



# City of Richmond

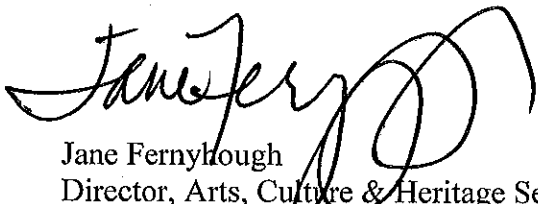
## Report to Committee

**To:** Parks, Recreation and Cultural Services Committee      **Date:** July 21, 2010  
**From:** Jane Fernyhough  
Director, Arts, Culture & Heritage Services      **File:** 11-7000-09-00/Vol 01  
**Re:** Updated Public Art Program Policy


### Staff Recommendations

That

1. Council Policy 8702 - Public Art Program, adopted June 23, 1997, be rescinded; and
2. The updated Public Art Program Policy and Terms of Reference for the Richmond Public Art Advisory Committee as outlined in the staff report dated July 21, 2010 from the Director, Arts, Culture and Heritage Services, be adopted.

  
Jane Fernyhough  
Director, Arts, Culture & Heritage Services  
(604-276-4288)

Att. 5

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Budgets	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
City Clerk	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks Planning, Design & Construction	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Development Applications	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Project Development Unit	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## **Staff Report**

### **Origin**

On June 23, 1997 Council adopted the Richmond Public Art Program, Policy 8702, to promote and facilitate the integration of public art throughout Richmond (**Attachment 1**).

On April 10, 2006, Council endorsed the staff report entitled “Enhanced Public Art Program Management” which included a recommendation that sufficient non-City funds, primarily from developers, be available annually to fund the salary for the Public Art Co-ordinator.

On September 8, 2008, Council approved the Richmond Public Art Commission (RPAC) 2008 Public Art Work Plan. The Work Plan proposed a review and update of the existing Public Art Policy and Guidelines to clarify the role for the advisory committee and administration of the program including a review of the Terms of Reference for RPAC. The program review also looked at incorporating best practices and trends in public art practices.

The policy review supports Council’s Term Goals to advance the City’s destination status and ensure continued development as a vibrant cultural city through enhanced public art and character defining elements throughout the City. Improvements and clarity in the administration of the public art program contribute to the City vision to becoming the most appealing, livable and well managed community in Canada.

This report recommends an update to the Richmond Public Art Program Policy (**Attachment 2**) and terms of reference for the re-named Public Art Advisory Committee (**Attachment 3**). This updated policy would replace all previous policies and amendments.

### **Analysis**

#### **Background**

Since the Public Art Program’s inception in 1996, under the guidance of Council, the Public Art Commission and City staff, it has evolved into a dynamic and successful program. Commencing in 2007, a permanent, full time Public Art Planner has been employed to manage the program.

New development in the City is of a magnitude and level of complexity well beyond the scale of development typically seen when the program started. The Canada Line, Richmond Olympic Oval and updated City Centre Area Plan (CCAP) are prime examples of the need for the program to respond quickly to these unprecedented opportunities. The updated Public Art Program Policy, with improvements to the clarity of the policy and procedures, enables the City to respond agilely, efficiently and effectively to changing circumstances.

Today, there are over seventy public artworks throughout the City, with a value of \$6 million funded by contributions from civic and private sources (**Attachment 4**).

#### **Updated Public Art Program Policy Format**

The current policy document is highly procedural in nature. The new and updated policy has been written to be consistent with the guidelines and procedures of the Corporate Policy Manual, using a tiered approach: the “policy proper”, adopted by Council, and the “administrative procedure”, not adopted by Council and updated by staff as required. The new policy document

has been organized to summarize key public art policies, while the detailed procedures and processes will now appear in a separate staff document called the *Public Art Program Administrative Procedures Manual (Attachment 5)*.

### **Program Goals and Objectives**

The Program Goals have been reinforced and expanded to include commitments to community diversity and sustainability. Goals of the program as contained in the updated policy (**Attachment 2**) are summarized as follows:

- Spark community participation;
- Provide leadership in public art planning;
- Complement and develop the character of Richmond's diverse neighbourhoods;
- Increase public awareness, understanding and enjoyment of the arts in everyday life;
- Encourage public dialogue about art; and
- Encourage public art projects that work towards achieving a more sustainable community.

A new section titled Program Objectives has been added based on Richmond's experience with the program, research on other public art programs, and best practices in public art implementation. Objectives of the Public Art Program are summarized as follows:

- Increase opportunities for the community and artists to participate;
- Develop original site-specific works of art;
- Select art through an arms'-length professional process;
- Ensure that public art is developed through a public and transparent process;
- Enter into partnerships with private and public organizations;
- Ensure that public art and the environs of that art are maintained; and
- Maintain a continuous, consistent and affordable funding mechanism to support the City's commitment to public art.

### **Clarification of roles**

As the program has evolved and grown in scope and complexity, it requires increasing responsiveness and flexibility on the part of staff managing the program under the direction of Council.

Initially, the program relied on the extensive input of the community volunteers. The role of community volunteers is advisory, with decision-making authority residing with Council. The management and implementation of the program is the responsibility of City staff, under the direction of Council. The language in the policy and terms of reference has been updated to reflect these changes and clarify the roles and responsibilities of all parties.

### **Public Art Advisory Committee**

In a workshop on March 10, 2010, and in subsequent meetings, members of the Public Art Commission have worked with staff to update the terms of reference of this Council appointed advisory committee.

The Commission endorses the following recommended changes:

- The name of the advisory body for the program be changed from the Public Art Commission to the Public Art Advisory Committee. The new name better reflects the advisory nature of the committee and the roles and responsibilities of its members. It should be noted that in the Community Charter, commissions established by Council have more authority for decision-making and financial responsibilities than an advisory committee;
- An increase in the number of members from eight to nine, consistent with the City practice of having an odd number of members on each committee;
- A requirement that all members have expertise in some aspect of public art, with greater flexibility in the variety and number of art professionals who may serve on the committee, provided that a minimum of two visual artists are included; and
- A re-instatement of term limits (removed in 2003), with a member serving a maximum of three consecutive terms. As this is expected to be an expert advisory body, limits to terms are considered a best practice to maintain professionalism, transparency and impartiality within the art community. Limits also permit greater participation from more members of the art community.

All terms of appointment for standing members expired on December 31, 2009. New appointments for 2010 will follow the new terms of reference, with limits on term appointments commencing with the adoption of the updated terms of reference.

### **Civic Public Art Program**

The priority for civic public art projects is to fully integrate the artwork into the planning, design and construction of civic works and to select and commission the artist to work as a member of the project consultant design team, in order to maximize opportunities for artistic expression and create efficiencies with material and construction costs and schedules.

The updated policy maintains the City's commitment to providing funding for public art as follows:

- For the annual Capital Project Budget submissions, budgets will include at a minimum an amount of 1% of the construction costs for public art. The amount is based on construction costs only, and excludes land costs and soft costs (i.e. administration, professional and legal fees, furnishings, development cost charges and permits).
- Funds identified for public art through the capital budget process would be pooled within the program for allocation to priority projects.
- Program staff, in consultation with an inter-departmental committee and review by the Public Art Advisory Committee, would identify opportunities and priorities for locating

public art within the City, both on existing public parks and sites and in conjunction with new capital projects.

- Details for each public art project would continue to be presented for Council's endorsement on a project-by-project basis.

### **Private Donations of Artwork**

The process for accepting private donations of gifts of artwork and City acquisition of existing artworks have been incorporated in the civic program section of the policy, as these works are considered City assets. The language in the policy is consistent with previous Council direction to permit flexibility and discretion in the City's financial support for artworks of community or historical significance.

### **De-accession Policy**

A de-accession policy has also been included under the civic program and Council's authority in the de-accession process has been re-affirmed. De-accession is defined as any set of actions that result in the removal of a work of art from the City's public art collection.

