

PUBLIC ART POLICY AND PROCEDURES FOR REZONED DEVELOPMENTS

Adopted by City Council July 23, 2014

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

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1 Summary Public Art Policy for Rezoned Developments (Revised 2014)

1.1 When does the Public Art Policy apply?

The Public Art Policy applies to rezonings referred to public hearing **after July 31st, 2014**. For rezoning applications referred prior to that date, see section 2.1 below.

The Public Art Policy applies to:

- ✓ All floor areas contributing to the FSR calculation of any residential, commercial, institutional or industrial rezoning resulting in increased floor space or in a change from agricultural or industrial to commercial or residential use.
- ✓ Rezoning developments of 100,000 square feet (9,290 square meters) or greater.
- ✓ The Policy may also apply, at the discretion of the City, to projects where a substantial public benefit is sought.

Exemptions:

- ✗ FSR floor areas dedicated to Social Housing (as defined in the Development Cost Levy By-law) and floor areas of existing buildings retained in substantially “as is” condition are exempt from the budget calculation.

A registered public art agreement is a condition of the zoning by-law enactment (see section 3.3).

1.2 How much will it cost?

The public art budget is calculated by multiplying all areas contributing to the FSR calculation (as established for the Development Permit) by the public art rate, currently \$1.98 per square foot or \$21.3125 per square meter (see section 3.2).

Note: The public art rate is adjusted periodically to reflect increases in local construction costs (see section 3.3).

1.3 What are the options?

All applicants must contact Public Art Program staff and submit a Public Art Checklist (attached as Appendix C) at rezoning application. Prior to rezoning enactment, the elected option, Onsite Artwork (Option A) or Cash-in-Lieu (Option B), must be confirmed (see section 3.4).

I. Option A: Onsite Artwork

A Detailed Public Art Plan, prepared by the Public Art Consultant, along with a Civic Program Contribution of 10% of the public art budget (as a contribution to local-area artworks throughout the city) are due prior to Development Permit (DP) issuance. Artwork must remain accessible at no cost to the public and be maintained in good repair for the life of the development. Artworks intended for public lands allocate a minimum of 10% of budgets to the Public Art Maintenance Reserve. A detailed guide to the Onsite Artwork process is provided in Section 3.5.

II. Option B: Cash-in-Lieu

Developers opting to pay cash-in-lieu can pay 80% of the public art budget to the City’s Signature Projects Reserve Fund prior to Building Permit issuance. Rezoning contributions are pooled with contributions from the City, philanthropists and other agencies to commission artworks of major significance at key city sites. To ensure the cash-out incentive is retained, Option B can be declared after amenity contribution negotiations are concluded. The process for cash-in-lieu is provided in Section 3.6.

2 Public Art Program Mission and Goals

2.1 Introduction

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

Public art in private rezonings provides an exciting opportunity to be involved in the creative process and add to the experience of a site. The Public Art Policy strives to identify art opportunities at the earliest possible stages of development and oversees commissions of site-specific artworks through an objective and professional selection process involving the developer and design and visual art professionals.

The Public Art Policy, adopted by Council on July 23rd, 2014, applies to rezonings referred to public hearing *after July 31st, 2014*. Rezoning applications at public hearing before that date should refer to the Public Art Policy & Guidelines dated June 26th, 2008 (please see Appendix F for a summary of key changes from the previous policy document).

The revisions include the establishment of a Signature Projects Fund to receive contributions from the City, developers, partners and philanthropists for commissioning unique artworks of major significance by local, national and international artists on highly public sites.

This document is intended for use by City staff and the private sector when developing public art for rezonings.

2.2 Mission

The City of Vancouver is widely known and respected for its public art collection of over 300 works of art and for its vibrant artistic community. The mission of the Public Art Program is to produce high quality public art that enriches Vancouver's urban environment, creates landmarks and distinctive elements in the built environment and provides a unique identity for individual developments and for the city as a whole.

2.3 Goals

Vancouver's Public Art Program works with artists, communities, City departments, and developers to commission extraordinary public artworks that animate the vision and values of urban life. The goals of the Program are:

- to cultivate a changing and distinctive cityscape and enrich the experience of public places and the built environment;
- to be challenging, risk-taking, creative and innovative in pursuit of great artworks;
- to reflect the distinct character and experience of neighbourhoods and diverse communities;
- to stimulate civic discourse, re-examine narratives and imagine new futures through creative interventions;
- to craft exceptional opportunities for artists – local, national and international, emerging and established – to engage with the public realm through typical and atypical media.

