

REPORT OF THE MAYOR'S TASK FORCE ON SAFE ARTS SPACE

December 20, 2017



Catherine E. Pugh, Mayor

TABLE OF CONTENTS

Task Force Membership	3
Background	4
Task Force Charge	5
Task Force Process	5
Summary: Artist Space Needs Workgroup	7
Summary: Code and Regulatory Issues Workgroup	9
Summary: Resources Workgroup	12
Mayor's Executive Order	14
Task Force Recommendations	15
 <u>Appendices</u>	
Appendix 1: Mayor's Executive Order (Full Text)	21
Appendix 2: Safe Space Checklist	22
Appendix 3: Survey Results	26

TASK FORCE MEMBERSHIP

Community Membership:

Jon Laria, Esq. – Managing Partner, Baltimore Office, Ballard Spahr LLP, *Task Force Co-Chair*
Franklin McNeil, Jr. – Vice President/Community Consultant, PNC Bank, *Task Force Co-Chair*

Amy Bonitz – President and CEO, Baltimore Arts Realty Corporation, *Workgroup Chair*
Jeannie Howe – Executive Director, Greater Baltimore Cultural Alliance, *Workgroup Chair*
Dana Johnson – Managing Director, Maryland and DC, The Reinvestment Fund, *Workgroup Chair*

Tracey Barbour – Program Officer for Community Development, Abell Foundation
John Berndt – CEO, Berndt Group
Beth Blauer – Executive Director, Johns Hopkins University Center for Government Excellence
Elissa Blount Moorhead – Former Exec. Director, Station North Arts & Entertainment District
Diane Cho – Architect and Principal, Cho Benn Holback & Associates
Dan Deacon – Composer and Musician, Baltimore
Adam Holofcener – Executive Director, Maryland Volunteer Lawyers for the Arts
John Lewis – Executive VP and Chief Administrative Officer, The Harbor Bank of Maryland
Frank Lucas – Architect, Lucas Associates
Mike Molla – VP of Operations, Maryland Institute College of Art
The Honorable Robert Stokes – Baltimore City Council, 12th District
Stewart Watson – Executive Director, Area 405
Lu Zhang – Former Interim Executive Director, Contemporary Art Museum

City Agencies:

Andrew Aleshire – Special Assistant, Mayor’s Office
Michael Braverman – Commissioner, Department of Housing and Community Development
Teresa Everett – Assistant Chief of Community Risk Reduction, Fire Department
Bill Gilmore – President, Baltimore Office of Promotion & the Arts
Brian Greenan – Economic Development Officer, Baltimore Development Corporation
Michael Huber – Business & Economic Development Specialist, Council President’s Office
Lauren Schiszik – Historic Preservation Planner, Department of Planning

The Task Force would especially like to thank the many members of the Baltimore community who participated in meetings and shared testimony, information, and perspective.

BACKGROUND

Baltimore has a thriving arts community, but it is at a critical juncture.

We are a post-industrial city with abundant affordable properties, a reasonable cost of living, proximity and easy access to major markets on the East Coast, and a vibrant and interconnected community of artists. But with all these assets, Baltimore is at a make-or-break moment. To ensure that Baltimore continues to be a thriving hub for the arts and for artists, it is essential that we provide readily available space for artists to work, perform, exhibit, rehearse, and live.

This pressing need became more acute in December 2016, when a tragic fire at the live-work, artist-run Ghost Ship in Oakland, California took the lives of 36 people and focused national attention on informal spaces created by artists in cities throughout the country. A wave of code and regulatory enforcement swept through cities resulting in the closure of numerous spaces. On December 5, 2016, artists at Baltimore's Bell Foundry were evicted when significant life-safety issues caused the City to vacate the building. On December 6, Catherine Pugh became Mayor of Baltimore, and one of her first acts was to announce the creation of a Safe Arts Space Task Force to address the issues made apparent by the Ghost Ship and Bell Foundry examples.

Mayor Pugh and all Baltimoreans recognize that a strong and vibrant arts community is critical to a vital and growing economy and a desirable quality of life. Artist communities improve their cities, create a foundation for defining a sense of place, contribute to a creative and entrepreneurial workforce, and attract new residents and visitors. Artists have a unique ability to engage the public's imagination and inspire community members to share experiences. Further, according to Americans for the Arts, the arts and culture sector contributes nearly \$17 million in economic impact and is responsible for more than 12,000 jobs in Baltimore.

Sustaining and further developing the arts community of Baltimore will attract even more creative individuals and workers – key factors in establishing and maintaining the city's competitive edge. Research shows that the creative class of high-tech and educated workers, especially young ones, prefer cities with strong artist populations and a strong creative arts culture. Investing in growing Baltimore's arts community will also promote new ways to engage and support diverse communities. We must guarantee that organizations in African-American communities and other communities of color, and those doing important grassroots cultural work throughout Baltimore, also share in the resources and opportunities.

Over many decades, artists in Baltimore have used, and continue to use, vacant lofts and other industrial spaces. The spaces, often in disinvested communities, are typically quite large and flexible, and can be acquired relatively inexpensively. However, the lack of adequate electrical service and outlets, poor heating and ventilation, inadequate or no sprinklers, and emergency exits that do not meet code, often make these spaces unsafe. Renovating them to correct problems, while

keeping the spaces affordable, requires a commitment by the City and its private and non-profit partners.

At Mayor Pugh's direction, and with leadership from her team, the Task Force has identified important changes, along with many opportunities for investment that will equitably preserve currently operating spaces and unlock new venues for Baltimore's artists and arts organizations.

Task Force Charge

Mayor Pugh charged the Task Force to:

"Create a citywide network of safe, cost-effective, contemporary, living, live/work, studio, and performance spaces for emerging and established artists. The Task Force will integrate the perspectives of artistic, design, development, financial, regulatory, and revitalization experts to develop strategies, identify resources, and propose a programmatic framework that will develop and sustain spaces that protect the safety of artists and patrons, while meeting the logistical and technical interests of today's performers and audiences."

Task Force Process

Meeting for the first time in January 2017, the Task Force engaged with members of the public to review the mission and charge given by the Mayor. Many different topics, subjects, and issues related to the charge were discussed, and the Task Force soon resolved to pursue its work through the following three workgroups:

Artist Space Needs (*Jeannie Howe, Chair*). This workgroup was asked to develop a statement of space needs within the artist community. What kinds of space are necessary – living, live/work, performance? Should these be separate or combined? What is the range of occupancy costs (rent, etc.) that can be borne by the artists or organizations who would want to live, work, and perform in these spaces?