### **Private Development Public Art Program**

On April 20, 2010, and in a follow-up meeting on June 16, 2010, staff met with representatives of the Urban Development Institute (UDI) to review the current program and to discuss the proposed update of the policy. Based on these discussions, agreement was reached on the following updates to the Private Development Public Art Program:

- In consideration of the recent economic downturn and rising development costs to support sustainable growth, it is recommended that the current flat rate percentage formula for private sector public art contributions (minimum of 0.5% of the estimated total project construction cost) remain the same at this time;
- To increase fairness within the development community and to increase revenues for the program, it is recommended that the threshold for participation by residential development projects be reduced from the current 20 units to 10 units;
- It is recommended that smaller development projects (i.e., with contributions of less than \$40,000) contribute directly into the Public Art Reserve Fund;
- Since the inception of the program in 1997, staff have accepted a contribution to public art of \$0.60 per buildable square foot, which was equivalent to 0.5% of estimated construction costs. In keeping with this practice, the City will issue annual guidelines for calculating the public art contribution based on building types with adjustments tied to the annual Consumer Price Index (CPI), as follows:
  - Commencing in 2011, the recommended contribution for residential development would increase to \$0.75 per square foot with annual increases equivalent to the CPI;
  - The recommended minimum contribution for industrial, office and retail development would be set at \$0.40 per square foot with annual increases equivalent to the CPI; and
  - There will be flexibility in the application of this guideline where the applicant can demonstrate that a lower amount would be appropriate to meet the policy goal of a contribution rate of 0.5% of construction cost.

- A range of tools will be employed to secure funding to allow greater flexibility to suit the cash flow needs of the development community. These include combinations of cash, Letters of Credit, and no-development covenants to allow phased payments on multi-phased projects;
- To support the City's administration of the program, a minimum 5% of the public art contributions for each project will be set aside in the Public Art operating budget. Any unspent money at the year end will be placed in a the existing Public Art Operating Provision. For the management of the selection process, either by the City program staff or by a public art consultant engaged directly by the developer, an additional maximum 10% of the public art budget shall be set aside, with the remaining minimum 85% of the budget for the actual artwork; and
- Flexibility in the administration of the program for private development is recommended. The option for a private developer to directly select an artist to create a public art project, subject to the endorsement of a Public Art Plan, remains in the *Public Art Program Administrative Procedures Manual*. Other forms of compliance to be considered include pooling of funding from several development projects, particularly in the City Centre and Steveston areas, to achieve more significant art projects on strategic public sites, such as new parks and greenways and along No. 3 Road.

Currently, a public art plan for the City Centre is being developed for Council consideration later in 2010. This plan will lay out opportunities, themes and locations for public art projects to which both developers and the City could contribute their public art funds. A local area public art plan will be developed for the Steveston area in 2011.

### **Community Public Art Program**

The Community Public Art Program has been renewed in the past year, including new innovative procedures. Potential community groups are identified through an arm's length selection panel process and matched with artists who have submitted their credentials to be on an artist roster. Staff issues annual calls to artists and community groups, and coordinate additional public art opportunities with City departments.

The Council endorsed community public art project at the Gateway Theatre has recently been installed, and the projects at South Arm Community Centre and the Richmond Nature Park are under way and scheduled for completion later in 2010.

### **Financial Considerations**

There are financial considerations for both the City and private development for these updates to the Public Art Program Policy.

To adequately plan for future public art projects, particularly those that are best planned, designed and integrated with new parks and construction, as with the Olympic Oval Precinct, secure funding for the Civic Program is required. For the Civic Program, the policy retains the requirement that capital projects for infrastructure (exclusive of utilities - water supply and sewerage - which are funded solely from restricted sources), building and parks, excluding equipment and land acquisition, must allocate a minimum of 1% for public art within their budgets, for Council approval. Funding for this allocation must be identified from sources other than Development Cost Charges (DCCs) and other restricted capital reserve funds.

For the Private Development Public Art Program, the policy retains the flat rate percentage of a minimum of 0.5% of estimated total project construction costs. To simplify calculation of the public art contribution, staff will issue a guideline based on the building type. This guideline will be updated annually to remain current with the Consumer Price Index for Richmond.

To ensure that sufficient non-City funds, primarily from developers, are available annually to fund the administration of the program, the updated policy recommends that a minimum 5% (to a maximum of 15%) of the contributions from each private development project will be set aside in the Public Art operating budget and any unspent money at the year end will be placed in the Public Art Program Operating Provision for the purposes of funding public art program administration. This approach will contribute towards achieving economic sustainability in the management of the program.

The Community Public Art Program will continue to be funded from the Public Art Reserve, with Council approval of funds in the annual Capital Budget.

### **Financial Impact**

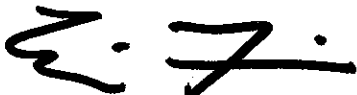
There is no financial impact for the City associated with the policy update and the revised terms of reference for the Public Art Advisory Committee. Consistent with current policy, funding for civic public art projects will be included in capital project budgets at the rate of 1% of project construction costs, excluding equipment and land acquisition.

### **Conclusion**

The changes to the policy outlined above will deliver a more robust, competitive and professional public art program to the City. It will also allow staff to be more flexible and will clearly guide the role of future volunteer committee members. These changes also enable the Arts, Culture & Heritage Services Division to continue to elevate the level of professionalism of the arts in the community and contribute to achieving Council's Term Goals.

Staff have consulted with current members of the Public Art Commission and the development industry on their input into the new policy. Staff have also consulted extensively with other departments and with colleagues in public art in many other cities.

This report recommends Council adoption of the updated Richmond Public Art Program Policy (**Attachment 2**) and new terms of reference for the re-named Public Art Advisory Committee (**Attachment 3**), which provides additional direction and clarification for a more robust program for the City of Richmond. Updating the Public Art Program Policy and procedures is an important step in ensuring the effectiveness and efficiency in advancing the City's public art program into the future.



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Public Art Planner  
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# To be Rescinded



City of Richmond

Policy Manual

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File Ref: 7000-00	PUBLIC ART PROGRAM	

## POLICY 8702:

It is Council policy that:

The following is adopted as the Richmond Public Art Program.

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(Urban Development Division)





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**PUBLIC ART PROGRAM**

**DEFINITION OF PUBLIC ART**

**Public art** is defined as **artwork** in the **public realm**, which is accessible to the public and possesses aesthetic qualities.

The **artwork** may be permanent, semi-permanent, functional, or temporary, and includes all forms of art conceived in any medium, material, performance, media, or combination thereof, including but not limited to: civic infrastructure and furnishings, sculpture, landscape, painting, drawings, parades and kinetic works.

**Public realm** includes the places and things, such as building facades, parks, public open spaces, and streets, that provide for unrestricted physical or visual access to the general public.

**PROGRAM GOAL**

To promote and facilitate the integration of public art throughout Richmond which expresses the ideas of artists and the community.

Specifically, the Program aims to:

- **Provide a strategy and process** for advancing the realization of public art in the community through the establishment and implementation of necessary policies, procedures, and actions.
- **Be the catalyst** for introducing and supporting public art in Richmond.
- **Provide leadership** in public art planning, and its integration in the development of Richmond's public realm by the City of Richmond, the private sector, and various public interests and agencies.
- **Increase public understanding, awareness, and enjoyment** of the arts in everyday life.
- **Provide a forum for discussion on ideas and values** that promote a sense of civic pride and community identity.
- **Increase opportunity for the community and artists** to participate in the design of the public realm.



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**PUBLIC ART PROGRAM**

**KEY PUBLIC ART POLICIES**

**Richmond Public Art Commission**

1. To establish the "Richmond Public Art Commission" as a Council-appointed advisory committee, to advise on all aspects of public art policy, planning, education, and promotion, including the allocation of funds from designated City sources.

**Public Art Initiatives for Civic (Capital Works) Projects**

2. To incorporate public art, at the planning stages, into the development or renovation of civic infrastructure, buildings, parks, and bridges, and to encourage collaboration between the Commission, City staff, artists, engineers, design professionals, and the community to enrich such projects.

