



City of Vancouver *Land Use and Development Policies and Guidelines*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 873.7060
planning@city.vancouver.bc.ca

PUBLIC ART POLICIES AND GUIDELINES

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1 Application and Intent

On October 4, 1990, City Council approved the Public Art Program. The intent of the program is to improve Vancouver's public life through artist contributions to public realm areas of civic and private development. The Public Art Program provided two options for fulfilling public art requirements. Option A requires a public art process including staff and Public Art Committee review of art selection and sitings. Option B permits payment of cash in lieu of public art, to the Public Art Reserve.

On June 23, 1994, City Council approved Public Art Guidelines for Private Development to clarify Option A's public art process. At the same time, City Council approved a third option (Option C) for fulfilling public art requirements. Option C provides for up to 60% of public art budgets to be allocated to private-site art work, with the balance (a minimum 40%) allocated to the City's Public Art Reserve. Art sited on private development lands is selected and installed according to guidelines, but not reviewed by public art staff or the Public Art Committee. Also in June, Council approved Public Art Maintenance Policies.

On November 22, 1994, City Council approved Option C Guidelines: Public Art Program for Private Development, which are intended to minimize civic involvement in the public art process.

2 Public Art Guidelines for Private Development

Introduction

Effective immediately, the Public Art Program applies to privately initiated rezonings, as set out below.

2.1 Participating Rezonings

The Public Art Program applies to all floor areas contributing to the FSR calculations of any privately initiated, multiple residential, commercial or industrial rezoning resulting in increased floor space or in a change from agricultural or industrial to commercial or residential use; with program application limited to rezonings of 15 000 m² (161,463 sq. ft.) or greater, as calculated after exemption of areas specified below.

2.2 Exempted Development

Areas exempted by the zoning schedule do not contribute to the public art budget; nor do the following:

- CD-1 text amendments providing no increase in floor space.
- Floor areas of existing buildings to be retained as part of a larger rezoning.
- Floor areas or bonus areas related to heritage preservation, at the discretion of the Director of Planning.
- Areas dedicated to use by formally constituted non-profit societies providing child care, community centre activities, neighbourhood house services, or Special Needs Residential Facilities (SNRFs).
- Government assisted housing and rental housing governed by rent controls.

2.3 Calculating the Public Art Budget

Participating rezonings are required to allocate a portion of their construction budgets (\$.95 per foot/\$10.23 m²) to public art as a condition of zoning enactment. Public art budgets are based on the per-foot rate applied to floor areas contributing to the FSR established at the development permit stage, defined as follows:

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

2.4 Public Art Costs

The costs of creating and implementing the Public Art Plan (see Schedule A, attached) in excess of 20% of the total art budget may not generally be deducted from the public art obligation. However, in exceptional cases the Director of Social Planning may permit costs in excess of 20%.

Eligible Costs

To maximize the budget available for public art work, the costs attributable to the Public Art Budget are limited. The following "soft costs" may be deducted from art budgets:

- public art consultant/facilitator fees
- costs related directly to the public art process such as artist selection and community participation
- professional consulting work relating directly to the public art process
- art project documentation

The costs above may all be allocated to the public art budget provided in aggregate they do not exceed 20% of the total. Other costs relating to art installation and fabrication are considered art work costs and may thus be allocated to the budget and not included in the 20% ceiling:

- art fabrication and installation costs
- site preparation directly related to the public art work
- funds deposited to the City's Public Art Maintenance Fund

Ineligible Costs

Costs for the following may not be allocated to the Public Art Budget:

- maintenance provisions for art work sited on private lands
- art work submitted by the project architect, landscape architect or other project consultants*
- generally, costs not directly related to selecting, fabricating and installing the art work

- * Public art is often created by architects and other project consultants. The intent here is to ensure that art budgets are retained for art work or commissions above and beyond art work provided by the architect or other consultants. It is expected that artists (defined as practising professionals recognized as such by their peers) will be added to project design teams specifically to create art work or, through collaboration, to add artistic input to the work of others.

Schedule A

The Public Art Process for Private Rezonings

The Public Art Consultant

Applicants must identify a public art consultant to facilitate the public art process. Hiring a consultant experienced in public art is the best assurance of implementing a successful public art program. Staff and the Public Art Committee will inevitably play a larger role directing the public art program of applicants who lack experience in public art planning. The consultant should be responsible for all aspects of the public art process, from consultation with staff to art documentation.

Preparing the Public Art Plan

The consultant will meet with City staff to review Public Art Program goals and be advised on steps and stages of the public art process and the preparation of the **Public Art Plan**. The **Public Art Plan** usually consists of three documents, as follows:

(1) Preliminary Public Art Plan

A **Preliminary Public Art Plan** is a condition of zoning enactment. Following a consultation with the Program Manager, the consultant prepares a brief (2-3 page) analysis of the proposed rezoning which identifies any City or development planning goals, guidelines, or studies pertinent to the public art objectives; and which provides an estimated budget, identifies public art opportunities, and identifies the timing proposed for artist participation.

