

CITY OF VANCOUVER



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POLICY REPORT
CULTURE

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TO: Standing Committee on City Services and Budgets

FROM: Co-Director of the Office of Cultural Affairs,
Policy, Planning and Infrastructure

SUBJECT: Cultural Plan Implementation Phase 1-Public Art Program Revisions and
Plan (Report 3 of 5)

RECOMMENDATIONS

- A. THAT Council adopt a new vision and policy framework for the City's Public Art Programs and Civic Public Art Collection and adopt the revised program goals as outlined in this report.
- B. THAT Council approve revisions to the Civic Public Art Program including:
 - i. Expand public art opportunities including artist-initiated projects, artist residencies, partnerships with curators and others, temporary projects and platforms, and other approaches as set out in this report;
 - ii. Clarify and streamline the administration of the Civic Public Art Program as outlined in this report;
 - iii. Develop overall and local-area public art master plans in conjunction with all public realm, transportation, and interpretive planning processes, with the inclusion of artists on the planning teams;

- iv. Approve in principle phased increases to the City's Public Art Capital Budget up to a base level of \$3 million for three years and instruct staff to submit a funding request to the 2012-2014 Capital Plan process for consideration with other corporate capital expenditure priorities;
- C. THAT Council reaffirm the three streams available to developers under the Private Sector Public Art Program including:
- i. Option A - full participation in the public art process;
 - ii. Option B - payment of 100% of the art budget to the Public Art Reserve for allocation by the Program;
 - iii. Option C - development of artwork to be sited on development lands equal to 60% of the public art budget with 40% paid to the City's Public Art Reserve.
- D. THAT Council approve revisions to the Private Sector Public Art Program including:
- i. Clarify and streamline the administration of the Private Sector Public Art Program as outlined in this report;
 - ii. A one-time adjustment to update the private sector public art budget formula approved by Council in 1990, and henceforth annually index the public art budget formula based on the Vancouver Construction Price Index;
 - iii. Application of the Private Sector Public Art Policy and Guidelines to all rezonings over 100,000 sq. ft., and major projects under zoning where a substantive public benefit is sought, excluding any areas devoted to non-market housing but inclusive of all other uses;
 - iv. Allocation of a minimum of 80% of all Private Sector art budgets to the commissioning, construction and installation of the artwork with up to 18% permitted to be allocated for the developer's project management costs and an assessment equalling 2% paid to the City to be held in the Public Art Reserve and used, subject to Council approval, to offset a portion of City costs to administer the Private Sector Program;
- E. THAT Council direct staff to seek partners to develop and deliver workshop and training opportunities to support capacity-building for artists and public art professionals with a maximum annual civic contribution of \$30,000 (\$15,000 pro-rated for 2008); source of funds to be the unallocated portion of the Cultural Budget;

- F. THAT Council approve two new full time positions within the Cultural Services Department as outlined in Table 1, subject to classification by the General Manager of Human Resources at an estimated annual cost including fringe benefits of \$188,700 (\$62,900 prorated for fiscal 2008), plus a one-time cost of \$6,000 for computers, software, and office equipment; source of funds to be the unallocated portion of the Cultural Budget and thereafter the project management location in the Public Art Capital Budget subject to Council approval of future annual Capital Budgets;
- G. THAT Council approve revised terms of reference, appointment and tenure for the Public Art Committee, along with the draft By-Law outlined in Appendix A consistent with its role in a revised and refocused Public Art Program;
- H. That Council direct staff to complete the Collection Management Policy and Guidelines, including revisions to the donations, deaccessioning, and site-selection guidelines for report back within 6 months;
- I. THAT Council authorize appointment of an ongoing interdepartmental public art staff team comprised of representatives of the Engineering, Planning, Facilities, Parks, Finance, and Cultural Services Departments;
- J. THAT Council direct staff to work with senior governments, public agencies, foundations, corporations and others to advance the public art strategies outlined in this report;
- K. THAT Council refer this report and recommendations to Park Board for consideration and review and:
 - i. Thank Park Board staff for their participation in the Public Art Review and Plan Steering Committee; the review and plan public consultation process; the Public Art Committee; and the Olympic and Paralympic Public Art Program Steering Committee;
 - ii. Encourage Park Board and City staff to undertake joint and collaborative public art development processes on projects in Parks or Park facilities;
 - iii. Request the Park Board and the City to develop complementary policies and procedures where possible.
- L. THAT Council thank the community representatives on the Public Art Advisory Committee and the Public Art Committee for their time and commitment to the Public Art Review process.

CITY MANAGER'S COMMENTS

The City Manager recommends APPROVAL of A through L.

COUNCIL POLICY

The Public Art Program for Civic and Private Development was adopted in 1990; the public art advisory committee by-law was adopted in 1990; revisions to the private sector public art program were adopted in 1994; a budget for civic community projects was established in 1994; and interest-bearing reserves, one to commission artworks and one to maintain artworks sited on public lands, were also adopted that year. No revisions or adjustments to the program have been made since 1994.

In 2006 Council directed staff to conduct the Public Art Review and Plan. The recommendations contained herein are integrated with the implementation strategy of the *Culture Plan for Vancouver, 2008 - 2018*, adopted by Council in January 2008.

SUMMARY AND PURPOSE

This report identifies Council's current public art policies, chronicles the development of the Public Art Program, and describes the Public Art Review and Plan process, including consultations with stakeholders, artists, developers, art consultants and the community, leading to the present recommendations.

The recommendations contained in this report seek Council approval to adopt a new public art vision and policy framework to focus and streamline the City's public art processes while expanding opportunities and budgets for civic public art projects city-wide. Similarly, recommended private-sector program revisions include streamlined planning and submission requirements, inflation-adjusted budgets, adjustments to the application threshold in keeping with the finer grain of development likely in the future, fees to offset a portion of City costs, and development agreements to provide opportunities to realize public art in public facilities.

Recommendations on program governance and operations address staffing, a collection management policy, the need for a staff planning team, the need for capacity building in the artist community, the advantage of partnerships with other agencies, and revised terms of reference and appointment for the public art committee.

BACKGROUND

The Public Art Program incorporates contemporary art practices into planning and development processes under civic jurisdiction. It supports art-making of many kinds, from single-artist commissions to artist collaborations with engineers, designers, and communities. It aims to provide for the creation of art that expresses the spirit, values, visions, and poetry of place that collectively define Vancouver.

The Program began in 1986 when staff and a committee of citizens developed a Donations Policy to review gifts offered by national pavilions at the close of Expo 86. Planning for the routine incorporation of art into public places began in 1987, leading to the adoption, in 1990, of the Public Art Program for Civic and Private Development. The original citizens committee was formalized as a Public Art Advisory Committee in 1991, and Program revisions, in 1994, clarified the private sector process, provided a

budget for community projects, and established public art reserves to fund projects and artwork maintenance. The Program operates across City, Park Board, and private-development sectors, led by a program manager in the Office of Cultural Affairs.

The first artworks produced by the Civic Program were installed at bridges over Grandview Cut in 1993. Private-sector artwork began to appear in Yaletown in 1994. Thirty-six significant and several smaller commissions have appeared since, mainly in association with private developments, and many others have been sited in neighbourhood settings. Since Program adoption in 1990, all participants have gained experience and expertise in the complex task of developing art for public places.

The public art program adopted in 1990 was based on programs operating in Toronto, Seattle, and Portland. Like them, it reflected the approaches and practices of their time. These recommended revisions equally reflect today's best practices, but they are also infused by fifteen years of implementation experience, gained not just by staff, but by all participants in the Program. Thus, the recommendations fall into two areas: those that propose expanded approaches to artist participation in planning and development processes, consistent with the overall vision of Vancouver as a creative city; and those that propose adjustments to current program processes that have proven effective over time.

Public Art Review and Plan

In November 2006 a steering committee of senior staff was set up to oversee the first-ever comprehensive Program review. An Advisory Committee consisting of all former Public Art Committee chairs as well as artists, developers, a representative nominated by the Urban Development Institute (UDI), design professionals and other stakeholders was established to provide informed advice from experienced Program participants (committee members are listed in Appendix B).

An RFP was issued and Council approved the award of contract to the firm of Brown and Keener Bressi, in association with Via Partnership and Valerie Otani, artist, to conduct the program review and develop a plan going forward (RFP consultancy terms of reference are on file with the City Clerk).

Public Consultation Process

Between January and May, 2007, the consultants conducted extensive interviews with City and Park Board staff, private sector participants, individual artists, members of the advisory committee, public art consultants, public art committee members, and others. All aspects of the Program—policies, procedures, provisions, operations, budgets, and governance—were reviewed in depth. Except to make introductions and explain the scope of the review, staff did not attend meetings between the stakeholders and the consultants, to ensure frank and open discussions. Many people spoke passionately about the City's Public Art Program and offered ideas for its improvement.

