in response to the public perception that 40 Huron Street would be "more than 100 gold-plated condos" (Helm 1997), immediately subsequent to the rezoning approval, fancy signage advertising *luxury residences* was posted on the "40 Huron Street" site which now boasted a new name: "Shoal Point." The new name emphasized *luxury living* as opposed to the *live-work* component and was maintained in sales advertising on the website (see Appendix D for full text):

North America's finest residences … perfection … world-class amenities … amazing place to live, (Shoal Point 2001, underline added).

Shoal Point has won numerous awards which are listed at great length on the condominium website (http://www.shoalpoint.com), and the project is a featured case study on the British Columbia Energy Awareness Committee website:

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[44] The Mayor at the time was Robert Cross, who was also a supporter and subsequent recipient of assistance from the heritage TIP.

[45] Initially, the condos were advertised at $250,000 to $1.5 million with an anticipated total cost of $50 million for the project before the rezoning was approved (Watts 1997). In keeping with his dedication to "social responsibility," the developer reduced the floor area of 25 percent of the units to keep the selling price "at or below the average James Bay house price, ranging from $230,000 to $1.75 million" (Downs 2000, Butterfield 2003). By this time, the project cost had risen to $90 million. In 2002, the "socially responsible" units were priced at $234,000 with luxury units selling at up to $3.7 million and a total project cost of $105 million (Curtis 2002). While $234,000 may be an average house price in James Bay in 2002, it is far out of the financial reach of the average low-income artist.

"People say you can't afford to build like this, you can't get workmen, but that's all nonsense. People haven't been doing it because they haven't been doing it. It's cheaper not to do what we've done, but people will pay to live with beauty. It doesn't really cut into our bottom dollar because we're getting high prices on a per square foot basis." - Developer [x] (2001, underline added).

Here, the developer is essentially speaking about returns on the substantial investment he made in constructing Shoal Point, leaving one to wonder what the connection is with "sustainability," a concept usually associated with environmental sensitivity rather than profits. Even this brief look at texts points to discrepancies between the reality of Shoal Point in the material world and the intentions represented by the definition of live-work supplied by the developer to the City prior to obtaining re-zoning approvals. The inclusion of live-work in the permitted uses on this particular project has not resulted in artist live-in studios accessible to the average real-world artist. The Chapter 3 survey finding of only one artist occupant reputed to occupy one of the live-work units in 2002 at Shoal Point supports this contention.

Why did the City accept the definition of live-work directly from a real estate developer without doing research or imposing conditions of its own such as, say, requiring construction of one or two live-work studio that were truly affordable to low-income artists out of the originally approved fifteen live-work units? Ruling relations in the social organization of the project indicate the real estate developer has access to sophisticated resources, both material (with City personnel stretched thin due to budget considerations opposed to the developer with "deep pockets") and political (the developer is able to purchase a prominent site and deliver a high-quality development, as long as he is allowed to set the terms). In this sense the developer is a member of an elite group in the real estate industry, one with access to substantial resources, information and influence.

Real estate developers take pride in successful projects for various reasons: quality construction, innovative layouts, expensive materials, or sophisticated mechanical systems.

Yet when the advertising glitz is stripped away the underlying motivation remains economic profit. As much as possible, the developer who can afford to will build high-end residential projects in central areas of the City of Victoria, especially when the demand is high for such units and land is in a limited supply.[46] The high demand means that both sales prices and thus profit margins are most likely maximized (Clemens 2001).[47] Thus, although high land prices in the City of Victoria are implicated in affordability issues as discussed in Chapter 3, the ruling relations of the real estate market are also working against the low-income artist searching for an appropriate, affordable studio in the central city. The policies and regulations in place for live-work units with the potential for artist live-in studios simply do not ease the difficulties faced by the artist attempting to secure appropriate, affordable space in which to live and work in the City of Victoria. In addition, ruling relations in the real estate industry play a major role in the second type of zoning regulations permitting artist studios in the City, that is, "work-live" use, as discussed below.

Work-live studios

A work-live unit is the third legal possibility for development of artist live-in studios in the City of Victoria and perhaps the most appropriate and affordable. Such units are located in M-1 light industrial zones with lower land costs and toleration of some negative externalities. The City's Work-Live Design and Planning Guidelines state:

> The term Work-live means that the needs of the work component take precedence over the quiet enjoyment expectations of residents, in that there may be noise, odors or other impacts, as well as employees, walk-in trade or sales … (City of Victoria n.d.- d).

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[46] The demand for high-end units on the waterfront in the City of Victoria can be judged by the ample numbers of buyers with the means to pay for pricey units in the quick sell-out of Shoal Point's Phase 1 (see Shoal Point website, Appendix D).

[47] Furthermore, municipalities tend to be biased towards high-end developments which afford greater tax revenue than low-end projects (Martin 1977).

This type of occupancy is appropriate for an artist working with light industrial methods such as bronze casting, or musicians practicing at loud decibels. Furthermore, the fact that the M-1 zone is proximate to downtown adds to the suitability of work-live studios for artists wishing to be part of the convivial central city. The process of allowing work-live units to be built in the M-1 zone follows a somewhat convoluted path, shown in the red dotted pattern on the text-work sequencing map.

The idea arose from a special interest group of representatives from the "real estate industry" who expressed concern about vacant and underused industrial lands to the Economic Development division of the City. The Industrial Zoning Focus Group (IZFG) was formed to discuss the problem. After periodic meetings throughout 1998, the IZFG recommended permitting high-tech, work-live and service commercial usages in the industrial zones in the "Northern Approaches" to downtown (see Figure 9). The group's consensus was detailed by City Planner Brian Sikstrom in a hefty text, the Draft Committee of the Whole Report (1998a). After approval in principle by City Council and other concerned bodies such as the Advisory Planning and Transportation Committee (APTC) and several neighbourhood associations, the City published the proposed changes to the industrial zoning in the form of a short bulletin (City of Victoria 1999b). The Industrial Zoning Update #1 information bulletin was available for pick up at City Hall and mailed out to property owners in areas affected by the proposed changes in zoning. Only one telephone call and two written responses to the bulletin were received. Further public input was solicited in the form of information meetings held with organized groups in the land development industry and two community associations.[48] Responses from other special

[48] Public information meetings about planned changes to the industrial zones were held as follows:

- Real estate industry:
    - Victoria Real Estate Board, Building Owner's and Manager's Association, Real Estate Institute of British Columbia, Real Estate Institute of Canada – Luncheon at Laurel Point for $20, 19 January 1999, attendance not recorded.

interest groups were not solicited, such as the "high tech" industry towards which the zoning changes were supposedly geared (with the exception of one high tech business consultant); nor to artists' groups, even though a site visit was made to a successful "model" work-live project in Courtenay which is occupied almost exclusively by artists and artisans (*The Voice* 1999). Neither did the Capital Regional District participate, regardless of the Regional Growth Strategy which was being prepared at the time and which included working towards "adequate, affordable and appropriate accommodation" for which work-live surely qualifies (LG Act, s.875(2)).

As with live-work, no changes to the enabling legislation were required for work-live uses to be permitted in the City of Victoria. Development of land use control regulations involved two stages – the initial "draft" Committee of the Whole Report (City of Victoria 1998a); and a second "final" Committee of the Whole Report (City of Victoria 1999a) which incorporated some limited changes based on the feedback from the public and the city planning department's research. As all necessary approvals in principle had been garnered during circulation of the first "draft" in 1998, it was not necessary to re-circulate the "final" report in 1999. Rather, City Council instructed the City Solicitor to go ahead and immediately prepare the necessary zoning bylaw amendments for public hearing, after first and second reading. Following final approval and adoption of the bylaw amendments, it seemed appropriate when Council instructed that a second information bulletin be published

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- Developers:
    - Urban Development Institute – Breakfast Workshop at the Holiday Inn for $15, 16 February 1999, attendance 20
    - City Council/Urban Development Institute Liaison meeting – 30 March 1999, attendance 13
- Neighbourhood associations:
    - Vic West Community Association – Community Meeting, 24 January 1999, attendance not recorded.
    - Burnside Community Association – Community Meeting, 08 February 1999, attendance 25 (Appendix C, Committee of the Whole Report, City of Victoria 1999a).

for *marketing* by the Economic Development division of the City of Victoria (2000b). The economic ruling practices of the real estate "game" provided the impetus and dominated the consideration process for development of the work-live zoning regulations.

Clearly, texts played a large role in organizing the people and work that culminated in the work-live zoning definition in the final Committee of the Whole Report (City of Victoria 1999a). As Susan Turner points out, "[t]he [planning] process is represented in official government texts as a sequence of neutral, standardized events and actions" (2001: 301). However, the process is not neutral in the least, consisting of the activities of people with different interests and motivations in the everyday / everynight world and mediated by the extra-local texts that shape the social organization. This is illustrated in the next section by doing textual analysis. As discussed in Chapter 3, one developer has received a rezoning approval for development of a project containing 78 work-live units in an M-2 zone—not M-1 where the use would be permitted according to the revised industrial zoning regulations (City of Victoria 2003c). Textual analysis of a portion of a City of Victoria Advisory Design Panel (ADP) Agenda for a meeting regarding the rezoning application of this particular project is now undertaken to explicate the social relations of the recent City of Victoria policies permitting work-live uses. The text for analysis is reproduced in full below with line numbers for reference. All identifying names and numbers have been removed for reasons of privacy. Protected information is shown in square brackets [x].

VICTORIA ADVISORY DESIGN PANEL

REGULAR MEETING – [date]

COMMITTEE ROOM [#], CITY HALL, COMMENCING AT [time]

YOUR ATTENDANCE IS IMPORTANT. If you cannot attend, or you may be late, please call [person 1] at [telephone #] or [person 2] at [telephone #].

[hour]:10 **MINUTES** – Minutes of Meeting on [date]

APPLICATIONS

[hour]:20 **1.** **[PROJECT STREET ADDRESS]** **[Developer's name]**

REZONING APPLICATION #[xx-xx] **[Developer's Company]**

Rezoning of:

Lots #, #, #, #, Block x, Section #, Victoria District,

Plan # and Lot x, Section #, Victoria District, Plan #

from M2-I Zone, Douglas-Blanshard Industrial District to

M2-[x] Zone, [Street name] Light Industrial District

Proposed Mixed Use Development (Two mixed use buildings).

Recommendation to proceed with rezoning.

[hour]:10 **NEW BUSINESS**

ADVISORY COMMITTEE WEBSITE – (see attached letter)

ADVISORY COMMITTEE TERMS OF REFERENCE

Advisory Design Panel

To advise Council on the design merits of plans submitted to Advisory Design Panel as part of a:

- Rezoning Application;
- [followed by a list of other applications / situations requiring Design Panel review]

[hour]:15 **ADJOURNMENT**

Textual analysis

> Each text would locate a moment in actual courses of action involving particular individuals when what is done becomes of the institutional order (Smith 2001b: 188).

Advisory Design Panel (line 1):

1 **VICTORIA ADVISORY DESIGN PANEL**

This is one of several committees made up of individual residents of the City who voluntarily apply for the position by filling out an application. Elected City Councillors are responsible for reviewing the applications from prospective committee members and making appointments for eighteen-month terms of membership. Typical address and contact information is requested on the "Individual Application for a City Appointment to a Board, Commission or Committee," along with the text below (see full text in Appendix D):

27 **CANDIDATE'S INFORMATION …**

28 **5. Reasons for seeking appointment [followed by 6 blank lines]**

29 **Special Background or Expertise [followed by 6 blank lines]**

30 **(If space is insufficient, please attach a separate sheet.)**

31 **History of Community Involvement (Past and Present) [followed by 6 blank lines].**

While members of the general public are invited to apply for positions on the ADP through newspaper advertisements when positions become vacant, the application form emphasizes that expertise is necessary (lines 29, 30). Textual analysis of the ADP agenda, in conjunction with the part of the panel member application form shown above, implies that ADP members are required to:

- be familiar with architectural conventions, including the ability to "read" and translate various two-dimensional plans made up of lines and patterns (dotted, dashed, wavy, etc.) into a mental image of a completed building with its surrounding amenities; and to be able to communicate an opinion on the value of the interpretation of design presentations

to the community in an understandable manner (lines 20 to 22 – "To advise … on design merits," line 31 – "history of community involvement … "),

- be familiar with various processes of municipal government, e.g., "Rezoning Application," and other types of applications (lines 24, 25),
- be in a position that enables them to be accessible in order to attend meetings (lines 2 –5 "regular meeting," "your attendance is important").

The texts imply that Council must be familiar enough with potential ADP members to know that they are capable of giving competent advice and are able to communicate in terms that Council can understand. In essence, these criteria limit the field of potential candidates to people who are members of the architectural, design, or land development industries, who are public in the sense that they have proven public speaking / community service skills, and who have the power to schedule their own working hours: *i.e.*, usually the "boss," or upper level managers.

In actual practice, the social relations represented by texts and activities used in selecting ADP members result in a committee made up of an elite group of people who are usually involved, directly or indirectly, in the real estate industry in the City of Victoria. Generally, influential architects and often developers sitting as "independents" make up the bulk of the committee with one member appointed from Council and one from the Heritage Advisory Committee. [49] For the most part these are the types of people that meet the criteria for ADP membership … and they are also the same types of people who are often involved in rezoning applications. This creates interesting situations in when a conflict of interest situation arises, for example when a member's project is up for consideration: the affected member "steps away from the table" (Jury 2003).

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[49] According to the recording secretary for the City of Victoria ADP, Lynda Jury:
The Advisory Design Panel has a maximum of seven members (3 architects, 1 landscape architect 3 independent general) plus one Council representative and one cross-appointee from the Heritage Advisory Committee. There is [sic] also 2 alternative members (1 Landscape Architect and 1 Architect) (email March 3, 2003).

