



**City of  
Richmond**

**Report to Committee**

**To:** General Purposes Committee **Date:** August 20, 2020  
**From:** Marie Fenwick **File:** 11-7000-09-00/Vol 01  
 Director, Arts, Culture and Heritage Services  
**Re:** **Revised Public Art Program Policy**

**Staff Recommendation**

1. That Council direct staff as to its preferred option for the approval of the Terms of Reference for Public Art on Private Property as described in Table 1 on page 4 of the staff report titled, "Revised Public Art Program Policy" from the Director, Arts, Culture and Heritage Services dated August 20, 2020 and that the Public Art Program Policy be updated accordingly if required; and
2. That Council direct staff as to its preferred option for the allocation of Voluntary Developer Public Art Contributions as described in Table 2 on page 7 of the staff report titled, "Revised Public Art Program Policy" from the Director, Arts, Culture and Heritage Services dated August 20, 2020 and that the Public Art Program Policy be updated accordingly if required.

*CM Fenwick*

Marie Fenwick  
 Director, Arts, Culture and Heritage Services  
 (604-276-4288)  
 Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Finance Department	<input checked="" type="checkbox"/>	<i>Severance</i>
Law	<input checked="" type="checkbox"/>	
Development Applications	<input checked="" type="checkbox"/>	
<b>SENIOR STAFF REPORT REVIEW</b>	INITIALS: <i>CF</i>	<b>APPROVED BY CAO</b> <i>[Signature]</i>

## Staff Report

### Origin

On November 4, 2019 at the General Purposes Committee meeting, Council made the following referral:

*That the staff report titled, “Local Art Plans, Vision and Themes, Opportunities for Young and Emerging Artists and Council Approval of Private Development Public Art and Developer Contributions – New Policy” from the Director, Arts, Culture and Heritage Services dated September 17, 2019, be referred back to staff to examine:*

- *the harmonization of procedures for public art development on private and public property, which provides the terms of reference and concepts for Council consideration only at the initial application phase;*
- *potential monetary thresholds and options for the allocation of voluntary developer public art contributions; and*
- *whether preference can be given to local and emerging artists in public art projects.*

The purpose of this report is to respond to this referral.

This report supports Council’s Strategic Plan 2018-2022 Strategy #3 One Community Together:

*Vibrant and diverse arts and cultural activities and opportunities for community engagement and connection.*

This report supports Council’s Strategic Plan 2018-2022 Strategy #4 An Active and Thriving Richmond:

*An active and thriving community characterized by diverse social and wellness programs, services and spaces that foster health and well-being for all.*

### Background

At the General Purposes Committee meeting on November 4, 2019, staff responded to a July 2, 2019 referral that directed staff to provide a revised Public Art Program Policy in which Council has the discretion to approve or refuse artwork on public or private property, recommend allocating equivalent funds for other projects, and provide opportunities for young and emerging artists. Staff also provided information on local art plans, and vision and themes for public art.

Staff included information regarding the implications and administrative procedures associated with the recommended Policy changes in order to address questions and concerns raised by Council.

## **Analysis**

### Council Approval of Terms of Reference for Public Art on Private Property

All public art projects, whether on public or private lands, begin with a Terms of Reference (TOR) which includes the objectives and suggested themes for the public art work, budget, artist eligibility, artist selection method, selection panel composition, site location and timeline for implementation and delivery of the artwork.

Currently, for public art projects on public lands, the TOR is developed by staff, reviewed and endorsed with a resolution by the Richmond Public Art Advisory Committee (RPAAC), and approved by Council before the artist call and selection process can begin. In contrast, for artworks on private property, the TOR is developed by the public art consultant working with the developer and presented for review to RPAAC before the selection process can begin.

At Council direction, a revised Public Art Program Policy could give Council the authority to approve or refuse the TOR for public art on private property that is commissioned through the City's public art program and the development application process.

The current typical two-stage process for the selection and approval of public art is described in Attachment 1. In the revised process (indicated in red), Council would have authority to approve or reject the Terms of Reference, thus harmonizing the process currently in place for the approval of Terms of Reference for public art on public property.

### Monetary Thresholds

At the November 4, 2019 General Purposes Committee Meeting, it was suggested that the increased volume of reports to Council to approve additional TORs might be managed with a monetary threshold that would trigger the Council approval requirement; for example, Council might approve the TOR only for projects with budgets that exceed \$250,000.

While the number and budget of public art projects commissioned through the development application process varies from year to year, on average there are 6-8 new art projects presented annually to RPAAC, of which 50% would typically have budgets that exceed the potential budget threshold of \$250,000. Based on 2020 Public Art contribution rates (\$0.89 for residential developments and \$0.47 for commercial), the scale of a development project needed to generate \$250,000 is 280,899 sq. ft for residential and 531,919 sq. ft for commercial project.

Table 1 provides three options for Council's consideration to maintain or revise the current Public Art Program Policy (Attachment 2) regarding approval of TORs for Public Art on private property.