Code and Regulatory Issues (*Amy Bonitz, Chair*). This workgroup was asked to determine the building, life safety, zoning, and other code and regulatory issues that affect our ability to provide space for artists as described above? What code changes, if any, might we recommend? What innovative approaches are being taken by other jurisdictions that might be applicable here?

Project Development and Finance (*Dana Johnson, Chair*). This workgroup was asked to determine what it takes to actually provide spaces for artists' use. What are the architectural models? What are the financial models? What financing programs and models exist already? Do we use them? If not, could/should we? And what programs or models would we like to see, even if requiring legislation and/or new funding streams?

Each of the three workgroups reported back to the Task Force regularly, and full Task Force discussions were organized around those reports, which led to additional study by the workgroups.

All Task Force meetings were open to the public, and were well-attended. Interested attendees were invited to participate actively in Task Force discussions, which were informal and conversational.

Additional public and stakeholder participation was solicited through an online and paper survey (described further below) and also through a large and well-publicized meeting held at the War Memorial Building on February 16, 2017, which was recorded for broadcast on the City's Charm TV (Channel 25). The Task Force also created a website to keep the public apprised of its activity, and to provide a portal for additional survey submissions.

The Task Force solicited and received input from national experts, including staff of Bloomberg Philanthropies, which includes professionals who worked at the highest levels of arts and cultural advocacy in New York City.

A summary of the work and discussion of each workgroup follows.

SUMMARY: ARTIST SPACE NEEDS WORKGROUP

Baltimore has an inventory of unused or underutilized space, but the barriers to code compliant use and occupancy of this real estate are many. Artists are dedicated to improving what spaces they are able to access, adapting the space to fit their needs while preserving affordability for themselves, other artists, and inclusive audiences. Despite this commitment, most artists and those in the arts community cannot consistently access the professional knowledge, technical support or financial resources that are vital to creating comprehensively safe spaces for work and community. The barriers to safe and affordable code compliant real estate force artists to work underground, increasing their fear of official processes which might result in enforcement action, such as the eviction of the artist-tenants and subsequent closure of the Bell Foundry, or the national online attack by the Alt-Right focused on artists following the Ghost Ship tragedy (*e.g.*, Comet Ping Pong in Washington, D.C.).

The Artist Space Needs Workgroup developed an anonymous, user-generated survey to begin to quantify the scope and nature of Do-It-Yourself (DIY) art spaces in Baltimore. The Workgroup developed the survey to:

1. Create an inventory of known cultural assets that meet the definition of art spaces. These spaces include artist housing, galleries, theaters, venues, maker spaces, and any other known public art space. This inventory acknowledges those places that actively serve the public. This does not include any place that wishes to remain anonymous or non-public spaces. This inventory helped to identify what resources would be required to maintain existing known spaces.
2. Create User Persona or Profiles for constituents of targeted spaces. An attempt was made to create a spectrum of users to illuminate the diverse pool of stakeholders. These descriptions considered the art medium and the socioeconomic indicators represented by this population.
3. Capture, by neighborhood, cultural assets that meet the definition of art spaces but wish to remain anonymous. This survey was built in a way that could be shared with diverse communities and allow anonymous collection of details of the spaces. These details included type of space, purpose of the space, and needs of the space to make it a sustainable art space. These statistics are to be used solely to shape a market study and needs assessments of the community.

The data supports a gap analysis of where space is required to meet the needs of the various users. This gap analysis reflects a set of requirements for services and spaces that could meet the needs of the arts community. Organizational partners such as the Greater Baltimore Cultural Alliance (GBCA), the Maryland Institute College of Art, the Baltimore Office of Promotion (BOPA) and the Arts, Station North Arts and Entertainment District, the Bromo Arts District, the Highlandtown Arts District and others, helped distribute this survey. In an effort to include diverse voices, the networks of artists and arts organizations were activated to distribute and encourage participation in the survey. Given the demographics of respondents (69% white), efforts to reach underrepresented arts communities should and must continue.

The survey collected information about the size and composition of artists' spaces, costs, and activities, and provides a preliminary scan of the scope of the presence and contributions of such spaces, both commercial and residential. Initial results indicated that the most significant need is access to permanent studio, work, or practice space, with a great need for performance and exhibition space. A summary of the survey results is attached to this report as [Appendix 3](#).

Access to available information and services

Artists want to live and work in safe, sustainable environments where they can build community and engage diverse audiences. By and large, most artists operating event, live/work, studio, and exhibition spaces do not have the capacity or technical knowledge to navigate the regulatory system, nor do they have the resources or access to funding for bringing buildings strictly up to code. The Workgroup supports efforts by the Task Force to provide assessment and recommendations for spaces.

The Workgroup recommended that funds be made available to art spaces for the acquisition and installation of simple, immediate, code-compliant life safety improvements such as smoke detectors, carbon monoxide detectors, certified fire extinguishers, exit and no smoking signs, and CPR classes. Funding access to these items and services would immediately begin to increase safety in existing spaces. The Workgroup also recommended a listserv that includes available long-term rental space, and other resources such as electricians.

Navigating the System

Along with the Code and Regulatory Issues Workgroup, the Workgroup strongly recommended the appointment of a City "point person" to advocate on artists' and others' behalf in navigating the code and regulatory system, as well as increase the transparency in the process whereby potential art space buildings become available for purchase, rent, or rehabilitation. This process could become a model for addressing the broader needs of Baltimore residents for safe, affordable housing, as well as places to do business.

Activate and Invest in Current Programs

The Workgroup advocated for immediate support of currently operating art spaces, with particular attention to those that have a legacy of serving African-American communities within the City.

Area non-profit organizations such as BOPA, Station North Arts & Entertainment District, and GBCA provide or connect artists to art spaces. The Workgroup concluded that additional fiscal commitment is needed to scale up these existing programs to contribute to addressing the needs of the arts community. For example, with additional investment in resources and/or marketing, Baltimore SpaceFinder and Art in Sacred Places, managed by GBCA, could address immediate needs for artists and arts organizations to access safe spaces. Baltimore Space Finder is a searchable database for shorter-term leases but provides immediate relief for rehearsal, performance, exhibition, and workspace. The Art in Sacred Places initiative partners religious congregations with available space to artists and arts organizations in need of affordable space.