Identification (lines 8 - 9):

8	**[hour]:20**	**1.**	**[PROJECT STREET ADDRESS]**	**[Developer's name]**
9			**REZONING APPLICATION #[xx-xx]**	**[Developer's Company]**

The agenda clearly identifies the project to be approved, or not, by the ADP. The street address, City file number ("rezoning application # ..."), applicant's name and company are listed. This allows the elite group of ADP members to place the proposed project on a mental map prior to the actual meeting, both in terms of the physical location in the City, and in terms of reputation as different developers tend to do different "classes" of projects.[50] For example, Shoal Point is considered to be a very "high class" development when judged by the cost of land, design, and materials used to translate the project from lines on a page to the reality of the constructed condominiums. Here, identification of the applicant by name (line 8) allows ADP members to "read between the lines"—at least for known developers in the community—regarding the "class" of application they will assess, drawing on their knowledge of the social organization of real estate development in the City.

The Application (lines 7, 10):

7	**APPLICATIONS**
10	**Rezoning of:**

The Agenda informs that application is being made to rezone a specific, identified property. Rezoning involves special treatment of particular properties (see Susan Turner in Appendix D). People who apply for rezoning are cognizant of the complicated texts that are City bylaws for land use regulation. These must be adopted according to powers and procedures in the *Local Government Act* (s.257). The ruling relations of a democratic system of government are reflected in

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[50] According to recording secretary Lynda Jury (ibid.),

> [ADP] members have a opportunity to review any plans or information from our files prior to the meeting. They also can go and visit the sites, it is up to them individually (email March 3, 2003).

the process wherein Council members represent the electorate of the community. The bylaws, also part of the ruling relations, reflect the discourse of urban planning and law: as professional planners influence Council and lawyers render the planning concepts into legally binding terms. The ability of uninitiated lay people to understand the implications of land use bylaws is limited. For example, ruling relations require that bylaws adopted to rezone properties must be in accordance with the overall "master" planning document of the City. This is the *Official Community Plan* (OCP), which is also adopted by bylaw. Thus, any rezoning approved by Council inevitably results in amendments to the *OCP* – also done by bylaw.

The complexity of ruling relations that enforce the various statutes controlling rezoning means that developers come well prepared to City Hall, usually backed by a team that includes an architect (to assist with social relations around interpretation of provincial building and other codes regulating construction) and often a lawyer (to assist with social relations around interpretation of statutes such as the *Land Titles Act*, *Subdivision Act*, and *Local Government Act*). Developers choose influential consultants to smooth the way through the rezoning process. For example, busy architects deal with City Hall on a day-to-day basis. This results in reliable personal contacts with municipal officials that smooth the social relations of the rezoning process—all part of the relations of ruling, too.

In addition to the costs of consultants on the project team the developer pays a fee to the municipality. The processing of a rezoning application is expensive. Numerous City personnel, from secretaries to planners and several committees like the ADP, spend time "working up" the application. Rezoning is often just one of numerous approvals to be obtained![51] The costs

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[51] Minutes of Council's *Committee of the Whole* Meeting record the following approvals and amendments before the mixed use work-live project considered here can proceed:

1. *Zoning bylaw Amendment*
2. Advisory Planning Commission approval
3. Advisory Design Panel approval with regard to Work-Live design guidelines

associated with the required public hearing are substantial—architectural models, information brochures, and other materials to successfully illustrate the design concept to non-professionals (for the developer, lines on paper or on a computer screen, and financial forecasting spreadsheets suffice). Finally, rezoning can be politically contentious, for example the Shoal Point rezoning application took over a year due to repeated public presentations and negotiations between the City and the developer.

Thus only sophisticated, experienced developers and professionals linked to the development industry with the capacity to engage in these ruling practises are successful. Developers must be committed to expending significant resources to cope with the requirements resulting from enforcement of the complex statutory requirements, especially when applying for rezoning on potentially contentious sites, such as the work-live project described in the ADP agenda. These people are members of a discrete, select group in Greater Victoria. In effect such developers are appealing to their peers when their projects are reviewed by the ADP, as the committee contains influential architects and developers—people who are interested enough to apply for the position, and experienced enough to be considered capable by Council. In this capacity, Council members are also members of the ruling elite.

As Susan Turner points out,

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By the time  [the rezoning application] gets to city council, the plan
is a well-worked-up text (237).
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4. *Official Community Plan amendment* including the site in a development permit area to allow City to control the exterior appearance
5. *Official Community Plan amendment* to permit live-work, work-live and residential uses on the site
6. City Engineer's approval of parking plan
7. Ministry of Environment, Land and Parks approval because site is on potentially contaminated vacant land in industrial zone
8. Records of Public hearing (LG Act, s.890, underline added).

In this case the approval of an application by the Victoria ADP is part of the process of "working up" the rezoning. The fact that the rezoning application is made by members of an elite group, and judged by co-members of the same group, is pointed out by the textual analysis so far.

Legal description (lines 11, 12):

11	**Lots #, #, #, #, Block x, Section #, Victoria District,**
12	**Plan # and Lot x, Section #, Victoria District, Plan #**

The legal description identifies the subject property according to institutional practices dating back to British surveyors who "laid out" the railroad and early Canadian urban settlements (c.f. Jackson 1997: 155, 178). The "lots, blocks, section, districts" and "plan" numbers refer to overlapping divisions of pieces of land ranging from smallest to largest.[52] Here, the legal description is interesting because the city zoning plans are superimposed upon maps created by legal surveyors. Different zones are indicated by drawing a line—usually down the centres of gridiron streets on the map—giving a neat, clean outlined shape that identifies exactly which legal properties are contained in the particular zone. [53] This is the method City planners used to identify recent zoning changes to industrial zones north of downtown (see Figure 9). However, notes from a breakfast meeting of City Planners with the Urban Development Institute—a professional organization consisting of members of the "development industry" (UDI)—record the comment:

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[52] The legal description of a property provides an indisputable locator tag, permitting *ownership*. The *Land Titles Act* (Province of British Columbia 1996a) is the ruling statue that works to ensure that there is one, and only one, current owner of any piece of land at any given time through a provincial registry system: an extremely complex text. As David Harvey puts it in *Social Justice in the City*,

> Absolute location confers monopoly privileges upon the person who has the rights to determine use at that location. It is an important attribute of physical space that no two people or things can occupy exactly the same location, and this principle when institutionalized as private property, has very important ramifications … (Baltimore, Maryland: 1973, 158).

[53] Liza McCoy has done an interesting institutional ethnography investigation about textual practices in another form of visual communication device: photographs. See Activating the Photographic Text (1995) in *Knowledge, Experience and Ruling Relations*, Marie Campbell and Ann Manicom editors, 181-92, Toronto: University of Toronto Press.

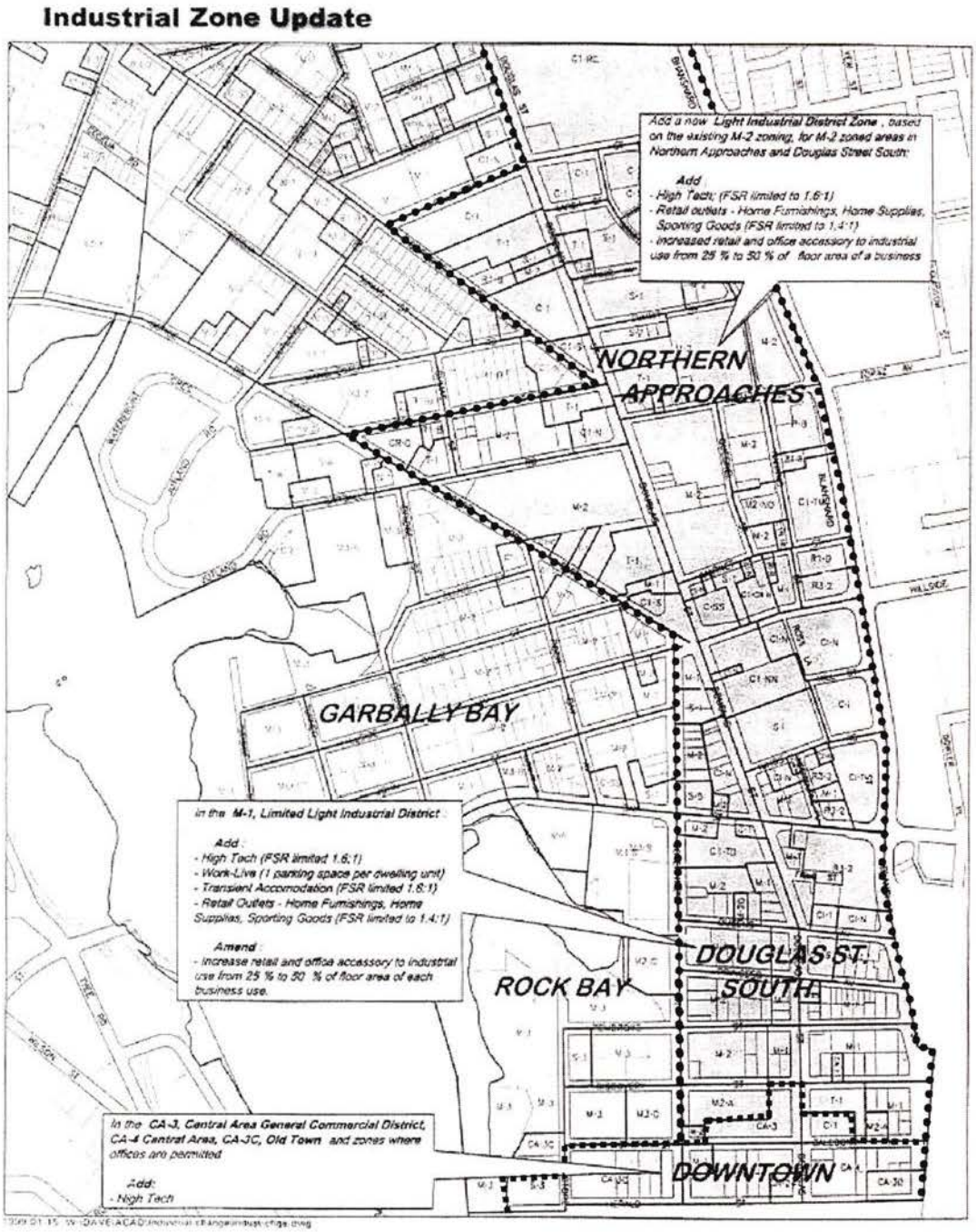

Figure 9. Map of the spatial application of changes to industrial zoning regulations in the City of Victoria

Source: The City of Victoria Industrial Zoning Update Information Bulletin #2, Spring 2000

> Zoning boundaries should not necessarily be down the middle of streets. Streets have two sides, which visually and functionally relate to each other, (City of Victoria 1999a: Appendix C, February 16 UDI Meeting).

This text points to the disjuncture between the definitive reality established in ruling documents that stand as authoritative regarding property use, especially in contrast to the reality of the built environment. A similar issue arises in the next section where the ruling documents of zoning regulations contrast with the profit-seeking reality of the developer seeking to build a work-live project in a zone that does not permit it.

The Rezoning (lines 13, 14):

13	**from M2-I Zone, Douglas-Blanshard Industrial District to**
14	**M2-[x] Zone, [Street name] Light Industrial District**

The ADP agenda indicates that the developer is requesting that his property be changed from a M2-I, heavy industrial zone to a M2-[x], light industrial zone. The change in zoning is necessary for the developer to include live-work and work-live units in the project: *uses with a residential component prohibited in heavy industrial zones.* This reflects the origins of the practice of zoning in the Industrial Revolution in England and continental Europe. Social activists decried the deplorable living conditions in the older inner city neighbourhoods and called for polluting tanneries and factories to be located away from working people's homes. This is an early example of "nuisance" zoning by which incompatible uses are isolated into separate zones. Thus the ruling relations of early British social activism are ensconced in municipal enabling legislation to this day (Southworth and Ben-Joseph 1995: 68).

Modern day urban zoning has three basic classifications each with a symbolic representation (M – manufacturing/industrial, C – commercial, and R – residential). These classes are subsequently subdivided numerous times, represented by combinations of letters and numbers (M1, M2-I etc.). The City of Victoria has over 200 different zones, many of them site

specific, i.e., containing only one property. This is how City planners have "shaped up" (Smith 1999: 213) the developer's rezoning application: the M2-[x] zone listed in line 14 represents a specific, one-off zoning designation that has been custom designed for application *only* to the site of the proposed mixed-use project containing work-live units.

The work-live project needs a special zone because it is metaphorically "on the wrong side of the street," the M-1 zone which could legally accommodate the project is across the dividing line drawn down the middle of the street by planners on the legal map. The project is proposed for an M-2, heavy industrial zone: *which strictly prohibits residential occupancy as the health and safety of residents might be jeopardized* by legal heavy industrial activities such as shipbuilding or car crushing. Here, the developer is testing the limits of the City's ability to "stretch" the new zoning regulations which have been shaped up during the Industrial Zoning Update process. He is, in essence, asking City Council to treat his M2 heavy industrial property as if it were located in an M1 light industrial zone, where truly radical changes in the zoning regulations were made. These changes legally permit work-live occupancies in the M1 zone along with potential increases in property and real estate sales values– but not in the M2 zone where the developer's property is located. It seems as though the social relations of the real estate market goal of maximum returns on investment are at play here, enabled by the ideological practise of public participation influencing municipal policies and regulations.

The Project Proposal (lines 15, 16):

15 Proposed Mixed Use Development (Two mixed use

16 buildings).

The ADP agenda describes the project proposal in legal terms derived from the City's land use regulations. "Mixed use" means that more than one type of use occurs in the same building, for example a commercial store on the ground floor with residential apartments above. The project is

notated as "proposed" because approvals, including the rezoning that would permit the "two-building" project to proceed, are forthcoming.

The Recommendation (line 17):

17 Recommendation to proceed with rezoning

The recommendation notation advises the ADP that Council has officially moved that the rezoning proceed to the next major stage in the rezoning—consideration at a public hearing. The recommendation gives the project an already-shaped-up institutional character even before it is considered by the ADP. In this case, City planners have "shaped up" the rezoning application to make more palatable the request to put an M-1 zone style of development into an M-2 zone. This is no small feat! The recent changes to industrial zoning in the City of Victoria were not designed to permit *residential* use in an industrial zone: *although this is in fact what the developer of the project originally proposed*, as minuted in a Committee of the Whole Meeting:

> Committee received a memorandum … from [City Planner] regarding Rezoning Application #[xx-xx]. The proposal is to construct two, 4 storey, mixed use buildings on the vacant former [heritage building] site between [two streets]. Proposed uses include service-commercial, "work-live," "live-work," "high tech" and multiple dwellings. A maximum of [#] units are proposed but the total number will depend on the market for the various uses, (City of Victoria [date], underline added).

