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To: **"Direct to Mayor and Council - DL"**

Date: 7/11/2022 2:53:31 PM

Subject: **Council Memo - Turning Construction Hoarding into a Canvas for Public Art in Vancouver (RTS #14437)**

Attachments: **ACCS-ENG - GM & DGM - Memo (Council) - Response to Motion - Turning Construction Hoarding into a Canvas for Public Art in Vancouver (2022-07-11).pdf**

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Dear Mayor and Council,

Please find attached a memo from the General Manager of ACCS, Sandra Singh and Deputy General Manager, Strategy and Integrated Planning, Engineering Services, Margaret Wittgens, that provides an update Response to Council Motion, "Turning Construction Hoarding into a Canvas for Public Art in Vancouver" (RTS # 14437). Key points include:

- ☐ The memo outlines staff work to date, including a jurisdictional scan of best practices, and next steps.
- ☐ The work has identified issues that need further study, specifically how to address artist compensation and the physical and cultural safety of artists.
- ☐ Further work is needed to determine how to enable murals in a way that is not resource-intensive and is aligned with the City's goals to support its arts and culture community.

If you have any questions, please email Sandra or Margaret directly and they will ensure questions are responded to through the weekly Q&A.

Best,  
Paul

**Paul Mochrie** (he/him)  
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Sḵwx̱w̱ú7mesh (Squamish), and səliłwətaʔ (Tsleil-Waututh) Nations.

## MEMORANDUM

July 11, 2022

TO: Mayor & Council

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

FROM: Sandra Singh, General Manager, Arts, Culture and Community Services  
Margaret Wittgens, Deputy General Manager, Strategy and Integrated Planning,  
Engineering Services

SUBJECT: Response to Council Motion, "Turning Construction Hoarding into a Canvas for Public Art in Vancouver"

RTS #: 14437

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### PURPOSE

The purpose of this memo is to provide an update on work related to Council's motion from March 31 2021, "Turning Construction Hoarding into a Canvas for Public Art in Vancouver". The memo outlines staff work to date, including a jurisdictional scan of best practices, and next steps.

### BACKGROUND

#### Context

On September 10, 2019, Council unanimously approved *Culture|Shift: Blanketing the City in Arts and Culture*, a 10 year culture plan. *Culture|Shift's* development centred equity-oriented engagement approaches to support a more diverse cultural sector. Directions included

prioritising artist-led initiatives, equitable and accessible leadership, and organisational practices, and community-led projects to prevent displacement.

Starting in early 2020, the Covid-19 pandemic had a disproportionately adverse effect on the arts and cultural sector, causing sustained challenges for artists to deliver their programs, connect with their communities and audiences, and plan for the future. Notably, Indigenous, Black and racialized artists were particularly negatively affected due to pre-existing structural and systemic barriers<sup>1</sup>.

City staff started reprioritising and redeploying existing resources in response to the pandemic as soon as spring of 2020. Accordingly, Cultural Services worked with Council to expedite funding and repurpose grants to allow 103 non-profits to adapt and deliver programs and services, and the Public Art Program expanded its Platforms program and commissioned over 60 artists to create temporary 2D public artworks for billboards and digital screens across town.

### Overview

As part of recovery efforts, on March 31, 2021, Council directed staff to explore options for requiring the use of portions of construction hoarding for murals. Specifically, the intent of the motion was to explore availability of new spaces for local artists and arts organisations, as a further attempt to support Covid-19 recovery for artists and the arts and cultural sector.

In early 2022, Cultural Services assumed responsibility for responding to the Council motion related to construction hoardings, alongside related work on developing a Temporary Projects Public Art Policy, a review of the Private Sector program, and a City-wide Commemoration Framework.

To respond to the motion, staff reviewed existing by-laws and administrative procedures, staffing and resource capacity, several case studies, and best practices in artist compensation, equitable policies, and cultural safety.

### Existing By-Laws and Permitting Processes

Currently, hoarding installations primarily fall under the Street and Traffic By-law administered by Engineering Services' Development and Major Projects Branch, which provides regulation related to street use, traffic management, and community safety. Hoardings to protect pedestrians are required for all construction sites that are set back less than 10' from the property line and more than one story tall. There are approximately 250 active major development construction sites per year; approximately 100 hoarding applications are submitted annually to Engineering Services, Development and Major Projects Branch, and take up to two weeks to process.