**Public Art Initiatives for the Private Sector**

3. To encourage the private sector to support the integration of public artworks in the community (i.e. through donation, sponsorship, partnership, and funding), and the collaboration of artists, the community, and design professionals in the design of that art.

**Public Art Initiatives for the Community**

4. To provide opportunities for artists and the public to express their individual and collective ideas through public art as a means to support the arts, build community pride, enhance local character, and strengthen Richmond's identity.

**Public Art Program Monitoring and Evaluation**

5. To monitor and review the Public Art Program initiatives with regard to City capital works projects, private development, and the community for annual report back to Council.



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**PUBLIC ART PROGRAM**

**IMPLEMENTATION ACTIONS**

The Public Art Program Implementation Actions identifies the initiatives, partnerships, and resources to achieve the Public Art Program's goal and key policies. The Implementation Actions lists priority actions for the first three years, after which a program evaluation will be prepared and presented to City Council.

**1. Public Art Commission**

**[See Appendix A - Terms of Reference]**

- 1.1 City to establish Public Art Commission as a committee appointed by Council.
- 1.2 City and the Community Arts Council of Richmond to each appoint members to the Commission.
- 1.3 City to appoint an additional staff person to assist the Commission in the management of the Richmond Public Art Program.
- 1.4 Commission to adopt a code of conduct for public art competitions, guidelines for accepting gifts of art, and deaccession guidelines.
- 1.5 Commission to direct an inventory of existing public art in Richmond.
- 1.6 Commission to work with City staff in directing the establishment and operations of City funds necessary to support the objectives and policies of the Public Arts Program.
- 1.7 Commission to identify criteria and mechanisms to be applied in the determination of appropriate locations and siting characteristics for the installation of public art, and to identify key target areas for encouraging the installation of public art in the short term (two to five years).
- 1.8 Commission to present an annual report to City Council and the Community Arts Council of Richmond on the Richmond Public Arts Program.

**2. Public Art Initiatives for Civic (Capital Works) Projects**

**[See Appendix B - Public Art Guidelines for Civic (Capital Works) Projects]**

- 2.1 City to commit an amount of funds equivalent to 1% of its annual Capital Works Budget over a three year period to the planning, design, and development of public art as an integral part of its capital projects, and to establish a Public Art Reserve in which to hold these funds until such time as their use is directed by the Commission.
- 2.2 Commission to prepare an annual Public Art Program Plan, in consultation with City staff, as part of the City's annual Capital Works Plan and budget, and through this plan to strive to achieve a broad range of public art projects within the first two-year term of the Commission.
- 2.3 City to identify and prioritize specific areas within Richmond and types of Capital Works Projects for the introduction of public art over the short term (2 to 5 years).

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**PUBLIC ART PROGRAM**

- 2.4 City to ensure that public art, developed as part of Richmond's capital works projects, and the environs of that art is maintained in a manner which will allow for continued public access to, and enjoyment of, these artworks in appropriate settings.

**3. Public Art Initiatives for the Private Sector****[See Appendix C - Public Art Guidelines For Private Development Projects]****[See Appendix E – Guidelines for Private Donations of Public Artwork]**

- 3.1 City to establish a Public Art Reserve for the purposes of receiving private funding donations for public art.
- 3.2 City and the Commission to encourage voluntary private sector financial donations to the Public Art Reserve and gifts of art to the City through the development review process.
- 3.3 City to ensure that public art and revenues from public art be directed to provide the greatest benefit to the community (e.g. appropriate locations and siting characteristics).

**4. Public Art Initiatives for the Community****[See Appendix D - Community Public Art Program]**

- 4.1 City to establish a Public Art Reserve to hold funds for community public art projects, education, and awareness programs.
- 4.2 Commission to utilize the Public Art Reserve as a catalyst to match funds from other public and private funding sources for community and artist initiated art proposals.
- 4.3 Commission to investigate alternative ways and means for the public to participate in the provision of community-based public art projects.
- 4.4 Commission to initiate at least one community initiated public art project per year in a park and/or a neighbourhood, and to ensure that such projects represent a range and variety of public art proposals over the years.
- 4.5 Commission to initiate at least one artist initiated public art project per year in a park and/or neighbourhood, and that such projects represent a range and variety of public art proposals over the years.
- 4.6 Commission to initiate a community public art education and information program to raise awareness, opportunities, and experience using public art as a community building tool aimed at building community pride, neighbourliness, and a stronger sense of ownership.



**To be Rescinded**

## City of Richmond

ATTACHMENT 1

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### **PUBLIC ART PROGRAM**

#### **5. Public Art Program Monitoring and Evaluation**

- 5.1 Commission with the City to annually review the Public Art Program goals, policies, procedures, and administrative resources, and recommend changes as required.
- 5.2 Commission with the City to monitor the Public Art Program for the first three years, after which further changes may be recommended for City Council's consideration (e.g. formula or criteria to guide private sector contributions for public art; review of Public Art Program staffing and administrative resources; etc.).



## **APPENDIX A**

### **PUBLIC ART COMMISSION**

A volunteer Commission will provide direction and advice on the Public Art Program implementation to City Council, staff, artists, and citizens. The Commission will advise on: the processes and procedures by which communities are consulted, artist proposals for specific sites and project selection, and various other matters related to public art in general, and Richmond's Public Art Program in particular.

### **TERMS OF REFERENCE**

#### **1. Commission Mandate**

The Richmond Public Art Commission (or Public Art Commission) is the committee appointed by City Council to oversee the Public Art Program. The Commission is responsible for the development of policies and goals for the identification of public art projects, and selection, placement, maintenance, and deaccession of public art works throughout the City.

2. The Commission will be responsible for the implementation of the Public Art Program, and shall advise City Council, staff, and others in the implementation of the Public Art Program through civic and private development, and community public art initiatives.

3. The Commission will act as a resource to City Council, its committees and staff, and to developers of land and projects in Richmond, and Richmond citizens. The Commission or its representative (i.e. designated staff) may consult with any of these interests on matters of common concern affecting fulfilment of the Public Art Program or otherwise.

4. The Commission's responsibility will entail the review of all public art matters under City Council's jurisdiction or addressed by the Public Art Program, including, but not limited to, directing the review of proposed artworks and their placement in the City, art and artist selection processes, and public education, consultation, and information processes.

5. The Commission will advise City Council on administration, management, and disbursement of funds in the Public Art Reserve, and to present an annual report to City Council on its deliberations, and the progress on projects supported by the Public Art Reserve.



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**PUBLIC ART PROGRAM**

*Appendix A (cont'd.)*

**6. Commission Membership**

The eight-member Commission includes two artists, two art-related professionals (designers, gallery directors, curators, historians, educators, conservators, etc.), two urban design professionals (architects, landscape architects, planners, urban designers, engineers, developers), and two members of the community.

7. Eight members will be appointed by City Council, including four members being recommended by the Community Arts Council of Richmond.

**8. Staff Liaison**

The Commission will be assigned a staff liaison to assist in the management of the Richmond Public Art Program.

**9. Commission Chair**

The Commission will be presided by a Chair, to be chosen at the first meeting from among the members, on an annual basis. The Chair will cast a vote in the case of a tie.

**10. Amendments to Terms of Reference**

The Commission may adopt rules and procedures for its meetings not inconsistent with these terms of reference and may, from time, to time alter, or vary the same as the Commission finds appropriate.

**11. Quorum**

Five members of the Commission will constitute a quorum.

**12. Terms of Appointment**

In 1997, four members will be appointed to serve for a one-year term, and four members for a two year term. All subsequent appointments shall be for a term of two years.

13. Every member is eligible for re-appointment. Employees of the City would be ineligible, and employees, staff or elected members of the Community Arts Council of Richmond would be ineligible.



**To be Rescinded**  
**City of Richmond**

**ATTACHMENT 1**  
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**PUBLIC ART PROGRAM**

**14. Conflict of Interest**

Any participation in Richmond's public art processes, including staff, members of the Commission and their advisors or representatives, must declare any direct or indirect benefit to themselves, or their respective employers, partners, families or associates, which may arise from the City's acquisition or deaccession of any public artwork or related activities, and will be required to remove themselves from such processes.