This text informs that in the original application, the developer was trying to "cover all his bases" by getting every possible type of potential occupancy approved in the rezoning, all with no binding agreement to actually build any one type. If the rezoning was approved in this way the developer could, if desired, legally build *only* multiple dwelling units: i.e., the developer could build condominiums in a heavy industrial zone. Obviously, approval of such a proposal would be setting a precedent rife with potential for conflict, not only between residents and industrial users, but also between other "players" in the real estate development "game" and the City who may press for similar consideration!

Explicating the experience of artists

Going through the process of the textual analysis of the ADP agenda from the standpoint of artists in the real world searching for appropriate live-in studio space addresses the disjuncture from whence the problematic arises: a lack of "fit" between the City's regulations regarding work-live studios and the reality of the built environment. Further explication remains to be done in order to understand the social organization of the experience of the artist. The first relates to Council's recommendation for rezoning of the mixed use work-live project site described in the ADP agenda and the interest of artists, the second to the anticipated realization of the project with respect to artist live-in studios, and finally, explication of the ruling apparatus and artists.

- *How is this real estate developer able to get a recommendation from City Council to build units with a partial residential use in the wrong zone and why does this matter to artists?*

For the City to receive a rezoning application so blatantly ignoring the objectives and reality of the existing M2 zoning—specifically retained on the subject site during the Industrial Zoning Update—was rather scandalous. Planners were able to "shape up" the application by getting the developer to agree to "delete" the multiple dwelling use before recommending the application proceed through the institutional processing of the rezoning application. As minuted in a Committee of the Whole Meeting:

> ACTION: Councillor [x] moved that it be recommended to Council that: … 3/ The applicant's offer of [date] to delete "multiple dwellings" as a permitted use from the draft zone outline in the [date] City Planning Division report be accepted. (Note: "Live-work" and "work-live" would remain as permitted uses in the draft zone)[City of Victoria "minutes").

Once the offending *purely residential "multiple dwellings"* use was disposed of, leaving only the *partially residential "'live-work' and 'work-live'"* uses, the planning department launched the rezoning application on the lengthy circulation process of approvals, culminating in the recommendation to proceed to public hearing as of December 2000. The social relations of

the City government and its committees, and an experienced, sophisticated developer-applicant in this way clearly influenced the success of the rezoning application. An application that has the approval of the planning department is guaranteed due process through the "system," regardless of the final outcome of the rezoning application, e.g., politicians may overturn the application at the third and final reading in Council, even though it has been recommended by planners and approved by all the other required organizations such as the ADP. A rezoning application for a project with some merit (nice design, interesting usage, political goals) to be built by a respected local developer whose peers sit on advisory committees such as the ADP will get serious consideration. Thus, the social relations enjoyed by an "in group," and represented by the various texts and personal interchanges between the developer and City Hall, indicate that the social practices of the rezoning process tend to accomplish outcomes in the interests of those who rule: this is ruling relations. In our market driven land development institution, this tendency has the potential to work against the interests of the uninitiated, low-income artist, outside in the everyday world. Such artists are not included in the ruling practices, and thus, are not able to influence the outcome of land development decisions in their favour.[54]

- *What are the implications of the recommended rezoning for artist live-in studios?*

The textual analysis of the ADP agenda brings us to the crux of the problematic: here is a project with the potential to provide legal, appropriate artist live-in studios. Yet it seems clear that the developer would rather be building some, if not all, purely residential accommodation: possibly condominiums or rental apartments. If forced to build work-live, in spite of City zoning regulations, the threat exists that the units will revert to strictly

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[54] For example, Susan Turner explicates similar ruling relations in her analysis of how residents objecting to a development proposal that intended to raze a natural ravine in the neighbourhood had to "learn to formulate their concerns within the speech genre [of planning]" (Texts and the Institutions of Municipal Government, Studies in Cultures, Organization and Societies, London: Harwood, 1995, 313-317)

residential use after the City Building Inspector's final inspection (see the section on The Vancouver Experience in Chapter 5). Enforcement of occupancy of live-work units is difficult in our society that places a high value on privacy. The work-live units may even be built with conversion to residential use in mind. This would allow the developer to construct units appealing to the higher end market so much in demand in the City of Victoria and realize greater profits (similar to the "live-work" units submerged under "luxury living" at Shoal Point). If the units are built with a purely residential use in mind, they will not be suitable in design layout nor cheap enough in terms of finishes for the low-income artist to afford them.

To their credit, City planners, some of the "industry expert" members of the Industrial Zoning Focus Group (IZFG) as well as members of the UDI, warned that permitting work-live use in the M1 light industrial zone might result in this exact situation. The following examples are found in related texts:

- [City planner x] noted the major concern with Work-Live is the tendency for the "live" component to dominate and eventually drive out the "work" component," (City of Victoria 1999a: Appendix C, 12 March Meeting).
- The concern was expressed that Work-Live could result in residential uses taking over and supplanting existing industrial land and businesses, (City of Victoria 1999a: Appendix C, 25 March Meeting.
- [City planner x] advised that one of the essentials for such projects to succeed is affordability. A Work-Live unit must be cheaper than separate working and living spaces. [x] noted that given the industrial land price in Victoria this may not be the case, (City of Victoria 1999a, Appendix C: 30 March UDI Meeting).
- The question was raised: Is Work-Live a Trojan Horse, which will, in fact, change industrial to residential areas? Will permitting "Work-Live" create windfall profits for developers and land owners? (*ibid.*, underline added).

These quotes highlight two issues: gentrification in the guise of condominium developments; and the high cost of land in the urban core. These two factors are the primary reasons developers are

able to build and sell high-end "luxury" condominiums with the maximum profit margin in core areas of the City of Victoria, rather than low-end, affordable artist live in studios, or artist work-live units with limited return on investment. Furthermore, the City gets more tax revenue from expensive units than from economical ones. The pragmatics of land development in the free market prevail.

- *Given the unlikelihood of successful work-live studios, why did the City permit the work-live use in the industrial zoning update?*

There is ample evidence in other cities with upward pressure on land values that centrally located work-live units are "taken over" by non-artists, often gentrifying "bo-bo's" or wealthy retirees in the City of Victoria which is so dependent upon government jobs and retirement incomes. For example, when the City of Vancouver surveyed artist live/work space developments that had been permitted in light industrial zones on a trial basis in 1994, they found that only 25 percent of the units were occupied by artists living and working at home (Gordon 1994). More recently the City of Oakland has held a massive review of planning policies to attempt to address a similar problem of non-artists occupying designated artists live-in studios (City of Oakland 2000). Conversion of centrally located land to purely residential uses is a detriment to existing uses such as those found in the City of Victoria's contemporary central industrial zones. So why did the City decide to permit "work-live" in the new M1 industrial zone in core areas, and what are the implications for artists searching for appropriate studios? A closer look at an excerpt from the text of the City of Victoria's Industrial Zoning Update #1 brochure explicates the social relations, giving a clue:

VICTORIA PROPOSES INDUSTRIAL ZONING CHANGES
TO SUPPORT MODERN INDUSTRY

... During the last year, a study group of industry experts shared knowledge, experience, and concerns in a series of focus group sessions. The proposed changes have benefited from their views.

> Amendments to the Bylaw will allow Victoria to assemble creative, proactive zoning and marketing material for interested companies"...(City of Victoria 1999b, underline added)

The term "modern industry" is nested in the following social relations. In the mid-1990s, a group of realtors with "impetus from the business community," complained to the City of Victoria's Economic Development Office (EDO) about a lack of properties suitable for "high tech" and "accessory retail" businesses ([City Planner] interview). The group pointed to the underused post-industrial lands north of the City centre as a possible location. Next, the EDO facilitated a focus group for interested citizens to discuss the potential for bringing high tech and additional retail firms into the area. The initiative caught the fancy of the City's policy makers, as it provided an answer to the economic loss caused by the erosion of industrial companies from the central industrial zones over the past half century, and provided good "marketing material." However, at that time the City's existing zoning bylaws did not provide for high tech use in any zoned districts, so a review of the pertinent zoning regulations was launched.

The review process commenced in 1998 when a "study group of industry experts" was pulled together with a mandate to review the City's existing M2 heavy industrial zone north of the city centre to assess the consequences of adding "high tech" and "service commercial" land uses. The EDO contributed funds for a professional planner and outside facilitator to help work up the review. Analysis of the minutes and notes of the Industrial Zoning Bylaw Review (IZBR) Focus Group meetings show varying degrees of attendance by:

- INDUSTRY REPRESENTATIVES (4 to 5 attending per meeting)

5 - realtors representing local *real estate companies*
1 - president of a local firm providing advanced technology business consulting

- CITY OF VICTORIA STAFF (from 2 to 4 per meeting)

2 - staff from EDO
1 - outside planner hired by EDO
3 - planners from the City Planning Department

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• CONSULTANTS (1 per meeting)
1 - facilitator from the Urban Development Institute, paid for by the
    EDO.
1 - one time financial consultant to advise on tax implications of allowing
    non-industrial development in the industrial zone (City of Victoria
    1999a,Appendix C).
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Attendance at the IZFG meetings normally consisted of 5 to 6 people from *real estate companies*, and 2 to 4 people from the City. The "industry experts," upon whose opinions the changes to the City's industrial zoning were based, are in fact colleagues of the same high profile architects and developers who sit on the ADP—they all have abiding interest in profitable development in the real estate industry. Clearly, *real estate* "industry experts" are motivated to recommend inclusion of work-live as a permitted use in the industrial zone. Work-live represents a partial residential use and land sales will attach higher sales commissions than for land zoned strictly for industrial use (and generate higher property tax revenues for the City! [55]). And that is exactly what the IZFG eventually recommended.

Including semi-residential work-live uses in industrial zones has the significant economic effect of putting upward pressure on the land values of *bona fide* industrial firms remaining in central areas. However, owners of such industries (another type of "industry expert"?) were not invited to join the advisory group upon whose advice the City relied in updating the industrial zoning.

Neither were *artists* invited to sit on the Focus Group when the idea of "work-live" arose, even though they are commonly the users of such studios from whence the concept of "work-live" originates in contemporary times (Zukin 1982). Thus, tracing the social relations of the recent changes to industrial zones in the City of Victoria illuminates the ruling practices behind the scenes of the land development and real estate industry. The ruling relations of these interests

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[55] Industrial land is taxed at relatively low rates compared to land in other zones of the City. If a residential development is built on industrial land, the British Columbia Assessment Authority assesses a higher tax rate based on actual use rather than the zoning classification.

dominate the final outcome of zoning changes holding the potential to permit development of artist live-in studios in the City of Victoria. The lack of inclusion of artists as contributors to work-live policy development bodes poorly for the construction of affordable work-live units in real world developments: in theory, a unit type well suited to typical artists' studios.

E Case study conclusion

The textual analysis of the ADP agenda brings us full circle. Here we have a work-live project with potential for artist live-in studios that is unlikely to be realized. As such, it joins the heritage and live-work units as being unlikely to result in a significant contribution to the stock of appropriate, affordable live-in artist studios in the City of Victoria. All three types of units, in discursive form, appear to have the potential to offer space to artists. From the standpoint of the artist, however, the disjuncture experienced in the everyday world of housing markets expressed in the problematic is explicated as an inconsistency between regulations and reality (see Figure 10): On the surface, the three types of regulations permitting artist live-in studios in the City of Victoria are encouraging: heritage conversion, live-work use and particularly work-live use is especially well suited for artists' studios. However, the reality is that when developers are

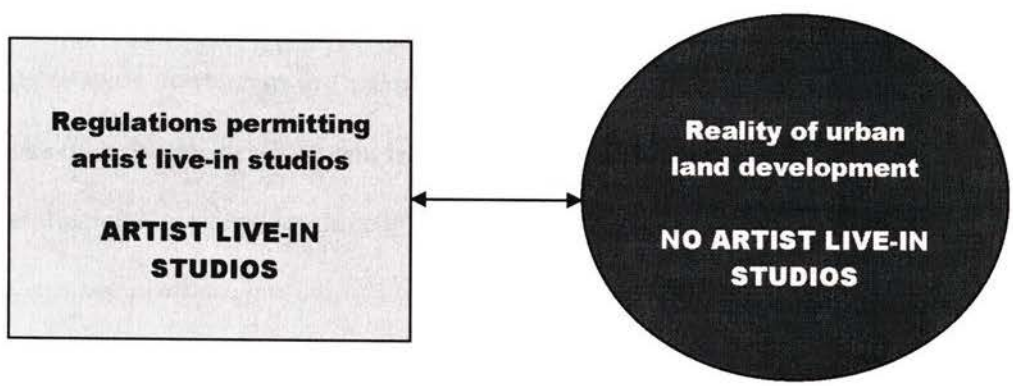

Figure 10. The effect of land use regulations with the potential for artist live-in studios in the City of Victoria

permitted to rezone to build residential units—even partial residential units such as work-live—artists find themselves outside of the group of people who are able to afford suitable live-in studios. The process by which this contradiction occurs has come to be understood as "gentrification," when residents of lower income status are displaced by wealthier people moving in to the central city, in particular.

The institutional ethnography demonstrates that the ruling apparatus supports heritage conservation policies that displace artists from traditional "garret" studios. Ruling relations also support the general population living and working at home, with no consideration of the low-income status of the average artist, or special physical or environmental needs artists may require to do their work. The textual analysis supports the following argument:

- High land prices are only partly responsible for live-in studios being inaccessible to artists in the City of Victoria.
- The practices of land development bring to the table members of groups who stand to benefit from particular types of developments. By and large, artists are not members of this elite group.
- Land development decisions are not made in the interests of artists, but rather in the interests of those who "rule."

