

Policy

Public Art Policy for Rezoned Developments

Approved by Council July 23, 2014

Last amended September 30, 2026

Note: Replaces Public Art Policies and Guidelines, June 23 and November 22, 1994, and Public Art Guidelines for Rezoned Development, June 26, 2008.

The full Public Art Guide and Procedures can be found at <https://vancouver.ca/files/cov/guide-procedures-public-art-for-rezonings.pdf>.

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1 APPLICATION AND INTENT

City Council adopted the Public Art Program for Civic and Private Development on October 4, 1990, with an intent to improve Vancouver's public life through artist contributions to public realm areas of development.

2 PARTICIPATING REZONINGS

The Public Art Program applies to all rezonings submitted prior to September 30, 2026 that, in aggregate, result in increased floor space or in a change from agricultural or industrial to commercial or residential use. Application of the program is limited to rezonings of 100,000 sq. ft./9,290 m² or greater, as calculated after exemption of areas specified below. The Program may also apply, at the discretion of the City, to projects where a substantial public benefit is sought, or where a developer, at their discretion, elects to provide on-site artwork. A registered public art agreement is a condition of enactment of the rezoning by-law.

Exempted Development:

- CD-1 text amendments providing no increase in floor space
- Floor areas of existing buildings retained in substantially “as is” condition as part of a larger rezoning
- Areas dedicated to Social Housing as defined in the Development Cost Levy By-law

The Program applies to all other uses.

3 PUBLIC ART BUDGET

The “Public Art Budget” is based on all areas contributing to the floor space calculation as established for the Development Permit, multiplied by the per-foot rate (“Public Art Rate”) then in effect. The current (2014) rate is \$1.81 sq. ft./19.48 m². Effective September 30, 2016, this rate will be adjusted to \$1.98 per buildable square foot to reflect increases in local construction costs since 2009.

The Public Art Rate will be adjusted annually to reflect inflation increases using the Statistics Canada index noted below. If, however, there has been a decrease in the Index over a particular period, then the Public Art Rate will not be adjusted to reflect the decrease in the Index. The Public Art Rate that applies at the time of the public hearing will be specified and the Public Art Rate will be adjusted based on increases in the index between public hearing and the time of application for the Development Permit.

* Index – the all-trades residential, office and retail components of CANSIM table 327-0044 for Vancouver published by Statistics Canada (or by a successor or other governmental agency, including a provincial agency) or if such index is no longer published, an index published in substitution for such index or a replacement index designated by the City or if no comparative calculation can reasonably be made by reference to such replacement index then by reference to such other index or other analysis which, in the City's opinion, most accurately indicates the changes in construction prices in Vancouver during the period in question.

4 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 two options, A or B, (including B1- a time limited discount) which must be declared by Development Permit application. Applicants electing Option A must receive approval of a Detailed Public Art Plan before Development Permit issuance.

I. Option A – Delivery of Public Art

Applicants who select Option A are required to deliver artwork on-site. Developers must hire a public art consultant, submit a Checklist prior to zoning enactment, and, with their Development Permit application (DA), submit a Detailed Public Art Plan that defines artist opportunities and selection processes for review and approval by staff and the Public Art Committee.

Ten percent (10%) of the Public Art Budget under Option A is paid to the City to offset costs for local-area artworks around the city, especially in areas where artworks are not achieved through rezoning opportunities. The 10% cash contribution is submitted to the City with the submission of the Detailed Public Art Plan prior to Development Permit issuance. A letter of credit in an amount equal to 90% of the Public Art Budget must be delivered to the City prior to Building Permit (BU) issuance. The letter of credit will be returned to the applicant upon delivery of the public art and completion of all related obligations as determined by the City.

In consultation with the City, developers may pool their budgets (Individual developers with multiple projects or two or more developers from separate projects on adjacent or nearby properties) to commission more significant artwork either on development lands or public lands.