Table 1: Options for Council Approval of Terms of Reference for Public Art on Private Property

Policy Option	Process	Impacts/Implications
Option 1: Status Quo	TOR presented by consultant to RPAAC for review before the selection process can begin.	None
Option 2: Council approves TOR for all public art projects on private property commissioned through the development applications process	<p>TOR presented by consultant to RPAAC for review.</p> <p>Once recommended, TOR presented by consultant to PRCS Committee/Council for approval before the selection process can begin.</p>	<p>Increased staff resources for administration as required for additional reports to Council.</p> <p>Increased administration required of consultant for additional reports to PRCS/Council will reduce developer-funded budget available for the artwork itself.</p> <p>Potential delays in commissioning of artworks, particularly if the TOR is rejected, necessitating a second report to Council.</p> <p>Not retroactive; any applications already submitted to the City prior to adoption of the new Policy will continue to be processed under the existing Policy.</p>
Option 3: Council approves TOR for all public art projects with budget > \$250,000 on private property commissioned through the development applications process	<p>TOR presented by consultant to RPAAC for review.</p> <p>Once recommended, if project budget is &gt;\$250,000, TOR presented by consultant to PRCS Committee/Council for approval before the selection process can begin.</p>	Same as Option 2, with reduced staff resources for administration as required for additional reports to Council.

### Allocation of Voluntary Developer Public Art Contributions

Council currently approves voluntary developer public art contributions at the Rezoning or Development Permit Stage. These developer contributions are allocated to one or both of the following funding streams:

1. Commissioning of public art on, or near, the Private Development Site consistent with (where applicable) area-specific Council-approved Civic Public Art Plans (i.e., City Centre, Richmond Olympic Oval Precinct, Capstan Village, Minoru Civic Precinct and Alexandra Neighbourhood); or
2. Deposited to the Public Art Program Reserve Fund, to finance the Civic Public Art Program (that is not tied to Capital Projects) as well as Educational and Community Public Art Programs and activities.

Unlike other community amenities (e.g., child care or affordable housing), development incentives are not offered in exchange for Public Art contributions as they are voluntary.

With the exception of artworks commissioned specifically for select civic capital projects (1 percent of construction costs), it is voluntary Developer Contributions (0.5 per cent of private development project construction costs) that finance all regular Public Art Program artworks and activities. Through the Public Art Program Reserve Fund, developer contributions pay for Civic and Community Public Art programs that may or may not involve physical artworks. These include community engaged public art programs, professional development workshops for local artists and partnerships with community groups.

#### **A. Allowable Use of Voluntary Developer Contributions**

As described in the February 8, 2019, report to the Parks, Recreation and Cultural Services Committee, contributions to the Public Art Program Reserve Fund must be used for Public Art Program activities. The City is legislatively bound to comply with the reserve fund use limitations. It is therefore precluded from using the funds for building or maintaining facilities, or other general operating costs of the City.

In order for Council to allocate voluntary developer public art contribution funds to other uses, including arts facilities, a new Public Art and Arts Facilities Program Reserve Fund would need to be established to replace the existing Public Art Program Reserve Fund. Because there are already legal agreements in place, the current Public Art Program Reserve Fund would remain in place for several years until all the funds have been spent in accordance with the current policy.

In addition, a new Arts Facilities Program would need to be added to the Policy to support the development of new civic arts facilities, augment other civic arts facility capital project budgets and fund capital improvements to existing civic arts facilities. New civic arts facilities could include spaces for creation, display, performance, arts education, multimedia presentation and other arts-based activities. The proposed wording for a revised Policy with a new Arts Facilities Program is included in Attachment 3.

There are existing developer-funded mechanisms in place to finance the building of arts facilities, as described in Attachment 4.

As voluntary developer contributions are set at 0.5 per cent of private development project construction costs, the Facilities Reserve would be very slow to accumulate enough funds for substantial facility projects compared to the existing mechanisms; it would take decades to accumulate enough funds to pay for even a small building, and assuming all funds were earmarked for facility construction and none to the creation of artworks.

### **B. Approval of Voluntary Developer Contribution Allocations**

The current Public Art Program Policy indicates that the developer and staff determine how their contribution is to be allocated. For contributions over \$40,000, the developer may a) make a monetary contribution to the City's Public Art Program Reserve Fund, b) provide public artwork of a value equal to the public art contribution for the project, or c) negotiate a split of its contribution between cash-in-lieu and provision of artwork. For contributions under \$40,000, the developer makes a monetary contribution to the City's Public Art Program Reserve Fund.

In order for Council to have the discretion to recommend how voluntary developer contributions are allocated, the Policy would need to be revised in order for the developer to require Council approval in cases where the developer wished to provide public artwork on or near the property.

A revised process which gives Council the discretion to determine how voluntary developer contributions are allocated will necessitate an extra step in the process prior to Rezoning or Development Permit stage:

- In cases where the developer prefers to direct the voluntary contributions to art on/near their site, there would now be a staff report from the Public Art Planner seeking Council's approval prior to the proposed development being forwarded to Planning Committee or the Development Permit Panel.
- The approved allocation would then be included in the Rezoning or Development Application Report to Council.

There would be a period of several years when two Policies would be in effect simultaneously: one for projects begun prior to the adoption of the new Policy and another for those received after the new Policy is adopted. Upon completion of all projects under the current Policy, the new Policy would be the only one remaining in effect.

Table 2 describes four options for Council's consideration regarding allocation of voluntary developer public art contributions.