The institutional ethnographic case study demonstrates that high land prices in the City of Victoria are only one factor in the difficulty that artists find in securing appropriate, affordable space in which to live and work. Equally influential are the extra-local ruling relations of economic development, real estate practices and the land development industry. Unless municipal social policy directly can address this imbalance with the support of both politicians and planners, it is unlikely that the laissez-faire approach taken to date will result in safe, appropriate, affordable live-in studios for artists in the City of Victoria.

Part 3 The Vision

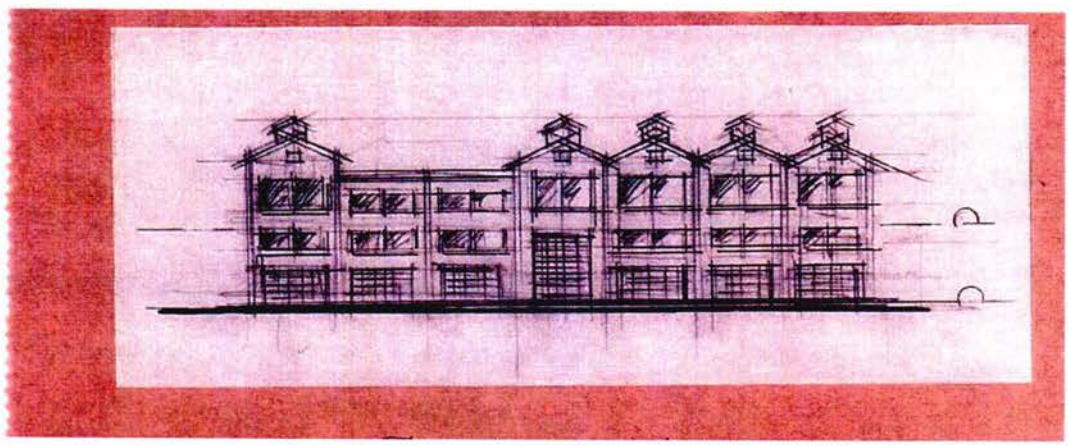

Figure 11. Front elevation sketch of proposed new 12-unit artist live-in studio development on Dockland site, City of Victoria
Louine Niwa © (1996)

5

Conclusions and Recommendations

The City of Victoria is fortunate to have many resident fine artists who are active and vital members of the community. The contributions of these individual artists to the cultural landscapes of Victoria include the artistic identity of the city, increased attractiveness of the metropolitan area to tourists and spin-off economic gains, and enhancement of the perceived quality of life which inevitably benefits all members of the community (Niwa1996, Thorne 2000). In addition to the inherent danger of health hazards in the studio, urban land development pressures currently threaten many artistic cultural landscapes, particularly in the central core areas of the City of Victoria. In order to continue to contribute to the vitality of the city, it seems that local artists require community support. Given the trend toward gentrification in the downtown area at the beginning of the 21st century, one way to support artists is through the provision of suitable, affordable live-in studios that an artist can purchase for long-term security of tenancy.

Many new live-work units have been built in the downtown core areas, abetted by three recent City of Victoria policy thrusts, which also have the potential to permit the development of artist live-in studios. Unfortunately, gentrification has contributed to putting these units out of the financial reach of the average low-income artist. An analysis and case study regarding the situation in the City show that political issues such as lack of representation, and planning issues such as economic development have thus far precluded the development of suitable, affordable artist live-in studios for sale on the open market. High land costs and an "elite" group involved in land development that does not include artists are shown to be contributing factors. Yet, other cities in the world have faced similar

problems, including New York, London and Paris. Savitch shows that these cities are characterized by different approaches to politics and planning, and that local conditions affect the style of urban development. The provision of artist live-in studios is nonetheless addressed—a little differently in each city. When the City of Victoria is placed within Savitch's framework, the way that decisions are made in the City of Victoria is identified. The resulting expectation of how the various players in the urban development game can be expected to act is used in making several recommendations in key areas to encourage the development of artist live-in studios in the City of Victoria.

A Governance and Texts

Recommendation 1:

> **That the City of Victoria use the powers to grant assistance delegated by the enabling legislation to co-produce artist live-in studios in the convivial central core.**

Although municipalities are "entirely the creatures of provincial statutes" (Iacobucci 1993) because all their authority is delegated through provincial statutes, revisions to the *Local Government Act* in British Columbia in the late 1990s provided broader corporate powers to municipalities (Province of British Columbia 2000a). This enabling act permits the hypothetical, yet possible, scenario described below in which the City partners with an outside developer who agrees to provide an arts complex in the downtown core that includes artist live-in studios in exchange for a plot of City land sold at less than fair market value. The complex might consist of a badly needed performing arts centre to be operated by the City, with artist live-in studios to be sold to artists on the open market by the developer. Under revisions to the current *Local Government Act*, the City of Victoria has the power to enter agreements:

176. (1) (c) to provide assistance for the purpose of benefiting the community or any aspect of the community;

Assistance is defined as:

181. ... **assistance** means providing a grant, benefit, advantage or other form of assistance, including
(a) the forms of assistance referred to in section 185(1)

Section 185(1) includes:

185. (1)(a) disposing of land or improvements, or any interest or right in or with respect to them, for less than market value.

Clearly, *if the development of artist live-in studios becomes known as a "benefit to the community,"* the City of Victoria has the power to sell a plot of city land to an outside developer for, say, half of its fair market value. This can be understood as a form of assistance. The question then becomes, does the City have the power to partner in development of the arts complex, and by association, with the artist live-in studios which are a commercial development? Section 182 of the *Local Government Act* limits municipalities from assisting in an "industrial, commercial or business undertaking." However, s.183 specifically exempts assistance in the case of partnering agreements:

183. Despite section 182 and in addition to the power under section 176 (1) (c), a local government may provide assistance under a partnering agreement.

A partnering agreement is defined as:

partnering agreement means an agreement between a local government and a person or public authority under which the person or public authority agrees to provide a service on behalf of the local government.

In this scenario, the developer is agreeing to provide a service on behalf of the City by developing and constructing the arts complex, and also the artist live-in studios—provided the agreement includes that the low cost of the land is reflected in the final selling price of the units, making them affordable to artists. Therefore, we see that according to powers delegated through the *Local Government Act*, the City does have the power to sell a plot of

land for half of its fair market value, in assisting a partnering agreement that benefits the community.[56] Furthermore, under the new *Community Charter*, scheduled to replace the *Local Government Act* at the start of 2004, municipalities in British Columbia will be granted more independence and planning powers than anywhere else in Canada (Province of British Columbia 2003b). The new enabling legislation will surely assist the City of Victoria in co-producing artist live-in studios, provided the political will is in place.[57]

Recommendation 2:

> **That the City of Victoria act upon objectives and policies in the *Official Community Plan*, *Victoria 2020*, to provide facilities to encourage the arts by co-producing artist live-in studios.**

The City's participation in the co-provision of artist live-in studios is in keeping with the *Official Community Plan* (City of Victoria 1995b). Under the section "Towards a Liveable Community," the plan recognizes the contribution of arts and culture towards quality of life, municipal identity, and the tourist economy. There is even reference made to the need for:

> a Community Arts Centre which would provide rehearsal and exhibition space, **artists' studios**, workshop and educational areas in or near the Downtown core, (3.8, Topic F, emphasis added).

Furthermore, the City's assistance in developing artist live-in studios is also in keeping with the *OCP* goal of working "Toward an Affordable Community." Objectives include:

> (1)(a) To ensure a diverse set of affordable housing options, including **ownership**, rental and **special needs**; all people in Victoria have a right to appropriate and affordable housing (5.4, Topic A, emphasis added).

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[56] A difficult aspect of this proposal would be control the occupancy of artist live-in studios by artists as discussed in Chapter 3. Perhaps the City would have to define who qualifies as an "artist" to ensure that bona fide artists actually live and work in the units (see Westbeth, Chapter 2 and Appendix F).

[57] Although at the moment "it is only a thought … discussion regarding downtown" may initiate the formation of an Urban Development Corporation, according to Dennis Carlson of the Economic Development Division on March 14, 2003. Such an arms-length organization would have the power to undertake the development of artist live-in studios in the manner suggested in Recommendation 1.

Surely artist live-in studios qualify for policy attention under special need housing, *provided the average artist is recognized as a low-income earner.* In addition to setting criteria to determine low-income status such as the federal low-income cut-off level, the eligibility of artists must be defined, perhaps starting discussion with the material in Appendix F, for example.

Encouraging artists to remain low-income, subsidized members of society could, however, be detrimental to the essential well-being of the individual. Rather than supporting artists with annual low-income rental subsidies as typically occur in non-profit developments, several different approaches might be taken. First, the City could employ non-traditional alternatives to conventional zoning that may entice developers to construct affordable artist live-in studios for sale to artists on the open market. Simply put, these include:

- *density bonusing*, where greater density is allowed in exchange for amenities, e.g., the developer is allowed to build an extra two floors if ten percent of the units built are affordable artist live-in studios,
- *comprehensive development zoning*, where zoning regulations are specific to the site, e.g., mixed uses such as commercial art gallery and artist live-in studios are permitted in an otherwise residential area,
- *transfer of development rights*, where density on one site is reduced in exchange for transfer of the legal, unbuilt density to another location, e.g., a developer builds a three-storey artist live-in studio complex where she could have built a five-storey apartment building. In return, the City permits her to build two extra stories on another project she is constructing elsewhere in the city, or sell the rights to someone else who is doing so.

Such alternative approaches have been used by the City on various projects to achieve desired social and environmental goals, including the provision of affordable housing. *Provided artist live-in studios are recognized as contributing to the social goals of the City,* these special zoning techniques can be employed to encourage development of artist live-in studios.

Another approach to providing secure, affordable long-term tenancies has been employed by the City of Vancouver to develop an artists' co-op with sixty-year leases, in the 275 Alexander project described in the next section. In fact, through a combination of political will and creative planning, artists have been actively supported through municipal policies in Vancouver for nearly twenty years.

The Vancouver Experience

The history of artist live-in studios in the City of Vancouver provides an exciting example of how a municipality has recognized the contributions of artists to the social development of the city, and used creative policies to support them. First in the late 1980s, the City allowed artists to move into unused historic buildings on a temporary basis for live-work studios. The *Vancouver Charter* permitted the City Engineer to declare spaces safe, or not, for occupancy, without seismic upgrading to the *British Columbia Building Code* requirements, pending bylaw changes and forthcoming development and building permit applications. At the same time, strata-title artist live-work studio developments were permitted by new zoning bylaws that were brought into effect on a trial basis. Some relaxations to normal residential development requirements were allowed, including providing fewer parking spaces, sharing of ventilation and light requirements between the studio space and living areas. Considering the high cost of land and housing in Vancouver, the response of real estate developers to these new artist live-in studio building types was immediate and positive. By the early 1990s several rental and strata projects had been approved.

In the mid-1990s, City planning staff determined that many of the so-called artist live-in studios were in fact being occupied by non-artists (sometimes described as gentrification). Council put the kibosh on strata developments that had been allowed on an

experimental basis in industrial zones such as Brewery Creek, changing regulations to allow new artist live-in studios to be developed in existing buildings as *rental* units only, with a "limited household size." [58] Strata-title artist live-work studios are still permitted in other zones, subject to more stringent requirements including classification based upon the "nuisance" factor of the type of artistic use (Class A or B), and increased parking requirements. The City also allowed artist live-work studio developments to be considered for funding under affordability programs.[59]

In the mid-1990s, the City instigated several innovative approaches to encouraging affordable artist live-in studios. Examples include 275 Alexander Street, where the developer cedes twenty-two artist live-work studios to the City for a 60-year period (the studios are to be rented out for long-term leases at a nominal rate) in exchange for re-zoning approval of an industrial site; artist live-work studio "awards" programs where low-income artists win the use of a live-work studio for a three year term, and density bonusing with an increase in permitted floor space ratio (FSR) when low-cost rental artists live-work studios are provided as part of the development (see Appendix E). Clearly, the example of Vancouver illustrates support for artist live-in studios through political and planning development and enforcement of creative municipal policies. Unfortunately, before municipal policies in the City of Victoria show such support for the development of artist live-in studios, changes will have to be made to the political and planning status quo.

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[58] The Vancouver Charter enables the city to regulate the use and occupancy as well as the density of development (Gordon 1996). Introduction of the *Community Charter* is expected to grant all British Columbia municipalities similar powers.

[59] Concurrently, policies for "general" live-work studios were developed, which include provisions for full compliance with parking and building code regulations, with strata development not permitted in industrial zones.

B Power and Education

The need for something to be done about providing suitable, affordable artist live-in studios in central areas of the City of Victoria is not well recognized by politicians or planners.[60] This reflects the findings of the textual analysis done in the institutional ethnography case study in Chapter 4. Basically, with respect to land development in the city, power is held by those whose ideologies shape ruling relations, including elected officials, appointed expert board and committee members, and sophisticated developers—all of whom participate *knowingly* in the real estate industry. This excludes the standpoint of the average low-income artist in the everyday/everynight world from being expressed in the final, constructed buildings.

Low-income artists are certainly not the only ones excluded from the real estate "game" in the City of Victoria. Other similar groups with special physical needs also find it difficult to obtain appropriate, affordable accommodation, including those with disabilities that are not immediately visible and thus go unrecognized by the government and the public. For example, car crash survivors frequently sustain brain injuries that prevent them from keeping regular employment, resulting in a sudden low-income status. While these people may not require a wheelchair, simple daily activities such as climbing stairs or reaching up high into cupboards are fraught with further injury due to dizziness resulting from the brain damage. Other people with special architectural needs are the elderly who often live on limited funds. These people must have special design considerations to compensate for the gradual loss of vision, hearing and mobility that comes with ageing if they are to remain active, independent members of society (Province of British Columbia 2000c). Like artists,

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[60] In *The Cultures of Cities*, Sharon Zukin questions the way that "cultural strategies" are often regarded as transitory phases of urban revitalization, pointing out among other observations the irony of using culture to attract "more affluent people" to the city while displacing the actual low-income artists who are often the "cultural producers" in the first place (Cambridge: Blackwell Publishers, 1995, 283-85).

low-income people with "minor" disabilities and the elderly are often left out of land development decisions made on their behalf by politicians and planners. The key to ameliorating this situation lies partly in education to co-produce affordable, appropriate accommodation. Once the public, politicians and planners are aware of the need for developments that include, for example, artist live-in studios or accessible units for people with minor disabilities, citizens can cooperate in co-producing affordable, appropriate spaces.[61] Before this can happen the power balance in urban land development decisions in the City of Victoria must be reallocated. Once people understand the contribution artists—and other low-income groups with special architectural needs—make to the city's identity, economy and quality of life, they are likely to support political and planning thrusts to achieve appropriate, affordable artist live-in studios.