SUMMARY: CODE AND REGULATORY ISSUES WORKGROUP

One of the great opportunities for artists and makers in Baltimore is access to affordable industrial and commercial spaces that are no longer viable for modern manufacturing or commercial use. Artists and makers have invested personal resources and considerable sweat equity in transforming underutilized and often blighted properties into dynamic mixed-use spaces that may include space for artisanal fabrication (welding, carpentry, etc.), music production, visual arts studios, film production, galleries, live/work space, performance space and space for non-profit arts and community organizations. These organically-grown spaces build community, provide jobs and affordable housing and serve as new anchors of hope and reinvestment in disinvested communities.

Along with artist-owned buildings, Baltimore is home to supportive landlords that have provided long-term spaces for artists and makers in projects like H & H in the Bromo District, Copycat in Station North, the Cambridge Building in Southwest Baltimore, and Crown Cork and Seal in Highlandtown. Many of these were permitted properly when first adopted for arts use but face the challenge of upgrading their properties to meet modern codes while maintaining affordable rents for the artists and makers who call them home. The Code and Regulatory Workgroup began the process by understanding the current code and regulatory environment and its impact on existing artist and maker spaces and then worked with City agency representatives and property owners to develop a new protocol for how the City could approach existing spaces to make them safer and bring them into legal compliance where needed.

Understanding the Existing Regulatory Environment

Working with the Baltimore chapter of the American Institute of Architects (AIA) and Baltimore Heritage, the Workgroup researched the codes that apply to existing buildings as most artist and maker spaces in Baltimore utilize existing buildings due to their usually low cost, high ceilings and unique architectural features. As part of the process, the Workgroup developed a safe space checklist for circulation to artist-led projects to help artists analyze the safety measures in their existing space (see [Appendix 2](#)).

Additionally, the Workgroup worked with the City to implement a Code Modification database (http://cels.baltimorehousing.org/Search_CodeM_Map1.aspx) that allows project owners to access a public and searchable database of code modifications the City previously approved. The Code Modification process allows property owners who are working to reuse existing and historic buildings to achieve code compliance in areas where they may be constrained by the limitations of their original construction so long as they can demonstrate they are meeting the intent of the code.

Finally, the Workgroup looked at the new zoning code that was adopted in 2017 which includes a new classification for industrial mixed-use buildings, and found it generally works well for the reuse of former industrial buildings that contain both living and working spaces for artists and makers. Through the process of working with artists and City agency representatives, however,

the Workgroup identified the need for zoning relief for communal artist housing models and developed a proposed bill to permit more than four unrelated persons to live together in a mixed-use arts context. The bill allows artists to produce affordable housing by developing code compliant sleeping units (bedrooms) with shared living, kitchen and bathrooms rather than having to develop individual apartments with those elements, which is much more expensive. The bill also recognizes the uniqueness of artist communities who view shared communal living as important to their artistic practice. The Task Force has received commitments from the Mayor and City Council to introduce the bill before the end of 2017.

Developing a Collaborative Approach

Over the last six months, Baltimore Arts Realty Corporation (BARCO), represented on the Code & Regulatory Committee, has piloted a new approach for working with City agencies and the Fire Department to respond to non-permitted arts and maker spaces, both those that have been reported to the City and those that voluntarily wanted to pursue a Use and Occupancy permit. This work included supporting five spaces that encompassed artist-owned buildings, properties leased to artists, and those that wanted to improve the safety of their properties voluntarily or were facing violation notices as non-permitted uses.

The pilot included:

- a. Testing whether an intermediary party could provide design and life safety technical expertise to help artists and property owners develop successful strategies to become code-compliant;
- b. Solidifying a team of consistent representatives from key City agencies; and
- c. Establishing a process for City building and fire code review of such efforts.

Key to the success of this effort was the Mayor's Executive Order, advocated for by the Task Force, and issued by Mayor Pugh in the spring of 2017. The Order created a framework for the City's approach to artist spaces in order to minimize displacement while still ensuring that spaces were not unsafe. With the Executive Order in place, key staff from the Fire Department and Department of Housing and Community Development (Permitting and Plans Review & Code Enforcement) have been informally assigned to a working group that reviews each project and works collaboratively with artists, the intermediary and the design and engineering team to develop a work plan for bringing the properties into legal compliance. This informal group has been meeting regularly with BARCO, which is serving as the intermediary to help artists and art space owners who are required or voluntarily want to make their spaces safer.

Key Takeaways

1. Consistent City Staffing:

Having a consistent set of representatives from key City agencies has been tremendously helpful to this effort and should be continued to ensure consistency in City staff who can see a project all the way through to completion and develop expertise in these kind of projects. Having the full support of the Housing Commissioner has also been key to making the process successful.

2. *Importance of the Intermediary*

As the intermediary, BARCO has played an important role working with both property owners and City agency representatives to move the process forward. By providing a consistent presence, BARCO has helped artists and property owners navigate the City process and advocate on their behalf while also translating and troubleshooting with City agencies to develop a workable approach. BARCO has also advised arts-building owners on debt and funding sources that can be employed to fund code improvements and has assisted with grant writing and securing loans.

3. *The Importance of Professional Design & Engineering Assistance*

BARCO's efforts in securing *pro bono* design assistance for those projects that could not afford it, has also been important to advancing solutions quickly. Property owners who have not yet pulled building permits for their build-out need design and engineering expertise to analyze and develop recommendations on how to address the complexities of existing buildings with a mix of uses built out over many years, to determine the most cost-effective path to code compliance and enhanced safety.

The Cost of Code Improvements

The Code and Regulatory Workgroup also developed an analysis of the range of improvements and costs owners may need to incur to improve the safety of their spaces and make them code compliant. For simpler projects, improvements may include new exit signs, fire alarms, and minor changes to fire exit doors and certified fire extinguishers. These improvements range from several thousand dollars to \$10,000. However, many of Baltimore's key arts and maker spaces are large, former industrial buildings that need more substantial improvements, ranging from upgrading electrical service, replacing jerry-rigged electrical or lighting systems, bringing in new or repairing existing fire suppression systems, adding additional egress stairs and exits, replacing or repairing roofs, adding public address systems for performance spaces and the like. On average, these costs range from \$100,000 to \$500,000. Compared to the cost of new construction, however, which can range from \$150 to \$250 per square foot, the \$20 to \$50 per square foot needed to upgrade existing artist and maker buildings could dramatically and efficiently increase the supply of affordable space for artists and makers in Baltimore for a much smaller upfront investment than new construction, while leveraging significant social impacts by retaining vital cultural spaces.

SUMMARY: RESOURCES WORKGROUP

The Resources Workgroup realized early on that the work of the two other subgroups overlapped with its work. Feedback from the Artist Space Needs survey identified what kinds of spaces and needs seem most critical. Additionally, recommended regulatory and code changes could potentially reduce the cost of improvements and reduce the need for additional resources.