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**PUBLIC ART PROGRAM****APPENDIX B****PUBLIC ART GUIDELINES  
FOR CIVIC (CAPITAL WORKS) PROJECTS**

These guidelines describe the processes of project identification, artist selection, jury process, and commission of public art intended for integration with capital projects undertaken by the City of Richmond.

**1. Project Identification Criteria**

Projects appropriate for consideration should demonstrate:

- 1.1 A high degree of prominence, public use and/or public realm impact;
- 1.2 That the inclusion of public art is an objective of the project, or that the addition of public art would help to achieve or enhance other City objectives (e.g. beautification, livability, multiculturalism, cultural or environmental interpretations, etc.);
- 1.3 Opportunities for meaningful community participation; and
- 1.4 The ability to complement existing public artworks or public amenities in the local area, or fulfil a need identified in the community (i.e. to establish an artwork of public amenities).

**2. Selection Methods for Artists & Artworks**

- 2.1 Acquisition of artworks, and the selection and commissioning of artists and artists' proposals, including gifts of artworks, will be directed through a jury process, and with the jurors appointed by the Public Art Commission. Under no circumstances may the City or the Commission acquire an artwork as part of the City's public art inventory, by any means, without prior approval by a Public Art Commission appointed jury.
- 2.2 The selection process undertaken by the jury must ensure artists and artworks are selected on their own merit by a process informed by expertise and community awareness, free of individual agendas or influence. Proposals by artists will be solicited through open competition, invited submission, or direct commission.



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*Appendix B (cont'd)*

**3. Jury**

- 3.1 A jury will be convened by the Public Art Commission. Juries will be appointed by the Commission to review each individual public art project, series of projects, and public art acquisitions.

Jury selection will be made as follows:

- a) Candidate jurors will be artists and urban design professionals, including architects, landscape architects, engineers, urban designers, and planners, and may include representatives from the community, developers, and art professionals.
  - b) A jury will be comprised of not less than three and not more than five jurors chosen from a list of candidates maintained by the Commission.
  - c) A jury appointed shall not include any person from the Public Art Commission, City of Richmond staff, City Council or their respective partners, employees or families.
  - d) A jury appointed shall not be comprised of more than 50% representation from the Community Arts Council.
- 3.2 Terms of reference for each jury will be set either prior to commencement of the project or as early in the project development stage as possible, by the City's project staff team in conjunction with the Public Art Commission.
- 3.3 Jury membership and terms of reference must be approved by the Commission prior to the start of the jury's work.

**4. Selection Criteria**

- 4.1 Artists will be selected by a majority vote of the jury on the basis of their qualifications, as demonstrated by their previous work, the appropriateness of their proposal to the project, and/or its probability of successful completion.
- 4.2 Artists and artists' proposals will be selected by a majority vote of the jury which best meet project terms of reference and Public Arts Program goals; which have the most artistic merit, are most site and community responsive, are technically feasible, and have a high probability of success.



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4.3 City staff will act as a resource to various juries, providing an analysis of proposed materials, construction, scale, costs, durability, public access, and safety, as they relate to the ability of the City to maintain and/or accommodate the proposed artworks.

4.4 Gifts of art to the City will be reviewed by a jury and City staff based on relevance to proposed site, artistic excellence, physical durability, public safety, costs, sponsorship, acquisition terms and procedures, and ability to deaccession, if required.

**5. Jury Remuneration**

5.1 Jurors shall not be paid. Provided however jurors appointed to provide an expert or professional evaluation of an artist proposal, gift of art or public art project, or in other special circumstances, may, subject to the approval of the Commission, be paid an honorarium not to exceed \$500.00 per project.

**6. Project Documentation & Registration**

6.1 All projects must be fully documented, including artist, media, methods of construction and installation, etc., along with project maintenance details which will be registered in the City's Public Art Inventory.



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**APPENDIX C**

**PUBLIC ART GUIDELINES  
FOR PRIVATE DEVELOPMENT PROJECTS**

**1. General**

These guidelines are intended to assist developers, art consultants, artists, landscape architects and others, in the planning of public art projects, and the selection and siting of public art in private developments which are undergoing a rezoning, development permit, subdivision, or building permit application review process.

**2. Procedures**

It is intended that applicants discuss Public Art Program objectives and requirements with City staff prior to, or during the course of the development application process (i.e. rezoning, Development Permit, etc.) in order to determine the preferred strategy for satisfying site specific development and Public Art Program objectives.

**3. Strategies for Private Sector Contributions to Public Art**

**3.1 STRATEGIES FOR PRIVATE SECTOR CONTRIBUTIONS**

**3.1.1 City Decision-Making**

- a) City decision-making, within the guideline based public art program, will be made by City Council or the Urban Development Administrator, or his/her designate (e.g. Coordinator, Richmond Public Art Program, Approving Officer, or Manager, Building Approvals, as the case may be).

**3.1.2 Form of Contribution**

- a) Contributions to the Public Art Reserve should be made based on the development's public art budget (e.g., see section 3.3) Private Sector Public Art Budgets, below), as determined by staff in discussion with the applicant; and/or
- b) Development applicants should support the public art program by contributing either:
  - For public art project budgets which are less than \$25,000, a money contribution is to be made to Richmond's Public Art Reserve, or



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- For other eligible public art project budgets (e.g. over \$25,000), as determined by the applicant, either:

- a monetary contribution to Richmond's Public Art Reserve, may be made, or
- actual artwork developed in co-operation with the Public Art Commission and City staff, according to:

. **Appendix B: "Public Art Guidelines for Civic (Capital Works) Projects"**, and/or  
section 4 of Appendix C: **"Full Public Art Process"**, following.

- c) Where funds are to be contributed by the applicant, it may be provided and secured in mutually agreed manner (e.g., cheque, letter of credit);
- d) The designation of public art siting location(s) (as required for current and/or future installations) should be indicated on the appropriate document (e.g., Development Permit and Building Permit drawings) to the satisfaction of the Urban Development Administrator, or his/her designate (see Public Art Siting).

**3.1.3 Timing of Contribution**

- a) Applicants will be notified of the public art program contribution details at the earliest possible time in the development review process (e.g., at the rezoning, Development Permit, subdivision or Building Permit stage);
- b) Staff will work with the applicant to secure the applicant's public art contribution at the earliest practical time (e.g. prior to the issuance of the Development Permit, rather than at the Building Permit stage);
- c)
  - At the Building Permit stage, staff will confirm whether a public art contribution has been made as per prior agreement with the applicant.
  - Where a contribution has been agreed upon, but has not yet been made, the outstanding contribution will be regarded as a condition of the issuance of the Building Permit.



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**3.1.4 Public Art Siting**

Locations designated for the installation (current or future) of public art projects should meet the following criteria:

- a) Visibility 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 concept; and
- d) Places of special heritage or community significance.

**3.2 FLAT RATE**

**3.2.1 Flat Rate Percentage**

The Flat Rate Percentage for private sector public art projects is 0.5% of the estimated total project development cost. (This is also called the project's public art budget).

**3.2.2 Review**

The rate may be reviewed periodically.

**3.3 PRIVATE SECTOR PUBLIC ART BUDGETS**

**3.3.1 Residential & Non-Residential Uses**

Private public art program budgets are to be prepared by applicants and calculated for all eligible development projects at a rate of 0.5% of the estimated development cost as calculated at the time of the application, to be applied:

- a) For residential uses containing 20 or more units; and
- b) For non-residential uses with a total floor area of 2,000 m<sup>2</sup> (21,528.5 ft<sup>2</sup>) or greater.



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**3.3.2 Excluded Uses**

For the purpose of calculating public art budgets, the following uses should be excluded:

- a) Public amenity spaces, care facility, congregate care facility, childcare facility, hospital, health care, school uses, and related uses as defined under the Zoning and Development Bylaw No. 5300;
- b) Purpose-built rental, social and/or affordable housing projects and/or units;
- c) Parking, storage, and utility areas, except where they are a primary use; and
- d) Industrial developments focusing on warehouse and storage uses.