Table 2: Options for Allocations of Voluntary Developer Public Art Contributions

Policy Option	Process	Impacts/Implications
Option 1: Status Quo	Private Developer Public Art contribution and allocation (to Public Art Program Reserve Fund, provision of art or combination of both) is identified at Rezoning or Development Permit stage in Report to Council.	None
Option 2: Public Art Program Reserve Fund replaced with Public Art and Arts Facilities Program Reserve Fund  Status quo maintained for the approval of developer contribution allocations.	Private Developer Public Art contribution and allocation (to new Public Art and Arts Facilities Program Reserve Fund, provision of art or combination of both) is identified at Rezoning or Development Permit stage in Report to Council.	Policy amended to add New Arts Facilities Program.  Establishing additional Public Art and Arts Facilities Programs Reserve Fund will necessitate a new reserve fund bylaw.  Funds directed to Arts Facilities Program might jeopardize sustainability of community Public Art Programs financed from same Fund.  Not retroactive; current Public Art Program Reserve Fund remains in place, as well as the new one, until funds have been spent.
Option 3: Status quo maintained for Public Art Program Reserve Fund  Council approves developer contribution allocations.	If developer wishes to direct contributions to the creation of public art, Council approval is required prior to the proposed development being forwarded to Planning Committee or Development Permit Panel.  Approved allocation is included in Rezoning or Development Permit Report to Council	Policy amended to add requirement for Council approval where funds are to be allocated to provision of public art.  Developers may opt out of participating in the Public Art Program due to potential impacts on public realm design plans and delays in the development application process.  Contradicts Policy 6.1 “to encourage the private sector to support the integration of public artworks.”  Not retroactive; will apply only to private development applications submitted to the City after the date of Council’s adoption of

Policy Option	Process	Impacts/Implications
		<p>the new Policy.</p> <p>Increased staff resources required for administration of additional reports to Committee/Council*.</p> <p>*Note: Council could consider increasing the Administrative Fee allocation from 15 per cent to 20 per cent to provide additional funding for the administrative expenses. If so, the Policy would be updated accordingly.</p>
<p>Option 4: Public Art Program Reserve Fund replaced with Public Art and Arts Facilities Program Reserve Fund Council approves developer contribution allocations.</p>	<p>If developer wishes to direct contributions to the creation of public art, Council approval is required prior to the proposed development being forwarded to Planning Committee or Development Permit Panel.</p> <p>If Council does not approve provision of public art, funds are directed to new Public Art and Arts Facilities Program Reserve Fund.</p> <p>Approved allocation is included in Rezoning or Development Permit Report to Council.</p>	<p>Same as Option 2 + Option 3</p>

Attachments 5 and 6 depict the current process for the allocation of private developer public art contributions in comparison with a revised process that would require Council approval for developers to allocate funds to the provision of public art associated with their property.

Any new Public Art Program Policy will apply to private development applications submitted to the City after the date of Council’s adoption of the Policy. Any applications already granted first reading by Council or endorsed by the Development Permit Panel would proceed in accordance with the existing Policy. Any applications already submitted to the City received prior to adoption of the new Policy will be processed under the existing Policy. Any applications received after Policy adoption will be considered under the new Policy.



There would be a period of several years when two policies would be in effect simultaneously: one for projects begun prior to the adoption of the new Policy and another for those received after the new Policy is adopted. Upon completion of all projects under the current Policy, the new Policy would be the only one remaining in effect.

#### Opportunities for Local and Emerging Artists

Council has directed staff to explore options where preference is given to local and emerging artists for public art opportunities on private lands through the development application process.

Currently, Richmond-based artists (established and emerging) are encouraged to apply to all open public art competitions in Richmond, whether civic or private, which are promoted via the City website, Arts and Culture e-blast and other promotional channels targeted to members of the Richmond arts community.

Civic artist calls are often limited to Richmond-based artists with the Terms of Reference developed to attract artists with a range of art forms typically practiced in Richmond; recent examples include Richmond Has Heart Public Art Projects and the Alexandra Greenway Integrated Public Art Project. As well, many civic public art project opportunities welcome proposals from emerging artists of all ages and some artist calls are specifically targeted to emerging artists; recent examples include the Art Wrap Program Roster, No. 3 Road. Art Columns and Capture Photography Festival Canada Line Public Art Project.

Additional programs and opportunities for local, young and emerging artists can be added at any time within the current Public Art Policy.

The overwhelming majority of public art projects on private property are physical, large-scale permanent artworks. This is a highly specialised art practice and there is currently a very small number of artists in Richmond with this expertise in their art practice. Richmond's Public Art Program continues to encourage the involvement and professional growth of local artists through the Art at Work professional development workshop series, Community Public Art Program and additional mentoring opportunities. Meanwhile, the majority of public art projects commissioned on private property since 1997 are by local artists based in the Metro Vancouver area:

Richmond: 10  
Elsewhere in Metro Vancouver: 44  
Elsewhere in BC: 5  
Canada: 3  
International: 3

Except for rare exceptions, all civic public art projects on public lands are selected through an open call process. In contrast, public art for projects on private property is typically commissioned in one of three ways: by-invitation calls for proposals, direct commissions and open calls. This flexibility allows public art consultants to attract acclaimed, in-demand artists with regional, national and international reputations, including those that would not participate in an open call. This practice is also in keeping with Richmond's identity as a cosmopolitan city that reflects its culturally rich and diverse residents, and attracts visitors from around the world.

### **Financial Impact**

At this time, staff are unable to quantify the financial impact with respect to the new Public Art Program Policy. However, any of the proposed policy changes are expected to require additional resources for overall program administration, including oversight, communications and reports to Council. Based on the number of private development public art projects in recent years, the additional staff time could be as high as 15% of the Public Art Planner's current position to seek Council approval for the spending of developer contributions towards private art projects as well as for TOR approvals. This percentage will be higher if rejected TORs necessitate additional reports to attain Council approval. Any changes will result in additional costs which will be passed on to taxpayers through an increase in the annual property tax increase.