Short-Term vs. Long-Term

The Workgroup acknowledged the importance of addressing both short-term resource needs as well as long-term strategies. Based on the feedback of artist members of the Task Force and the many other participants in the discussions on the critical importance of preserving the city's existing spaces, the Workgroup decided to prioritize strategies for addressing the short-term needs of these spaces over identifying support for major new development projects. In addition to discussions within the Workgroup about existing models within Baltimore, Workgroup members spoke with City of Oakland staff about preservation strategies created even before the Ghost Ship tragedy to respond to gentrification pressures. The Workgroup also heard from Oakland about its approach to safety challenges, including the Oakland mayor's executive order on improving safety while avoiding displacement. The Workgroup also assembled a comprehensive list of potential resources that could be utilized for artists' spaces including various federal, state and local tax credits and subsidies, and existing relevant programs of non-profit Community Development Financial Institutions (CDFIs) and local philanthropies.

Technical Assistance

To highlight the critical need of real estate technical assistance, the Workgroup leveraged the recent experience of the Reinvestment Fund (TRF) and BARCO staff in working with several artist-owned spaces. Artists in Baltimore place a high priority on preserving artist-owned spaces and on ensuring that artists themselves have agency over their physical space. Few artists have the technical expertise needed to purchase property, ensure space is code-compliant, oversee contractors, or identify financing strategies. Accordingly, the Workgroup recommended the creation of a technical assistance program as well as a central point of contact within City government as a resource for artists with questions on building codes, tenants' rights, and permitting. These positions should work with individual artists and arts organizations on specific issues and projects as well as author a resource guide for artists in Baltimore, perhaps modeled after *Seattle's Cultural Space Handbook*. These two positions should serve as a resource for non-profit and for-profit developers and property owners to better understand the value proposition of having art spaces in their buildings.

Task Force members met with the Association of Baltimore Area Grantmakers (ABAG) arts and community development affinity groups to begin the process of identifying potential philanthropic resources that could fund this technical assistance program and grant applications are underway. Putting these two resources in place would have significant impact on both the success of local artists navigating real estate as well as efforts to attract artists from outside Baltimore.

Funding Structures

Task Force members toured several artist-owned properties, and a few members began working with these owners to assess their safety/code issues and the potential costs of repairs. In addition to technical assistance, it is clear that most of these spaces will need a "soft" source of funding (*i.e.*, flexible or no repayment) for capital improvements. Artists have done impressive work to improve their spaces and adapt them to fit their needs while preserving affordability for themselves and other artists who use the space. However, the only way to preserve that affordability while addressing capital needs such as sprinkler systems, additional exits, and electrical upgrades is to raise a substantial pool of flexible "gap" capital that can fund these expenses without requiring higher rental income to fund significant debt service. This capital pool could be raised through a combination of public and philanthropic sources and could be structured in the form of "soft" loans with flexible repayment terms. Such a pool would require oversight and management which could be provided by a local CDFI.

In addition to recommendations to address the physical needs of existing spaces, the Resources Workgroup discussed the need for other strategies to support artists working and living here in Baltimore. Many of these supports exist already in Baltimore, including micro-loan programs to support small businesses and homebuyer counseling to support homeownership; these programs may just need alternative marketing to ensure that artists and creative entrepreneurs access them. Both of these types of programs can help artists build income and wealth which, in turn, will improve their living and working spaces.

Property Identification and Use

To help identify some potential longer term strategies, the Workgroup used the Artist Space Needs survey, which identified the need for additional performance space as well as studio/work space. The Workgroup recommended that the City consider reuse of a surplus school to meet some of these identified needs. The physical needs of the building, financing resources, identification of a public, non-profit or private operator as well as ongoing operating support should all be part of the feasibility assessment. Other longer term strategies include making strategically located buildings and vacant lots available for artist live/work and performance space where there is a demonstrated need. The City should also consider use of City-owned property such as parks, recreation centers and vacant lots as pop-up spaces for temporary creative placemaking installations and events.

MAYOR'S EXECUTIVE ORDER

As noted in the Codes and Regulatory Issues Workgroup summary above, at the urging of the Task Force, Mayor Pugh issued an Executive Order on April 4, 2017 whose intent was "to avoid displacement of artists to the extent possible during the process of evaluating non-compliant buildings and during the process of rendering such buildings safe and compliant." This Executive Order, which received national attention, empowered the City Housing and Fire Departments to establish abatement and compliance plans between the City and the owners and tenants of existing buildings that do not otherwise comply with Building, Fire and Related Codes or other code requirements, including noncompliant residential, workspace, or live/work uses. Such plans would allow residents to remain in the building if, in the judgment of the Building Official and/or Fire Marshal, after physical inspection and evaluation, the identified hazards or conditions do not represent an imminent threat to life or safety.

The Mayor ordered that abatement and compliance plans take into consideration the following criteria, and any other criteria necessary to protect the life and safety of any occupants and the general public:

- Displacement of any individuals residing or working in the property can only be avoided if remaining in the building poses no imminent threat to life or safety.
- In the event of temporary or permanent relocation, all known tenants and owners shall be provided with information on their rights and duties to comply with local and state laws regarding landlord and tenant relations.
- All Code violations shall be cured within the time prescribed by any violation notice issued for the property and/or the abatement and compliance plan. Priority for repair shall be based on the severity of violation's impact on the safety of the structure. Violation notices shall control over abatement and compliance plans.

The Mayor further ordered that City officials "work in the spirit of cooperation with property owners and tenants to correct code violations." (See [Appendix 1](#) for full text of the Order)

While the Executive Order has not solved all compliance issues, it reflects an important commitment by the Mayor and the City to work cooperatively with stakeholders who own, run, and occupy art spaces in the City, and to avoid displacement wherever safe to do so. To date, key City staff have been working collaboratively with artists, an intermediary, and design and engineering professionals to develop a work plan for bringing properties into legal compliance.