Draft Review recommendations and preliminary findings were presented at general public meetings at Emily Carr University on May 17, 2007, and final recommendations presented for community feedback on May 12, 2008, at the second Creative City

Conversation Day. Input from all stakeholders and advisory committees was added to input from the broader community and is reflected in the final Public Art Review and Plan, an executive summary of which is attached as Appendix C. The full Review and Plan document is on file with the City Clerk and available on line at www.vancouver.ca/oca.

DISCUSSION

New Vision and Policy Framework

Public art remains a new and evolving field, as new technologies and materials increase and expand our understanding of the many creative ways artists can contribute to public places. Twenty years ago, the field was dominated by fixed, three-dimensional sculpture placed in building plazas. Today, no limits apply to the materials of public art, and photography, light, video and projections are becoming as common as bronze and stainless steel. As well, artist recruitment methods that 20 years ago were standard (and on which Vancouver's Program was based) no longer interest many artists today, and new approaches are needed to ensure our opportunities attract the most accomplished artists. Additionally, public art budgets appropriate to the pilot program that Council adopted in 1990, have not increased since that time, in spite of increasing materials costs and growing community expectations.

The Public Art Program begun in 1990 viewed the city as a series of discreet and unconnected spaces that had the potential to be sites for public art. But, the experience of 18 years has shown no limit to the ways artists can contribute to the city, and the new approaches we propose would integrate artists more completely into city planning and development processes. This more holistic view of the artist's capability coincides with the re-emergence of the idea, dormant for many years, that City itself can be a work of art, prompting the need for a new vision for the Public Art Program.

Keeping the whole city in view, the Public Art Program aims to commission artworks that offer the public images of themselves, and of the principal events of their time, that are memorable, accurate, multi-dimensional, and deep, giving voice and expression in symbolic form to their deepest aspirations and concerns as members of a diverse, complex, contemporary society.

The goals that follow arise from consultations undertaken during the Program Review, and form the basis of a new Public Art Program policy and operational framework.

In its policymaking, planning and commissioning practices, the Public Art Program should:

- Show leadership by commissioning public art of the highest order by engaging the widest range of art practices, and provide opportunities for artistic exploration
- Commission dynamic artworks in a wide range of media and art practices that express the fullness of urban experience, stimulate discussion, re-

examine narratives, imagine new futures, and are challenging, risk-taking, creative, and innovative

- Provide strong support to artists as full members of the creative process
- Represent a diverse array of artists – local, national, international; emerging and established – in typical and atypical media
- Distribute artwork throughout the city
- Engage communities through creative approaches
- Dedicate adequate resources – for projects, operations, maintenance and staff – to meet the community’s expectations for a creative city
- Develop strong collaborative interdepartmental relationships with staff in Planning, Facilities, Engineering Services, and Park Board

CIVIC PROGRAM REVISIONS

1. Expand Artists’ Opportunities

Consultations with the Advisory Committee, program stakeholders, and the public indicated a strong wish to consolidate the position of artists at the heart of the Civic Program. The recommendations proposed to achieve this all strengthen our commitment to artists and bring them forward in planning and development processes under civic jurisdiction. The Program should achieve this by:

- Developing opportunities for artist-initiated projects enabling artists, curators and others to propose and execute public art projects
- Continuing a community-engaged approach for public art in neighbourhoods
- Providing residencies for artists in civic departments, facilities, and agencies
- Expanding opportunities for temporary artworks and platforms
- Providing opportunities for artists to participate as equals in planning processes
- Developing public art master plans in conjunction with all public realm planning processes, local and city-wide, and include artists on the planning teams

These approaches represent a significant expansion of opportunities for the public to experience art in civic facilities, places, and planning processes. And they help to create conditions for artists to contribute more fully to the look and feel of the city.

2. Include Public Art in Civic Buildings, Planning, and Infrastructure

Public art should be an integral component of all the buildings and infrastructure needed to sustain the City’s growth in coming years. Parks, libraries, new

transportation systems, even the City's water and sewer infrastructure should be distinctive and dynamic, reflecting civic pride, creativity, and care for the public realm. These opportunities include:

- new and retrofitted civic buildings and civic infrastructure
- civic facilities provided by private developers
- partnerships on capital projects by other public agencies such as Translink and Metro Vancouver (Greater Vancouver Regional District)
- Public art area plans undertaken in conjunction with public realm plans (as in Southeast False Creek) or as special initiatives when no public realm plan is forthcoming (for example, a downtown public art area plan).

3. Create Public Art Master Plans

Public realm planning processes occur on large (Southeast False Creek) and local (Mt. Pleasant neighbourhood) scale. Community participants in these planning processes consistently indicate they want a place made for art in neighbourhoods, in both large and small planning processes. Public art staff cannot themselves attend all the meetings needed to ensure public art is included in these public realm plans. To meet these needs, staff recommend that public art plans be developed in conjunction with all public realm plans, and that artists be added to the planning processes to ensure full consideration is given to the inclusion of public art. The same principle applies to the preparation of transit and interpretive plans or, indeed, any planning process for the public realm. This recommendation will augment the overall integration of public art with other planning processes, which is supported by the Planning Department, and would be developed through the Public Art Interdepartmental Staff team proposed in Recommendation "I".

4. Civic Program Funding

The Public Art Program was first funded with \$1 million in the 1994-1996 Capital Plan, an amount that remains the same today. This represents approximately \$333,000 per year, or less than 0.3 percent of the overall capital budget. This leaves Vancouver's Public Art Program under-resourced compared to peer programs in North America and around the world that allocate from 1 to 2 percent of their annual average capital expenditures (see Appendix D).

The Draft 2009-2011 Capital Plan contains a recommendation from the Staff Review Committee for the first increase to the Civic Public Art allocation since 1994 with a recommended three-year budget of \$2 million.

The proposed capital increase to the Public Art Program would be manifest in major artworks that a proud and sophisticated population expects to see in a quality urban environment. It would provide capacity to commission artwork at a greater variety of scales and types, and in locations where the Private Development Program has no impact, particularly neighbourhoods outside of the downtown core. It would enable strong partnerships with civic departments and outside organizations. And it would establish stronger credibility for the Program among the development and creative communities.

Based on these needs, staff recommend a phased approach to increasing the City's investment in public art. Recommendation B iv. seeks Council approval in principle for phased increases to the City's Public Art Capital Budget to a base level of \$3 million for three years and instruction from staff to submit a funding request to the 2012-2014 Capital Plan process for consideration with other corporate capital expenditure priorities.

5. Streamline Program Procedures

Artist selection methodologies carry high administrative cost in the public art program. The highest costs are with open competitions. While open competitions appear to create opportunities for all, the number of submissions now received in response to open calls has fallen off markedly as many artists are no longer willing to enter open competitions. However, open competitions provide one good way to identify new and unknown artists, and we will continue to provide opportunities where appropriate, to ensure emerging artists have an opportunity to bring their work forward.

However, to reduce the administrative burden, and increase responses from a wide range of artists, staff recommend making wider use of other recruitment methods including limited competitions, in which a limited number of artists whose practice fits a given opportunity are invited to submit proposals, and curated commissions, in which one artist is offered a direct commission, perhaps because his or her art practice is an exact match for the opportunity, or perhaps because the artist's work is not represented in the public art collection, despite the artist's importance on the world stage.

Finally, staff propose to explore the use of artist rosters, common in other cities, whereby artists are pre-approved for projects up to a certain budget size. Rosters are created by issuing an open call to artists and creating a catalogue of successful applicants which can be used by civic departments, developers and others in selecting artists for smaller commissions. This approach saves the cost of individual artist calls and is an efficient way to select artists in a short time.

PRIVATE SECTOR PROGRAM

1. Maintain Three Program Options

Three options were developed in response to requests from developers for flexible ways to fulfill their public art requirements, and we recommend their continuance. Option A provides clients with 100% of their public art budgets but requires that their consultants prepare public art plans for review and approval by the Public Art Committee. The great majority of developers chose this option.

Option B enables developers to opt out of the Program by paying 100% of the required budget to the Public Art Reserve, for use by the City at sites of its choosing. Only one developer has ever chosen Option B.

Option C enables developers to spend 60% of their budgets on artwork sited on development lands, with no requirement for public art plans, public process, or Public Art Committee review. Seven developments have chosen this option since 1991.

Option C has proven to be a flexible alternative for developers who wish to proceed without public process and Public Art Committee review.