### **Conclusion**

Public art created through the private development approvals process has contributed to Richmond's urban design and cultural fabric for more than 20 years thanks to a Public Art Program Policy that ensures Council, staff and community members play essential roles in its administration. A revised Policy that reflects Council's preferences in the approval of public art can support Richmond's vision to be the most appealing, liveable and well-managed community in Canada.

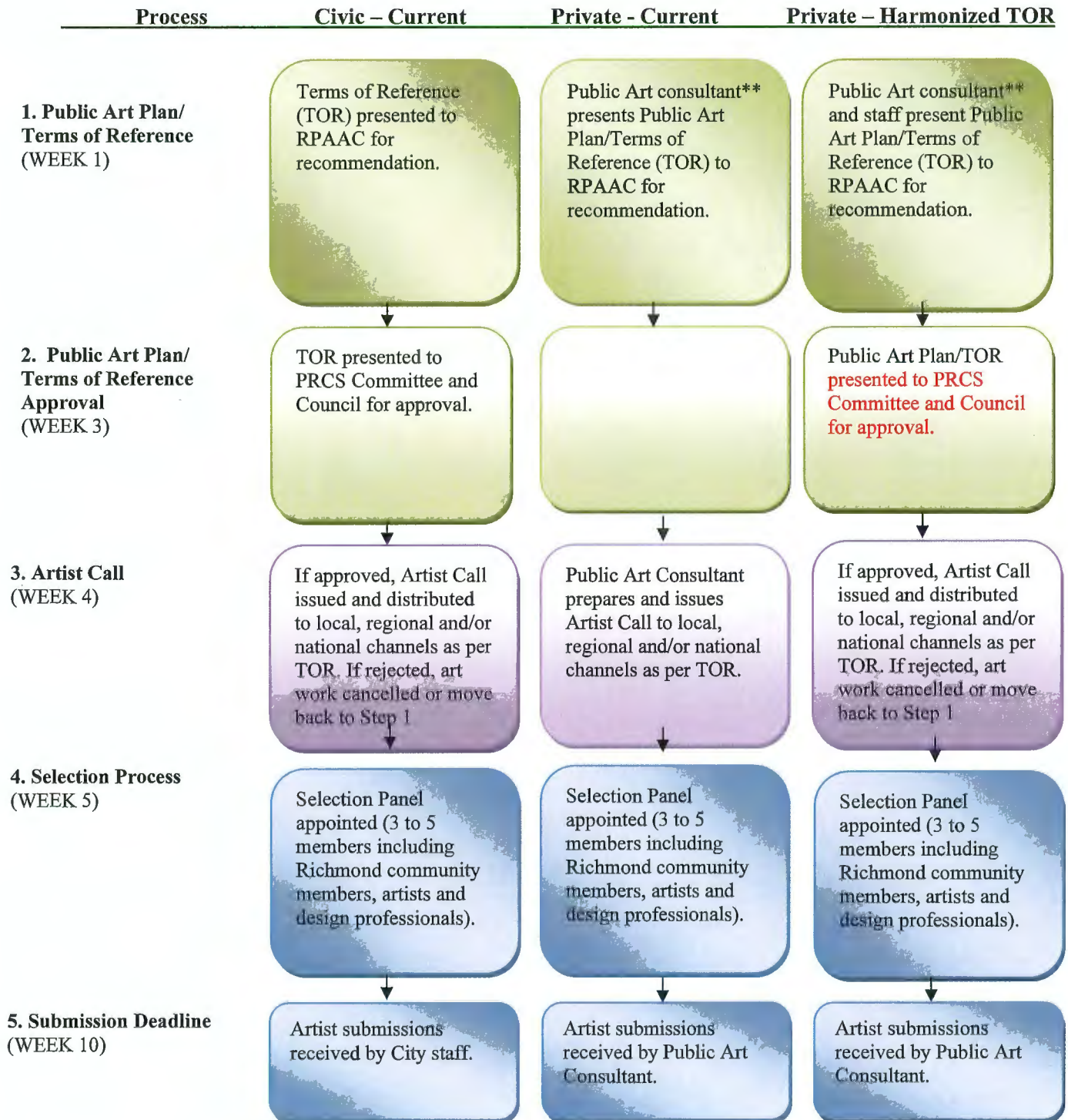


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Public Art Planner  
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### **Att. 6**

1. Public Art Selection and Approvals Process
2. Policy 8703 - Public Art Program
3. Revised Policy – Proposed Wording for Arts Facilities Program
4. Current developer-funded processes for provision of facilities
5. Existing Process - Allocation of Private Developer Public Art Contributions
6. Revised Process - Allocation of Private Developer Public Art Contributions

**Public Art Selection and Approvals Process\***



\*Based on the Two-Stage Selection, as the most common process for selecting large-scale public art work, which is typically sought for civic projects and private developments.

\*\*In some cases, City Staff may administer the selection process on behalf of the developer.

**6. Review of Submissions (WEEK 11)**

Staff review artist submissions to ensure compliance with submission requirements of TOR.  
  
Artist submissions distributed to Selection Panel members for review in advance of meeting.

Public Art Consultant reviews artist submissions to ensure compliance with TOR.  
  
Artist submissions distributed to Selection Panel members for review in advance of meeting.

Public Art Consultant reviews artist submissions to ensure compliance with TOR.  
  
Artist submissions distributed to Selection Panel members for review in advance of meeting.