The Plan is reviewed by the Public Art Committee who will recommend it, along with any amendments, to the Director of Social Planning for formal approval prior to zoning enactment.

(2) Detailed Public Art Plan

The **Detailed Public Art Plan** describes in detail the arrangements made for the public art process. It should be undertaken in conjunction with the detailed design of the development. It provides a description of the major public art opportunities and sites; terms of reference for the selection of sites and artists; budget allocations to sites; a schedule indicating approximate dates of artist/art selection, installation and documentation; progress reports; and any anticipated needs for dedication, encroachment, maintenance, and deaccessioning agreements.

The **Detailed Plan** is reviewed by the Public Art Committee who will recommend it, along with any amendments, to the Director of Social Planning for formal approval.

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

(3) Final Report

The **Final Report** is referred to in the City public art legal agreement as the "Art Plan". The purpose of the Final Report is to satisfy the Director of Legal Services that art commitments made to the City have been fulfilled. This enables the restrictive covenant or Letter of Credit to be released. 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. The Final Report is submitted to staff, and will not be reviewed by the Public Art Committee.

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 will assign a subcommittee (usually three members) to each project, to enable a quick and focused response to the Plan.

Public Art Budget Verification

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

3 Public Art Maintenance Policies

- THAT privately initiated public art intended for public lands allocate 10% 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 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.

4 Option C Guidelines: Public Art Program for Private Development

4.1 Purpose

These Guidelines are to assist developers, art consultants, artists, landscape architects and others in the selection and siting of development (private-site) art work under Public Art Program Option C.

4.2 Application

Participation in the Public Art Program is a condition of by-law enactment for specified rezonings of 15 000 m² (161,463 sq. ft.) or greater. The developer's general obligations under the Public Art Program are set out in a public art (legal) agreement entered into before by-law enactment.

4.3 Public Art Program Options

The Public Art Program provides three fulfilment Options. Option A requires a full public art process including staff and Public Art Committee review of Preliminary and Detailed Public Art Plans. Option B enables payment of 100% of the required art budget to the City's Public Art Reserve, in lieu of providing public art. Option C requirements are set out below.

4.4 Option C

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.

4.5 Procedures

Developers must discuss Public Art Program requirements and options with the Public Art Program Manager prior to the rezoning application. Developers who advise the Manager in writing they are choosing Option C are not required to have a Preliminary Public Art Plan approved prior to by-law enactment, and not required to have a Detailed Public Art Plan approved prior to issuance of the Development Permit. However, art work must be completed and installed prior to issuance of the Occupancy Permit.

4.6 Development Permit Application

Under Option C, art sites and the general nature of proposed art work are indicated on the Development Application. The proposed work is 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 evaluations 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.

4.7 Selection

The selection of sites, artists and art works 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).

4.8 Location

Art work must be located in areas offering the public a free and unobstructed experience of the work, with preference given to areas providing the greatest opportunities for interaction. Given these criteria indoor areas are usually unsuitable, but if sited indoors, the art work must offer the general public a free and uninhibited experience during normal business hours.

4.9 Eligible Costs

Costs attributable to the art budget are as follows:

- all costs related to art design and fabrication;
- insurance, shipping, and ancillary expenses related directly to installation and documentation;
- the costs of site preparation required by the art work; and
- consulting and art process management fees up to 20% of the art budget.

4.10 Artist Collaborations

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

4.11 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 Social Planning.

4.12 Payment to the Public Art Reserve

All art work 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.

At the developer's request, Public Art staff will review (and when feasible, develop) public art opportunities at civic sites adjacent to contributing private development sites. However, many factors, including the timing and size of budgets available, affect this possibility. Hence, the City makes no undertaking to allocate Public Art Reserve funds to adjacent civic sites.

4.13 Statutory Declaration

A statutory declaration of all expenditures completed in relation to the art budget, including a clear disclosure of the full budget that was available to the artist, must be filed with the Director of Social Planning prior to issuance of the Occupancy Permit. After review, the City will calculate any difference between the declared expenditure and the required expenditure (60% of the development public art budget) and any balance owed to the City is due and payable prior to issuance of the Occupancy Permit.

4.14 Art Documentation

The following documentation must be filed with the Director of Social Planning prior to issuance of the Occupancy Permit:

- biographical details of the artist(s);
- artist statement and specifications of the art work;
- six good quality slides and four black and white prints showing the art 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
- (Optional) a copy of the artist's maintenance plan.

4.15 Definitions

Art Work - Artist creations or collaborations in any medium, for example: installation, sculpture, ceramic, glass, film, video, fabric, engineering work, architecture, painting, environment, landscape, photography, etc.

Artist - Usually a practising professional art-maker recognized by peers; or, a professional designer (e.g., an engineer, architect, landscape architect) commissioned specifically to create art work or collaborate with other design team members; however, project architects, landscape architects, or other project consultants do not qualify as artists for project commissions.

Art Consultant - An advisor to the developer on art siting, selection, and artist issues. Consultants should have a broad knowledge of current art-making practices and of artists able to work in public and development contexts.

Public Art Reserve - The City fund which reserves monies from public and private sources for Public Art Program purposes.