2. Streamline Procedures

The current Public Art Policy and Guidelines were amalgamated as components of the Public Art Program adopted between 1990 and 1994. The revised Guidelines (Appendix E) have been extensively reorganized and incorporate revisions that streamline the process for applicants and clarify applicant procedures. For example, the current Guidelines require applicants to present both Preliminary and Detailed Public Art Plans to the Public Art Committee. The revised Guidelines require only a checklist, providing basic development information, to replace the Preliminary Plan. This checklist would be submitted to staff with the Zoning Application, and eliminates the need for the preparation of a Plan and its presentation to the Public Committee.

3. Program Funding

Public art programs applied to the private sector usually base their budgets on one or more percent of the development's construction costs. Vancouver's private sector budgets are based on building areas that contribute to the Floor Space Ratio (FSR) calculation, a formula preferred by the Urban Development Institute.

The formula adopted in 1991 was \$1 per square foot of all revenue-producing areas of development, at a time when construction costs were estimated to be \$100 per square foot. This formula was viewed at the time as approximately equivalent to the "1% of construction costs" public art rates common to other cities. For ease of calculation, the formula was later made consistent with the Floor Space Ratio (FSR) calculation, but reduced to 95 cents per sq. ft. to reflect the difference in the areas captured (more area was captured by the FSR calculation so the price per foot was reduced to maintain revenue neutrality).

The 95 cent rate has not been adjusted since 1991 and must be updated to maintain the value of the artwork achievable. Using Statistics Canada's Vancouver Construction Price Index (see Appendix F) the recommended new private sector public art budget rate is \$1.81 per square foot for all areas contributing to the FSR calculation. This maintains the same formulae that has worked well over the past 18 years but adjusts the rate to reflect current construction costs. Staff further recommend that the rate be adjusted annually to reflect the Vancouver Construction Price Index.

4. Program Application

In Vancouver as elsewhere, the value public art adds to development is now recognized and supported by the development community. Public art adds identity, distinction, and prestige to development, evident in the fact many developers spend far more on their public art projects than required, and make artwork prominent in marketing campaigns.

The Private Development Program was first applied to five multi-parcel major rezonings, all considerably greater than 161,463 sq ft. Since then, all rezonings of that size or greater have participated in the Program, but developers of smaller sites

increasingly provide public art features as part of development agreements with the City, and developers of sites at all scales routinely provide public art. Also, the size of development is changing. With fewer major projects, more buildings are coming forward for rezoning at a slightly lower or more fine-grained scale.

Accordingly, recommendation D iii) seeks to apply the Private Sector Public Art Policies and Guidelines to all rezonings of 100,000 sq ft or greater, excluding non-market housing but including all other development.

5. City Administration Costs

Public art planning like other development process requires skilled consultants to meet with clients and staff, develop plans, and spend time gaining client and City approvals. Vancouver's public art program allows developers to spend up to 20% of the total public art budget on consultant fees, artist selection, art-plan preparation, etc., the most generous provision in North America. Staff recommend that given the proposed increase in the Private Sector art budgets, that this percentage be reduced to 18% and that a fee of 2% of the total public art budget, estimated to be approximately \$20,000 per year be paid to the City and held in the Public Art Reserve to be used, subject to Council approval to offset a portion of the City's costs in administering the Private Sector Program. This would result in no change to the overall percentage paid by developers as it remains within their 20% cost allowance. Further at 18%, the provision remaining for their art consultant and other costs is still the most generous in North America.

OVERALL PROGRAM SUPPORT

1. Building Capacity with Partners

Despite the great growth in opportunities, knowledge and experience in public art practice over the years, many more artists could engage public art opportunities, and engage them more successfully, if some basic professional development was available. Given the number of internationally acknowledged artists in Vancouver, this is a loss to the community. Artists graduate from local art schools and universities with a substantial knowledge in all areas of art and its processes, except the two areas essential to public art practice: the preparation of competition submissions, and knowledge of the construction procedures and small-business practices needed to complete an artwork for a public space.

As well, artists who win their first public commission find themselves offered a chance to produce an art construction project worth several thousand dollars, when they usually have no knowledge of contracts, construction practices, insurance obligations, project management, Workers Compensation, engineering certifications, taxes, or any of the myriad other things needed to complete a project in the public realm. Other cities partner with learning institutions to deliver workshops in these areas, with significant benefit to the artists and their artworks. Contributing to this capacity building serves the artists who gain the knowledge, but also the Public Art Program which benefits from reduced staff project management time, and better artistic outcomes.

2. Staffing

Vancouver Public Art Program's civic, community, and private components make it the most comprehensive in Canada, but it is understaffed. The Program is administered by a full-time Program Manager (Cultural Planner II) and temporary part-time Project Managers. This means that many essential program operations – project planning, artist calls, project management, artwork registration, documentation, and maintenance – are delivered by consultants on contracts. It also means that some important Program functions – liaison with developers, community outreach, research into best practices, consultation with other departments, partnerships with other agencies, Public Art Committee orientation and development – are rarely accomplished to a satisfactory level or in a satisfactory timeframe, and some are omitted altogether.

The lack of full-time staff devoted to these functions is a loss to the efficiency and productivity of the Program. The use of consultants results in lost continuity with projects and staff, inconsistent application of Program policy and procedures, occasional confusion with clients, a lack of history and learning at the institutional level, and duplication of work when civic staff have to undertake pieces of the consultant's tasks (legal agreements, liaison with other civic departments) for which consultants lack authority. It means staff time managing consultants and their contracts that would more efficiently be spent orienting permanent staff.

The consultant's Review and Plan Report recommends that the Public Art Program have at least four full-time staff to meet minimum Program needs. Recommendations contained in this report seek Council approval for a further staff complement of 2 – conversion of the temporary Project Manager (Auxiliary Planner I) to a permanent Project Manager position and the addition of one new position – a Senior Cultural Planner to manage the overall program.

Table 1 New Positions

Position	2008 One-Time Cost	2008 Prorated Portion of Annual Cost	Annual On-going Cost	2008 Source of Funds	2009 & Thereafter Source of Funds
Senior Public Art Manager (Cultural Planner III)	\$6,000	35,100	105,300	Unallocated portion of Cultural Budget	Project management allocation in the Public Art Capital Budget
Public Art Project Manager (Cultural Planner I)	0	27,800	83,400	Unallocated portion of Cultural Budget	Project management allocation in the Public Art Capital Budget
TOTAL	\$6,000	\$62,900	\$188,700		

3. Public Art Committee

The by-law setting out the terms of reference and role of the 9-member Public Art Committee, adopted in 1991, was an outgrowth of the modus operandi of the original Art in Public Places Subcommittee, the ad hoc group of citizens whose knowledge of art, architecture, landscape architecture, development and law formed the basis of the Program we have today (Appendix A contains the Public Art Advisory Committee By-law).

In the 20 years since, staff and the best public art consultants have gained a great deal of experience and skill in the ways and means by which public art is developed. One consequence of this is that the experience possessed by staff and most consultants is greater than that possessed by many appointees to the Public Art Committee, and it takes at least one year for many appointees to be sufficiently conversant with the Program to fully understand the Committee's function and their role in it. Particularly in recent years, as staff and consultants have sought to expand the way (for example) artists are recruited, appointees have struggled to come to terms with their role and to make an informed contribution to the process. This frustrates these highly committed and very capable volunteers, and frustrates staff, who (under the Committee's terms of appointment) have the satisfaction of seeing valuable members begin to make fully informed contributions only to see them replaced as new appointments are made.

The proposed revised terms of reference, appointment and tenure, reflecting the needs of a maturing and revised program, and based on a realistic assessment of volunteer commitments, are contained in Appendix A. Staff will discuss the proposed changes with current Committee members, the City Clerk, and the Director of Legal Services, and report back with amendments to the Public Art Committee By-law with changes to include:

- The number of members be reduced from nine to six: four artists or art experts; one urban designer; one member of the Urban Development Institute
- That appointments be for three year terms, congruent with Council tenure
- That members be eligible for reappointment
- That at least three members be reappointed at the end of each Council to ensure Committee continuity
- That three members constitute a quorum
- That the feasibility of artist organizations (artist run centres, Emily Carr University, Vancouver Art Gallery) recommending artist and art community nominees be considered

Staff will complete consultations on these recommendations before preparing amendments to the committee by-law for Council's consideration prior to the appointment of the next Public Art Committee.