Recommendation 3:

> **That the perception of citizens about the valuable contributions of artists to contemporary urban society be improved through collaborative initiatives between the City and artists; and that the City adopt strategies to increase awareness in general of land allocation and land development issues. This will encourage the election of officials to municipal government that pledge to work towards the realization of affordable, appropriate artist live-in studios.**

Why should my taxes go to support some snot-nosed egotist who finds a clever way to drape a piece of rope and eventually sells it to a museum with perverse artistic values? (Anonymous 2000).

The quote above reflects an unfortunately all-to-common attitude in Greater Victoria, illustrating lack of moral support for artists. This contention is upheld in the research with the Canadian Task

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[61] According to Gordon Whitaker, there are three different ways citizens can become involved in co-production with the local government. The first level of involvement simply involves citizens requesting that the municipality provide a service. The second way involves cooperation between citizens and the municipality in realizing the service, as proposed here. The third way is called "mutual adjustment," where authority is shared and both the local government and citizens are affected by the response of the other party (Co-production: Citizen Participation in Service Delivery, *Public Administration Review*, 1980, Volume 40, 240-46).

Force on the Status of the Artist in 1986 that reported professional artists feel the public holds misconceptions about their contributions to society. Canadian artists feel stereotyped as lazy, self-indulgent and "shiftless, irresponsible characters whom society would do best to avoid" (59). Similar to other groups functioning outside of established society, such as aboriginals, immigrants and the poor, a public relations and education campaign focusing on artists seems to be in order. This commitment involves social responsibility on the part of the public to investigate the benefits resulting from a thriving arts scene in the community. The returns of such an exercise will be as varied as the individual person who may discover philosophical discourse, aesthetic stimulation, spiritual development, or even economic opportunities (Cheney 1994, Thorne 2000). Furthermore, except for those with a professional interest, citizens in general (including artists!) tend to be naïve about the process of land development. Public information campaigns could help demystify the development process. Combining such knowledge with a better understanding of the needs of artists, citizens will tend to elect municipal politicians with informed views to the benefit of artists and potential live-in studio developments.

Increased public perception of the social value of the arts has the potential for increased sales of the works of local artists. Unlike Europe, where many individuals from all walks of life collect original art, it is the exceptional Victorian who purchases original pieces of art on a regular basis from local artists.[62] Magazine editor Mavis Anderson writes about Emily Carr, Victoria's art super-star, who was never publicly accepted in her hometown as one of the best Canadian painters while she was alive (Anderson 2001). In the same article, long-time Chinatown gallery owner Fran Willis observes,

> You look around at all the arts we have now [in Victoria], and it's really not much different … few artists can earn a living from their art (5).

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[62] Publican and landlord Michael Williams was one ardent supporter of local artists, amassing a collection of approximately1200 pieces in the late 20th century (Segger 2003).

A boom, or even a small but regular ripple, in the conservative art market of Greater Victoria would help the average full-time artist to achieve a better standard of living and assist some part-time artists in pursing their art work on a full-time basis. Not only does a vibrant art market contribute to the local economy, it also increases the capacity for artists to purchase their own live-in studios for long-term security. Thus education to gain political support for artist live-in studios—with concurrent stimulation of art buying—is crucial.

Recommendation 4:

> **That city planners in the City of Victoria be aware of and open to alternative planning approaches that might help to achieve appropriate, affordable artist live-in studio developments.**

Support for artist live-in studios in the City of Victoria must come from both the political and planning arenas. Regarding the latter, there are many ways to analyze approaches to city planning. Perhaps the most useful in this situation is to look at the degree of citizen participation in land use decisions. An appropriate model exists in American Sherry Arnstein's "Ladder of Citizen Participation," devised in the late 1960s to describe the degree of power shifts from dominant, centrist local governments to the "have-not" non-whites, who are often also low-income members of American society (Arnstein 1969). The ladder goes from the stance of non-participation resulting in *manipulation*, up to citizen power achieved through *citizen control*, with eight steps along the way.

The level of public participation in local government in the City of Victoria ostensibly lies on the *partnership* rung, the third rung from the top of Arnstein's ladder. At this level, numerous boards and advisory committees recommend approvals for land use developments. However, the institutional ethnography explicates how members of the boards and committees tend to be chosen from a group of "experts" in the real estate industry, excluding the "have-nots." Shifting the power balance so that low-income groups

with special architectural needs, such as artists, are included in the partnership does not require a complete reworking of the municipal structure. The awareness of city planners combined with an educated public should make possible a partnership where the responsibility for decisions is shared between the planners and members of the public who are genuinely interested in artist live-in studios. In this partnership, board and committee members are selected from citizens with a stake in artist live-in studios—not just land development experts—cooperating with City planners to realize artist live-in studio development(s).[63] In undertaking this kind of close involvement with the *institution* of local government, artists need to resist the tendency for the local needs of artists to be framed *by* the institutional context, resulting in what Roxana Ng calls "another extension of the state's ruling capacity into community activities" (1996: 32-33).[64]

Certainly the city will "extend" into artists lives in addressing another area of concern to planners in modern local governments: assessing the value of policies, or performance measures. In terms of City-assisted artist live-in studios, one approach might be to measure the "success" of artists by tracking the careers of artist-owners. Nominations for artistic awards, successful grants, or fellowship awards might be tallied up and used to provide a measure of performance of city policies regarding development of artist live-in studios

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[63] Also appropriate are Sherry Arnstein's two top tiers on the level of public participation ladder:

- citizen control – where funding goes directly to citizens for implementing land use decisions they have made,
- delegated power – where citizens are primarily responsible for land use decisions resulting in artist live-in studios, with City review.

However, these approaches to planning require major changes to the status quo in local government, so are not deemed to be immediately feasible (A Ladder of Citizen Participation, *Journal of the American Planning Association*, 1969, Volume 35, number 4, 221-23).

[64] Another warning issues from Jurgen Habermas, who questions the very capacity of modern welfare states to achieve the objective of:

> the establishment of forms of life that are structured in an egalitarian way ... via the direct route of putting political programs into legal and administrative form, (The New Obscurity in *The New Conservatism*, edited and translated by Sheirry Weber Nicholsen, Cambridge, Massachusetts: Massachusetts Institute of Technology Press, 1989, 58-59).

(Visual Arts Data Service 1998). Furthermore, there could be covenants attached so that low-income artists who qualify to purchase City-assisted studios are required to "pay back" an amount equal to the monetary benefit received from any exceptional assistance, over time, when the artist's income goes above a certain level. For example, if a low-income artist purchased a live-in studio in a development that benefited from a half price sale of City-owned land (see recommendation 1), then began to be successful and sell a lot of her work, she would have to reimburse the City for the amount equal to the benefit she received from the half price sale of the land—over a period of, say, ten years.[65] Although not every artist-owner of a live-in studio will produce masterpieces, certainly the careers of some will be enhanced by obtaining secure, appropriate, affordable live-in studios—provided the artist knows that achieving such accommodation is possible.

Recommendation 5:

> **That the involvement and role of organized artist groups in affecting the outcome of land development decisions in the City of Victoria be increased so that the vision of appropriate, affordable artist live-in studios becomes reality.**

The political will may be there—the support of planners may be in place—but until the artists themselves take a role in the urban land development scenario, appropriate, affordable artist live-in studios are unlikely to be a reality in the City of Victoria. According to the Savitch framework discussed in Chapter 2, organized special interest groups do have the ability to affect the outcome of land development decisions, due to the pluralist liberal corporatism which characterises urban development in the City. Yet, while some individual artists in the city play a role in public life, there are no highly visible political artist

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[65] Another alternative to artist ownership of assisted live-in studios might be long term leases (such as 30, 60 or 99 years) with a means-test at renewal time, similar to Vancouver's Core Artists Live/Work co-op at 275 Alexander Street (see Appendix E).

organizations with both studios and accommodation on the agenda.[66] A well-organized group with a strong interest in artist live-in studios could learn to approach the City in ways that make sense to the local government. For example, Jonothan Harvey of the Acme Artist Housing Association attributes a large part of success in providing low-cost studio and living spaces for artists in London to their initial approach to the Greater London Council (GLC):

> ...we were getting access to GLC housing stock because we were an efficient user of semi-derelict houses ... I think approaching them from the arts point of view would not have worked at all. We had to really satisfy them that we were a good user of housing. That was the key. If we had been banging on about the needs of artists I don't think we would have got very far. We had to satisfy their criteria (Visual Arts Data Service 1998).

Education of artists in the City of Victoria as to the mechanisms of land development and possibilities for artist live-in studios provided by the enabling legislation seems to be a necessary step so that artists can effectively organize to influence land use decisions.

C Concluding remarks

The value of the contribution of artists and the cultural landscapes that they form within the urban environment is difficult to quantify. The return on investments into artist live-in studio developments is not immediately obvious in the short term. Some artists will return the value of the investment multi-fold—and a few are likely to abuse the privilege—but unless the City of Victoria begins to make long-term investments in existing, undervalued artistic cultural landscapes, the artists will be,

> driven out of the city altogether and the city will have lost the mainstay of its cultural life (Williams 1993).

There are numerous ways in which the City of Victoria can prevent such damage to the cultural landscapes of artists that are so ephemeral yet important to the health of the

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[66] North Park Studios is a non-profit artist cooperative in Victoria providing affordable studio space—however it is very insecure in tenure, with only a month to month lease, and does not provide live-in studio spaces.

overall society. Creative municipal policies that assist artists as provided for in the enabling legislation, and education regarding the value of artists to society are two ways that the City can support artists. The cultural landscapes of artists and the resulting contributions to the quality of urban life deserve protection in the City of Victoria. Encouraging the development of appropriate, affordable artist live-in studios for secure, long-term tenancy is one viable and realistic way to preserve this valuable resource within our community.

What would the imaginary painter do in such a favourable environment? After finding her temporary live-in studio in Chapter 3, she is one day scanning the local newspaper when her eye alights on an article about the increased powers City Hall has under the new *Community Charter*, particularly the ability to provide assistance to achieve social goal – including affordable housing. Another article in the journal contrasts the value of the economic contribution of the arts and culture to contemporary urban life with the low-income status of most artists, supported by the latest Canada Census data. The artist is still reflecting on this when she hears the mail being dropped through the slot in her red-painted wooden door. How curious—one envelope is from the City of Victoria—she is invited to participate …along with twenty other local artists … weekend focus group … discuss the challenges faced by artists in finding appropriate, affordable living and working spaces … in the central city … child minding available! Hmmm … after the initial surprise wears off, the artist acknowledges her excitement. Finally artists' voices will be heard! The first, tentative step towards the inclusion of artists in local urban land development decisions is being proposed. The artist picks up the phone to confirm her attendance with a smile on her face – and a glimmer of hope in her heart.

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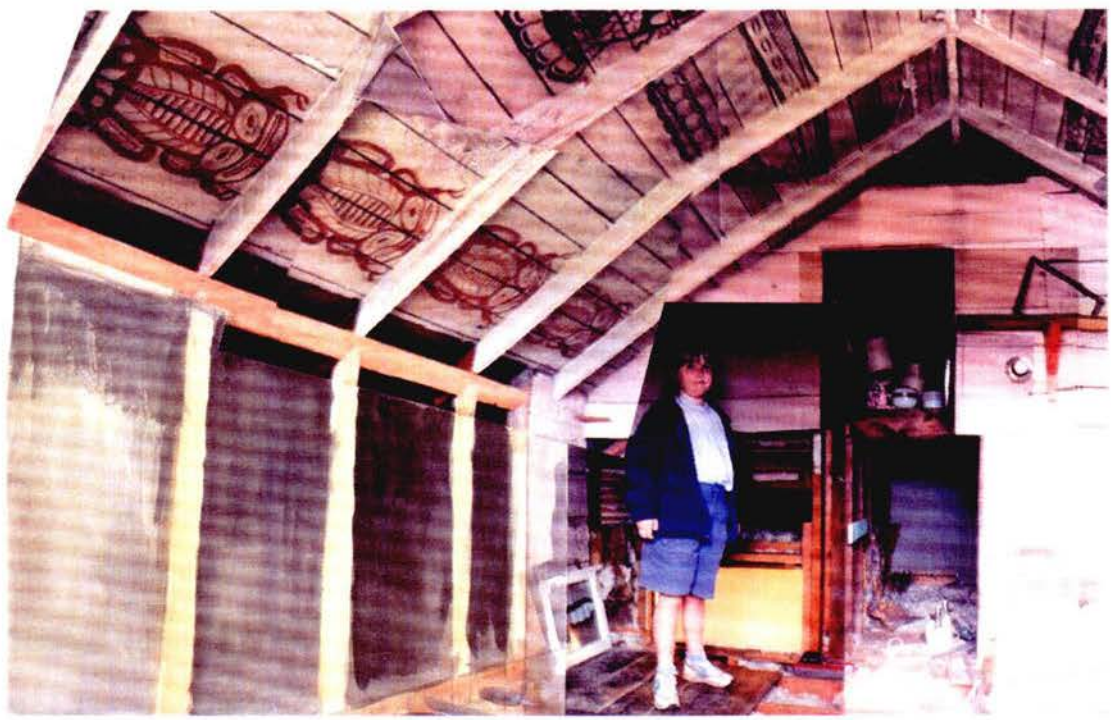
Appendices



Photograph 4. Emily Amos in Emily Carr's attic studio, circa 1994
Detail of photo-collage, reproduced with permission of Robert Amos ©(1994)

Appendix A: Survey Results for Two Artist Live-in Studios in the City of Victoria

Live-work studio survey

A short survey was designed in order to determine whether or not artists occupy live-work units in the Dragon Alley and Shoal Point developments, built in the City of Victoria in the late 1990s. A copy of the survey is found at the end of this section. Question 1 requests simple demographic information. The answers to questions 3 to 5 provide data about the artist, allowing placement of the respondent somewhere in the spectrum of amateur to professional artists. Questions 6 and 8 of the survey answer the primary question in the research, and are cross-referenced for reliability. The remaining questions collect qualitative data about how artists feel about their respective studios.