TASK FORCE RECOMMENDATIONS

After consideration of the analysis and recommendations of its three Workgroups, the Task Force developed and now submits the following recommendations:

I. City Support for Artists and Arts Spaces

City government must act in a focused, proactive, and coordinated way to support Baltimore's artists and art space owners and operators in a way that is equitable and inclusive. Accordingly:

- The Mayor should designate a single City staff member who functions as the City's "point person" with respect to issues related to development and support of art spaces.
- The Mayor should create an inter-agency Artspace Resource Team (ARTeam), convened and led by the Mayor's Office and the City's "point person", to help address circumstances where art space projects need to be coordinated with more than one City agency. Relevant City agencies (Housing, Planning, Fire, BDC, etc.) should designate a lead to become an in-house expert and resource for the ARTeam. The ARTeam should first meet to inventory current issues and art spaces now in need of assistance, and then meet as necessary (but at least monthly) to maintain a working list of issues to be addressed and art spaces in need of specific coordination and/or assistance. The existence of the ARTeam, any systemic issues it diagnoses and addresses, and its successes with art spaces, should be well-publicized to encourage others to engage with and rely on it. The ARTeam must also include or engage stakeholders from the artist and art space communities to provide a direct link to these constituents.
- The ARTeam should work with the Artspace TA program providers (recommended below) to develop and publish a protocol that builds on the Mayor's April 4, 2017 Executive Order directing City agency response to DIY artist spaces, both those reported through 311 and those that come forward voluntarily.

II. Technical Assistance for Artists and Art Spaces

The Task Force quickly identified a pressing need for high-quality, readily-available technical assistance to artists and art space developers, owners, and operators to navigate a complex regulatory environment. The following technical assistance resources are essential:

- The Mayor should fund or seek third-party funding for an Artspace Technical Assistance (TA) program that would be run independent of City government to provide advice and assistance both to artists and to art space developers, owners, and operators. The Artspace TA program providers would advise both artists and art space owners and operators on developing safe and code-compliant arts-based projects. Services should include helping artists and art space developers, owners, and operators:

- Develop initial architectural plans that are code-compliant and a budget for related improvements;
- Navigate the City approval and regulatory process including permitting and code enforcement, life safety, and zoning;
- Identify funding sources for improvements; and
- Provide coaching on grant writing and loan applications.
- The Artspace TA program providers should work closely with the ARTeam and Mayor's "point person" to:
 - Create a public education campaign in collaboration with artists to provide awareness and enhance understanding about the ways artists can make their spaces safer and why it is important to do so. It should include technical assistance workshops in areas throughout the city, a how-to guide and safety checklist, and outreach materials, and should engage artists to develop outreach tools to reach other artists;
 - Identify funding to offer immediate safety tools and assistance, such as smoke and CO detectors, fire extinguishers, and CPR classes;
 - Develop technical assistance workshops that can be offered in areas throughout the city;
 - Identify resources and referrals such as electricians, plumbers, and other trades, and also recruit trades people who may be willing to provide discounted services under an "Electricians (or plumbers) for the Arts" concept;
 - As noted above, work with the City to develop and publish a protocol that builds on the Mayor's Executive Order for City response to DIY artist spaces;
 - Work with the City and other stakeholders to identify and secure funding for capital improvements for art space projects; and
 - Partner with the local chapter of the American Institute of Architects and Baltimore Heritage to provide training for code and design professionals in the use of the International Existing Building Code.
- TA providers must have or be given the resources to retain professional service providers, such as architects and engineers, to provide direct assistance to art space projects.
- TA providers should have a track record of professional expertise in the development of art spaces and strong working relationships with government agencies, as well as a history of connections to artists and experience working with underserved communities, as well as demonstrated accountability to the artist community.

III. Promote and Link Artists to Existing and Available Spaces

While additional art spaces are clearly needed, connecting artists to existing and available spaces that are underutilized is a short-term strategy to meet unmet needs. Strategies include:

- Promoting wider use of SpaceFinder Baltimore, managed by the Greater Baltimore Cultural Alliance (GBCA), a searchable database for shorter-term leases that helps artists and venues find one another. The tool is currently used for shorter-term leases but provides immediate relief for rehearsal, performance, exhibition, and workspace. The program would benefit from additional marketing support to increase the size and usage of the database. It is already implemented and venues are reporting multiple bookings and a high degree of confidence. Spacefinder is also useful for touring artists interested in performing in Baltimore.
- Investing financially in area non-profit organizations that currently provide space or connections to art spaces, including but not limited to BOPA, Station North Arts and Entertainment District, or GBCA's Art in Sacred Places program, links organizations, artists, or collectives that are in search of a home with congregations that have available space. Offering rentals provides congregations with income, and artists with below-market-rate space.

IV. Code and Regulatory Changes

The following modest changes to the City's existing regulatory environment would have a significant positive impact on art spaces:

- Amend the new Transform Baltimore Zoning Code to remove a barrier to the creation of mixed-use art space, combining arts studio and/or gallery space with communal housing for artists.
- Utilize the City's code modification request process to remove another barrier to communal occupancy. The current code classifies communal housing use as a certain residential classification that limits occupancy to 8 occupants. While the City has adopted numerous provisions from the model International Building Code (IBC), it does not appear to have adopted a provision that would directly address this problem. Allowing a code modification request for arts-based projects would facilitate development of desirable communal housing.
- Develop and maintain a Code Modification Database to allow design professionals and the public to search code modification requests that have previously been granted by the City for existing buildings.

V. Use of City-Owned Property

The City should build on its successful track record of making vacant or underutilized spaces available as art spaces, as it has done previously. Recommendations include:

- Use strategically-located property owned by the City both to serve art space needs and to invigorate and stabilize existing communities. The City should develop a business plan to make City-owned property, including both existing buildings and vacant parcels, available as potential venues for arts live/work/performance spaces so long as they can be financially stable upon disposition and development. The City should also look for opportunities to use the expanding receivership capability of One House at a Time (OHAAT) to pursue properties which are especially suitable for arts-related uses.
- Work with the City's inter-agency Surplus Schools Task Force to assess the inventory of school facilities coming off-line through the 21st Century Schools initiative for potential re-use as permanent art spaces, and identify at least one school facility for near-term reuse. These school buildings, which have historically been community anchors, have the potential to be adaptively reused as spaces for artist living, working, and performing, so they may continue to serve as community resources with 24/7 vibrancy, contributing to community vitality and safety. Identifying potential public, non-profit or private operators and any required operating support should be part of the feasibility assessment.
- In addition to long-term disposition of City property for art space use, the City should also evaluate and promote other City-owned property, such as parks, recreation centers, and other interesting spaces, as "pop-up" spaces for temporary installations and arts uses. This has been successfully piloted by BDC with the Current Gallery space in the Bromo District and could be expanded to other City-owned buildings.

VI. Privately-Owned Real Estate Opportunities

- Privately-owned but underutilized property presents an equally-valuable resource and opportunity for creation of art spaces. The City should work with owners, developers, and commercial real estate brokers to identify potential art space sites, especially in under-utilized industrial areas and along commercial corridors, and conduct practical feasibility analysis on arts-related uses in promising sites.