3 Public Art Procedures and Guidelines

3.1 Contact

Developers should contact Public Art Program staff to discuss Public Art Policy options well before rezoning enactment in order to explore the most advantageous options and opportunities and to ensure the best possible public art outcome for each rezoning development.

3.2 Calculating the Public Art Budget

The public art budget is calculated by multiplying all areas contributing to the FSR calculation (as established for the Development Permit) by the public art rate. The current (2016) public art rate is \$1.98 per square foot or \$21.3125 per square meter.

Note: The public art rate is adjusted periodically to reflect increases in local construction costs as determined by Statistics Canada's Vancouver Construction Cost Index ("Inflation Index" in Definitions, Appendix A). Adjustments come into effect on September 30 of any given year. The rate will be adjusted for any increases in the Index between public hearing and the application for Development Permit.

3.3 Legal Agreement

The public art obligation is secured at rezoning by a legal agreement registered against title to the lands being rezoned. The agreement specifies and defines all obligations with respect to the elected option including security requirements, often a combination of letters of credit and/or such permit holds as City staff determine are necessary to ensure the completion of the public art project.

The legal agreement also outlines maintenance requirements for artwork. Onsite artwork requires the ultimate owner or owners of the site to maintain the artwork in good repair for the life of the development. The agreement also gives the City rights to enter the property should the owner or owners fail to fulfill maintenance obligations.

In addition, artworks sited on public lands require payment to the City's Public Art Maintenance Reserve to go towards future maintenance of the artwork. The maintenance payment is a minimum of 10% of the public art budget (after the Civic Program Contribution) but higher amounts may be required depending on the specific maintenance needs of the artwork.

3.4 Electing An Option

Developers must discuss Program options with the Public Art Program Manager well before zoning enactment. Applicants may provide Onsite Artwork (Option A) or pay Cash-in-Lieu (Option B). Option C is no longer available except for rezonings referred to public hearing before August 1st, 2014. A Public Art Checklist stating basic project data (see Appendix C) must be submitted for either option before zoning enactment.

In consultation with the City, developers may site artworks on public lands or pool their budgets (individual developers with multiple projects or two or more developers with projects on adjacent or nearby properties) to commission more significant artworks.

3.5 Onsite Artwork Process

Applicants electing onsite artwork must engage a Public Art Consultant. An introductory presentation must be made to the Public Art Committee for feedback regarding the proposed selection process, site opportunities, public art budget, etc. A Detailed Public Art Plan that defines artist opportunities and selection processes is submitted for review and approval by staff and the Public Art Committee – an approved Detailed Public Art Plan is a condition of Development Permit issuance. In order to ensure timely receipt of the Development Permit, the Detailed Public Art Plan

should be submitted well before Development Permit application (refer to section IV below for more information about submission of the Detailed Public Art Plan).

A civic program contribution (equal to 10% of the public art budget) 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 civic program contribution is due with the submission of the Detailed Public Art Plan. A letter of credit in an amount equal to 90% of the Public Art Budget is required prior to Building Permit issuance. The letter of credit will be returned to the applicant upon delivery of the public art and submission of the Final Report.

Appendix B provides a step-by-step synopsis of the process for onsite artwork.

I. Onsite Artwork Budgets

Costs for developing artwork on site are divided into artwork costs and process costs. Types of costs permitted under each of these two categories are listed below. Public art budgets are submitted as part of the Detailed Public Art Plan. Applicants should discuss with City staff the percentage of the budget they propose to allocate to process costs prior to completing the Detailed Public Art Plan. Financial records documenting the public art expenditures are submitted as part of the Final Report.

a. Artwork Costs

- 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: 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

- 10% civic program contribution
- Public art consultant fees
- Detailed Public Art Plan preparation
- Artist selection costs including panel fees and shortlist expenses
- Community consultation
- Project documentation

II. Engaging a Public Art Consultant

The Public Art Consultant should be engaged when planning for the development begins in order to determine opportunities with the most public art potential, to access base building budgets, and to minimize change orders. A Public Art Consultant is an art professional responsible for all aspects of the public art process, working with the design team, City staff, artists and the public. An effective public art process requires a Public Art Consultant with proven art expertise or a team that includes art professionals (artists/curators/art educators) with recognized knowledge of contemporary art practices. Consulting fees are based on the tasks and the type of selection process.