Dragon Alley Survey

Survey packages were delivered to the twelve "artist live-work studios" (City of Victoria Press Release) in Dragon Alley. The packages included a copy of the Live-work studio survey along with a pre-stamped, pre-addressed return envelope. Packages were placed by hand by this researcher in each of the twelve occupants' mailboxes on January 2, 2001. Four surveys were returned (25% response rate). Of the four surveys, three are from bona-fide artists with only one artist living in his or her studio. Thus, of the twelve live-in studios in Dragon Alley, only one is occupied by an artist. Survey results are consistent with a walk-by on October 22, 2003 showing the following occupants as listed on exterior signage and/or mailboxes:

Table 3 – List of occupancies at Dragon Alley, October 2002

Unit 1	Fanshaw and Associates Financial Consultants Ltd.
Unit 2	EfSm
Unit 3	Mercurial Communications Incorporated
Unit 4	Rayola
Unit 5	Convergent Media Network
Unit 6	Vacant

Unit 7	Occupied (residential)
Unit 8	Hafaya (jewellery)
Unit 9	Mercurial Communications Incorporated
Unit 10	Cucina (restaurant)
Unit 11	Wilson Acupuncture, Acupuncture, Massage, Chinese Herbs
Unit 12	Occupied (residential)

Shoal Point Survey

Live-work units at Shoal Point are not easily accessible for surveying. Firstly, it is difficult to identify from outside the units that are live-work as opposed to those that are purely residential. Secondly, the unit mailboxes are inside the security-controlled lobby, thus not accessible. Therefore, a different approach was taken from the Dragon Alley survey.

The Shoal Point Administration Office was contacted by telephone, originally on January 18, 2002 (Tammy), and later a meeting was arranged for October 22, 2002 with the manager of the Sales Office. At this meeting, the researcher was advised that only one bona fide artist occupied a live-work unit in the development. The Sales Manager agreed to deliver a copy of the live-work studio survey to this occupant, and to return the survey to this researcher when completed. No surveys were returned. According to the Sales Manager, the live-work units at Shoal Point are occupied as follows:

Table 4 – Occupancies of Shoal Point live-work units, October 2002

Phase 1	1st unit	Health and Wellness Centre (private business)
	2nd	Display suite used by Sales Office
	3rd	Doctor's Office
Phase 2	4th	Concert pianist
	5th	residential
	6th	residential
	7th	residential
*Phase 3**	*8th*	*Future Lawyer's office*
under	*9th*	*available*
construction	*10th*	*available*
	11th	*deleted from construction plan*
	12th	*deleted*

Copy of survey text

A copy of the live-work studio survey follows on the next page.

live-work studio survey

You are invited to participate in a research project on artists live-in studios in the City of Victoria because you are a resident of one of the first live-work studio projects built in the City. If you volunteer to complete this short survey, your data will be completely anonymous and confidential. There are no known risks to you. The results of the survey will be use in a case study on artist live-in studios as part of an Interdisciplinary Master's degree thesis at the University of Victoria. Thank you kindly in advance!

NOTE: WHERE APPROPRIATE, YOU MAY CHECK √ MORE THAN ONE ANSWER TO THE FOLLOWING QUESTIONS!

1. What is your age?

∇ under 18
∇ 18-30
∇ 30-50
∇ over 50

2. Are you an artist?

∇ yes
∇ no

If you answered "no" to the question above, thank you for your participation in this survey – you are done!

3. What artistic medium do you work in?

∇ visual (painting, etching, etc.)
∇ plastic (sculpture, etc.)
∇ dramatic (theatre, actor)
∇ music (musician, singer, composer)
∇ performance (dance, happenings)
∇ audio (recording industry, radio)
∇ audio-visual (t.v., film)
∇ multi-media (digital video, web)
∇ other _____

4. How many hours per week do you spend doing your art?

∇ less than 20 hours / week
∇ 20 to 40 hours / week
∇ more than 40 hours / week

5. What percentage of your income is derived from your artwork?

∇ 100%
∇ 100% to 50%
∇ 50% to none
∇ none

6. Do you have an art studio, either live-in or separate?

∇ yes
∇ no

If you answered "no" to the question above, thank you for your participation in this survey – you are done!

7. Do you share your studio with other(s)?

∇ yes
∇ no

8. How far away is your place of residence from your art studio?

∇ more than 10 km
∇ 1 – 10 km
∇ under 1 km
∇ 0 km (live-in studio)

9. How do you feel about your art studio and:

really like like neutral dislike really dislike
1 2 3 4 5

___ the working environment (people, creativity)
___ the social environment (co-artists, neighbours)
___ affordability of your studio (cost)
___ efficiency of your workspace (layout, flexibility)
___ safety of your studio (fire exits, security)
___ privacy of your workspace (size, noise)
___ accessibility (visitors, barrier free access)
___ location of the studio
___ other _____

10. How far from your studio would you prefer to live if you had the choice?

∇ closer
∇ just right as it is
∇ further away
∇ don't care

11. Do you use your studio as an escape from your home / living space?

∇ yes
∇ no

Appendix B: The Language of Institutional Ethnography

The following terms and concepts are presented with definitions drawn from the literature, and a discussion of the way the term is used in an institutional ethnography. These terms make up the some of the critical vocabulary of the methodology.

Discourse

> Institutional forms of discourse create relations between subjects appearing as a body of knowledge existing in its own right. These externalized forms of consciousness are specific forms of social relations (Smith 1987: 214).
> In a sense, I want to lift discourse off the page and pull it into life … [to] rediscover discourse as an actually happening, actually performed, local organization of consciousness (Smith 1999: 134)

In institutional ethnography, discourse refers to the textually mediated exchange of ideas and actions that contribute to the formation of ideologies that come to dominate local experience. Seen this way, people are active participants in discourse, which is one "dimension" of the ruling relations. Both *texts and actions* (including conversation) that effect discursive organization are included in Smith's definition of discourse (Smith 1990b: 214-15; 2001: 176). Intertextual and socially organized, discourse has an authority that can make it difficult to ascertain knowledge outside the conceptual frame of the discourse. There is an implication that persons engaged in discourse have some special "competency" in their field, as what is canonized in the discourse is vetted by participants who are "members" (Smith 1987: 61).

Disjuncture

> Occasionally in the processes of being ruled or doing ruling, someone involved has an experience of disjuncture, of being out of step … that person's knowing is being subordinated by the organizational practises (Campbell 2003:17)

Disjuncture is a "gut feeling" that something is not quite right about an experience (Pence 2001b). There may be two different ways of looking at an experience that do not "fit" together harmoniously. One view may be that of the ruling relation, using ideology and discourse as mediums in contrast with the lived experience of the person in the everyday world. The question

arising is always about forms of knowing – one will be authoritative, ruling managing, the other will be that of the subordinated. Smith speaks of the bifurcated consciousness of women as illustrating disjuncture (Smith 1987: 82). When disjuncture occurs, it indicates an opportunity for an entry point to an institutional ethnography.

Experience

[Institutional ethnography] is a sociology whose knowers are members of the society … and who know their society from within their experience of it as an everyday world," (Smith 1987: 88).

People's experiences in the everyday world make them the "knowers" in institutional ethnography. Through listening to and dialogue around people's experiences, the entry point to an institutional ethnography is found. An institutional ethnographer is often interested in people's experience of their work. This is a "generous notion" of work that accounts for all work including unpaid work, such as housekeeping, mothering, facilitating children's education at home, and so on. Explicating the social relations in play that result in peoples' experiences is the goal of institutional ethnography, in order to understand their/our active involvement in ruling practices affecting their/our personal lives.

Explicate

In explicating the relations of ruling ask: How did it happen? Not: Why? (Pence lecture).

Explication of ruling practices that organize social relations is the foundation of an institutional ethnography. Explication is a process akin to the process of unravelling – much like undoing many knots in a badly tangled skein of wool. Once a problematic is identified, data are collected and analyzed to get to the heart of the socially organized practises that shape and maintain the problematic. The data must present not just factual information about the problematic (such as individual jobs and their functions) but it must also illuminate the social relations within which the data occur. Explication relies on actual occurrences in the real world – not abstractions – and it

seeks to draw attention to the ruling relations in the situation. Texts and textually mediated actions are key places to start explicating social relations, and they demonstrate the materiality critical to an institutional ethnographic analysis.

Ideology, ideological practices, ideological codes

> I am concerned … with ideology as those ideas and images through which the class that rules the society by virtue of its domination of the means of production orders, organizes, and sanctions the social relations that sustain its domination …Thus, the concept of ideology … directs us to examine who produces what for whom, where the social forms of consciousness come from (Smith 1987: 54).

> Ideas and concepts as such are not ideological. They are ideological by virtue of being distinctive methods of reasoning and interpreting society (Smith 1990a: 35-36)

In institutional ethnography the term "ideology" is based upon Marx's definition (Smith 1990a: 34). As such ideologies are considered to be socially accepted constructs that form barriers to inquiry. Because ideologies contain a preset way of looking at the world, sociologists using ideological practices (e.g.,, a predetermined conceptual framework) cannot access "the social relational substructure of our experience" (41-42). Thus ideologies interfere with investigation of genuine problems in the real world because they set up boundaries that prevent access to personal experience of social relations (43). Smith also investigates the notions of "politically correct" and the Standard North American Family (SNAF) to explicate the concept of *ideological codes* – a sort of social equivalent of genetic codes that instruct "how to read" social relations across a broad spectrum of situations (Smith 1999: 157-94).

Institutional ethnography

> [An institution is] a complex of relations forming part of the ruling apparatus, organized around a distinctive function - education, health care, law, and the like. In contrast to such concepts as bureaucracy, 'institution' does not identify a determinate form of social organization, but rather the intersection and coordination of more than one relational mode of the ruling apparatus …

> [In institutional ethnography t]he notion of ethnography is introduced to commit us to an exploration, description and analysis of such a complex of relations, not conceived in the abstract but from the entry point of some particular person or persons whose everyday world of working is organized thereby. … an investigation and explication of how 'it' actually is, of how 'it' actually works, of actual practices and relations, (Smith 1987: 160).

As used in institutional ethnography, the notion of an institution is that of a discourse that organizes particular aspects of our daily lives by providing a "universalizing or objectifying" framework that rules events, interchanges and outcomes. Institutions are often specialized, textually mediated and characterized by extra-local ruling. They are composed of ruling practises that are findable as "people doing things," (Campbell personal correspondence). Ethnography indicates that institutional ethnography is one of the qualitative methodologies in the social sciences where researchers observe people in their "natural" setting and rely upon people's own accounts of their experiences. In this sense the ethnographer is an observer who participates in the research.

Materialist Analysis

> Our everyday world of practical activities continually confirms for us and others a shared world of objects and people, (Smith 1987: 24).

> [Institutional ethnographers] leave social phenomena, for the purpose of analysis, concretely embedded in the social organization of the everyday world. The materialist character of these procedures follows from Marx's social ontology … [except] they insist that investigation begin from inside an actual world with the intention of making sense of it in its own terms, (G.Smith 1995: 26).

Institutional ethnography is based in the everyday world as it actually happens. This derives from the materialist Marxist argument that the individual and her consciousness cannot be separated from each other. From this follows the "conception of the social as existing in and only in actual people's actual activities and practices … [and in] the concerting or coordination of activities," (Smith 1987: 123). This is the materiality of institutional ethnography.

Problematic

> The concept of problematic is used here to direct attention to a possible set of questions that may not have been posed or a set of puzzles that do

> not yet exist in the form of puzzles but are 'latent' in the actualities of the experienced world (Smith 1987: 91).

The problematic in institutional ethnography is the "puzzle latent," the place from whence the investigation commences. It arises from a disjuncture in people's actual lived experience that is not always immediately apparent. The problematic locates the research in the everyday world, and sets the boundaries for data analysis. The problematic in institutional ethnography directs research to answer the question "How is it that... ?" rather than "Why...?" (Campbell 2001a).

Reflexivity and Recursivity

Institutional ethnographers look for reflexivity and recursion in social relations. Reflexivity refers to the sequencing of actions (work), where what occurs effects what happens next, and what has already happened affects what is occurring now. Recursivity refers to the repetition of texts which elicit the recurrence of actions in different places at different times, that is, extra-local textual mediation of a repetitive nature (G. Smith 1995: 24). Recursivity indicates organizational patterns that explicate social and ruling relations (Campbell and Gregor 2002: 69).

Ruling relations

> "Ruling relations "...the great complex of objectified and extra-local relations co-ordinating people's activities across multiple local sites, known from various theoretical perspectives as discourse, bureaucracy, large-scale or formal organization, the 'state,' institutions in general and so on. Each of these concepts distinguishes a particular dimension of its organization (Smith 2001: 161).
>
> Text-mediated relations are the forms in which power is generated and held in contemporary societies ... Replicability of identical forms of meaning that can be activated in multiple local settings is fundamental to ruling relations (Smith 1999: 79).

Ruling occurs when the interests of those in power dominates the actions of people in local settings (Campbell and Gregor 2002: 36). Smith uses the term *ruling relations* to make it clear that people/we participate in the ruling: "... it is the relations that rule, and people rule and are ruled through them" (Smith 1999: 82). Ruling relations are characterized by textually mediated discourses that influence the way we perceive ourselves and others in the world

around us. The ability to reproduce texts allows extra-local ruling to coordinate local actions. The increasing reliance on computer technologies in contemporary times increases the strength of ruling relations as identical texts can easily reach more people than ever before.