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<sup>1</sup> Research in 2021 for Sector Equity for Anti-Racism in the Arts (SEARA) found systemic disparities which lead to fewer funding opportunities, lower wages, and fewer leadership opportunities in arts institutions in B.C. These were exacerbated by COVID-19. Of SEARA's BIPOC applicants, 84% were low income prior to COVID-19 (gross income less than \$38k), and more than half had less than 50% of their annual income come from their art practice.

The hoarding at each site is typically in place for 1-2 years. The named permit applicant, typically the prime contractor, is responsible for all safety aspects with respect to the installation and adherence with Worksafe BC legislation. Signage on hoardings falls under the Sign Bylaw, but art on hoardings does not, and is not reviewed by other branches like the Mural Support Program or Cultural Services' Public Art office. To date, only printed works have been approved; no painted murals have been permitted on hoardings through this program. (Though in the early days of the pandemic, many murals were painted on boarded-up storefront windows, considered as temporary hoardings.) No change to by-law would be required to implement a policy, but details of how a new policy would be implemented have yet to be determined.

Notably, in July 2021, Engineering Services updated the fee schedule for the Street and Traffic By-Law, to better reflect street typology and the hierarchy of users of Street (pedestrians, cyclists, transit, goods movement, vehicles, etc); those changes took effect January 1 2022 and the industry is still adjusting to those changes.

### Existing Mural Program

Currently, the City's Mural Support Program, managed by the Integrated Graffiti Management Program in Engineering Services, supports murals on private buildings, as well as murals on streets, to enhance the public realm and offer opportunities for artistic and cultural expression. The program helps applicants with permits, and offers in-kind support such as free paint and supplies.

Integrated Graffiti Management Program's standard review process for murals does not assess murals for artistic merit nor does it have mechanisms to address artist compensation, safety, or equity.

As such, in previous years, Cultural Services' Public Art program and the Integrated Graffiti Management Program have partnered on artist calls – for example in 2019 an Indigenous Artist call, Chinatown Artist call, and a Hogan's Alley Artist call – to support artists from equity-denied communities and increase their representation in the public realm. Artist calls are very resource intensive, however, and were paused during COVID-19 due to staff and budget constraints.

### Case Studies Review

#### *City of Toronto*<sup>2,3,4</sup>

Since 2015, the City of Toronto has charged a per-meter fee for signage on construction hoardings (funding other public artworks) and required at least 50 per cent of the surface area of hoardings to be used for art. City staff do not direct and exercise very light oversight over the program, and thus have little ability to ensure artist compensation or ensure safe and equitable practices. Developers are free to source artists themselves or work with an organization; most hoardings work is delivered by The Patch Project, a business that contacts developers of new

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<sup>2</sup> <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.6>

<sup>3</sup> <https://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-70295.pdf>

<sup>4</sup> <https://www.toronto.ca/legdocs/bylaws/2014/law1052.pdf>

buildings to inform them of the requirement and works with them to place art onto construction hoardings.<sup>5</sup> The majority of artworks produced are printed works.<sup>6</sup>

### *City of Sydney*

The City of Sydney's Creative Hoarding program requires developers with construction sites in high traffic areas to cover their hoardings with art (or heritage displays in historic districts or buildings). The City makes available a set of 10 artworks to choose from, created through an open call to artists in the state of New South Wales. The City funds and manages the selection process and pays each artist the equivalent of approximately \$11,000 CAD for up to 20 uses of their artwork. Developers are responsible for all production costs, including printing, installation, and maintenance.<sup>7</sup>

## **DISCUSSION**

### Criteria and initial analysis

Considering the jurisdictional and internal scan, research, and initial engagement, as outlined above, staff have developed the following draft criteria to help evaluate potential approaches to a public art program for hoardings:

1. Can be sufficiently resourced without compromising existing City public art programs and existing Integrated Graffiti Management Program;
2. Supports and empowers local artists: encourages fair compensation and physical and cultural safety of artists;
3. Contributes to public art and advances Culture|Shift goals;
4. Does not contribute to longer permitting times; and
5. Can be supported by the development industry.