VII. Funding

The Mayor's point person, the ARTeam, and the Artspace TA providers should convene relevant funders (including businesses, non-profit organizations, lenders, and CDFIs) to:

- Identify a sustainable, non-governmental, funding source for the Artspace Technical Assistance program providers described above, to supplement the City's own financial commitment, and otherwise support the technical assistance recommendations of the Task Force. Local philanthropies who have expressed some interest in providing this kind of funding should be included immediately in further discussions.
- Establish a substantial pool of capital to serve as a funding source for existing art spaces in need of "gap" funding to meet code requirements or make essential improvements. Special care should be taken to ensure that funds are made available in an equitable

manner and are available to African-American artists, Latino artists, and other artists of color. A relatively modest investment of capital, in the form of "soft" loans (below market, flexible terms), may make the difference between an art space remaining open or being forced to close. Both public and private sources should be pursued, including funding from the City, State, and private/philanthropic funders. Guaranties by philanthropies which facilitate lending by others should also be utilized. If sufficient, such funds could also be used as financing for more substantial new project development, in conjunction with other funding sources such as debt and tax credit equity. The Artspace TA providers should also provide technical assistance to help artists and art spaces access such capital needs, such as by providing coaching in grant-writing and loan applications.

- Better deploy and, as necessary, develop and enhance micro-loan programs to provide low-interest loans to arts organizations and artists to address the gaps in traditional lending markets for working capital, inventory and supplies, machinery and equipment, and technology.
- Identify funds to accelerate the Art in Sacred Places initiative and other non-profit initiatives that connect artists to or provide art spaces.
- Partner with organizations such as Neighborhood Housing Services to provide technical assistance and access to residential loans for artists interested in homeownership and city residency who may otherwise have difficulty qualifying for traditional financing.

VIII. Arts & Entertainment District Enhancement

In 2015, the Baltimore Office of Promotion and The Arts (BOPA), Baltimore's A&E District managers, and community stakeholders produced a report for the previous Mayor, identifying opportunities to strengthen existing legislation, policy initiatives, and financial incentives as they relate to the Arts & Entertainment District program. Many of the previous recommendations are applicable to the work of the Task Force and they are reiterated and updated below:

- Establish annual general operating support to each of Baltimore's A&E Districts. BOPA submitted proposals for FY17 & FY18, as part of the city's annual budget process.
- Working with A&E Districts statewide, (i) redefine and expand the definition of 'qualifying artists', to make the designation more inclusive, beneficial and useful, and (ii) amend the "artistic work" definition for the income tax benefits to include industry-oriented and industry-specific production from businesses and microenterprises.
- Explore creation of a "sweat equity" incentive to build more workforce-level homeownership in the existing A&E Districts, i.e. ownership housing attainable for lower-income households. As a model, Peoples' Self-Help Housing, serving the

Central California coast, has built nearly 1,200 "sweat equity" homes and over 1,700 affordable rental units.

- The City should offer purchase-money mortgages for the acquisition of City-owned properties located within the A&E boundaries, with flexible terms including partial forgiveness if the property meets certain requirements, such as lease stabilization by the year projected in proposal, and continued use as a primarily arts-based operation.
- BDC should enhance its Façade Improvement Program within the A&E Districts, by providing grants without a "matching funds" requirement to eligible arts-based businesses for desired or City-required façade improvements on buildings. If/when matches are required, BDC should allow grant matching funds to come from non-owner sources for any commercial lessee within the A&E Districts, allowing ground floor businesses to combine a BDC façade improvement grant with other grants such as a State DHCD grant or a Downtown Partnership grant.
- BDC should create an "emergency grant" program for immediate remediation of HCD violations within the existing A&E Districts, where the violations fit within the scope of the citywide façade improvement program.
- The City should facilitate providing real estate finance and credit analysis training to any microenterprise or small business operating in the existing A&E Districts. The National Development Council is a proven trainer of finance novices, and can do this with underwriting support.
- Explore the addition of tax credits that are specific to the A&E Districts, such as a credit that would freeze a property owner's tax payments on the condition that residential and commercial rents meet affordable standards and accommodate existing tenants.
- Once secure funding is in place to support the necessary staffing for existing A&E Districts, the City should consider applying to create additional A&E Districts, such as in and around Pennsylvania and North Avenues. That historic center of African-American arts and culture badly needs investment of all types, and facilitating new investment through the arts is a natural fit. The City would also benefit from a designated A&E District in an important, historically African-American, community.

Appendix 1

MAYOR'S EXECUTIVE ORDER

Safe Art Spaces

April 4, 2017

Securing the Safety of Non- Compliant Artists' Spaces While Avoiding Displacement

WHEREAS, it is necessary to implement measures and establish procedures to ensure that the workspaces, property and other assets of Baltimore City artists are protected if located in buildings that are in the process of being brought into compliance with the City's Building, Fire and Related Codes.

WHEREAS, it is the intent of this Order to avoid displacement of artists to the extent possible during the process of evaluating non-compliant buildings and during the process of rendering such buildings safe and compliant.

NOW, THEREFORE, I, CATHERINE E. PUGH, MAYOR OF THE CITY OF BALTIMORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CHARTER OF BALTIMORE CITY, DO HEREBY PROMULGATE THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

- In furtherance of the policy to provide safe spaces for artists to live and work, the Building Official and/or Fire Marshal may establish abatement and compliance plans between the City and the owners and tenants of existing buildings that do not otherwise comply with Building, Fire and Related Codes or other Code requirements, including noncompliant residential, workspace, or live/work uses. Abatement and compliance plans may only allow residents to remain in the building, if, in the judgment of the Building Official and/or Fire Marshal, after physical inspection and evaluation, the identified hazards or conditions do not represent an imminent threat to life or safety.
- An abatement and compliance plan shall take into consideration, the following criteria and any other criteria necessary to protect the life and safety of any occupants and the general public:
 - Displacement of any individuals residing or working in the property can only be avoided if remaining in the building poses no imminent threat to life or safety.
 - In the event of temporary or permanent relocation, all known tenants and owners shall be provided with information on their rights and duties to comply with local and state laws regarding landlord and tenant relations.
 - All Code violations shall be cured within the time prescribed by any violation notice issued for the property and/or the abatement and compliance plan. Priority for repair shall be based on the severity of violation's impact on the safety of the structure. Violation notices shall control over abatement and compliance plans.
- City Officials will work in the spirit of cooperation with property owners and tenants to correct code violations.