The work of a Public Art Consultant may include:

- Artist and precedent research
- Consulting with stakeholders: developer, design professionals, City staff and relevant publics
- Identifying art opportunities
- Developing the Public Art Plan: opportunities and selection process
- Providing terms of reference for artists
- Networking and distribution
- Facilitating the selection process
- Assisting with contracting
- Technical reviews
- Project management for fabrication/installation
- Public relations and launch
- Documentation of artwork and final reporting
- Other related tasks

III. Preliminary Presentation to Public Art Committee

A preliminary presentation to the Public Art Committee provides a brief overview of the site and other artworks in the area and identifies any City or development planning goals or studies pertinent to the public art objectives. It defines the estimated budget and proposes potential public art opportunities, the approach to artist research and selection, a long list of prospective panelists as well as the timing for artist participation. The preliminary presentation is an opportunity to receive feedback from the Public Art Committee to assist with development of the Detailed Public Art Plan.

IV. Detailed Public Art Plan

Approval of a Detailed Public Art Plan by staff and the Public Art Committee is a condition of Development Permit issuance. In order to ensure timely receipt of the Development Permit, the Detailed Public Art Plan should be ready a minimum of two (2) months prior to the estimated Development Permit issuance date with a draft submitted to staff three (3) weeks prior to the Public Art Committee meeting. This enables staff to review the plan, schedule the Public Art Committee meeting, and distribute the plan to the Committee members. It also gives Public Art Consultants time for revisions should the Public Art Committee require them.

The Public Art Committee reviews Public Art Plans in relation to the budget allocations, the quality of the opportunities identified, the art expertise brought to bear and the ability to attract qualified artists. The Committee recommends to the Managing Director of Cultural Services whose formal approval is required to release the Development Permit. See Appendix D for the components of the Detailed Public Art Plan.

V. Identifying Artwork Locations

Artworks must be located in areas offering the public a free and unobstructed experience of the work, in areas providing the greatest opportunities for public interaction.

VI. Artists' Use of Base Building Components

If an artist's project makes use of base building components (such as an architectural or infrastructure feature) then only the cost added to the base cost of the component is an

allowable cost. City staff will review art budgets and base-cost allocations as needed to ensure art budgets are fully available for artwork.

VII. Interim Progress Report

An Interim Report is required at the concept stage. The report includes the Selection Process (panelists, shortlist, selected artist), a copy of the artist's contract, the concept proposal (images, drawings and/or maquettes and a written proposal providing adequate information to fully comprehend the nature and scope of the work).

VIII. Development Planning and Maintenance Review

Proposed sites and artworks are reviewed by the Development Planning staff in relation to urban design and circulation considerations and to ensure the artwork is safe and conforms to City codes. The City Engineer must approve any artwork encroaching on City lands or rights-of-way.

IX. Maintenance Manual and Plan

Artworks developed for private properties need to consider maintenance and long-term viability. Art installed on private lands is the responsibility of and at the risk of the owner, and is maintained at the owner's sole cost for the life of the development. The long-term owners of private development artworks (typically the residents) should be informed regarding the ongoing care of the artwork. City staff will review the concept and the detailed design of artworks and respond with comments regarding maintenance.

The Maintenance Manual and Plan forms part of the Final Report and is an opportunity to pass on information about the artwork and its intended functioning to new owners. Two copies of the Maintenance Manual should be provided to the strata and one to the Public Art Program. It is also an opportunity to pass on information about artists' intellectual property rights.

Privately initiated public art intended for public lands must allocate a minimum of 10% of project budgets to the Public Art Maintenance Reserve, upon Occupancy or prior to the installation (higher amounts may be required depending on the specific maintenance needs of the artwork).

X. Public Art Final Report

The purpose of the Final Report is to satisfy the City that art commitments have been fulfilled and to ensure that the City maintains documents related to production and maintenance of artworks. Acceptance of the Final Report enables the restrictive covenant or Letter of Credit to be released. Schedule E provides a template for the Final Report.

XI. For the Record: Project Documentation

Documentation of the completed work is used to register the artwork in the City Public Art Registry and is part of the project completion. Documentation includes:

- Completed Artist and Artwork forms for the Public Art Registry, including:
 - An artist statement, description of the work and its site, materials, scale and dimensions and other pertinent details;
 - Biographical details of the artist(s);
- Sufficient (5-10) high-resolution, professional quality digital photos, including credits to the photographer, to show the work in context and in detail as needed to provide a reasonably comprehensive photographic record;

- other materials that document the art work or artistic intentions, e.g. brochure, film or video clips, book works, etc.