Social relations, social organization

> Terms such as "social relations," "social organization," "socially organized" are used … to recover those forms of concerting people's activities that are regularly reproduced. "Social relations"… directs attention to, and takes up analytically, how what people are doing and experiencing in a given local site is hooked into sequences of action implicating and coordinating multiple local sites where others are active (Smith 1999: 7).

> Smith proposes that social relations are actual practices and activities through which people's lives are socially organized … Social relations are not done to people, nor do they just happen to people. Rather, people actively constitute social relations (Campbell and Gregor 2002: 30-31).

In institutional ethnography, social organization and social relations indicate the actions and activities of people that are mediated, often textually, by ruling practices. Social relations can be thought of as the actions of people going on behind points of connectedness in everyday life, called "processing interchanges" by Ellen Pence (2001b). Social relations have a material effect and can be investigated by observing how people work, paying particular attention to discursive practices which superimpose extra-local interests on local concerns (Smith 1990b: 93-6). Explication of social relations lays bare the social organization including ruling relations that affect people's/our real life experience, which permits the institutional ethnography to help people/us understand how "things" happen as they do.

Standpoint

> I wanted to make an account … that make[s] it possible for us to look at any or all aspects of a society from where we are actually located, embodied, in the local historicity and particularities of our lived worlds (Smith 1987: 8)

The standpoint is the place from whence an institutional ethnography begins. An entry point is found in people's stories, and the threads of the ruling practices are traced upwards

through social relations such as language, texts, discourse, concepts and ideologies. The standpoint of the research anchors the research in the actual world. It comes from everyday life and provides the lens through which the data are viewed in the process of analysis in an institutional ethnography (Pence 2001b). For women particularly the standpoint in institutional ethnography highlights a "bifurcation of consciousness," where, on the one hand, the woman's actual experiences of life are from within her own material body, and on the other hand, she functions in a world full of abstract concepts and ruling relations which shape her life (Smith 1987: 86-87).

Textually mediated knowing

> [T]he printed, and hence many-times replicable, text mediates … relations among those who are - as readers, writers, viewers, and so on - discursively active (Smith 1999: 134)

> The text enters the laboratory, so to speak, carrying the threads and shred of the relations it is organized by and organizes (Smith 1990a: 4).

Texts mediate knowing when they are used in modern ruling practices to coordinate sequences of actions and subordinate "local knowing" (Campbell 2003: 16). Texts are crucial to understanding contemporary social relations because they formally constitute the ways to make people's experiences "institutionally actionable" (Pence 2001b). Smith points to the participation of texts in coordinating social organization due to today's "textual technologies" such as the internet which can replicate multiple texts instantly, as opposed to pre-literate times when meaning was "vested in ritual, megalith and image" (Smith 2001: 173; 1990b: 210). Textual analysis is frequently a significant feature of an institutional ethnography. In doing a textual analysis, some things Smith looks for are:

- institutional authorization – how is the text made authoritative?
- background information used to make the text (backward linkages)
- determination of where the text will go to next (forward linkages)
- substructing – find the work, the people, underneath the terms.

Appendix C: Text-Work Sequencing Map

LEGEND: TEXT-WORK SEQUENCING MAP

real estate markets and boards

extra-local governments – enabling legislation, provincial/federal regulations

local government regulations – zoning, planning, building codes

work interchange points

texts

Note

Refer to the **Attachment** for the full-size version of the

Text-Work Sequencing Map.

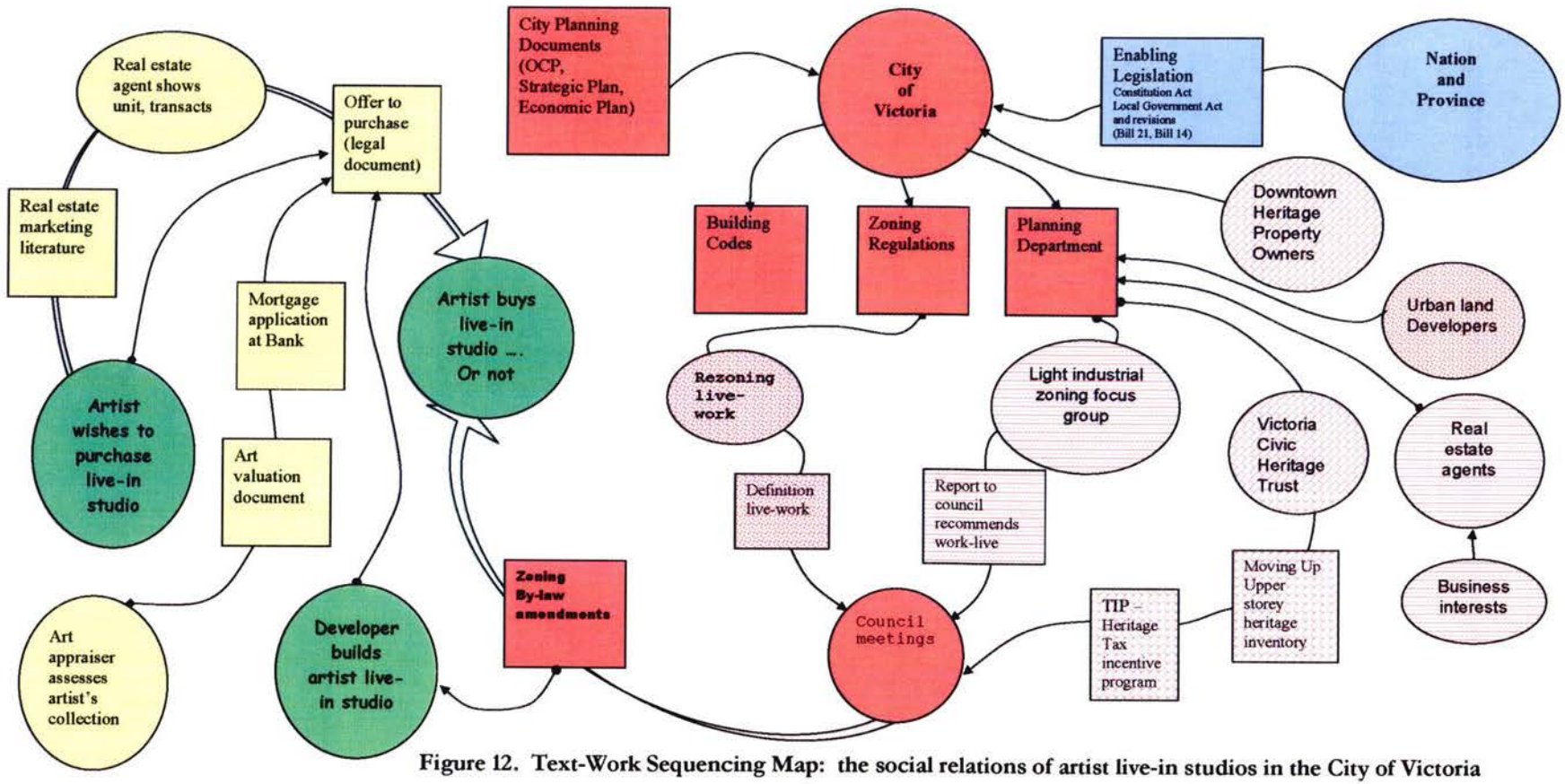


Figure 12. Text-Work Sequencing Map: the social relations of artist live-in studios in the City of Victoria

Appendix D: Texts used in the Institutional Ethnography

An Institutional Ethnographic description of rezoning

Susan Turner describes the social organization of rezoning in "Rendering the Site Developable: Texts and Local Government Decision Making in Land Use Planning," in *Knowledge, Experience, and Ruling Relations – Studies in the Social Organization of Knowledge.*

> All land is zoned by categories that determine what can be built on it. An owner who wants to do something with private property different from what its present zoning allows must apply to the local government to change the zoning. The application activates the zoning by-law approval process. Usually the property owner or developer brings a proposal to the city planning department and pays a fee. What the owner wants to do gets shaped up with city planners in to a formal application. The application documents are circulated for comment to city departments, external agencies, and owners of properties surrounding the site. Comments are sometimes written in to a planner's report. By the time it gets to city council, the plan is a well-worked-up text.
>
> At least one public meeting is held where the developer or his (sic) hired lawyer or planner … describes the plan and is questioned by councillors. Citizens may attend and can present information and comments. Council can amend the conditions before approving them (237).

City of Victoria Work-Live Design Guidelines

APPENDIX B

WORK-LIVE DESIGN AND PLANNING GUIDELINES

What is Work-Live?

- *Work-live: The term Work-live means that the needs of the work component take precedence over the quiet enjoyment expectations of residents, in that there may be noise, odours or other impacts, as well as employees, walk-in trade or sales. The predominant use of a work-live unit is commercial or industrial work activity, and residence is a secondary use.*

What planning and design considerations are particularly important for Work-live?

- *Units should be designed to minimize the possibility of residential reversion.*
- *Work-live owners and tenants need building and design flexibility to make specific improvements suitable to the needs of their business.*
- *Common spaces and the arrangement of units should be designed to encourage the interaction of residents and workers and the creation of "community".*
- *New developments, including renovations with a significant residential component, should consider appropriate work and residential amenities. Work related amenities may include: common work facilities such as work shops, loading facilities, lunch room, common access to office equipment. Residential related amenities may include: garden/patio space, laundry facilities, children's play area, exercise room.*
- *A "good neighbour" relationship between employees and residential activity needs to be maintained.*
- *Security issues need to be addressed, including separation of live and work for security reasons. Crime Prevention Through Environmental Design Principles should be incorporated in building and unit design e.g. casual surveillance overlook, clear public/private space layout.*
- *The negative and disruptive impacts of noise and vibration between suites and elsewhere needs to be addressed.*
- *The differing light and ventilation needs of living and workspace need to be addressed for the safe conduct of both activities.*
- *Adequate storage, parking, loading, and bicycle facilities need to be provided with a view to possible changes of resident and work needs over time.*
- *Differing utility (electrical, water, telephone, cable, fibre-optic) requirements for residential and work activities need to be addressed.*

City of Victoria Individual Application for a City Appointment to a Board, Commission or Committee

Side 1

City of Victoria

INDIVIDUAL APPLICATION FOR A CITY APPOINTMENT TO A BOARD, COMMISSION OR COMMITTEE

The City is Seeking Applications for these Committees, Boards & Commissions:

Please check the Board, Commission or Committee(s) of your choice. Circle your first preference if you are applying for more than one committee.

- ❑ Advisory Design Panel
- ❑ Advisory Planning Commission
- ❑ Advisory Transportation Committee
- ❑ Cycling Advisory Committee
- ❑ Downtown Advisory Committee
- ❑ Environment & Shoreline Advisory Committee
- ❑ Greater Victoria Public Library Board
- ❑ Heritage Advisory Committee
- ❑ Parks, Recreation & Community Services Advisory Committee
- ❑ Public Art Advisory Committee
- ❑ Social Planning & Housing Advisory Committee
- ❑ Victoria Athletic Commission
- ❑ Greater Victoria Family Court Committee

Applications can be submitted in person to the Public Service Centre at City Hall, or by mail to Corporate Administrator, City of Victoria, No. 1 Centennial Square, Victoria BC V8W 1P6, no later than 4:30P.M. Friday, November 2, 2001. For further information, contact Ming Moodrey at 361-0571. Application forms are available on the City of Victoria website at [illegible]

CANDIDATE'S INFORMATION: *Use black pen or type information*

1. Name: _____
2. Address: _____
3. City: _____ Postal Code: _____
4. Home Telephone No. _____ Work Telephone No. _____
   Fax No. _____ E-mail Address: _____
5. **Reasons for Seeking Appointment**

_____

_____

_____

_____

_____

_____

Special Background or Expertise _____

_____

_____

_____

_____

_____

(If space is insufficient, please attach a separate sheet.)

(Please complete the reverse side of the Application)

Side 2

CITY OF VICTORIA

INDIVIDUAL APPLICATION FOR A CITY APPOINTMENT TO A BOARD, COMMISSION OR COMMITTEE

History of Community Involvement (Past and Present)

I am willing to accept an appointment by Victoria City Council to the Board, Commission or Committee specified in this application.

Signature of Applicant: _____

Date: _____

Additional information as desired by applicant:

CANDIDATE INFORMATION IF APPLICATION SUBMITTED BY AN ORGANIZATION:

NAME OF ORGANIZATION: _____

Signature of Organization Representative: _____

Date: _____

REASON WHY ORGANIZATION IS RECOMMENDING CANDIDATE FOR APPOINTMENT:

Shoal Point website, December 2, 2001

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SHOAL POINT
at FISHERMAN'S WHARF

Contact Information:

- Phone: 1-866-559-5522 *(toll free)*
- Email: sales@shoalpoint.com
- Open House hours: 10:00am to 5:00pm daily (Open by appointment at other times.)
- How to get there: View the map

Welcome to Shoal Point

One look will tell you that Shoal Point is going to be one of North America's finest residences. From the perfection of the harbour location, the spectacular ocean and mountain views, to the building materials, world class amenities and mystical Coastalia sculptures, it's an amazing place to live.

Over the past two years, Shoal Point, located in Victoria, BC has won much recognition and many coveted awards including the Urban Development Institute Award for Best Multi-Family High-Rise Development and Best Overall Sales and Marketing.

Phase One at Shoal Point has sold out, Phase Two is completing this spring and sales have been so good we are bringing on Phase Three immediately. This is our finest and many think, our best.

For a variety of reasons, Phase Three is our most popular phase with views facing the inner harbour and downtown, a sheltered exposure and "courtyard" suites overlooking the panoramic Strait of Juan de Fuca with the Olympic Mountains as a backdrop. In addition, Phase Three will be completed with the pool, spa, fitness facility, and beautiful courtyard gardens ready to enjoy.

In order to handle this sale in a fair and appropriate manner, we are offering our previous visitors the opportunity to participate in a "private opportunity program" on a first-come first-served basis. As an Opportunity Holder, you can participate in an early selection program. Opportunity Holders will be the only buyers allowed to buy at pre-construction prices at a Private Selection Event to be held at the end of November or early December 2001.