**3.3.3 Ineligible Items for Private Sector Public Art Budgets**

Ineligible items for the application of private sector public art budgets should include:

- a) Maintenance costs for artwork(s) situated on private property;
- b) Artwork not provided in accordance with the "Richmond Public Art Program, Policy Plan, and Implementation Actions"; and
- c) Costs not directly related to selecting, designing, fabricating, or installing artwork(s).

**3.4 ELIGIBILITY CRITERIA**

Anyone involved in the development project team (e.g. architect, landscape architect, engineer) should not apply to be the artist, as defined below.

**3.5 DEFINITIONS**

*Artwork* Artist creations or collaborations in any medium, e.g. sculpture, ceramic, glass, film, video, fabric, engineering work, architecture, painting, environment, landscape, photography, etc.



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*Artist as Maker*

As creator, the artist is a catalyst and manager of a creative process resulting a finished product. This product may be transitory or permanent, in response to physical and/or social, historical and conceptual issues.

*Artist as Jury  
or Selection Panel  
Member*

The artist as jury or selection panel member must have an art education or apprenticing background in art making, through which a knowledge of aesthetics and technical processes would benefit a final product. Where education is undocumented, recognition by professionals in the field is essential. The artist must have had practical experience in the creation of artwork.

*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 funds from public and private sources for Public Art Program purposes.

**3.6 EFFECTIVE DATE**

The Strategies for Private Sector Contributions to Public Art become effective on the date of this section be endorsed by City Council.

**4. FULL PUBLIC ART PROCESS**

**4.1 PUBLIC ART CONSULTANT**

- a) Applicants for new development should 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. The consultant should be responsible for all aspects of the public art process, from consultation with City staff to art documentation.
- b) In the case of a rezoning and/or development application, the selection of sites, artists and artworks are decided by the City and Public Art Commission, and/or developer with the advice of a consultant. The consultant can advise on artist opportunities; artist resources; art and site compatibility; and technical aspects (e.g. project viability, installation, maintenance, artists' copyright , and moral rights).





**Appendix C (cont'd.)**

**4.2 PUBLIC ART PLAN**

- a) The public art consultant will meet with City staff to review Public Art Program goals and advise on steps and stages of the public art process and preparation of the Public Art Plan.

The Public Art Plan consists of three steps:

- Preliminary Public Art Plan Proposal consists of a two to three page proposal identifying estimated budget, public art opportunities, time line for artist participation, and terms of reference for site and artist selection.
- Detailed Public Art Plan describes the selected public art site(s) and concept; artist(s); budget allocations; schedule re: design, construction, installation, and documentation; public participation proposed; progress reports; anticipated needs for property dedication or encroachment; and proposed maintenance plan.

The detailed Public Art Plan is reviewed by the Public Art Commission, prior to issuance of the Development Permit Application or initiation of the public art project.

- Final Report, detailing artwork, site budget, timing, installation, and other details, as necessary, respecting art ownership, encroachment, maintenance, documentation, or other matters, is submitted to City staff.

**4.3 RICHMOND PUBLIC ART COMMISSION**

The Richmond Public Art Commission will review the Public Art Plan for proposed method of artist participation, terms of reference for artist and site selection; budget allocations to site(s); and the public consultation or participation process.

The Commission will assign a sub-committee (usually three members) to each project, to enable quick and focused response to the Plan.

The Commission's final recommendation will be presented for Council's consideration, if required.



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#### **4.4 LOCATION**

Artwork 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 artwork must offer the general public a free and uninhibited experience during normal business hours.

#### **4.5 MAINTENANCE**

Artwork must remain accessible at no cost to the public and be maintained in good repair for the life of the development.

In the event the artwork is damaged beyond repair, or becomes ineffective for reasons other than the owner's failure to maintain it, or in the event the work becomes an unreasonable burden to maintain, application to allow its removal or relocation may be made to the Commission.

#### **4.6 ART DOCUMENTATION**

The following documentation must be filed with the City at the completion of the public art project:

- a) Biographical details of the artist(s)
- b) Artist statement and specifications of the artwork
- c) Six good quality slides and four black and white prints showing the artwork in context and close-up
- d) Other related materials as necessary to reveal the artwork and/or artist intentions (e.g. film, video clips, book works, etc.)
- e) A copy of the artist's maintenance plan



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### APPENDIX D

#### COMMUNITY PUBLIC ART PROGRAM

The Community Public Art Program supports and facilitates opportunities for artists and the public to collaborate on the design and implementation of neighbourhood-based public art works with the shared financial support of corporate interests, special funding agencies, and/or the City.

#### Community Public Art Program Goals

The program goals are:

- Create a more humane and liveable City by integrating and linking the arts and everyday life.
- Support residents' participation in local art projects in ways that respect the diversity of culture and interests of the area.
- Encourage the creation of works having both artistic merit and community benefit.

#### Community Public Art Project Objectives

Project must:

1. Propose permanent or semi-permanent artwork that is safe, durable and vandal-resistant.
2. Consider the maintenance requirements of the proposed artwork.
3. Propose artwork that is publicly accessible and located on public property, such as City-owned parks, boulevards, buildings, etc. Sites owned by federal or provincial governments will also be considered.
4. Demonstrate the support of local community.
5. Demonstrate the capacity to undertake and complete the project within an approved time frame.
6. Provide matching funds, or contribute an equivalent amount through labour, materials, or contributions in-kind.



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**Project Evaluation & Selection Process**

Projects are assessed by a panel of City staff and citizens appointed by the Public Art Commission.

Community process is evaluated by the level and diversity of community participation, as demonstrated by donated funds, materials, and services. Artistic merit is evaluated by the quality of production, project innovation, relevance to site, and significance to the larger community.

**Program Applicants**

The program is open to submissions by any combination of artists and design professionals, residents, non-profit, community, neighbourhood or arts organizations wishing to collaborate on artwork for public sites in Richmond.

**Project Submissions**

Community artwork project submissions will be considered once a year. The exact date will be determined by the Public Art Commission.

The submissions should be submitted in the following format:

- All materials must be labelled with the artist and/or community organization's name, address, and telephone number.
- The proposed design proposal, plans and/or sketches must be mounted side by side on 24" x 36" presentation board.
- Brief written description on the rationale for the design proposal.

All rights to the selected submission will belong to the Community Arts Council of Richmond and the City of Richmond. The artist and/or community organization will be required to sign a waiver to this effect prior to the community public artworks being initiated.

***Funding***

This program will be funded from the City of Richmond Public Art Program and/or non-profit and private sources.



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**PUBLIC ART PROGRAM****Appendix E****GUIDELINES FOR PRIVATE DONATIONS OF PUBLIC ARTWORK  
TO THE CITY OF RICHMOND****Background Statement & Intent**

These Guidelines have been established to evaluate proposed voluntary public art gifts from private sources.

Gifts of artwork to the City are an important part of Richmond's growing Public Art Collection. Proposed gifts of artwork(s) namely, those privately purchased or commissioned and located on City sites will be reviewed before being placed into the City's Public Art Collection.

There are very limited City funds to preserve and conserve these works of art. There is also a limited number of suitable sites on City property for gifted artworks.

The Guidelines are founded on the conviction that the acquisition of valid public art, like the City's long-term investment in capital works and social development, is contingent on the incorporation of professional advice and community representation.

All proposed gifts are to receive independent assessments by a public art review committee, which will include artists, other members of the professional art community, and by representatives of the neighbourhoods involved, based on the Guidelines below, which complement the current Public Art Program.

While the following guidelines have been written specifically for the gifting of artworks, other proposals for creative or innovative public art projects are welcomed and encouraged, for example:

- Provision of a site and/or an endowment for an artist residency or a public art symposium
- Provision of a site and/or an endowment for a changing exhibition of public art, sculpture garden, etc.

These proposals are also subject to the guidelines below.