4. Collection Management Policy

The City's new commissions together with the historic works installed before Program adoption constitute a collection, and collections of artwork like other assets require care and management. Conservation protocols; project records; artwork dedication, documentation and registration; commissioning procedures; donation policies;

deaccession guidelines; maintenance schedules; policies for art project prioritization; site selection; public education and access to the collection, are all elements of the Collection Policy. Many of these guidelines have been developed or exist in draft form. Highlights are as follows:

- Procedures for artwork documentation, registration, and conservation be developed that are consistent with public art and museum collections across Canada
- That the donations and deaccession guidelines be updated to ensure their compliance with Canadian Museums standards
- That temporary donations and exhibitions be limited to 9 months
- That staff follow recommendations in the Public Art Review and Plan to address collection gaps and identify site priorities

Staff will complete these provisions, working with Park Board to align processes and policies where possible, and report back to Council in six months.

5. Interdepartmental Public Art Staff Team

Staff now collaborate as needed with other departments to implement the Public Art Program for the Civic and Private Sectors. But the revisions proposed to the Civic Program depend on a closer integration of the public art and other planning processes. The appointment of contact staff in each department will facilitate the collaboration needed to bring about the more integrated processes proposed. The Staff team would develop terms of reference to govern its operations which, among other duties, would be to identify and prioritize public art opportunities, develop annual public art plans, and provide liaison to their respective jurisdictions. It is anticipated that the staff team will meet monthly to review projects in the civic and private sector, and that individual staff will continue to meet as needed.

6. Partnerships with the Park Board

Public art staff enjoy an excellent relationship with Park Board arts staff, who contributed notably to the Review and Plan consultation process. We thank them for their work and look forward to further policy development that will, where feasible, align respective policies and procedures for the acquisition of public art.

7. Partnerships with Other Agencies

Senior governments, crown corporations, foundations and others have begun to commission public art projects as the value that artists add to public places has become more widely acknowledged. The Public Art Program has collaborated very successfully with the Vancouver Foundation, VANOC, ArtsNow, le Consulat General de France, private donors, and the Canada Council on various projects over the years. Still, much more can be done to partner with organizations to share skills, experience, and resources in pursuit of mutual aims. The collaboration with an organization on the workshops proposed to build capacity in the artist community is an example of the advantages of such partnerships.

FINANCIAL IMPLICATIONS

Since 2005, Council has approved an increase of \$2.7 million to the Cultural programs and services baseline budget. This includes for 2005 - \$1 million; 2006 - \$0.7 million; 2007 - \$1 million; and \$300,000 per year for 5 years in support of a Cultural Tourism Strategy.

The allocation of the increases over the period of 2005 - 2007 was designed to provide immediate support for the community, while retaining flexibility for Council to consider all of the recommendations arising from the new Culture Plan - Phase 1 Implementation, as outlined in this report and the companion reports.

Council approval in principle is sought for Recommendation B iv for phased increases to the City's Public Art Capital Budget up to a base level of \$3 million for three years and for staff instruction to submit a funding request to the 2012-2014 Capital Plan process for consideration with other corporate capital expenditure priorities. The amount represents a 50% increase for the proposed \$2 million in the draft 2009-2011 Capital Plan.

Staff recommend that a 2% administration fee be assessed for the Private Sector Public Art Program. The annual amount collected is estimated to be \$20,000 and will be held in the Public Art Reserve to be used, subject to Council approval, to offset a portion of the City's costs in administering the program.

This report also seeks Council approval for the recommendations shown in the summary of funding requirements and sources in Table 2 below. In 2008, one-time costs of \$6,000 and prorated costs of \$77,900 will be funded from the unallocated portion of the Cultural Budget. In 2009 and thereafter, there will be annual on-going costs of \$218,700.

Table 2 Funding Requirements and Sources

Recommendation	2008 One-Time Cost	2008 Prorated Portion of Annual Cost	Annual On-going Cost	2008 Source of Funds	2009 & Thereafter Source of Funds
E - Capacity-building workshops and training		\$15,000	\$30,000	Unallocated portion of Cultural Budget	Unallocated portion of Cultural Budget
F - New Senior Public Art Manager and Public Art Project Manager positions including fringe benefits, plus a one-time costs for computers, software and office equipment	\$6,000	\$62,900	\$188,700	Unallocated portion of Cultural Budget	Project management allocation in the Public Art Capital Budget
TOTAL	\$6,000	\$77,900	\$218,700		

ENVIRONMENTAL IMPLICATIONS

Projects commissioned through the public art program are often major contributors to environmental awareness, such as the well-publicized manhole cover artist competition to which 600 citizens submitted ideas, and which achieved national media attention. The competition specifically publicized the separation of the sanitary and storm sewer systems.

SOCIAL IMPLICATIONS

Public art can be a catalyst in communities and contribute positively to community discourse and development. For example, the coming together of the Musqueam, Tsleil-Waututh, and Squamish people on the artwork project for Stanley Park was a collaborative first for those First Nations. Many community public art processes bring neighbours together for the first time.

COMMUNICATIONS PLAN

Approved revisions and changes to the Public Art program will be communicated directly to community and stakeholder participants in the consultations, and generally to the artist community and public via the Cultural Services Newsletter, the City website, and the public art listserve. Specific outreach will be undertaken with participating artists, developers, and public art consultants.

CONCLUSION

Based on a consultant's Review and Plan, this report recommends revisions and further extensive consultations with program participants, stakeholders, and the public, to the 17-year-old Public Art program for Civic and Private Development. It offers a new vision and framework for increasing artists' participation in the development of the city and expands opportunities for the experience of art in public places.

* * * * *

Proposed Public Art Committee By-Law

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting assembled, enacts as follows:

1. This By-law shall be cited as the “Public Art Committee By-law”.
2. For the purpose of this By-law, “public art” shall include but not be limited to any and all art forms, whether temporary, freestanding, incorporated with other forms of development, or otherwise, which the Committee in its collective judgement determines to be public art.
3. There shall be a committee, to be known as the “Public Art Committee” (hereafter referred to as the “Committee”), which shall be made up of six persons, to be appointed by City Council as follows:
 - a) Four art professionals (artists, curators, art historians, educators, conservators, etc.) including at least two artists who have a thorough knowledge of contemporary public art practice and who are of recognized standing in the art community;
 - b) One urban designers (architect, landscape architect, or other); and
 - c) One developer recognized by the community nominated by the Urban Development Institute.
4.
 - 1) The Committee shall be presided over by a Chairperson to be chosen from among the members annually. A Chairperson whose term has expired shall be eligible for reappointment and shall, subject to section 7, continue to hold office until a successor has been chosen.
 - 2) The Committee may adopt rules and procedure for its meetings not inconsistent with this By-law and may, from time to time, alter, amend or vary the same as the Committee finds appropriate.
 - 3) Four members of the committee shall constitute a quorum for the transaction of business.
 - 4) The Committee shall choose one of its members as Deputy to preside in the absence of the Chairperson.
5. Appointments shall be for terms of three years. All or any appointments may rescinded at any time at the discretion of City Council.
6. All members shall serve without remuneration.

7. Every member is eligible for re-appointment and every member wishing to be re-appointed shall be considered for re-appointment.
8. The duties of the Committee shall be to advise City Council, staff, and others on implementation of the City's public art program and policies. The Committee shall act as a resource to City Council and to its boards, agencies, commissions, staff, and to developers and citizens; and shall strive to provide reasonable and objective advice and guidance on any matter involving public art. The Committee may meet with the Directors of the Cultural Services, Planning, the City Engineer, the General Manager of Parks and Recreation, the Development Permit Board, the Urban Design Panel, or other civic officials or agencies on matters of common concern.
9. The duties of the Chairperson shall be to call and preside at meetings of the Committee in accordance with the rules and procedures of the Committee and such other duties as the Committee may prescribe. It shall be the duty of the Chairperson to ensure new members are conversant with Committee terms of reference and the guidelines set out in Schedule A hereof, and to acquaint members with such guidelines on conflict of interest as may apply to the Committee. The Chairperson shall poll the members on any issue being considered by the Committee.
10. In fulfilling its duties and presenting its advice and recommendations, the Committee shall have regard to the goals and recommendations of the Program, to other applicable policies as City Council or the Park Board may from time to time adopt; and to the guidelines set out in Schedule A to this By-law
11. This By-law comes into force and takes effect on the date of its passing

DONE AND PASSED in open Council this xxth day of xxxxxxxx, 2008

Mayor

SCHEDULE 'A'

Guidelines for the fulfillment of duties imposed by this By-law.