**7. First Stage Selection Panel Review (WEEK 12)**

Selection Panel meets to review submissions and evaluate based on selection criteria of TOR. Three to five artists shortlisted. RPAAC invited to participate as observers.

Selection Panel meets to review submissions and evaluate based on selection criteria of TOR. Three to five artists shortlisted. Staff/RPAAC invited to participate as observers.

Selection Panel meets to review submissions and evaluate based on selection criteria of TOR. Three to five artists shortlisted. Staff/RPAAC invited to participate as observers.

**8. Shortlisted Artists develop concept proposals (WEEK 12)**

Shortlisted artists given 4 weeks to develop concept proposals (artists are paid honorarium).

Shortlisted artists given 4 weeks to develop concept proposals (artists are paid honorarium).

Shortlisted artists given 4 weeks to develop concept proposals (artists are paid honorarium).

**9. Site Orientation (WEEK 13)**

Shortlisted artists invited to Orientation Session with staff for overview of site and review of technical information.

Shortlisted artists invited to Orientation Session with public art consultant for overview of site and review of technical information.

Shortlisted artists invited to Orientation Session with public art consultant for overview of site and review of technical information.

**10. Submission of Concept Proposals and Technical Review (WEEK 15)**

Shortlisted artists submit concept proposals 1 to 2 weeks prior to Final Interview. City staff review technical aspects and submit questions for artists to be addressed at interview.

Shortlisted artists submit concept proposals 1 to 2 weeks prior to Final Interview. Consultant reviews technical aspects and submits questions for artists to be addressed at interview.

Shortlisted artists submit concept proposals 1 to 2 weeks prior to Final Interview. Consultant reviews technical aspects and submits questions for artists to be addressed at interview.

**Process**

**Civic - Current**

**Private - Current**

**Private – Harmonized TOR**

**11. Final Selection Panel Review (WEEK 16)**

Selection Panel interviews shortlisted artists who present their proposed concepts (in-person or via Skype). Selection Panel evaluates based on selection criteria of TOR. City Staff facilitate deliberations with aim of arriving at consensus or majority vote. (Selection panel is paid honorarium.) RPAAC invited to participate as observers.

Selection Panel interviews shortlisted artists who present their proposed concepts (in-person or via Skype). Selection Panel evaluates based on selection criteria of TOR. Consultant facilitates deliberations with aim of arriving at consensus or majority vote. (Selection panel is paid honorarium.) Staff/RPAAC invited to participate as observers.

Selection Panel interviews shortlisted artists who present their proposed concepts (in-person or via Skype). Selection Panel evaluates based on selection criteria of TOR. Consultant facilitates deliberations with aim of arriving at consensus or majority vote. (Selection panel is paid honorarium.) Staff/RPAAC invited to participate as observers.

**12. Endorsement (WEEK 17)**

Selected concept proposal presented to RPAAC for information and recommendation.

Selected concept proposal is presented to Developer for approval.

Selected concept proposal is presented to Developer for approval.

**13. Final Approval (WEEK 20)**

Selected concept proposal presented to PRCS and Council for approval. If rejected, art work cancelled or move back to step 1.

Selected concept proposal presented to RPAAC for information.



**Policy 8703:**

It is Council policy that:

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## **RICHMOND PUBLIC ART PROGRAM**

### **1. APPLICATION AND INTENT**

**1.1 Public art** is defined as artwork in the public realm, which is accessible physically or visually to the public and possesses aesthetic qualities. Public Realm includes the places and spaces, such as building facades, parks, public open spaces and streets, which provide physical or visual access to the general public.

**1.2 Public Art Program:** Public art animates the built and natural environment with meaning, contributing to a vibrant city in which to live and visit. By placing artwork in our everyday environment, the Public Art Program sparks community participation in the building of our public spaces, offers public access to ideas generated by contemporary art, celebrates community history, identity, achievements and aspirations, encourages citizens to take pride in community cultural expression and creates a forum to address relevant themes and issues of interest and concern to Richmond's citizens.

### **2. PROGRAM GOALS**

**2.1** The Public Art Program strives to:

- a) Spark community participation** in the building of our public spaces, encouraging citizens to take pride in public cultural expression;
- b) Provide leadership in public art planning** through civic, private developer, community and other public interest initiatives to develop the City's cultural uniqueness, profile and support of the arts;
- c) Complement and/or develop the character of Richmond's diverse neighbourhoods** to create distinctive public spaces, which enhance the sense of community, place and civic pride;
- d) Increase public awareness**, understanding, and enjoyment of the arts in everyday life, and provide equitable and accessible opportunities for Richmond's diverse community to experience public art;
- e) Encourage public dialogue** about art and issues of interest and concern to Richmond residents; and
- f) Encourage public art projects that work towards achieving a more sustainable community**, environmentally, economically, socially and culturally.

### **3. PROGRAM OBJECTIVES**

**3.1** The objectives of the Public Art Program are:

- a) Increase opportunities for the community and artists** to participate in the design of the public realm;
- b) Develop original site-specific works of art** in order to contribute to cultural vibrancy;
- c) Select art through an arms'-length process** incorporating professional advice and community input that ensures the quality of art and its relevance to the community and site;



- d) **Ensure that a public and transparent** process is maintained to develop and accept public art;
- e) **Enter into partnerships** with private and public organizations to further public art in the City; and,
- f) **Ensure that public art, and the environs of that art, are maintained** in a manner that will allow for continued public access to, and enjoyment of, these artworks in appropriate settings.