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### **PUBLIC ART PROGRAM**

#### **Appendix E (cont'd)**

#### **Guideline Objectives**

1. To encourage and ensure that the City acquires public art that meets a high standard and is appropriate and meaningful for the community .
2. To provide a procedure for reviewing proposed gifts to the City of art works intended for placement in public places under the City's jurisdiction.
3. To acquire works that contribute to and enhance the City's Public Art Collection.

#### **Definitions**

**Public Art:** Artwork (e.g. sculptures, paintings, statues, etc.) intended for placement or installation at indoor and outdoor areas of public use under the City's jurisdiction.

**Richmond Public Art Commission (RPAC):** The City Council appointed citizen advisory committee board, made up of art professionals, urban designers, individuals from the development industry and from the community at large.

**Gift:** An existing or proposed work of art or funded project offered as a donation by someone to the City for placement at a public site under the City's jurisdiction.

**Sponsor:** An individual or group, other than the artist, who proposes a donation of a work of art or funded project for placement on a public site under the City's jurisdiction.

**Role of Sponsor:** The Sponsor's principal role is to state the intent of the donation and provide the funding for its manufacturing, installation, and maintenance. Community groups or corporations can act as a sponsor, provided that they are capable of demonstrating community support for the proposal and clear financial responsibility for its acquisition, production, installation, and maintenance at the time of the proposal.

**Note:** Demonstrating community support reinforces the public nature of the proposal.

#### **Acceptance Conditions**

1. The City will consider gifts of works of art for placement at City owned sites on the understanding that no City funds will be required for production, siting, installation or maintenance of the work.

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2. A work of art must have a sponsor or co-sponsors who will present the proposal and, when necessary, be responsible for raising or providing the necessary funds in accordance with the budget that they presented to the City and the Public Art Commission.
3. No gift of an artwork will be accepted by the City until all funds for its development and siting have been secured (e.g. by cheque, cash, etc.).
4. The City will consider the following types of proposals for works of art intended for placement at a public site under the City's jurisdiction:
  - a) A sponsor's offer of an already completed work of art.
  - b) A sponsor's offer to commission an artwork by a specific artist or artists.
  - c) A sponsor's offer to commission an artwork by means of a public competition as described in the Public Art Program, Policy Plan and Implementation Actions.

**Public Art Selection Criteria**

The Public Art Program encourages the creation of work of the highest standards, that is deemed relevant to the community, and that allows the public to be inspired, make connections and understand relationships among the works in the collection and the community. City staff will review all proposals of gifts of artwork based on the following criteria, and refer them to the Public Art Commission, its review panels and City Council.

**1. City Sites:**

Gifted public artwork must be for sites under the City's jurisdiction (e.g. City owned, City managed (e.g. public right of way).

**2. Theme:**

A stated theme of the artwork, which is consistent with the goals, objectives and mandate of the City and the Richmond Public Art Program must be identified.

**3. Relevance:**

Works of art must be appropriate for the proposed site and its surroundings, and complement surrounding architecture, topography, history and the social dynamic of the particular community in which the art will be placed.



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### **PUBLIC ART PROGRAM**

#### ***Appendix E (cont'd)***

#### **4. Artistic Excellence:**

The work of art shall merit placement in a City public place.

A demonstrated ability and potential of the artist to execute the proposed piece, based on previous artistic achievement and experience must be shown.

In the case of a donation of an existing work of art, the quality of the work(s) must be supported by documentation from an independent professional evaluator.

In addition, the artwork must enhance the public art collection.

#### **5. Physical Durability**

Consideration of the artwork's long-term durability against theft, vandalism, and weather must be addressed.

#### **6. Public Safety**

All proposals must address public safety concerns.

#### **7. Costs**

All costs of the proposed artwork, including production, acquisition, siting, installation, and maintenance must be provided by the sponsor and be detailed in the proposal.

#### **8. Legal**

Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, artist right to reproduce, liability and other issues as appropriate.

#### **Acquisition Procedures & Process**

1. All offers of artwork proposed for sites under City jurisdiction must be in writing and be submitted to the Public Art Commission which is responsible for reviewing proposals, designating review panels, and reporting its recommendations to City Council.

**Richmond Public Art Commission  
c/o City of Richmond  
Urban Development Division  
7577 Elmbridge Way  
Richmond, B.C. V6X 2Z8**



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2. The sponsor will be asked to submit a detailed proposal to the City and Public Art Commission prior to its consideration. The proposal must contain:
  - A rationale for the proposed gift
  - A brief statement of proposed artwork and theme from the artist
  - A project time line
  - Project ownership, transfer to the City and stakeholder responsibilities
  - A site plan showing the work in relation to the site
  - Visual presentation material of the work on the proposed site(s) and community, including drawing(s), photograph(s) and model(s) of the proposed work with scale and materials indicated
  - A detailed budget, with projected costs for the project, including: materials, installation, documentation, construction, maintenance, insurance, etc.
  - Funds committed to date and proposed source(s) of funds
  - Anticipated maintenance for completed and/or donated artwork
  - Artist's resume and any additional supporting material
  - All other program criteria should be addressed in the proposal
3. The Commission and City staff will review offers of artwork to determine whether they meet initial criteria for the City's public art collection.
4. All those qualifying will be put on a list of possible donations.
5. The Commission will appoint and instruct a panel(s) to review the offers and sites for compatibility and make recommendations to the Commission.
6. The panel of no fewer than three members and no more than 5 persons with suitable expertise, including art professionals and at least one neighbourhood representative, if appropriate, to evaluate the work according to the criteria and the choice of site.
7. The panel chair will report the panel's decision in writing to the Commission.
8. Public Art Commission accepts or rejects the panel's decision.
9. Public Art Commission makes a recommendation to City Council on accepted proposals.



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#### ***Appendix E (cont'd)***

10. If the proposal is accepted by the City Council, a formal agreement will be drawn up outlining the responsibilities of each party (the City, the sponsor, the artist and outside contractors, where applicable). The agreement will address project funding, insurance, siting, maintenance, project supervision, vandalism, the plaque, the right of removal or transfer, public safety and other issues as necessary.
11. If the panel, Public Art Commission, or City Council decides against selecting the proposal, City staff will notify the sponsor and the artist with the rationale for their decision.

#### **Integrity and Registration of the Artwork**

1. The City will be the owner of the artwork and reserves the right to move or alter the work to meet public safety or other City concerns. Any such change, will be made in consultation with artist and sponsor, and the Public Art Commission.
2. The completed and installed work of art will be registered in the City's Public Art Inventory together with the artist's statement of purpose.

# Proposed Policy



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## POLICY

It is Council policy that:

The following is adopted as the Richmond Public Art Program.

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(Community Services Department)

# Proposed Policy

## 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,

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- 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.

# Proposed Policy

- 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

# Proposed Policy

- 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
- c) Industrial developments focusing on non-retail warehouse and industrial storage uses.

**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:

# Proposed Policy

- 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.



# Proposed Policy

- 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

- 8.1.2 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*.

**RICHMOND PUBLIC ART ADVISORY COMMITTEE (RPAAC)**  
**TERMS OF REFERENCE**

**1. INTENT**

These terms of reference apply to the Richmond Public Art Advisory Committee ("Committee").

**2. PURPOSE**

The Committee's purposes are to:

- a) Provide advice and act as a resource to City Council and staff on the City's Public Art Program; and
- b) Propose and support activities that benefit and advance public art in the City.

**3. OBJECTIVES**

The objectives of the Committee are as follows:

- a) Raise awareness and understanding of the importance of public art in the City;
- b) Advise on strategies, policies and programs to achieve excellence in art in the public realm;
- c) Propose and support City programs, initiatives and events that advance public art in the City;
- d) Review and submit recommendations to Council on public art project plans; and
- e) Provide input to staff in the development of an annual Public Art Program report to Council, including an RPAAC annual work plan.