Appendix 2

Safe Space Checklist

Safe Spaces

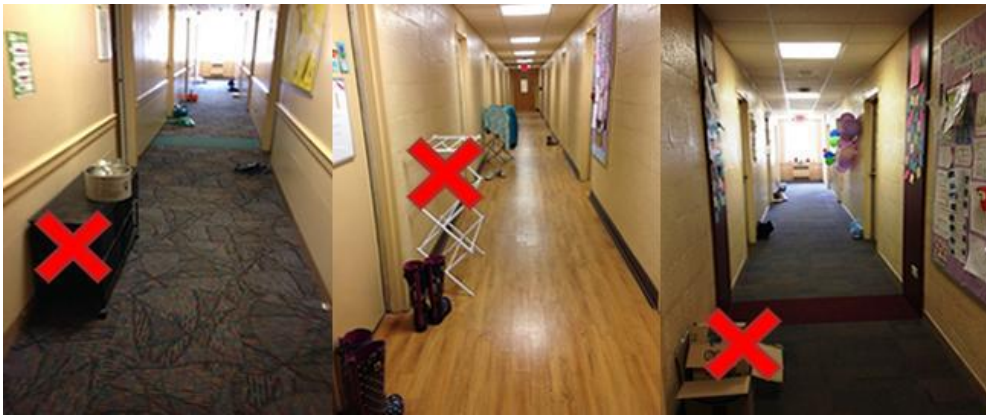
Below are general recommendations for common life safety issues that arise in existing buildings that should be addressed and maintained by property owners in order to ensure a safe environment. Ensuring your building complies with this list does not guarantee that your building or space is fully code compliant. Owners should complete a detailed Code Analysis along with a prioritized repair and improvement plan for buildings to ensure code compliance.

General

1. Provide fire evacuation diagrams for each floor to be posted in stairwells lobbies, and floor landings as a guide. Each building must also have a current and approved fire evacuation and preparedness plan that includes key elements such as paths to exits, sprinkler rooms, pulls stations, fire extinguishers and elevator control rooms, and electrical rooms.
- 
2. Create a program for tenants to be trained as fire wardens for each floor and State certified as crowd safety managers for events involving 50 or more individuals. Any event of 49 or more people must be properly permitted by the City and may require additional fire-safety measures.
 3. Create a tenant/user video describing principles and fire & life safety, case studies of recent disasters, and guidelines for electrical and assembly usage.
 4. Document, post and archive all permits approvals and inspections from City and State for systems and occupancies.
 5. Consider prohibiting any events of 49 or more people on upper floors.

Public Exit Corridors, Stairways and Lobbies

1. From the public lobbies and corridors, maintain clear egress access and egress pathways all the way to the Public Right of Way from exit access and exits in the public domain and common areas. Remove all obstacles and maintain continuity of width. Minimum dimension is 44". Provide markings on the floor where any confusion exists.



Remove all objects and clutter from egress corridors

2. Dead end corridors are not allowed greater than 20' in non-sprinklered buildings and 50' in sprinklered buildings.
3. Mark steps with self-luminous materials, if necessary.
4. Insure path of egress has emergency illumination.
5. Insure there is illumination at the point of exit discharge to the public way.
6. Insure pull stations are accessible to tenants and standpipe connections are accessible and maintained for fire department connection.



All exits need proper emergency exit and lighting.



Pull station

7. Insure Fire Extinguishers are provided at every floor and public lobby (NFPA 10) not greater than 75' between extinguishers.
8. Insure fire escape is functioning and code compliant.
9. Remove any dead bolts to stairwells from corridors and on any exit doors.
10. All exit doors leading to fire escape must be equipped with code compliant doors and panic door hardware.
11. Insure existing stairwells have a 2 hour fire separation.



Proper egress door with emergency lighting, signage and panic hardware.

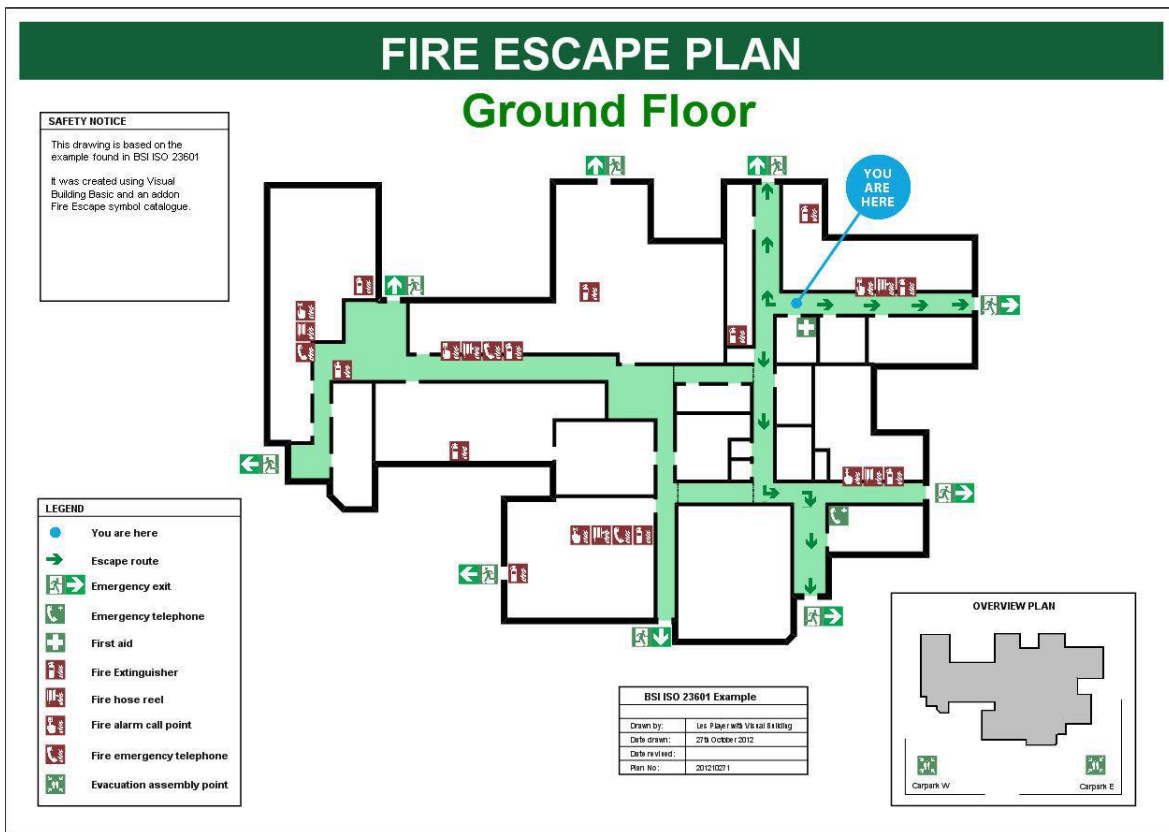
Live/Work Units

1. Maintain clear path to exits.
2. Large live/work units (1,000 sf or greater) that are used as gallery space (Assembly A-2) with an occupancy use of 50 or more require two means of egress. These areas will need appropriate panic door hardware.
3. Smoke Detection in the live work areas should be according to IBC 907 and NFPA 101 (Life Safety Code).
4. Insure all units have visible exit signs and provide additional exit signs as needed so that the path to exit is visible from each space.