3.2 The Public Art Program will maintain a continuous, consistent and affordable funding mechanism to support the City's commitment to public art.

#### 4. ADMINISTRATIVE PROCEDURES

4.1 Council approval is required for all public art plans and projects on City controlled property.

4.2 The City will develop administrative procedures relating to the management of projects, including: selection processes, developer contributions, donation and de-accession guidelines, site considerations, documentation and maintenance (the "Public Art Program Administrative Procedures Manual").

4.3 The City will maintain a Public Art Program Reserve to hold public art allocations from both public and private sources for capital expenses.

4.4 The City will maintain a Public Art Program Operating Provision to hold public art allocations from private sources for operating expenses relating to the administration of the Public Art Program.

#### 5. CIVIC PUBLIC ART PROGRAM

##### 5.1 General

5.1.1 The City's policy is to provide leadership in public art by incorporating public art, at the planning stages, into the development or renovation of civic infrastructure, buildings, parks and bridges, and to encourage collaboration between the Public Art Advisory Committee, City staff, artists, engineers, design professionals and the community to enrich such projects.

5.1.2 The priority for civic public art projects will be to fully integrate the artwork into the planning, design and construction of civic works and to select and commission an artist to work as a member of the project consultant design team, in order to maximize opportunities for artistic expression and minimize material and construction costs.

##### 5.2 Project Identification

5.2.1 The City will identify and prioritise specific areas within the City and types of capital projects appropriate for the inclusion of public art. Applicable projects include:

- a) New building construction;
- b) Major additions or renovations to existing buildings;
- c) Park development projects;
- d) Environmental programs; and
- e) New engineering structures.





**5.2.2** Projects appropriate for consideration should:

- a) Have a high degree of prominence, public use and/or public realm impact;
- b) Achieve or enhance project objectives or other City objectives (e.g. beautification, liveability, multiculturalism, sustainability, cultural or environmental interpretations);
- c) Promote opportunities for meaningful community participation; and/or
- d) Complement existing public artworks or public amenities in the local area, and/or fulfil a need identified in that community.

**5.2.3** The City will undertake artist-initiated public art projects from time to time. Artists will be invited to submit proposals for concepts and locations of their own choosing, and may be asked to respond to a specific topic of community interest or importance.

**5.3 Funding**

**5.3.1** Each year, the City will commit an amount of funds equivalent to a minimum of 1% of each Capital Project Budget, to the planning, design, fabrication and installation of public art, provided that:

- a) Capital projects for equipment and land acquisition are exempt;
- b) Infrastructure utilities projects - water supply and sewerage - which are funded solely from restricted sources, are exempt; and
- c) For eligible projects, allocations are based on the construction costs of capital projects, and exclude soft costs (i.e., administration, professional and legal fees, furnishings, and permit fees).

**5.4 Donations and/or Gifts of Artwork(s)**

**5.4.1** Private donations or gifts of artworks may be accepted into the City's public art collection, provided that:

- a) The artworks are assessed on their artistic, environmental, cultural, historical and social merits before being accepted into the City's public art inventory;
- b) A suitable site can be identified; and
- c) Funds are made available for the ongoing maintenance and conservation of the artwork.

**5.5 Purchase Pre-Existing Artwork**

**5.5.1** The City may add to its public art inventory by purchasing pre-existing works of art from time to time.

**5.6 De-accession**

**5.6.1** De-accession is defined as any actions or set of procedures that result in the cessation by the City of its ownership and possession of works of art installed in public places, through sale, exchange, gift or any other means.

**5.6.2** Provided that the de-accession of the artwork is not contrary to the terms on which it was received by the City, the City may de-accession artworks from the City's inventory when necessary:

- a) Through a considered public review and assessment process;
- b) If the de-accession of the artwork is evaluated on a case by case basis; and



- c) If the de-accession of the artwork is endorsed by Council.

**6. PRIVATE DEVELOPMENT PUBLIC ART PROGRAM**

**6.1 General**

The City's policy is to encourage the private sector to support the integration of public artworks in the community during the rezoning and development permit processes, and the collaboration of artists, design professionals and the community in the design of that art.

**6.2 Project Identification**

**6.2.1** Applicable projects include new building construction, major additions or renovations to existing buildings, as follows:

- a) For residential uses containing 10 or more units; and
- b) For non-residential uses with a total floor area of 2,000 m<sup>2</sup> (21,530 ft<sup>2</sup>) or greater.

**6.2.2** The following uses or occupancies of all or part of a development or building are exempt from contributing to the Public Art Program:

- a) Community Amenity Space, Community Care Facility, Congregate Housing, Child Care, Health Services, Education and related uses as defined under the Richmond Zoning Bylaw, as amended from time to time;
- b) Purpose-built non-market rental and subsidized social housing projects and/or units secured through the City's Affordable Housing Strategy; and

**6.2.3** Public art should be sited in locations that meet the following criteria:

- a) Visibility and accessibility (as appropriate to the art work) for pedestrians and/or motorists;
- b) Proximity to high pedestrian activity areas, e.g. active retail areas, transit stops (especially those serving high ridership routes), places of public gathering, public open spaces and recognized pedestrian routes;
- c) Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork public art plan; and/or
- d) Places of special heritage or community significance.

