

From: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)

To: ["Direct to Mayor and Council - DL"](#)

Date: 11/10/2021 2:08:21 PM

Subject: Vancouver Biennale Public Art Project "Voxel Bridge" Update

Attachments: Memo - Vancouver Biennale Public Art Project "Voxel Bridge" Update.pdf

Dear Mayor and Council,

Please see the attached memo from Sandra Singh and Lon LaClaire. A short summary of the memo is as follows:

- On Friday, Oct. 22, City staff sent to Vancouver Biennale (VB) staff a report of damage to *Voxel Bridge*, a temporary installation of printed vinyl installed by VB on the underside of the south end of the Cambie Bridge, including on the walk and bikeway underneath the bridge.
- On Saturday, Oct. 23, an event was held by the Vancouver Board of Parks and Recreation as part of engagement for their Skateboard Amenities Strategy under the bridge, at the site of the art installation.
- VB staff subsequently wrote to the City claiming significant damages to the artwork as a result of City actions, and requesting compensation.
- City and Parks staff visited the site and surveyed damage to the artwork, and noted that damage was primarily on areas where the concrete path is finished with exposed aggregate, and not concentrated in areas where the skateboarding event took place. Staff presume that the exposed aggregate prevented the vinyl from adhering in a durable way and that the visible damage to the artwork is a result of the rough surface and typical use within the corridor.
- In general, the public space under the Cambie Bridge is a busy walking and cycling corridor, and with recent City efforts to create weather protected spaces for people to enjoy during wet seasons, additional uses have been found for this space, including the skateboarding engagement event and other activations.
- The City's agreement with VB allows for their non-exclusive use of the space, preserving the ability to program other uses in the space. The agreement further releases the City from claims made in relation to the temporary installation.
- As such, the City has no obligation to restore or fund maintenance of *Voxel Bridge*.

If you have any questions, please feel free to contact Sandra Singh at sandra.singh@vancouver.ca or Lon LaClaire at lon.laclaire@vancouver.ca.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
paul.mochrie@vancouver.ca



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the x^wməθk^wəyəm (Musqueam), Skwxwú7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations.

MEMORANDUM

November 10, 2021

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Karen Levitt, Deputy City Manager
Katrina Leckovic, City Clerk
Lynda Graves, Administration Services Manager, City Manager's Office
Maria Pontikis, Director, Civic Engagement and Communications
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Branislav Henselmann, Managing Director, Arts, Culture & Community Services

FROM: Sandra Singh, General Manager, Arts, Culture & Community Services
Lon LaClaire, General Manager, Engineering Services

SUBJECT: Vancouver Biennale Public Art Project "Voxel Bridge" Update

RTS #: N/A

This memo provides an update on the discussions with Vancouver Biennale regarding the space under the south side of the Cambie Bridge that is the location of the current *Voxel Bridge* installation. The corridor is a busy area that sees many varying uses, including the art installation and a recent Park Board led event. Vancouver Biennale has been in contact with staff regarding concerns relating to uses of this space and its impact on the installation.

Background

Vancouver International Open Spaces Sculpture Biennale (VB) is a non-profit organization that exhibits and markets for sale art in public space across the Lower Mainland and other Canadian cities. Historically, most installations were sited in parks, but in recent years VB has focused on projects for City land. In 2021, three art projects have been installed including the two year, temporary *Voxel Bridge* by Jessica Angel located under the Cambie Bridge.

Approach to Temporary Installations

Voxel Bridge was permitted through the current City working process for temporary installations: After an initial inquiry, City staff at Engineering Services, with support from Arts, Culture &

Community Services, perform a technical review of the project and the proposed site, and work with the organization to develop the proposal and collect additional information on the project. No fees are charged by the City for this application and review process. The City does not currently review the organization's commissioning methods, funding, or financial arrangements. A successful process leads to issuance of a license agreement with conditions concerning regular inspection and maintenance by the sponsoring organization, specifying a date of removal, and spelling out other responsibilities.

About the Voxel Bridge Installation

The initial art proposal to paint the Cambie Bridge was reviewed by varying groups within Arts, Culture & Community Services and Engineering Services, including detailed discussions regarding this immersive style of art that includes material applications on significant infrastructure and the common pedestrian spaces. As paint on the unpainted concrete underside of the bridge would be an irreversible alteration of the bridge, the project shifted to applied printed vinyl. Tests were made to ensure the vinyl could be safely installed and removed without damage to the bridge. The durability of the material was assessed, but only over a short period of time (approximately two weeks).