1. The Public Art Committee shall be advisory to City Council or Park Board or other City Boards or Agencies, and its reports may generally go to the Development Permit Board or the Directors of Planning, Social Planning, or the City Engineer, as the case may be, and be included in their entirety in such reports as go to Council or Park Board from staff, providing that the Committee has the right to report directly to Council or to Park Board.
2. The Committee shall assist and provide advice and guidance to Council, Park Board, staff, developers and citizens on public art matters and on the implementation of the Public Art Program for Civic and Private Development adopted by Council in 1990, 1994, and 2008, and in the formulation of such other policy affecting public art as the Committee in conjunction with staff may from time to time recommend as appropriate to City Council.
3. The Committee's review shall extend to all public art matters under Council's jurisdiction or addressed by the Public Art Program for Civic and Private Development, including but not limited to a review of the proposed art work, the art or the artist selection process, and any proposed public education, consultation, or information process forming part of any public art proposal, presented in fulfillment of Public Art Program requirements or otherwise.
4. The Committee shall give advice directly at the appropriate level at the appropriate time on any public art proposal or policy within civic jurisdiction or addressed by the Public Art Program for Civic and Private Development.
5. The Committee shall review public art projects in their early conceptual stages or at such time as they are first brought to the attention of City Departments and staff.
6. The Committee shall meet on such day or days as will enable its reports to be considered by City Council, Parks Board, the Directors of Social Planning, Planning, engineering, Finance, the Development permit Board or other civic staff, when any of these is considering the subject matter of any such report.
7. An agenda shall, unless prevented by exceptional circumstances, be prepared and circulated a minimum of one week prior to meeting.
8. Any party to a public art process, including staff and members of the Public Art Committee or any advisors to the Committee, shall declare any direct or indirect benefit to themselves or any of their respective employers, partners, families or associates arising from the City's acquisition or disposal of art work.

Advisory Committee to the Public Art Review and Plan

First Name	Last Name	Title	Organization
Mike	Banwell	Artist, teacher, ECU	Public Art Committee
Rita	Beiks	Artist	Curator, YVR art program
Gwen	Boyle	Artist	
Lorna	Brown	Artist, Curator	Vancouver Community College, Langara
Barbara	Cole	Artist, public art consultant	Other Sights for Artist's Projects Assn.
Patrick	Condon	Professor	School of Landscape Architecture, UBC
Jane	Durante	Landscape Architect, public art committee	Durante-Kreuk, Ltd.
Michaela	Frosch	Chairman	Vancouver Sculpture Biennale
Bob	Rennie	Realtor	
Ian	Gillespie	CEO	Westbank Projects Corporation
Eric	Hughes	Developer	Urban Development Institute
Paula	Grossman	Architect	AIBC Public Art Committee rep
Sheila	Hall	Artist, teacher, ECU	Public Art Committee
Ken	Lum	Artist	Public Art Committee
Leah	MacFarlane	Artist, architect	Public Art Committee
David	MacWilliam	Dean	Emily Carr Institute of Art + Design
Liz	Magor	Artist	
Kelly	McKinnon	Adjunct Professor	School of Landscape Architecture, UBC
Barrie	Mowatt	President	Buschlen-Mowatt Galleries
Marianne	Nicolson	Artist	
Dani	O'Riley	Landscape Architect	BCSLA
Marian	Bancroft	Artist	Emily Carr Institute of Art + Design
Christina	Ritchie	Director	Contemporary Art Gallery
Kevin	Schmidt	Artist	
Maureen	Smith	Public art consultant	Id ā Public Art Consulting
Alan	Storey	Artist	
Leesa	Strimbicki	Public art consultant	Chair, Public Art Committee
Richard	Tetrault	Artist	

Vancouver Public Art Program

Program Review and Design Framework for Public Art

Executive Summary

Final Review Draft

Submitted by
Todd W. Bressi, Brown and Keener Bressi
Meridith McKinley, Via Partnership
Valerie Otani, Artist

REVISED April 17, 2008

Article I. VANCOUVER PUBLIC ART PROGRAM REVIEW DESIGN FRAMEWORK FOR PUBLIC ART

Section 1.01

Section 1.02 Table of Contents

1. Executive Summary/How to Use this Document	2
2. Introduction, Background, Review of Key Issues	13
3. Vision, Mission, Goals	17
4. Key Actions	19
• Civic Art Program	20
• Private Development Program	26
• Funding	28
• Staffing	33
• Public Art Committee	35
5. Design Framework for Public Art	37
• Civic Capital Projects	39
• Green Infrastructure	45
• Ecodensity Strategies	50
• 2010 Olympics and Paralympics	51
• Public Realm Planning	52
6. Appendices	54
• Planning Tools	55
• Commissioning Processes	59
• Acquisition Processes	66
• Artist selection / Identification	71
• Stakeholder Roles and Responsibilities	75
• Process and Criteria for Review	85
• Conservation and Maintenance	88
• Community Outreach and Communications	90
• Space Legacy Consideration for Public Art in Parks	92

Article II. Executive Summary

This report summarizes the findings of the first comprehensive evaluation of the City of Vancouver's Public Art Program since it began in 1991.

Vancouver's Public Art Program is widely known and well respected for the collection it has created. However, the city has grown and changed tremendously in the past 17 years, and public art practice has evolved as well. So in 2006, the city initiated a "program review" to help the Public Art Program to assess its strengths and weaknesses, and to set its sights on even greater accomplishments by drawing on Vancouver's vibrant artistic community, the expertise of the city's arts professionals and the city's sophisticated interest in urban design and the public realm.

The review process included the engagement of a wide range of stakeholders, including artists, arts and design professionals, civic and community leaders, developers, and city staff. The process also included a study of current program guidelines, policies and procedures; tracking of key projects through a "case study" approach, and comparisons of Vancouver's program to best practices in Canada, the U.S. and beyond. The work was guided by a Steering Committee of staff from Cultural Affairs, Engineering, Community Planning and the Parks Board, as well as a broad-based Advisory Committee that included artists, arts professionals, developers and community leaders. The process culminated in a public consultation in May, 2007.

This Executive Summary describes the key points and recommendations of the full review report:

Issues

Vision, Mission, Goals

Recommendations for Civic Art Program

Recommendations for Private Development Public Art Program

a) **Funding, Staffing, Process**

Design Framework for Public Art

Section 2.02 Issues (Program Strengths and Challenges)

The Program Review identified several key issues that should be addressed for the program to operate successfully in the future.

- The City of Vancouver Public Art Program needs to update its vision, mission, values, and objectives to guide decision-making.
- The Public Art Program and the Public Art Committee would benefit by having a fully workable, comprehensive spatial or visual framework for determining appropriate sites for new commissions, gifts, temporary loans, and memorials.
- The Civic Art Program has generated high-quality artwork, but overall, the program has not been robust or focused enough to achieve its potential, nor does it match up to the public art commitment in peer cities.
- Projects created through the Community Art Program are under-resourced in terms of budgets and staff commitments.
- Private development public art projects are uneven in quality and overly concentrated downtown.
- The key entities in the process of commissioning and reviewing public art projects should have roles and responsibilities that are more clearly defined and more focused on what allows each entity to bring the most to the process.
- City funding for public art and the financial requirements for developers who must include public art in their projects do not match the program's vision and ambitions, and lag behind commitments made by peer cities.
- The City of Vancouver Public Art Program does not have the full confidence of the city's artist community; there a sense that the program could tap into a wider range of Vancouver's artistic creativity.
- There is a backlog of maintenance and conservation needs for the collection, limited funding for that work, and little systemic understanding of the collection's current or ongoing maintenance and needs.

Section 2.03 Vision, Mission, Goals

Vision

The City of Vancouver's Public Art Program seeks to commission contemporary public art that supports critical artistic exploration, cultivates a distinctive cityscape and public realm, and fosters stewardship of places that anchor Vancouver's neighbourhoods.

Mission

The City of Vancouver's Public Art Program works with artists, communities, city departments and developers to commission contemporary public artworks that successfully address the program's vision and the city's values.

Artistic / Visual / Place Goals

Public art in Vancouver should:

- cultivate a distinctive cityscape and public realm.
- identify, explore and articulate new layers of the public realm in the constantly changing city.
- enrich the quality, character and experience of the places and infrastructure that are built by the public and private sector.
- foster stewardship of places that anchor neighbourhoods.
- be challenging, risk-taking, creative and innovative.
- reflect the image, character and meaning of the city as understood by its diverse communities.
- stimulate civic discourse, re-examine narratives and imagine new futures.
- represent as diverse an array of artists as possible – local, national and international; emerging and established; in typical and atypical media.

The Public Art Program should:

- commission artworks throughout the city, not just downtown.
- commission projects that engage local communities, through creative and flexible approaches.