**6.3 Funding**

**6.3.1** The public art contribution rate for private sector public art projects is an amount equivalent to a minimum value of 0.5% of the estimated total project construction cost:

- a) Contributions are based on construction costs and exclude soft costs (i.e., administration, professional and legal fees, furnishings, development cost charges, and permit fees);
- b) For the purpose of calculating public art contributions for private development, only floor areas that make up the calculation of density as set out under the Richmond Zoning Bylaw, as amended from time to time, are included;
- c) Floor areas for uses set-out under 6.2.2, above, are excluded; and
- d) This contribution funds the planning, design, fabrication and installation of public art.



- 6.3.2 The City will issue guidelines for calculating the public art contribution based on building types and annual Consumer Price Index adjustments.
- 6.3.3 The public art contribution rate will be reviewed periodically by Council.
- 6.3.4 For public art project contributions that are less than \$40,000, a cash contribution is to be made to the City's Public Art Reserve, for city-wide public art programs.
- 6.3.5 For public art contributions over \$40,000, the developer may choose one of the following three options:
  - a) A monetary contribution to the City's Public Art Program Reserve; or
  - b) The developer may provide public artwork of a value equal to the public art contribution for the project, provided the artwork complies with this Public Art Program Policy and the Public Art Program Administrative Procedures Manual; or
  - c) The developer may negotiate a split of its contribution between both i) a monetary contribution to the Public Art Program Reserve; and ii) provision of artwork, provided the combined value of the monetary contribution and the artwork is equal to or greater than the project's public art contribution.
- 6.3.6 Where the developer chooses to provide artwork, either on their development site or on a City controlled property:
  - a) A minimum of 85% of the public art contribution will be allocated to the creation of the artwork;
  - b) Where the City manages the public art selection process, 15% of the developer's public art contribution will be dedicated to the City's Public Art Program Operating Provision to support and sustain the management, administration and promotion of the Public Art Program;
  - c) Where the developer engages an independent Public Art Consultant to manage the public art selection process, 5% of the developer's public art contribution will be dedicated to the City's Public Art Program operating budget and Operating Provision to support and sustain the management, administration and promotion of the Public Art Program and a maximum of 10% of the public art budget may be directed towards the consultant fees;
  - d) Where located on City controlled land, the artwork will become the property of the City;
  - e) Where located on private land, the artwork must remain accessible at no cost to the public and be maintained in good repair for the life of the development, and not be removed or relocated except with the prior written consent of the City; and
  - f) 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 City.
- 6.3.8 The following are ineligible expense items for the private sector public art contributions:
  - a) Maintenance costs for artwork(s);
  - b) Artwork not provided in accordance with the City's Public Art Program; and
  - c) Costs not directly related to selecting, designing, fabricating or installing the artwork(s).



**7. COMMUNITY PUBLIC ART PROGRAM**

**7.1 General**

**7.1.1** The Richmond Community Public Art Program supports art projects between community groups and artists of all disciplines. Artists and communities working collaboratively can explore issues, ideas and concerns, voice community identity, express historical and cultural spirit and create dialogue through art.

**7.1.2** The end product need not be a permanent work of art but should leave a legacy for the general public. The project could include:

- a) A public event such as an exhibition, performance, play, concert, reading or dance; or
- b) Documentary artworks such as books and videos; or
- c) Electronic media.

**7.2 Project Identification**

**7.2.1** Projects proposed must be publicly accessible and located or performed on public property such as City-owned or controlled parks, boulevards, and buildings. Sites owned or controlled by the Federal or Provincial governments will also be considered.

**7.2.2** Projects should demonstrate the support of the local community and document significant community involvement of a sizable number of people.

**7.2.3** Projects should demonstrate the capacity to be undertaken and completed within an approved time frame.

**7.3 Funding**

**7.3.1** Community public art projects will be funded in part or in whole from the Public Art Program Reserve.

**7.3.2** Community partners should investigate or provide matching funds where possible, or contribute an equivalent amount through time/participation, labour, materials or contributions in-kind.

**7.3.3** The final artwork, if any, will become the property of the City, unless the City agrees otherwise

**8. PUBLIC ART ADVISORY COMMITTEE**

**8.1 Mandate**

**8.1.1** The "Richmond Public Art Advisory Committee" is a Council-appointed volunteer advisory committee that provides input on public art policy, planning, education and promotion.

**8.2 Role**

**8.2.1** The Committee provides informed comment to City Council through staff on the implementation of the Public Art Program through civic, private development and community public art initiatives.

**8.2.2** The Committee acts as a resource on public art to City Council, staff, residents and developers of land and projects within the City of Richmond.

**8.2.3** The Committee's terms of reference are outlined in the *Richmond Public Art Advisory Committee Terms of Reference*.

**Revised Policy – Proposed Wording**

**8. ARTS FACILITIES PROGRAM**

**8.1.1** The Richmond Arts Facilities Program supports the development of new civic arts facilities, augments other civic arts facility capital project budgets and funds capital improvements to existing civic arts facilities.

**8.1.2** Arts facilities could include spaces for creation, display, performance, arts education, multimedia presentation and other arts-based activities. The spaces' primary focus must be arts-related and can be either temporary or permanent and may include: community art galleries, temporary and pop-up art spaces, maker spaces, arts education programming spaces, art creation spaces and other priority studio spaces.

**8.2 Project Identification**

**8.2.1** Arts facilities projects must be publicly accessible and located on public property such as City-owned or controlled parks, boulevards, and buildings. Sites owned or controlled by the Federal or Provincial governments will also be considered.