The art piece was installed in September of this year with a standard signed license agreement that includes clauses that clarify for the licensee that the license was for a non-exclusive use of the space and the usual indemnifications of the City of liability for any damage to the artwork

The space under the Cambie Bridge is recognized to be a busy walking and cycling corridor. With recent efforts to create outdoor spaces for people to enjoy that are protected from weather, the City has seen additional uses, including the Park Board's recent pop-up skateboarding event and other activations. These opportunities to activate our spaces offer positive experiences for the community, especially for families and youth trying to stay connected and active during the winter months.

Discussion

Damage to Voxel Bridge Installation

On Friday, October 22, City staff notified VB of a report of damage to *Voxel Bridge*. VB staff visited the site and wrote to the City claiming significant damage was caused by City trucks accessing litter cans and by a temporary event held Saturday, October 23 as a part of engagement for the Park Board's Skateboard Amenities Strategy.

The event was permitted through the City's Film and Special Events Office, and staff had discussed the presence of the art installation with the event organizer (Park Board) in advance of the event.

Following the VB notification relating to damage claims, staff from several departments visited the site to examine the area. Staff assessed that some areas of vinyl had torn free of the walkway/bikeway, but not concentrated to where the skateboarding event was held. Rather, the damage was primarily where the concrete surface is finished with exposed aggregate as opposed to broom-finished. The uneven surface appears to prevent the vinyl from adhering in a

durable way. Additionally, staff confirmed that Sanitation crews do not drive into the space for litter can collection as this had been raised as an earlier concern by VB. The visible damage to the artwork seems to result from the inability of the vinyl to adhere securely to the rough surface of the noted surface areas and thus withstand the typical use within the corridor.

VB Claims for Damages

The space under the Cambie Bridge has historically been and is intentionally used for varying events and activations. The City has re-reviewed the license agreement to install *Voxel Bridge* in the space, which includes the standard specific clauses relating to this being a non-exclusive use of the space to enable diverse uses to continue, and indemnifying the City from claims related to the installation. In signing the agreement, the VB agreed to these terms. Accordingly, the City has no obligations to fund maintenance or repairs of the temporary installation and is not responsible for indirect or consequential damages.

The remainder of the license agreement and its clauses related to this claim was communicated to VB in a letter from Engineering Services on November 5. The VB disputes the agreement and continues to claim the City has an obligation to cover the costs of repair to the installation.

Next Steps

As mentioned in a Council memo from June 30, VB installations are currently permitted by the City on a case-by-case basis, in advance of the planned creation of a City policy on temporary projects.

While the agreement between the City and VB for the installation of *Voxel Bridge* is clear, a consistent and transparent process for reviewing temporary installations and associated license agreements with licensees, including the potential introduction of panel reviews, licensee insurance requirements and other forms of financial security, may help to reduce the City's exposure to monetary claims around these installations, reinforce for licensees their obligations under these agreements, and align City priorities with its support for temporary installations

In the interim, staff have maintained a temporary pause of consideration of new regular proposals for temporary public art installations on City property until such a policy can be developed. Staff will continue to work on proposals currently in process, including VB's proposed installation of Chen Wenling's "Boy with a Shark," but will pause intake of new proposals barring exceptional circumstances (such as the temporary commemorations of Indigenous Residential Schools placed in several sites this summer). In continuing to consider the projects currently in the process, staff will take special care moving forward to both highlight for the VB and any other organizations seeking to implement such installations the clauses in the agreement related to non-exclusive use and indemnification and will also consider the appropriateness of installations in light of the need to support diverse public uses.

Final Remarks

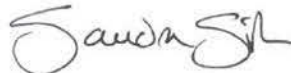
Public art plays an important role in the life of the City integrating the work of artists into the public realm and thus daily life elicits important reflections of the complexities of place, public and culture.

City staff commit to move forward in developing a policy that gives organizations a clear and transparent process and guidelines for bringing artists' works into the public realm, without creating additional obligations on limited public funding.

If you have any questions please do not hesitate to contact us directly.



Lon LaClaire, M.Eng., P.Eng.
General Manager, Engineering Services
604.873.7336 | lon.laclaire@vancouver.ca



Sandra Singh
General Manager,
Arts, Culture and Community Services
604.871.6858 | sandra.singh@vancouver.c