3.6 Cash-In-Lieu Process

For applicants electing to make a cash payment in lieu of delivering art onsite, the payment-in-lieu equals 80% of the Public Art Budget and is due prior to Building Permit issuance. To ensure this cash-out incentive is retained through other City negotiations, developers may hold off on declaring their public art option until negotiations in relation to Community Amenity Contributions are concluded. Applicants considering the cash-in-lieu option should contact the Public Art Program Manager prior to rezoning application. A Public Art Checklist must be submitted to staff and a legal agreement must be registered on title prior to rezoning enactment.

Funds collected through cash-in-lieu are allocated to the Signature Projects Fund. Appendix B provides a step-by-step synopsis of the process for cash-in-lieu.

APPENDIX A: DEFINITIONS

Public Art Policy and Procedures

Art Educator – In this context, a professional operating at the post-secondary level, who trains people in studio art practices and/or art history, contemporary practices and the analysis of visual art.

Artist – A practicing professional art maker, with training or apprenticeship in visual practices, a history of unique creation and public display of artwork, recognized by peers and commissioned specifically to create artwork or collaborate with design team members. Project architects, landscape architects, or other project consultants do not qualify as artists for public art commissions. An artist may refer to an individual or a team.

Curator – A recognized practicing professional in the visual arts who is knowledgeable about art history, contemporary art practices and artists, and who works to organize exhibitions and analyze artwork and the relationship of artwork to the larger field of practice, history and place.

Inflation 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.

Public Artwork – Creations or collaborations by professional artists, commissioned by civic or other institutions or individuals and intended for installation in freely accessible public areas.

Public Art may be in any medium, including electronic or environmental elements or socially engaged practices, or any material or combination of elements appropriate to a particular work of art. Public art opportunities include but are not limited to:

- design-team collaborations on public open spaces, i.e. parks and streetscapes;
- free-standing sculpture or two-dimensional work;
- video and LED artworks for designated screens;
- artist-designed building elements, i.e. facades or floors, or exceptional landscape plantings, etc.;
- exceptional site elements such as a pavement pattern, walls, gateways; or
- unique functional elements such as benches, bus shelters, water features, light standards or other open space and streetscape amenities.

Public Art Committee – Informed peer review is an essential value of the public art process. The Public Art Committee is a group of nine art and design professionals including a representative from the Urban Development Institute.

Public Art Consultant – An informed advisor on art siting, selection, and artist issues, skilled at identifying and negotiating opportunities for artists. Consultants should have a broad knowledge of current art-making practices and artists and be able to work in public and development contexts. The Public Art Consultant can be an individual or a team of individuals who manages the artist research, develops the terms of reference for opportunities, selection and commissioning processes, and assists with project management, inauguration and documentation of artwork.

Public Art Maintenance Reserve – An interest-bearing reserve managed by the City for the purpose of maintaining those artworks that contribute to the Reserve and with interest generated by the Reserve used to maintain public-site artworks.

Public Art Plan – A plan developed by a knowledgeable art professional that provides background information about a site, public context and site design, identifies artist opportunities and required skills, proposes a selection process and the relevant expertise required as well as timelines and budgets.

Public Art Registry – The Public Art Registry provides information and images of public artworks located throughout Vancouver. For artworks delivered onsite, project documentation provides the necessary information to enter the new artwork into the Registry. Each public art entry includes information about the artists, the artwork title, the type of artwork, its location and neighbourhood, materials, and so on.

Signature Projects Fund – A reserve maintained by the City to facilitate artworks of major significance by local, national and international artists at key city sites. Contributions from developers, the City, partners and philanthropists will be pooled towards significant opportunities. The Public Art Committee will provide oversight for developing priorities.

APPENDIX B: SUMMARY OF PUBLIC ART PROCESSES

Option A: Summary of Steps to Onsite Artwork

1. Contact the Public Art Program Manager prior to rezoning application.
2. Engage a Public Art Consultant when planning for development begins.
3. Submit Public Art Checklist (Appendix C) prior to rezoning enactment and confirming the elected option.
4. Legal Agreement registered on title prior to rezoning enactment.
5. Preliminary presentation to Public Art Committee.
6. Draft Detailed Public Art Plan submitted for staff review (minimum of three weeks prior to scheduled Public Art Committee meeting).
7. Detailed Public Art Plan to Public Art Committee well before Development Permit application (recommend two months prior to expected issuance date of Development Permit).
8. 10% civic program contribution payable to City prior to Development Permit issuance.
9. A letter of credit in an amount equal to 90% of the Public Art Budget delivered to the City prior to Building Permit issuance.
10. Interim Progress Report at Concept Proposal stage submitted to staff for comment.
11. Development Planning and Maintenance reviews of artwork concept and detailed design (if required) by City staff.
12. Artwork completed and installed prior to Occupancy Permit.
13. Maintenance Manual and Plan developed.
14. Minimum 10% maintenance allocation to Public Art Maintenance Reserve if artwork situated on public land (higher amounts may be required depending on the specific maintenance needs of the artwork).
15. Documentation and Final Report submitted.