**8.2.2** Arts facilities projects must have arts activities as their primary use.

**8.3 Funding**

**8.3.1** Arts Facilities projects may be funded in part or in whole from the Public Art and Arts Facilities Programs Reserve Fund.

**8.3.2** The following are ineligible expense items for the Arts Facilities Program:

- a) Building maintenance costs;
- b) Building operating costs; and
- c) Programming costs such as staff and supplies.

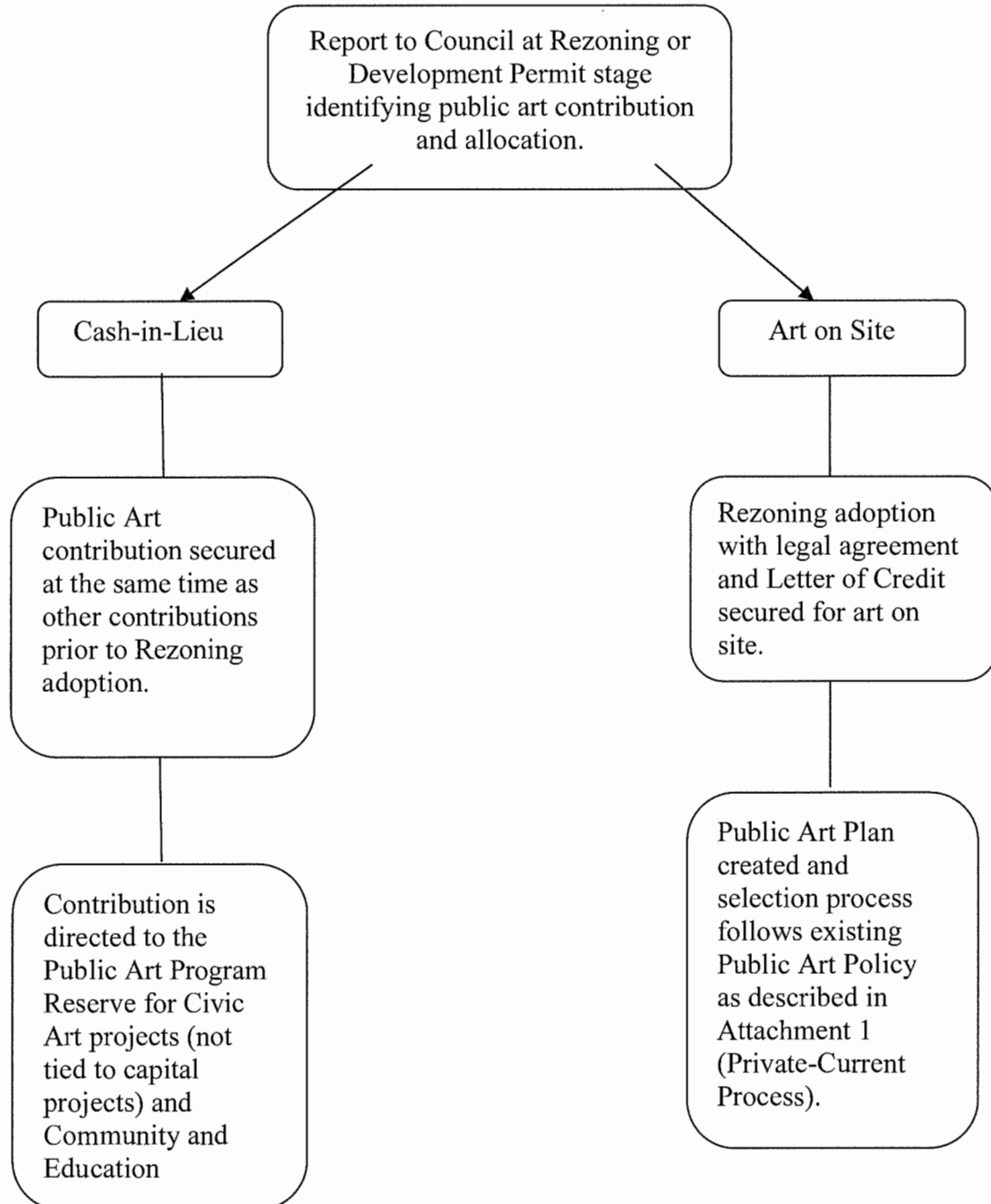
### **Current developer-funded processes for provision of facilities**

Arts facilities can be financed through existing developer-funded mechanisms. In the City Centre, the City Centre Area Plan (CCAP) provides a policy framework to secure City facilities (e.g., community centres, child care facilities and other community amenity spaces including arts facilities) through private development located on properties designated as Village Centre Bonus (VCB) sites. In situations where the City does not wish to secure physical space within a VCB-designated development, Council may direct that the developer provides a cash-in-lieu contribution to the City Centre Facility Development Fund (sub-fund of the Leisure Facilities Reserve [Bylaw 7812]) to facilitate community amenity construction on an alternative site, as determined to the satisfaction of the City. For example, the recently approved repurposing of the Minoru Place Activity Centre is being financed by developer contributions to the Leisure Facilities Reserve Fund.

Contributions to the Hamilton Area Plan Community Amenity Capital Reserve Fund, applicable to projects in the Hamilton Area, can be used for community recreation and cultural facilities (Bylaw 9276). Contributions to this reserve are made in cash unless the City chooses to accept a community amenity in lieu of cash.

EXISTING PROCESS

Allocation of Private Developer Public Art Contributions



**PROPOSED PROCESS**

**Allocation of Private Developer Public Art Contributions**