**4. COMPOSITION**

Appointments of Members:

- a) The Committee is to consist of nine members of the public, appointed by Council, who:
  - i. Must have an interest or expertise in art, architecture, planning, building construction, cultural tourism or history; and
  - ii. Must not be City employees.
- b) A minimum of two committee members must be visual artists. Other members should represent a variety of professions with expertise in public art, including some or all of the following:
  - i. Artists
  - ii. Arts Administrators
  - iii. Art Historians
  - iv. Art Conservators and Curators
  - v. Architects
  - vi. Landscape Architects
  - vii. Design Professionals
  - viii. Engineers

- ix. Business Representatives
- x. Community Representatives
- c) The Committee will choose from among its members one Chair and one Vice-Chair.
- d) Council may appoint annually one Council liaison to the Committee.
- e) The General Manager, Community Services, will appoint a staff liaison to the Committee.

## **5. TERM**

- a) In the year the Terms of Reference are adopted, four appointments will be for one year and five will be for two years. Thereafter, all appointments will be for two years in order to ensure a staggering of terms and provide the benefit of continuity.
- b) Every member is eligible for re-appointment but in no event will a member serve for more than three consecutive terms.
- c) Appointments are served at the pleasure of Council.
- d) The Chair may review the attendance of any member who has missed three consecutive meetings without prior notification, and may recommend to Council that the member's appointment be terminated.

## **6. CODE OF CONDUCT**

- a) The Committee members are expected to be respectful and work cooperatively to achieve the common goals of the Public Art Program.
- b) The Committee is drawn from a spectrum of community interests. The expectation is that each member will conduct himself or herself in the best interest of the community and the Public Art Program.

**Table of Public Art Projects Completed or In Progress to June 2010**

No	Artist	Name of Artwork	Date	Program	Location	Cost
1	Gwen Boyle	"Time and the River...Rewinding Earth's Time Tape."	1998	Civic	City Centre	\$50,000
2	Colleen Dixon	"The Four Corners"	2000	Civic	City Centre	\$30,000
3	Elizabeth Roy	"Span"	2000	Civic	City Centre	\$240,000
4	Pat Talmey	"Spawning"	2000	Civic	Oval Precinct	\$5,000
5	Jeanette G. Lee	"House of Roots"	2003	Civic	City Centre	\$25,000
6	Michael Swayne	"Dog Party"	2003	Civic	Steveston and South Richmond	\$22,000
7	Sylvia Tait	"Grasslands & Waterscapes."	2004	Civic	City Centre	\$5,500
8	Buster Simpson	"Ice Blade"	2007	Civic	Oval Precinct	\$200,000
9	Doug Taylor	"Spotty the Dog"	2007	Civic	East Richmond	\$40,000
10	Andrea Sirois	"Richmond Hospital Stairway to Art"	2008	Civic	City Centre	\$4,000
11	Bart Habermiller & Emily Barnett	"Shaping Hands"	2008	Civic	West Richmond	\$40,000
12	Cory Fuhr	"Speed Skater"	2008	Civic	Oval Precinct	\$35,000
13	Susan A. Point	"Buttress Runnels"	2008	Civic	Oval Precinct	\$125,000
14	Elspeith Pratt and Javier Campos	"Oval Site Furnishings"	2009	Civic	Oval Precinct	\$295,000
15	Inuit Pangnirtung Studio	"Achieving a Dream Tapestry"	2009	Civic	Oval Precinct	\$100,000
16	Janet Echelman	"Water Sky Garden"	2009	Civic	Oval Precinct	\$1,200,000
17	Nuu-chah-nulth	Hupakwanum	2009	Civic	Oval Precinct	\$100,000
18	Chrystal Sparrow	Killer Whale on the Salish Sea	2010	Civic	Oval Precinct	\$50,000
19	Deanne Achong and Faith Moosang	"Lulu Suite: Telling the Stories of Richmond"	2010	Civic	Oval Precinct	\$250,000
20	Sonny Assu	"Home" Aboriginal Art Youth Mentorship Program	2010	Civic	Oval Precinct	\$60,000
21	Blake Williams	"Steveston Fire Hall"	2011	Civic	Steveston and South Richmond	\$35,000
<b>Subtotal Civic</b>						<b>\$2,911,500</b>

1	Carole Davenport	"Puzzle Pieces"	1998	Community	City Centre	\$5,000
2	Albertino De Sousa	"Community Garden Picket Fences"	1999	Community	City Centre	\$1,400
3	Kinichi Shigeno	"About Face"	1999	Community	City Centre	\$6,500
4	Barbara Zeigler	"Ecovision"	2000	Community	Steveston and South Richmond	\$4,600
5	Mark Glavina	"Community Kaleidoscope"	2005	Community	West Richmond	\$5,000
6	Karen Kazmer and Todd Davis	"SCRIPT: Inside Outside."	2006	Community	City Centre	\$51,000
7	Pomegranate Center	"Cambie Community Gathering Place"	2006	Community	East Richmond	\$175,000
8	Alberto Replanski	"Portals into the Future"	2003	Community	Oval Precinct	\$127,000

# ATTACHMENT 4

No	Artist	Name of Artwork	Date	Program	Location	Cost
9	Mark Glavina	"Seeking Harmony, Respecting Diversity"	2004	Community	East Richmond	\$5,000
10	Blake Williams	"The River"	2005	Community	West Richmond	\$30,000
11	Michael Tickner	"Safe Haven"	2008	Community	City Centre	\$12,000
12	Corinna Hanson	"South Arm Community Project"	2010	Community	South Arm	\$15,000
13	Jacqueline Metz and Nancy Chew	"Lulu, A Memory Garden"	2010	Community	City Centre	\$30,000
14	Jeanette G. Lee	"Nature Park Community Project"	2010	Community	Nature Park	\$60,000
15	Tyler Hodgins	"Gateway"	2010	Community	City Centre	\$25,000
16	Alan Storey	"Steveston Water Park Public Art Project"	TBD	Community	Steveston and South Richmond	\$100,000
<b>Subtotal Community</b>						<b>\$652,500</b>

1	G. Juhasz and G. Schmerholz	"Steveston Fisherman's Memorial"	1996	Donation	Steveston and South Richmond	\$150,000
2	Junichiro Iwase	"Japanese Fishermen Memorial"	2002	Donation	Steveston and South Richmond	\$105,000
3	Norm Williams	"Steveston's Legacy"	2009	Donation	Steveston and South Richmond	\$250,000
4	Sergei Traschenko	"Minoru Horse"	2009	Donation	City Centre	\$150,000
<b>Subtotal Donations</b>						<b>\$655,000</b>

1	Alberto Replanski	"Harmony"	1998	Private	City Centre	\$40,000
2	Connie Glover	"Rising Tide"	1999	Private	City Centre	\$30,000
3	Marko Simcic	"Terra Nova."	1999	Private	West Richmond	\$30,600
4	January Wolodarsky and Bill Jeffries	"A Group of Seven."	2000	Private	City Centre	\$85,000
5	Doug Taylor	"Ford Grove"	2001	Private	East Richmond	\$34,000
6	Nancy Chew + Jacqueline Metz and Doug Taylor	"Look Up, Look Down", "Shadow of Flight and the Celestial Pool" and "Khenko"	2001	Private	East Richmond	\$72,000
7	Connie Glover	"Octopus's Garden"	2002	Private	West Richmond	\$18,000
8	Bing Thom, Chris Doray and Stephanie Forsythe	"Pixel"	2003	Private	City Centre	\$80,000
9	Philip & Kirsty Robbins	"The Garden Gate"	2003	Private	City Centre	\$15,000
10	Arthur Shu Ren Cheng	"The Lions"	2004	Private	City Centre	\$54,000
11	Claudia Cuesta, and Bill Bakers	"Katsura Gate"	2004	Private	City Centre	\$46,000
12	Philip & Kirsty Robbins	"Bug Gate"	2004	Private	City Centre	\$15,000
13	David MacWilliam and Marko Simcic	"Light Ring"	2005	Private	West Richmond	\$35,000
14	David Robinson	"Turning Earth"	2005	Private	City Centre	\$35,000
15	David Robinson	"Breaking Ground"	2006	Private	City Centre	\$40,000
16	David Fushtey	"Celebration: Seasons of Life/Belonging"	2006	Private.	City Centre	\$80,000
17	Monique Genton	"Habitat"	2007	Private	City Centre	\$26,500