Operational Goals

The City of Vancouver should:

- demonstrate leadership in commissioning and maintaining a collection of public art of the highest quality. This should be supported through initiatives and procedures that engage the widest range of artistic excellence, and provide ample opportunities for artistic exploration.
- dedicate adequate resources –projects, operations, maintenance, staff – towards meeting the community’s expectations of the Public Art Program.

The Public Art Program should:

- develop strong, ongoing, collaborative interdepartmental relationships with staff in Community Planning and Engineering, and similar relationships with the Park Board and its staff
- provide strong support to artists as full members of the creative process.

Recommendations for the Civic Art Program

The fundamental components of the Civic Art Program should include:

- A stronger focus on integrating public art into civic infrastructure, particularly *Civic Capital Projects*.
- A new program of *Artist-Initiated Projects*.
- An expanded commitment to *Temporary Projects and Platforms*.
- An exploration of *Artist Residencies* in city departments.
- A continued commitment to *Community-Based Public Art*, and an expanded commitment to commissioning artworks for community gathering places.

Strengthen Commitment to Artworks in City Facilities and Infrastructure

The Civic Art Program should focus intently on commissioning artworks in conjunction with city facilities and infrastructure.

- Commission public art in conjunction with:
 - New Civic Capital Projects, either on-site or nearby.
 - Existing civic infrastructure, as retrofits.
 - Large-scale infrastructure reconstruction programs.
 - Public facilities provided by private developers.
 - Special city initiatives, such as legacy projects for the 2010 Olympic and Paralympic Winter Games.
- Strengthen partnerships for incorporating art into capital projects sponsored by other public agencies, such as Translink and Greater Vancouver Regional District (GVRD).

Maintain Commitment to Community Art Projects

- When appropriate, the goals and artist terms of reference for Civic Capital Projects can be crafted to create projects with a community-engaged approach. Potential locations for this approach include centers for community activity, such as community libraries, community centres, and neighborhood parks.
- Involve artists on Public Realm Planning Teams. This creates an opportunity for artists to participate with planners and community members in thinking about the role of public art at the earliest stages of planning and setting the goals for projects that the Public Art Program will pursue.

Artist-Initiated Projects

Reach and showcase a broader pool of local artists, connect with civic issues and assemble a collection that is uniquely Vancouver.

- Invite artists to submit proposals for concepts and locations of their own choosing.
- Ask artists to respond to a specific topic of community interest or importance.

Temporary Projects

Pursue strategies that allow for art to be a dynamic, ever-changing part of the experience of the city.

- Encourage projects in a wide range of media by issuing diverse calls.
- Create a diverse range of “platforms” for temporary projects.

Recommendations for the Private Development Public Art Program

Simplify Options for Developers

- Retain Option A, for developers who choose to commission original, site-specific works of public art or to develop platforms that support the ongoing display of temporary art under the guidance of arts professionals.
- Retain Option B, for developers who wish to contribute funds to the Public Art Reserve Fund rather than commissioning art on site.
- Eliminate Option C, which allowed developers to commission smaller art projects through an expedited review process, in exchange for a partial contribution to the Public Art Reserve Fund.

Establish Stronger Expectations for Public Art in Private Development

Establish stronger expectations for developers who, through “Option A,” choose to commission public art or to develop platforms that support the ongoing display of temporary art. Key steps include:

- Accelerate the timeline for involving artists on projects so that artists have the opportunity to integrate their work more fully into the site.
- Establish stronger mechanisms for reviewing artist selection and concepts.
 - Require developers to retain professional public art project managers through the dedication of their projects.

Provide for Flexible Use of the Public Art Reserve Fund

Use the Public Art Reserve to seed a variety of projects throughout the city.

- Change the terms of reference for the Private Development Program and the Public Art Reserve to explicitly reflect the possibility that monies put in the Reserve will not necessarily be tied to the geographic area of the projects that contribute to the fund.
- Use various levels of planning (such as Public Realm Plans and the Design Framework for Public Art) to demonstrate how contributions will be used to commission art that strengthens the visual appearance of the City overall.

Update Funding Mechanisms

- Re-align the amount that developers allocate to the Public Art Reserve to account for the inflation of construction costs since 1991.
- Consider modified requirements for public art in private development for rezonings and infill development in areas outside downtown. Focus on areas being considered new growth through the city’s Eco-density strategy.

Section 2.04 Recommendations for Operations, Funding and Process

Staffing

The Public Art Program Manager should have a staff of at least three full-time staff members. Staff will work to manage Civic Art Projects, facilitate review and approval of Private Development projects, oversee planning initiatives, develop and manage communications and community education efforts, and oversee the maintenance of the public art collection.

Funding can come from City operating funds, billing project management to specific Civic Art Projects, and the proposed 2% management contribution from Private Art Projects. This staffing level may decrease the program's reliance on outside consultants, saving the program resources.

Resources

- Calculate funding for the Public Art Program as a percentage of the Civic Capital Budget, excluding budget items that are not capital costs (property purchase, equipment replacements, operations, research, grants, borrowing costs and subcapital funds). In addition, funds that cannot be set aside for public art, such as Development Cost Levies, would also be excluded.
- Re-align the amount that developers allocate to the Public Art Reserve to account for the inflation of construction costs since 1991.
- For Option A projects, allocate two-percent of the public art requirement to the Public Art Program to cover staff and administrative costs.

Public Art Committee

Reconstitute the existing Public Art Committee as a vigorous entity whose role is to support the program in achieving its artistic vision – by reviewing decisions that affect artistic output, such as artist selection and artist concepts, rather than simply monitoring process.

- Review Individual Public Art Plans for projects in the Civic Public Art Program and Private Development Program.
- Review Artist Selection and Concept Design for projects in the Civic Public Art Program and Private Development Program.
- Review Annual and Tri-Annual work plans and special area master plans for public art.

Design Framework for Public Art

Vancouver's Public Art Program should take a pro-active role in determining where it should commit its resources, and should have clear and direct parameters for the types of places that are appropriate for gifts and donations of public art.

Civic Capital Facilities

- When the city builds new public facilities – such as new parks and recreation buildings, pump houses, and police, fire and library construction projects – there should be a firm commitment to incorporating public art from the earliest stages of design.
- The Public Art Program should commission art projects that are „retrofit“ into existing civic facilities, particularly as way of letting communities identify places and projects that are important to them, but only under the most appropriate circumstances. Specific guidelines are set out in the review.
- For agencies with vast reconstruction programs (Waterworks, Sewers, Streets), identify public art projects and locations that help meet the goals of the agency, the Public Art Program and communities, but are not necessarily directly linked to specific reconstruction projects.
 - Ongoing discussion between Public Art Program staff and liaisons in the interdepartmental Public Art Action Team , an interdepartmental staff team recommended in this review to advise the program.
 - Departmental or Citywide System Plans (section 6.1) that consider the entire infrastructure network from a comprehensive point of view, and develop long-term strategies for commissioning art projects that meet agency, public art program and community goals.

Pump stations, Granville Mall Reconstruction, Downtown Streetcar Extension

- Develop a consistent policy toward requiring public art in conjunction with partnership-based civic infrastructure projects.
 - For *major capital investments* made by other entities – private or governmental – require that projects follow the city's commitment toward providing public art.
 - For *new community facilities* that are provided through rezonings which are built from the ground up or established in converted facilities, the city should require that the one percent of the project budget, less certain planning costs be provided from the total public art budget secured through the rezoning and that these funds be spent in conjunction with the public amenity.
 - For *community facilities that are provided with space in an otherwise private development*, and where there is a public art requirement as a result of the overall rezoning, consider allocating the public art budget in conjunction with the public amenity. Where there is no public art requirement and no budget, consider funding public art opportunities on a case by case basis from the Civic Capital Budget.

Green Infrastructure

The Public Art Program should focus substantial resources on integrating public art into places and projects that embrace the city's „green infrastructure“ trajectory – connecting Vancouver's unique indigenous landscape to its aspirations for a sustainable city.

Central Valley Greenway, City Greenways, City Bikeways, Sustainable Streets, Still Creek Enhancements, Main Street, Broadway Commercial Transit Village, 2010 Garden Sites.

Ecodensity

Upon approval of the Ecodensity Draft Charter and Draft Initial Actions, staff will commence an amenity tool review, looking at various options for yielding funds that can be used for specified community amenities.

Within this context, consider extending the Private Development Program to areas where new density will be concentrated, perhaps with modified mechanisms that reflect the smaller nature of development and the need to pool funds for use in the immediate area. The planning and commissioning of public art projects in these areas should emerge from and be consistent with the urban design principles and opportunities identified for each specific area.