Electrical

1. Monitor tenant conditions for unsafe or overloaded convenience outlets, dangerous wiring and extension cords, usage, unsafe lighting or equipment, and exposed wiring.
2. Check safety of secondary service panels and circuit components and connections. Separate them from tenant access.
3. Ensure the primary electrical service is code compliant, with appropriate working conditions and closets.
4. The electrical service should be reviewed and evaluated to ensure it meets the maximum number of disconnects rule in NEC 230.71.
5. Panels should be evaluated for fire safety.
6. Check meter boxes, electrical panels, and junction boxes.

Sample Evacuation Plan



Appendix 3

Artists Space Survey

Artist Space Needs Workgroup

A subcommittee of Baltimore City Mayor Catherine Pugh's
Safe Arts Space Task Force



Background

The Artist Space Needs Workgroup was charged with assessing the current needs of the arts community in the context of space needs.

Our methods of data collection include survey, interview and upcoming artist participation in public listening session provided by the taskforce.

Survey Results at a Glance

Who responded?

62% of respondents were white-38% People of color

32% of respondents were 40 years old or older

68% of respondents were visual artists

65% of respondents live in north/central Baltimore

50% of respondents work in arts districts but over a third of respondents didn't know the answer to this question.

Findings

Permanent Studio and/or Practice space is the most significant need, followed by performance or gallery space, and then living/work space.

Currently 37% of respondents report they pay less than \$100 per month for studio and/or practice space. 70% pay less than \$700 per month and have 24 hour access to space.

Current spaces require accommodation to meet art needs, especially soundproofing.

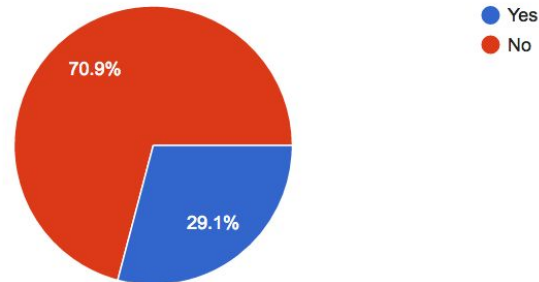
80% of respondents are interested in purchasing a home or workspace

Need for immediate access to safety support is high but the largest response was additional square footage.

Opportunity: Increase access to event space

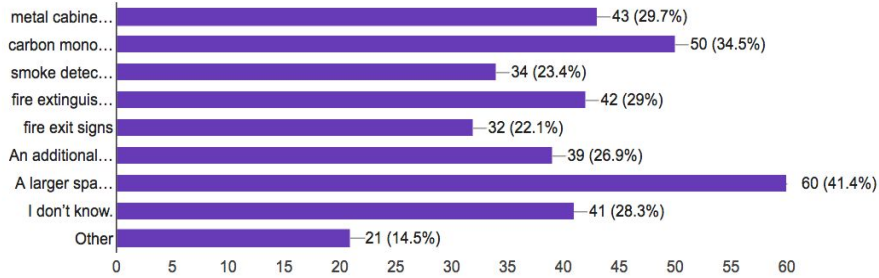
Do you have access to or operate an events space (gallery, venue, or space for parties)?

(213 responses)

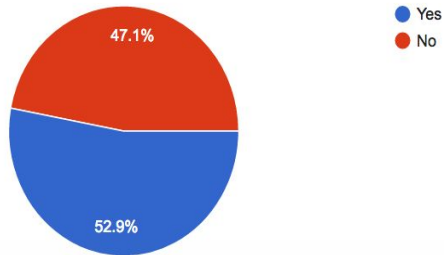


What would you need to improve the safety of any spaces you currently use?

(145 responses)



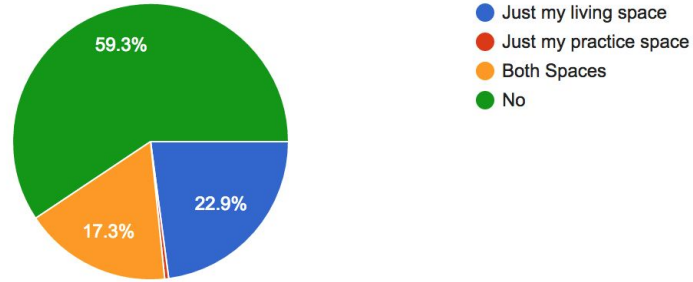
Do you know if your event space is up to code? (136 responses)



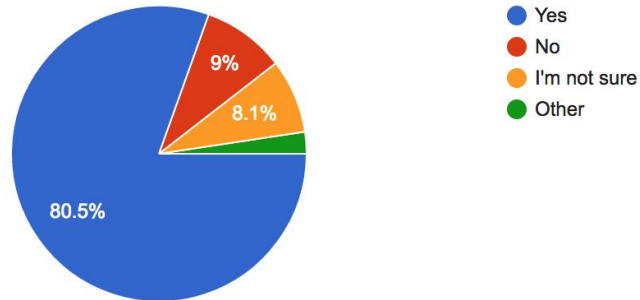
Opportunity: Help
invest in low cost
safety interventions

Opportunity: Incentives

Do you own your home or your practice space? (214 responses)



Does the idea of home or space ownership interest you? (210 responses)



Preliminary Workgroup Recommendations

- Focus on securing safety of existing event spaces as a first step**
- Identify other solutions that can be efficiently engaged (e.g. Making a Home for Art in Sacred Places)**
- Increase organized access to basic safety equipment (e.g. smoke alarms, fire extinguishers, etc.) and training**
- Create a system for navigating codes and regulations (e.g. Ombudsman)**
- Consider solutions developed here as having application to housing and space needs of the broader community**