Option B: Summary of Steps to Cash-In-Lieu

1. Contact the Public Art Program Manager prior to rezoning enactment.
2. Submit Public Art Checklist (Appendix C) prior to rezoning enactment and confirming the elected option.
3. Legal Agreement registered on title prior to rezoning enactment.
4. 80% of the Public Art Budget payable to the Signature Projects Fund prior to Building Permit issuance.

APPENDIX C: PUBLIC ART CHECKLIST



PUBLIC ART CHECKLIST (updated July 27, 2018)

Please contact the Public Art Program Manager prior to submission.

PROJECT DETAILS:	
Checklist Submission Date	
Project Name	
Project Address	
Project Location	
Legal Description of Site	

PROJECT CONTACTS:	
PROJECT OWNER	
Owner Contact Name	
Telephone	Email
PROJECT DEVELOPER	
Developer Contact Name	
Telephone	Email
COV REZONING PLANNER	
Telephone	Email

PROJECT CONSULTANTS:	
PUBLIC ART CONSULTANT	
Telephone	Email
PROJECT ARCHITECT	
Telephone	Email
LANDSCAPE ARCHITECT	
Telephone	Email
DESIGN CONSULTANT	
Telephone	Email

PROJECT DESCRIPTION:
Brief description of the proposed development (residential, commercial, etc.)



PUBLIC ART CHECKLIST

Relevant planning or other studies or conditions pertinent to the project site (point form)

PUBLIC ART ALLOCATION CALCULATION:	
PUBLIC ART OPTION (applicable to re-zonings referred to public hearing after July 31, 2014)	
<input type="checkbox"/> Option A	90% of budget applied to public art for development; 10% program contribution: Public Art Plan reviewed by Public Art Committee
<input type="checkbox"/> Option B	80% of budget contributed to City's Signature Projects Fund

FSR AREA CALCULATION:	
Total Floor Space Ratio Area	
Dedicated Social Housing FSR	
Eligible FSR Rate	
Public Art Rate	\$1.98 per ft ² (\$21.3125 per m ²)
Total Public Art Budget	
10% Program Contribution - Option A (applicable to re-zonings referred to public hearing after July 31, 2014)	

PROPOSED PROJECT SCHEDULE:	
Date of Public Hearing	
Rezoning Enactment Date	
Development Permit Application Date	
Development Permit Issuance	

City of Vancouver, Cultural Services, Public Art Program
 Suite 501, 111 West Hastings Street, Vancouver, British Columbia V6B 1H4
 tel: 3-1-1, Outside Vancouver 604.873.7000 fax: 604.871.6005
 website: <http://www.city.vancouver.bc.ca/publicart>

APPENDIX D: DETAILED PUBLIC ART PLAN

The following are the typical components of the Detailed Public Art Plan; plans can include other information relevant to the project:

Detailed Public Art Plan

- **Description of the Development:** Design details, site plan, the social and physical context of the neighbourhood, and a description of other artworks in the area.
- **Public Art Opportunities:** Every site offers “site specific” opportunities for art that will be of advantage to both the artwork and the development. These should be in highly public places on the building and in the surrounding grounds.
- **Estimated Public Art Budget:** Identify amounts for artwork, consultants, artist selection (including travel, panel honoraria, interview or maquette fees, etc.); public consultation; project documentation. A contribution to the Maintenance Reserve of 10% of the artwork budget is required for artworks proposed for public land.
- **Artist Selection:** This should be a fair and transparent process suited to the nature of the opportunity. Most common methods include limited or open calls or researched and invited calls. Artists are considered based on their training and past production in relation to the opportunity. They may or may not be asked to provide a concept prior to selection.
- **Selection Panel:** The panel should be made up of a majority of art professionals who are independent of the development. Other possible panel members are: a representative of the design team, the developer, a community representative, etc. Others members may act as technical advisors to the panel. A long list of prospective panelists must be presented to the Public Art Committee as part of the Detailed Plan.
- **Timeline:** Timeline or schedule for artist/art selection, concept development, fabrication, installation and documentation.
- **Education and Promotion:** Educational and promotional opportunities should be considered, such as talks that introduce the artwork or artist to the neighbourhood, brochures about the artwork, as well as opportunities to celebrate the completion of the artwork.