Artist Involvement in Public Realm Plans

The Public Art Program should assemble a team of artists who are interested in and skilled at engaging urban design and planning discourse, and retain them to work with the Urban Design Studios on these plans. Ideally, three artists would be appointed for three-year assignments, staggered so that every year a new artist comes on board. Artists should be compensated for time spent on Public Realm Planning teams.

Neighborhood Centre Planning, Canada Line Station Area Planning, Carroll Street

Greenway, Downtown History Walk / City Greenway

How to Use this Document

This document contains recommendations to the City of Vancouver Office of Cultural Affairs for the future management of the city's Public Art Program. It is organized into several basic sections.

The first section, "Introduction / Review of Key Issues," sets out the issues that were identified in the review process and to which the recommendations respond.

The second section, "Key Actions," outlines at a policy level the key recommendations for the management of the Public Art Program. It includes sections on the Civic Art Program and the Private Development Program, as well as sections on staffing and funding.

The third section, "Design Framework for Public Art," identifies the key locational and visual opportunities for public art in Vancouver in the coming years.

The appendices set out technical guidance for planning, managing artist identification and selection processes, gift and memorial policies, and other procedural issues.

Public Art Percent Allocations and Staffing in Comparable Cities

City	Population (1,000's)	Average Annual Capital Expenditure (Millions)	Civic Public Art Funding (% capital spending)	Civic Staff (FTE)
Portland	660	\$415	2%	5
Seattle	600	\$667	1%	8
San Jose	950	\$325	1%	5.5
San Francisco	750	\$2,316	2%	8
Toronto	2,480	\$1,633	1%	2*
Calgary	1,000	\$820	1%	5
Vancouver (Current)	600	\$333	.3%	1
Vancouver (Proposed)	600	\$666	1%	3

*Toronto hires consultants on contract to provide public art management services.

In addition, the *Americans for the Arts 2003 Public Art Programs Research Report*, based on 132 public art programs in the US, reports that:

- \$1,200,951 was the average annual public art budget for cities of comparable size to Vancouver
- On average, programs have 2 staff for every 14 active projects, as compared to Vancouver that currently have 2 staff for 44 active projects.

Office of Cultural Affairs

City of Vancouver 453 West 12th Avenue Vancouver B.C. V5Y 1V4 604 871 6038

PUBLIC ART GUIDELINES FOR REZONED DEVELOPMENT

Draft for City Council 26 June 2008

Table of Contents

1. Intent
2. Participating Rezonings
3. Calculating the Public Art Budget
4. Administrative Fee
5. Allowable Costs
6. Three Public Art Program Options
7. Public Art Maintenance
8. Artist Design Collaboration
9. Project Documentation
10. Public Art Requirements for Options A, B and C (Schedule A)
11. Definitions (Schedule B)

Intent

The Public Art Program aims to add an experience of art to planning and development processes under civic jurisdiction. The Program supports art-making of many kinds, from single-artist commissions to artist collaborations with architects, engineers, and diverse communities. The intent is to provide for the creation of art that expresses the spirit, values, vision and poetry of place that collectively define Vancouver.

Developers should discuss Program requirements and options with the Program Manager well before zoning application to maximize their fulfillment opportunities.

Participating Rezonings

Public Art Program application is a condition of by-law enactment for all rezonings 100,000 sq ft or greater. Participation is secured by agreement prior to zoning enactment. Security is provided through restrictions on permits (Section 219 Covenants) and/or Letters of Credit.

The Public Art Program applies to rezonings greater in aggregate than 100,000 square feet and to projects where a substantive public benefit is sought, excluding any areas devoted to non-market housing but inclusive of all other uses. The public art budget is a multiple of all floor areas contributing to the FSR calculation times the public art budget rate then in effect (2008 rate: \$1.80 sq ft).

Calculating the Public Art Budget

Participating developments contribute \$1.81 (2008 rate) to the public art budget as a condition of zoning enactment. Budgets are based on the per-foot rate applied to floor areas contributing to the FSR, as established for the Development Permit, defined as:

- All floor areas included in the calculation of the floor space ration as specified in an official development plan, zoning district schedule or CD-1 by-law regulating site development.

Administrative Fee

A fee equalling 2% of the public art budget is required to offset the administrative costs to the City of the public art process. This fee is to be submitted to the City with the submission of the Detailed Public Art Plan. This fee is an eligible cost and may form part of the 20% public art cost allowance (see below).

Public Art Cost Allowances

The following costs may be included in the artwork budget (minimum 80% of the total public art budget):

- Proposal fees for the selected artist
- Artist fees, artwork fabrication and installation
- Shipping, storage, insurance
- Site preparation necessary for the artwork
- Funds deposited to the Public Art Maintenance Reserve

The following costs may, up to a maximum of 20% of the total public art budget, be spent on the cost of creating and implementing the Public Art Plans (Schedule A):

- 2% of the public art budget paid to the City to offset City administrative costs
- Public Art Plan preparation and consultant fees
- Public art selection fees
- Community consultation
- Project documentation

The following costs may not be allocated to the public art budget:

- Maintenance provisions for artwork installed on private land
- Artwork submitted by project consultants other than the artist selected through the approved process.

Public Art Program Options

Developers should discuss Program requirements and options with the Program Manager well before zoning application to maximize their fulfilment opportunities.

The public art requirement may be met by electing one of three options, A, B, or C:

Option A requires full public art process including the submission of a checklist prior to rezoning, and preparation of a detailed public art plan for review and approval by staff and the public art committee.

Option B requires payment of the full public art budget to the City Public Art Reserve in lieu of providing public art.

Option C enables applicants to spend up to 60% of the total budget on artwork sited on development lands without public process and with staff, but not public art committee, review. The balance of funds (minimum 40% of the public art budget) is paid to the City Public Art Reserve.

The requirements for each Option are set out in Schedule A.

Public Art Maintenance

Art work must remain accessible at no cost to the public and be maintained in good repair for the life of the development. In the event the art work is damaged beyond repair, or becomes ineffective for reasons other than the owner's failure to maintain it, or in the event the work becomes an unreasonable burden to maintain, application to allow its removal or relocation may be made to the Director of Cultural Affairs.

City Council's policies for public art maintenance are as follows:

- THAT privately commissioned public art intended for public lands allocate between 10% and 20% of project budgets to the Public Art Maintenance Reserve, upon Occupancy or prior to installation, with interest generated by the Reserve used to maintain public-site art work.
- THAT public art installed on private lands be the responsibility of and at the risk of the owner and be maintained at the owner's sole cost for the life of the development.

Artist Design Collaborations

If an artist's collaboration on base architectural components is proposed (e.g., a window or paving treatment) only that cost added to the base cost of the window or plaza by the artist's contribution is an allowable cost. City staff will review art budgets and base-cost allocations as needed to ensure that art budgets are fully available to artists for artwork.

Project Documentation

Staff will provide consultants with a checklist of materials and information required to document the artist project. This documentation is used to register the artwork in the City Public Art Registry, and it forms part of the Public Art Report filed for project completion. Documentation will include but not be limited to:

- biographical details of the artist(s);
- artist statement and specifications of the art work;
- 10 high resolution digital images showing the work in context and close-up;
- other materials as needed to reveal the art work and/or artist intentions, e.g., film or video clips, book works; and
- a copy of the artist's maintenance plan.

Schedule A

The Public Art Process for Options A, B and C

Contact

Developers must meet with public art staff before zoning application to discuss Program options and fulfillment opportunities.

Legal Agreement

Participation in the Public Art Program is secured by a legal agreement registered on title prior to zoning enactment. The agreement specifies the security requirements for the Public Art Program Option chosen, often a combination of Letters of Credit or restrictions (holds) placed on zoning enactment and development or occupancy permits, depending on the stage in the process.

Electing an Option

Option A, B or C must be decided before enactment. Applicants electing Option A must also receive approval of a Detailed Public Art Plan before Development Permit issuance. Applicants choosing Option B or C must advise the Program Manager of their choice in writing at the time of zoning submission..

Engaging a Public Art Consultant

Applicants must hire a public art consultant to manage the public art process. A consultant experienced in contemporary public art practice is the best assurance of implementing a successful public art program. Staff and the Public Art Committee inevitably play a larger role directing the applicant's public art program if the consultant lacks a knowledge of contemporary public art planning. The consultant is responsible for all aspects of the public art process, from consultation with staff through art-plan preparation, project management, and documentation.

The public art consultant should be engaged when detailed planning for the development begins in order to determine opportunities having the most public art potential, to access base building budgets, and to minimize change orders.