II. Option B – Payment in Lieu Discount

Applicants who select Option B may make a cash payment equalling 80% of the Public Art Budget in lieu of delivering public art on site. The payment in lieu is due before Building Permit issuance. (See Section 3.6 of the Public Art Guide and Procedures)

To ensure this cash-out incentive is retained through other City negotiations, Option B can be declared after CAC negotiations are concluded.

For applications meeting eligibility criteria for Option B1 (time-limited), applicants may make a cash payment equalling 60% of the Public Art Budget in lieu of delivering public art on site. The payment in lieu is due before Building Permit issuance. (See Section 3.6 of the Public Art Guide and Procedures)

5 OPTION A BUDGETS

Costs incurred by an applicant under Option A may be classified as either artwork costs or process costs. The types of costs that are permitted under each of these two categories are listed below. Public Art Budgets are submitted as part of the Detailed Public Art Plan and must be approved by the Public Art Committee and by the City's Managing Director of Cultural Services. Applicants should discuss with City staff the percentage of the Public Art Budget that they are proposing to allocate to process costs prior to completing the Detailed Public Art Plan.

(a) Artwork Cost Allowances

Financial records documenting the public art expenditure must be submitted to the City on art project completion. Artwork costs typically include the following:

- Artist fees, travel and accommodation
- Artwork fabrication and installation
- Shipping, storage, insurance
- Site preparation necessary for the artwork
- Funds deposited to the City Public Art Maintenance Reserve

Note 1: If an artist's project makes use of base building components (such as a window, door, architectural or infrastructure feature) then only that cost added to the base cost by the artist's process is an allowable cost. City staff will review base-cost allocations to ensure art budgets are fully available for artwork.

Note 2: Art budgets can only be used for artworks or artists selected through the approved process and not for artwork proposed by project design professionals.

(b) Process (soft) Costs

Process costs may include the following:

- Artist fees, travel and accommodation
- 10% of the Public Art Budget which is paid in cash to the City
- Public art consultant fees
- Public Art Checklist and Detailed Public Art Plan preparation
- Artist selection costs including panel fees and costs for shortlisted artist
- Community consultation
- Project documentation

6 PROJECT DOCUMENTATION

Staff will provide consultants with a list of materials and information required to document the completed artwork. This documentation is used to register the artwork in the City Public Art Registry and is 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 about the work;
- Specifications of the art work;
- 10 high resolution digital images showing installation shots and the artwork in context and in close-up;
- Other materials as needed to reveal the art work and/or artist intentions, e.g., brochure, film or video clips, book works; and
- A copy of the artist's maintenance plan.

7 LEGAL AGREEMENT

The public art obligation is secured at the rezoning stage by legal agreement registered against title to the rezoning lands pursuant to Section 219 of the Land Title Act, prior to enactment of the rezoning by-law. The agreement will define the applicant's obligations with respect to the delivery of the artwork and

will require the ultimate owner or owners of the site to maintain the artwork for the life of the development or make a payment in lieu. The agreement will include such permit holds as City staff determine are necessary to secure the applicant's obligations at the various stages of the development process.

The agreement will also give the City rights to enter the property should the owner or owners fail to fulfill its obligations under the agreement.

8 PUBLIC ART MAINTENANCE

The public art obligation is secured at the rezoning stage by legal agreement registered against title to the rezoning lands pursuant to Section 219 of the Land Title Act, prior to enactment of the rezoning by-law. The agreement will define the applicant's obligations with respect to the delivery of the artwork and will require the ultimate owner or owners of the site to maintain the artwork for the life of the development or make a payment in lieu. The agreement will include such permit holds as City staff determine are necessary to secure the applicant's obligations at the various stages of the development process. Artwork 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 artwork 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 Managing Director of Cultural Services. The City'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.
- 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.

Artworks commissioned for private lands must include viable maintenance plans which are approved by the City.

The public art agreement registered against title to the rezoning lands as a condition of rezoning by-law enactment will require the owner at its cost to maintain the artwork for the life of the development. The agreement will also require the owner to take actions should the artwork become a safety hazard or result in unreasonable disturbance to neighbouring properties.