Other information to be included:

- List of relevant key planning documents
- Description of other artworks in the local area
- List of key stakeholders (design team, community representatives, neighbours)
- Copy of Public Art Checklist provided at zoning enactment, with all amendments
- Anticipated exceptional needs, i.e. encroachment or limited lifetime works

APPENDIX E: PUBLIC ART FINAL REPORT

The following outline specifies the components which are typically included in the Public Art Final Report and the Maintenance Manual and Plan (this does not preclude the inclusion of additional information that may be relevant to the artwork):

Public Art Final Report

- Report of selection process (including panelists, number of artists considered, shortlist, etc.)
- Copy of artist contract
- Design and engineering drawings and specifications
- Site information, including address and neighbourhood
- Complete financial reporting for the art process (delineating amounts to the artists, consultants, and others) and a Statutory Declaration attesting to the accuracy of the financial report
- Copy of the Transfer of Ownership
- A list of key professionals involved in the project, including architects, consultants selection panelists
- Copies of encroachment or other pertinent agreements
- Copies of the artwork Maintenance Manual (outlined below) and the letter provided to the artwork owner(s) outlining their maintenance obligations
- A cheque for a minimum of 10% of the public art budget for the Public Art Maintenance Reserve for artworks sited on City lands (higher amounts may be required depending on the specific maintenance needs of the artwork)
- Documentation and Registry forms

Maintenance Manual

- General description of artwork and functions
- Artist's statement
- Artists intellectual property rights
- Who to notify regarding routine and specialized maintenance and contact information or qualifications
- When to contact the Public Art Program (i.e. modifications or alterations)
- Materials, manufacturers and suppliers
- Artwork warranties
- Design drawings
- Mechanical, Electrical, and Digital systems manuals and warranties
- Routine Maintenance and periodic inspection requirements and schedule
- Long-term maintenance needs and plan

APPENDIX F: SUMMARY OF 2014 CHANGES TO PUBLIC ART POLICY AND PROCEDURES

The following summarizes the key changes between this document, Public Art Policy and Procedures for Rezoned Developments (2014) which is applicable to all rezonings referred to public hearing after July 31st, 2014, and the previous guiding document, Public Art Guidelines for Rezoned Development (2008) which is applicable to rezonings referred to public hearing before August 1st 2014.

	For rezonings referred to public hearing After July 31 st , 2014	For rezonings referred to public hearing Prior to August 1 st , 2014
Program Options	Option A: Artwork on site	Option A: Artwork on site
	Option B: Cash in lieu (80% of public art budget paid to the City)	Option B: Cash in lieu (100% of public art budget paid to the City)
	Option C: No longer available	Option C: 60% of public art budget for onsite artwork; 40% contributed to the City
Contribution to the City (applies to Option A only)	10% Contribution for Local Area Artworks	2% Administration Fee
Final Report Requirements	<ul style="list-style-type: none"> • Report of selection processes • Copy of artist contract • Design and Engineering drawings and specifications • Site information • Complete financial reporting with Statutory Declaration • Copy of transfer of ownership • List of key professionals involved • Copy of encroachment or other relevant agreements • Copy of maintenance manual and letter to owner outlining maintenance obligations • Documentation and Registry forms • Maintenance fee for artworks sited on public lands 	<ul style="list-style-type: none"> • Copy of artist’s maintenance plan • Documentation and Registry forms • Maintenance fee for artworks sited on public lands

APPENDIX G: OFFICIAL PUBLIC ART POLICY FOR REZONED DEVELOPMENTS

4 PUBLIC ART POLICY FOR REZONED DEVELOPMENTS

As adopted by City Council on July 23, 2014

4.1 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.

4.2 Participating Rezonings

The Public Art Program applies to all rezonings that result, in aggregate, in increased floor space or in a change from agricultural or industrial to commercial or residential use, with program application limited to rezonings of 100,000 sq ft/9,290m sq m 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. 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

4.3 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 sq m. 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.

4.4 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, 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 3.5)

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

4.5 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:

- 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

4.6 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.

4.7 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.

4.8 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 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.