Option A Guidelines and Process

The consultant will meet with the Program Manager to review Public Art Program goals and discuss the preparation of the Preliminary Checklist, Detailed Public Art Plan, and Public Art Report. These documents are as follows:

(1) Preliminary Checklist

The Preliminary Checklist must be submitted with the zoning application for the Option A process. The checklist summarizes the proposed rezoning and provides the following:

- Public Art Program Option (A, B or C)
- Contacts for the land owner and development consultant
- Contact for the public art consultant
- Legal descriptions of the development property(s)
- Subdivision or other plans
- Plans of any adjacent Park lands
- Total public art budget based on the anticipated FSR
- A description of the proposed zoning and development uses (residential, commercial, etc.)
- Applicable civic or development planning schedules, guidelines or studies
- A schedule indicating the anticipated stages of development

Staff will review and approve the checklist prior to zoning enactment.

(2) Detailed Public Art Plan

The public art consultant should be engaged when detailed planning for the development begins in order to determine opportunities having the most public art potential, to access base building budgets, and to minimize future change orders.

A Detailed Public Art Plan must be approved as a condition of Development Permit issuance, and should be submitted to staff one month before the Public Art Committee meeting. The Detailed Plan describes complete arrangements made for the development public art planning process, and must provide the following:

- a copy of the checklist provided for zoning enactment, with any amendments
- a description of public art sites and opportunities or terms of reference for their selection
- terms of reference for artist selection
- names and terms of reference for the selection panelists
- a detailed breakdown of the public art budget showing provisions for artwork, consultants, artist selection (including travel, panel honoraria, interview or maquette fees); public consultation; project documentation
- a schedule indicating anticipated dates of artist/art selection, installation and documentation; progress reports;
- anticipated needs for dedication, encroachment, maintenance, or deaccessioning agreements
- a schedule of art process development
- other information requested by staff

The Plan must be submitted one month before the date of the Public Art Committee meeting, and time must be allowed for revisions requested by staff of the Committee. A return to the Committee should be anticipated.

When staff and the Public Art Committee are satisfied with the Detailed Plan it will be recommended for approval, along with any amendments, to the Co-Director, Office of Cultural Affairs whose formal approval is required to release the Development Permit.

The Detailed Plan should be submitted well before Development Permit application, and an approved Plan is a condition of Development Permit issuance.

Draft

(3) Public Art Report

The Public Art Report provides complete financial and other documentation on the project. Its purpose is to satisfy staff that the art process was implemented as approved in the Detailed Plan, and that other commitments made to the City have been fulfilled. The Final Report describes the selected art work, its site, its budget, the timing of its installation, and other detail as necessary respecting art ownership, encroachment, maintenance, documentation, or other matters. It contains a Statutory Declaration verifying the detailed accounting provided for the public art process, and a completed transfer of ownership and a maintenance allocation for any artwork sited on civic lands. Documentation of the artwork is proved. The Public Art Report must be accepted by the City before the artwork security (restrictive covenant or permit hold or Letter of Credit) is released.

Complete financial records of the public art process, including consultant and artist contracts, must be maintained and provided to the City on request.

In the event an Occupancy Permit is sought before artwork completion, a letter of credit for the value of the artwork must be provided to the City.

Public Art Committee Review

The Public Art Committee will review the Public Art Plan for proposed method of artist participation, terms of reference for artist and site selection; budget allocations to sites; and the public consultation or participation process. The Committee may assign a subcommittee to the project, to enable an efficient response to the Plan. The Committee may also review and issue a finding on the artwork at conceptual and developed stages.

Option B

Developers who elect not to pursue a public art program may cash out their obligation and place their public art budget with the City. A cheque payable to the Public Art Reserve must be paid before the Development Permit issues. The City uses Reserve Funds to commission artworks at public sites through out the city.

Options C Guidelines and Process

Option C enables developers to spend up the 60% of the total development project public art budget on art sited on private development lands, without public process or Public Art Committee review. The balance of funds, a minimum 40% of the total public art budget, is paid to the City's Public Art Reserve.

Process

Developers must inform City staff in writing before their zoning application if they are electing an Option C process. Option C requires a Public Art Checklist but requires no Detailed Public Art Plan or Public Art Committee review. Option C requires the

provision of a Public Art Report, and artwork must be either completed and installed prior to issuance of the Occupancy Permit, or a letter of credit provided in lieu.

Development Permit Application

Option C artwork sites, and the nature of the proposed art work if known, must be indicated on the Development Application. The proposed work may be reviewed by the Development Permit Staff Committee, the Development Permit Board, and the Urban Design Panel. These reviews consider urban design, circulation, and crime prevention issues related to proposed art work, but make no evaluation of artistic merit. The developer must ensure the art work is safe and conforms to relevant City codes, and that the City Engineer approves of any art work encroaching on City rights-of-way. Art work must be completed and installed prior to issuance of the Occupancy Permit.

Artwork Selection

The selection of sites, artists and artworks is decided by the developer with the advice of a consultant. The consultant can advise on artist opportunities; artist resources; art and site compatibility; and on technical aspects (project viability, installation, maintenance, artists' copyright and moral rights).

Location

Art work must be located on development lands in areas offering the public a free and unobstructed experience of the work, with preference given to areas providing the greatest opportunities for the public to experience and interaction. Indoor areas are usually unsuitable, but in the event an indoor site is approved, the art work must offer the public a free and uninhibited experience during normal business hours.

Payment to the Public Art Reserve

All artwork must be completed and installed prior to issuance of the Occupancy Permit. A cheque for 40% of the total public art budget is payable to the Public Art Reserve prior to issuance of the Occupancy Permit.

Public Art Report

A Public Art Report documenting the completion of the project, and providing the necessary financial disclosure, must be provided and approved before the Option C process is complete.

Public Art Policy and Guidelines – Schedule B

Definitions

Artist-A practicing professional art-maker recognized by peers, or other design professional engaged specifically to create the project artwork; however, project designers or other project consultants are excluded from undertaking project commissions.

Artwork- Creations by Artists in any medium, for example, installation, sculpture, glass, film, video, fabric, light, painting, environment, photography, etc.

Public Art Checklist—A checklist to be completed and submitted with the zoning application that includes information on the proposed development that is pertinent to the anticipated public art process.

Detailed Public Art Plan - A plan submitted by the public art consultant that contains complete details and analysis of the proposed public art process.

Public Art Report - Documentation on the artwork, a financial account of the budget disbursements, and other information. The Final Plan must be approved by staff to complete the public art process.

Public Art Consultant - A professional advisor specializing in public art selection, siting, project management, and artist management.

Public Art Reserve - A City Reserve that holds monies for public art private sources for Public Art Program purposes.

Vancouver Construction Price Increases 1990 - 2007

Construction prices in major Canadian cities are tracked by Statistics Canada, which has indexed construction price increases in Vancouver in CANSIM Table 327-0040.* The average price increase across the three sectors of development most applicable to the Public Art Program (office, apartment residential, and shopping centre, but omitting warehouse, schools, and factory categories) is 90% from first quarter 1991 to first quarter 2007, the latest date available.

To arrive at the 90% figure, the 1991 first quarter indices of these three development types – office, apartment residential, and shopping centre – were averaged and then compared to their 2007 first quarter counterparts, as follows:

Average Price Index for Office, Apartment Residential, and Shopping Centre:

1991 First Quarter	86.96
2007 First Quarter	165.56

% increase 2007 over 1991: $165.56 / 86.96 = 90.3864\%$ increase
Public art budget rate: 95 cents X 190.3864% = 1.808 or \$1.81 per sq ft.

The recommendations in this report propose a new Private Sector Public Art Program budget rate of \$1.81 per square foot of FSR development, a figure that will be adjusted annually to reflect changes in the Vancouver Construction Price Index.

Council should note that there is a degree of approximation in applying a standard price index to a budget rate established by other means in 1990. But our application of Statistics Canada's Vancouver Construction Price Index tables represents the fairest method known, short of introducing a budget calculation based on a percentage of construction costs, to maintain the ongoing value of public art budgets.

Council should further note that even with this increase, Vancouver's private sector public art funding formula remains considerable less than the North American norm, which bases public art budget on percentages (from 1% to 2%) of total building costs. This is the case because the FSR calculation excludes several building areas (for example, underground parking, which is expensive to construct) that are included in percent-based programs.

The City's Real Estate Division estimates that current high-rise construction costs in Vancouver range from \$250 to \$290 per square foot, with downtown buildings at the higher end of that spectrum. A one percent-based calculation would yield private sector budgets of \$2.50 to \$2.90 per foot.

**Statistics Canada's CANSIM Table 27-0040 is a compilation of Non-Residential Building Construction Price Indexes 2317, and Apartment Building Construction Price Indexes 2330.*