Please complete our priority registration and be one of the first to receive a Private Opportunity Program info package, as it becomes available.

Appendix E: Examples of Municipal Policy in the City of Vancouver

Excerpt from Administrative Report: Long term leases for artist live-in studio co-op

ADMINISTRATIVE REPORT

Date: January 14, 2000
Author/Local:/J. Jessup/7432
RTS No. 01105
CC File No. 5104
Council: February 1, 2000

TO:	Vancouver City Council
FROM:	Director of the Housing Centre in consultation with the Director of the Office of Cultural Affairs
SUBJECT:	Lease Terms for the Core Artists Live/Work Co-op at 275 Alexander Street

.... LEASE TERMS...

The principles on which the lease is to be based are contained in the Letter of Understanding attached to this report (Appendix A). The more significant terms are outlined below:

1. **Term.** The term will be for 60 years.

2. **Basic Rent.** The basic rent will be the greater of the monthly principal and interest payment on the PEF loan or 25% of the monthly market rental value of the 30 studios. Eight (8) of the 30 studios were purchased by the City on the understanding that the Co-op would pay for their purchase over 30 years. However, if interest rates decline and/or the rental value of the studios rises over time, the Co-op's lease payments will be based on a percentage of the market rental value of the studios. This would also be the case after 30 years, when the PEF loan is paid in full. Twenty-five (25) per cent was chosen because, at today's interest rates and market rental values, it is equivalent to the interest and principal payment on the PEF loan. This amounts to $4,750 per month or $57,000 per year.

The Manager of Real Estate Services advises that the market rent for the units is $216,000 per year. As the rent is below market, this is a grant requiring 8 votes of Council.

3. **Supplemental Rent.** If an operating surplus has been generated at year end, after all of the Co-op's expenses including basic lease rent have been paid, 50% of the surplus will be to the Co-op's account and 50% will be to the City's account. Until the PEF loan, including interest, is fully paid, the City's share will go to reduce the principal on the loan. Once the PEF loan is fully paid, the City's share will go to the Affordable Housing Fund. The Co-op's portion of the surplus, must go towards enhancing the collective purpose of the Co-op, such as topping up their reserves, buying new equipment for the shared workshop, or establishing an arts endowment fund. The effect of the supplemental rent will be to encourage the Co-op to operate in a cost-effective manner, accelerate the rate at which the PEF loan is repaid, and reduce the amount of the City grant towards rents.

4. **Rent in-lieu-of Property Taxes.** The Co-op will pay rent in lieu of property taxes equal to $350 per studio or a total of $10,500 per year. This is the minimum tax payable for residents eligible for the Provincial Home Owner Grant. Co-op members are eligible for the grant under the Home Owner Grant Act. Should the minimum tax payable under the Home Owner Grant be increased, the Co-op will pay the increased minimum amount. Should the Home Owner Grant be eliminated, the Co-op will pay full property taxes as would other co-op housing projects in the city.

5. **Increase to PEF Loan.** Upon written application to the City, the Co-op will be allowed to increase its PEF loan by a maximum of $25,000 to cover the potential cost of finishing, furnishing and equipping the shared amenity and workshop areas in the building as well as any other miscellaneous capital expenses necessary to make the Co-op's common areas liveable and functional. These funds would be fully repaid by the Co-op, including interest.

6. **Co-op Must Pay All of its Costs.** The Co-op is responsible for paying all of its costs, including strata fees, interest and principal on the PEF loan, rent in-lieu-of property taxes, payments to the vacancy and rental loss reserve and the replacement and strata fee reserve, as well as normal operating expenses. The Co-op must also pay fines, penalties and interest assessed and levied by the strata corporation.

7. **Co-op Cannot Financially Encumber its Lease.** The Co-op cannot mortgage or otherwise financially encumber its leasehold interest in the studios. This includes an unqualified prohibition on assigning, mortgaging or pledging the lease.

8. **Housing Charges (Unit Rents).** The Co-op will set monthly housing charges (unit rents) for each studio at 30% of gross (after expenses but before taxes) household income, but not less than the B.C. Benefits maximum shelter allowance for single persons (currently set at $325 per month) and not more than 90% of appraised market rental value (currently estimated to be $575 per month). Expenses eligible for deduction from gross sales revenue or receipts from the sale of their art work shall be only those acceptable to the Federal income tax authority (Revenue Canada).

9. **Minimum Low Income Occupancy Requirement.** At any given time over the term of the lease, the Co-op will ensure that at least 30% of the studios are occupied by households whose gross (after expenses but before taxes) annual income is at or below B.C. Housing's Core Need Income Threshold (CNIT's) for a Studio Unit. The CNIT for a studio unit is currently $24,500 per year. B.C. Housing revises the CNIT's annually. Should B.C. Housing cease to provide annual CNIT's, the City will take the CNIT for the last year it was provided and increase the amount each year by the cost of living index (C.P.I.) for Vancouver.

Excerpt from City of Vancouver Policy Report: Density Bonusing

SUPPORTS ITEM NO. 2
P&E COMMITTEE AGENDA
APRIL 18, 1996

POLICY REPORT
URBAN STRUCTURE

Date: April 2, 1996
Dept. File No. MG

TO: Standing Committee on Planning and Environment

FROM: The Director of Central Area Planning and the Director of Land Use and Development, in consultation with the Director of Cultural Affairs, General Manager of Engineering Services, Centre, the Director of Legal Services and the Director of Permits and Licenses

SUBJECT: Zoning and Guidelines - Artist 'Live/Work' Studios, Cultural Facilities and Brewery Creek

...

The following amendment provides for the relaxation of FSR (i.e., density bonusing) in the IC-3 District for the provision of low cost rental studios....

4.7.6 The Director of Planning or the Development Permit Board may, *for any development where a residential unit is being provided in conjunction with and forming an integral part of an artist studio* - Class A or artist studio - Class B, permit an increase in floor space ratio, subject to prior approval by City Council, and the securing of a Housing Agreement and provided that the residential unit is occupied by persons receiving income equal to or less than the income defined by the British Columbia Housing Management Corporation as 'core need'.

In determining the amount of the increase in floor space ratio that may be permitted by this section 4.7.6, the Director of Planning or the Development Permit Board, with advice from the Manager of the Housing Centre and the Manager of Real Estate, shall consider:

(a) the cost to the developer of adhering to the conditions of the housing agreement;

(b) the value of the increased floor area;

(c) the value of any relaxation of other regulations;

(d) the impact upon liveability and environmental quality of the neighbourhood; and

(e) all applicable policies and guidelines adopted by Council (italics added).

Appendix F: Defining Eligible Artists

Material to start discussions about artists eligible to occupy artist live-in studio developments that receive municipal assistance includes the following sources.

---

http://www.capprt-tcrpap.gc.ca/actregs/act/index-e.html
Credit:: Canadian Artists and Producers Professional Relations Tribunal

Canadian Artists and Producers Professional Relations Tribunal | Tribunal canadien des relations professionnelles artistes-producteurs

Status of the Artist Act
CHAPTER S-19.6
[1992, c. 33]

An Act respecting the status of the artist and professional relations between artists and producers in Canada

[*Assented to 23rd June, 1992*]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows ...

PART I: GENERAL PRINCIPLES

Proclamation and Policy concerning the Status of the Artist

2 Proclamation

2. The Government of Canada hereby recognizes

(a) the importance of the contribution of artists to the cultural, social, economic and political enrichment of Canada;

(b) the importance to Canadian society of conferring on artists a status that reflects their primary role in developing and enhancing Canada's artistic and cultural life, and in sustaining Canada's quality of life;

(c) the role of the artist, in particular to express the diverse nature of the Canadian way of life and the individual and collective aspirations of Canadians;

(d) that artistic creativity is the engine for the growth and prosperity of dynamic cultural industries in Canada; and

(e) the importance to artists that they be compensated for the use of their works, including the public lending of them.

Defining a Professional Artist

Artscape defines a "professional artist" as an individual who receives, or has received, professional recognition as defined by any one of the following criteria:

1. Has presented his/her work to the public by means of exhibitions, publications, performance, readings, screenings, or by any other means appropriate to the nature of his/her work;

2. Is represented by a dealer, publisher, agent or similar representative appropriate to the nature of his/her work;

3. Devotes a reasonable proportion of his/her professional time as an artist to promoting or marketing his/her work, including but not limited to: presenting him/herself for auditions; seeking sponsorship, agent or engagements; or similar activities appropriate to the nature of his/her work;

4. Receives or has received compensation for his/her work, including but not limited to: sales; fees; commissions; royalties; residuals; grants and awards, any of which may reasonably be included as professional or business income;

5. Has record of income or loss relevant to the exploitation of his/her work and appropriate to the span of his/her artistic career;

6. Has received professional training, either in an educational institution or from a practitioner or teacher recognized within their profession;

7. Has received public or peer recognition in the form of honours, awards, professional prizes, or by publicly disseminated critical approval;

8. Has membership in a professional association appropriate to his/her artistic activity whose membership or categories of membership are limited under standards established by the association; or which is a trade union or is its equivalent appropriate to his/her artistic ability.

note: Applicants do not have to meet all the criteria in order to be considered "professional"; however, selection committee members will use the criteria as a guide by which to make the determination of eligibility.

http://www.canadacouncil.ca/artsinfo/advocacy/peers-e.asp
Credit:: Canada Council for the Arts

Peer Assessment at the Canada Council for the Arts: How the Council Makes its Grant Decisions

[Arm's Length] [Peer Assessment] [Selecting Peers] [Priorities] [Assessment Criteria]

The peer assessment principle

"Peer assessment" at the Canada Council for the Arts means the use of independent artists and other professionals working in the field to assess grant applications, advise on priorities, and make recommendations to the Council on the awarding of grants. Peers, in the Council's definition, are people who, by virtue of their experience, knowledge and open-mindedness, are capable of making a fair and informed assessment of the comparative merits of grant applications. Through peer assessment, the Council involves the arts community directly in its operations.

Of all the decisions the Council is empowered to make, its decisions about which artists, arts organizations and artistic projects will receive grants are the most sensitive, the most visible and the most likely to provoke criticism. Every year the Council receives in excess of 16,000 grant applications. Some 6,000 grants are awarded, many for less than the amount requested.

The Council welcomes spirited discussion and disagreement as a natural outcome of its intensely competitive work. At its best, the thrust and parry of democratic debate about arts grants confirms the power of the arts - their unique ability to generate strong passions and equally strong discord. The Council must therefore ensure that its grants to artists and arts organizations are dispensed with integrity, transparency and fairness and that its policies are clear and consistent.

In the Council's view, it is essential that:

- applicants for Council grants have confidence that they have been assessed by people with the knowledge and expertise to make sound qualitative judgements in their field of the arts - even if, in failing to get a grant, they are unhappy with the outcome;
- artists and other arts professionals who serve as members of peer assessment committees are able to attest to the credibility, honesty and fairness of the process;
- members of the public and Parliament know that the Council's assessment system serves the public interest because it is the most equitable means available for evaluating artistic merit and is governed by policies and procedures that are clearly and consistently applied - even if, as is inevitable, they don't personally like every artistic activity the Council supports.

Index

VITA

Surname: **Niwa** **Given name:** **Louine**

Place of Birth: **Canada**

Educational Institutions Attended:

University of Victoria	1999 to 2003 1990 to 1996 part-time
University of Manitoba	1976 to 1981
University of Lethbridge	1974

Degrees Awarded

Diploma in Cultural Conservation	University of Victoria	1996
National Council for Interior Design Qualification	New York	1987
Bachelor of Interior Design	University of Manitoba	1981

Honours and Awards

Dean's Interdisciplinary Graduate Scholarship	1999 to 2001
Dean's Honour List	1979, 1981
University of Calgary Environmental Studies Fellowship (offered)	1985
Queen Elizabeth Scholarship	1974

Publications

Bish, Robert L., Louine Niwa and Gary Williams. 1987. *Options for View Royal.* University of Victoria: Centre for Public Sector Studies.

Gough, Bruce and Louine Niwa. 1982. *Building Energy Inspection for the National Capital Commission.* Ottawa: Energy Building Group.

Gough, Bruce and Louine Niwa. 1982. *House Inspection Manual for the Canadian Home Insulation Program.* Ottawa: Energy Building Group..

Ko, Tony, and Louine Niwa. 1984. *Canadian Embassy Development Project – Proposal Report.* Tokyo: SKM Architects and Planners, Incoporated.

Niwa, Louine. 1996. *Need and Vision - Cultural Landscapes of Artist Live-in Studios in Greater Victoria.* University of Victoria: Diploma in Cultural Conservation Thesis.

Major Projects – Interior and Hospitality Design

Resorts and Hotels
Cape Santa Maria Fishing Resort, Bahamas - colonial style refurbishment (1992)
Painter's Lodge, Campbell River B.C. - historic theme (1986-1995)

Recreational Clubs and Golf Clubs
Victoria Golf Club, B.C. - historic renovation (1990)
Royal Victoria Yacht Club, B.C.(1996)
Riverside Golf and Country Club, Saskatoon, Saskatchewan (1997)

Restaurants
Wickanninish Restaurant, Pacific Rim National Park (1986, updated 1994)
Seasons in Queen Elizabeth Park, Vancouver (1992)
Marina Restaurant, Victoria - art moderne theme (1995)

Pubs and Nightclubs
Commadore Ballroom, Vancouver - renovation of historic deco club (1986)
Sticky Wicket Pub, Victoria -terra cotta addition to historic hotel (1990-92)

Offices and Institutional
Royal British Columbia Museum Administration Offices, Victoria (1994)
University of Victoria Conference & Hospitality Rooms (1996)
Tourism Victoria Information Centre, B.C. - heavy use (1994)

Residential - Multi unit and Single Family
Greenfield Place, Ottawa – multi-unit housing (1982)
La Village Beechwood, Vanier – multi-unit housing (1982)
Plus renovations of historic and contemporary style homes in Victoria, Vancouver, Calgary, and Ottawa.

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Title:

Conserving the Cultural Landscape in the City of Victoria:
Artist Live-in Studios ... or not?

Author:

Louine Niwa
May 30, 2003