The criteria guided a staff evaluation of a full spectrum of options that ranged from a creation of a new, dedicated COV work stream by introducing art on hoardings as a By-Law requirement, accompanied by a set of binding guidelines – an endeavour that would require significant administrative and programmatic support – to making no changes to current approaches and leaving the question to the construction industry and partners, essentially maintaining status quo. Staff further considered the potential for direct and indirect City oversight of a program, as well as hands on or hands-off partnerships with third parties.

Staff have identified four main issues that require further investigation:

#### *1) Support for Artists*

Staff have heard concerns from some artists and from members of the Public Art Committee about a few related topics: artist compensation, artist care and safety, and the extent of mural production city-wide. There have been complaints that artists can be

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<sup>5</sup> <https://www.blogto.com/real-estate-toronto/2018/04/toronto-construction-sites-are-getting-artistic-makeover/>

<sup>6</sup> <https://stepspublicart.org/services/patch-hoarding-exhibits/>

<sup>7</sup> <https://stepspublicart.org/services/patch-hoarding-exhibits/>



unpaid or underpaid relative to hours worked. In addition, because murals are typically painted on-site, this can expose artists to physical risk and in some cases, harassment from passers-by.<sup>8</sup>

There have also been questions about the extensive scale of mural production in Vancouver in comparison to other art forms. Throughout early engagement related to the Commemoration Framework, which will be presented to Council in a briefing format on June 27, members of various cultural communities reported a need for space for their own cultural practices, art forms, and commemorations beyond murals.

## 2) *Resourcing*

The existing Public Art Program and Integrated Graffiti Management Program both have considerable resourcing challenges. There are multiple Council priorities for both programs. Furthermore, Public Art reserves are designated funds, and should not be used to support private initiatives. Limited existing resourcing capacity would make it challenging, for example, for the City to administer a set of binding guidelines for murals on hoarding, as well as murals more generally that could ensure fair artist compensation or more equity-based selection criteria.

## 3) *Public Art*

Previous engagement, including the overarching, in-depth *Culture|Shift* community consultations, as well as the preliminary work on Commemoration Policy, supported by repeated Public Art Committee comments, point to a concern about over-proliferation of murals and an impetus within the field for an expansion of other forms of public art.

## 4) *Development Industry Support*

The development industry in general is concerned about recent and potential fee increases. As such, they are unlikely to be supportive of any additional fees. There may also be practical challenges related to the delays mural painting would have on construction to ensure the safety of artists. Further discussion with the industry is needed.

## **NEXT STEPS**

To address some of the immediate considerations and concerns outlined in this memo, and to advance the art on hoardings motion, in Q4 2022, staff will pursue equity-oriented community engagement with key visual artists, the construction and development industry, BIAs, arts organizations, and neighbourhood community development stakeholders to create guidelines to support best practices for two-dimensional, temporary public art projects on hoardings.

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<sup>8</sup> <https://www.cbc.ca/news/canada/british-columbia/vancouver-mural-artist-gets-back-to-work-after-hateful-attacks-1.5679790>

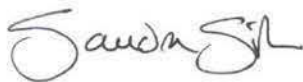
Staff would undertake engagement with the principles of centering and prioritising equity-denied communities in sequence, leadership, decision-making, and funding; to create culturally safer spaces; create reciprocal value for participants, and reduce barriers to participation.

Any resulting guidelines or programs would be designed to address the issues identified above, specifically they would need to address the fair compensation and physical and cultural safety of participating artists; and to secure adequate resources for the work.

## **FINAL REMARKS**

The COVID pandemic has directly harmed artists and arts organizations in Vancouver, and the City's work to shift and prioritize support has only partially mitigated those impacts. While expanded opportunities for artists to make public art may be welcomed by some community members, construction hoarding murals do not fully address community, artist, and arts sector needs and could further perpetuate issues identified by the communities, including inequitable pay and safety concerns particularly of IBPOC and equity-denied artists. If the hoardings are to be pursued as a public art opportunity, it is important to consider how the City can also help encourage best practices that support artists.

If Council has any further questions or needs additional information, please feel free to contact Sandra Singh or Margaret Wittgens directly at [sandra.singh@vancouver.ca](mailto:sandra.singh@vancouver.ca) or [margaret.wittgens@vancouver.ca](mailto:margaret.wittgens@vancouver.ca).



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