**ATTACHMENT 4**

No	Artist	Name of Artwork	Date	Program	Location	Cost
18	Cheryl Hamilton and Mike Vandermeer	"Flow"	2008	Private	City Centre	\$119,000
19	Jill Anholt	"Sky River"	2008	Private	City Centre	\$175,000
20	Paul Slipper	"Human Nature"	2008	Private	City Centre	\$140,000
21	Tini Meyer	"Miora Vases"	2008	Private	City Centre	\$16,000
22	Claudia Cuesta and Bill Baker	"Fields"	2009	Private	City Centre	\$62,000
23	Gwen Boyle	"Stillwater"	2009	Private	City Centre	\$175,000
24	James Kelsey	"Karat"	2009	Private	City Centre	\$30,000
25	Krzysztof Zukowski	"Versante"	2009	Private	City Centre	\$109,000
26	James Kelsey	"Tsunami in Steel"	2009	Private	City Centre	\$30,000
27	Various	"No 3 Rd Art Columns"	2010	Private	City Centre	\$100,000
28	TBD	"Prado"	2010	Private	City Centre	\$100,000
29	TBD	Camino	2010	Private	City Centre	\$150,000
<b>Subtotal Private</b>						<b>\$1,942,100</b>
<b>Total</b>						<b>\$6,161,100</b>

# Public Art Program Administrative Procedures Manual

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**NOTE: The Administrative Procedures Manual is to be referenced as a supplement to the Public Art Program Policy and the Public Art Advisory Committee Terms of Reference.**

## **1. PUBLIC ART PROCESS**

### **1.1 General**

- 1.1.1 These guidelines are intended to assist staff, developers, art consultants, artists, landscape architects and others in the planning of public art projects, and the selection and siting of public art in private developments which are undergoing a rezoning, development permit, subdivision, or building permit application review process.
- 1.1.2 It is intended that the proponents discuss Public Art Program objectives and requirements with City staff prior to, or during the course of, the development application process (i.e. rezoning, Development Permit, etc.) in order to determine the preferred strategy for achieving site-specific development and Public Art Program objectives.
- 1.1.3 The Richmond Public Art 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.

### **1.2 Project Assessment**

- 1.2.1 City staff assess each project for budget, schedule, method of artist selection, and possible assistance from an art consultant (typically for large or complex projects).
- 1.2.2 City staff will identify and advise when civic projects or applications for new development may require a public art consultant to facilitate the public art process. For large-scale projects, hiring a consultant experienced in public art is the best assurance of implementing a successful public art program. The consultant may be responsible for all aspects of the public art process, from consultation with City staff to art documentation, or may be engaged to advise on some phases, only (i.e. Public Art Plan Preparation, Selection Process Management and Coordination of the Installation of the Art Work.)
- 1.2.3 The consultant can advise on artist opportunities; artist resources; art and site compatibility; and legal and technical aspects (e.g. project viability, installation, maintenance, artists' copyright, and moral rights).
- 1.2.4 The Public Art Advisory Committee will review and submit recommendations on public art project plans.
- 1.2.5 City Council approval is required on public art plans for the Civic Public Art Program.

## **2. PUBLIC ART PLAN**

### **2.1 General**

- 2.1.1 The public art consultant, the representative for the developer or the appropriate City department, will meet with City staff to review Public Art Program goals, steps and stages of the public art process, and preparation of the Public Art Plan, as listed below:

### **2.2 Public Art Opportunities and Site Potential**

- 2.2.1 "Site-specific" opportunities should be identified which evoke some aspect of the historical, social, political or physical context of the site through public art.
- 2.2.2 If the project is large enough or multi-phased, the plan should include a balance of different types of public art opportunities.
- 2.2.3 Because public art is a valuable contribution to be enjoyed and experienced in the public domain, identified public artwork locations should be in the most publicly accessible parts of the development



**2.3 Implementation**

- 2.3.1 The public art plan should be drafted at the earliest possible stage to create a well-balanced program, which can be successfully integrated with the timing of the overall development project. Single and multi-phased developments can offer a variety of artwork sites and opportunities if planned well in advance.
- 2.3.2 The public art plan shall include a projected schedule for implementation.

**2.4 Estimated Budget**

- 2.4.1 The applicant will initially estimate the budget at the rezoning or development permit stage. If artists are asked to address functional features, such as a fountain, façade, or windscreens, the art budget is the "upgrade" to existing base costs of the element.
- 2.4.2 If located on private property, continued maintenance of the artwork will be the responsibility of the applicant and subsequent owners. If the art is commissioned on lands that will become City-owned, and is donated to the City, a maintenance operating budget shall be provided by the City.
- 2.4.3 Once the budget is implemented, the applicant must document all invoices and cheques issued so that a complete record exists when, at the completion of the project, the City is required to review all expenditures of the public art project.

**2.5 Method of Artist Selection**

- 2.5.1 The Richmond Public Art Program seeks to ensure a fair, informed and competitive artist selection process. Depending on the site opportunities and the budget allocation, artists may be selected through an invitational competition, an open competition or a direct commission.
- 2.5.2 Potential artists should be considered on the basis of past experience and talent in relationship to the nature of the opportunity for public art presented by the development. Regardless of other considerations, they must have the proven capability and experience to produce artworks of the highest quality.
- 2.5.3 Depending on the site opportunities and overall budget, local, national and international artists may be considered for the public art project.
- 2.5.4 If the project allows, the developer might consider including a mentor or workshop program for the benefit of other artists.
- 2.5.5 See **Chapter 4.0 SELECTION PROCESS** for further details.

**2.6 Public Art Review Panel Composition**

- 2.6.1 While the composition of the public art review panel must have a majority of the members with professional art experience, the applicant is encouraged to be part of the selection process by appointing a representative to the panel. Normally, the panel consists of three or five people and if possible, one of the members is a local community representative.
- 2.6.2 See **Section 4.3 Selection Panel Composition** for further details.

**2.7 Public Relations**

- 2.7.1 Public relations program includes educational and promotional initiatives and may include such features as display material, signage and interpretive displays to help understand, appreciate and celebrate art in the public realm.

**2.8 Conflict of Interest**

- 2.8.1 Any participant in the City's public art processes, including staff, members of the Public Art Advisory Committee and their advisors or representatives, must declare any direct or indirect benefit to themselves, or their respective employers, partners, families or associates, which may

arise from the City's acquisition or deaccession of any public artwork or related activities, and will be required to remove themselves from such processes.

- 2.8.2 It is understood that the art consultant will be an independent agent who will facilitate the program and act as the agent for the project applicant and an advocate for the artists to achieve the successful integration of the art within the development project and the surrounding urban fabric.

## **2.9 Preliminary Public Art Plan**

- 2.9.1 To allow for early feedback on the proposed Public Art Plan, the applicant shall prepare a preliminary Plan by for review by staff and the Public Art Advisory Committee.
- 2.9.2 The Preliminary Public Art Plan consists of a two to three page proposal identifying estimated budget, public art opportunities, time-line for artist participation, and terms of reference for site and artist selection.
- 2.9.3 A *Public Art Plan Guide and Checklist* has been prepared to assist the applicant in the preparation and submission of the Public Art Plan.

## **2.10 Detailed Public Art Plan**

- 2.10.1 The detailed Public Art Plan describes the selected public art site(s) and concept; artist(s) qualifications; budget allocations; schedule for design, construction, installation, and documentation; public participation proposed; progress reports; anticipated needs for property dedication or encroachment; and proposed maintenance plan.
- 2.10.2 Staff will present the detailed Public Art Plan to the Public Art Advisory Committee for review and comments, with respect to the proposed method of artist participation, terms of reference for artist and site selection, budget allocations, and the public consultation or participation process.
- 2.10.3 A summary of the Public Art Advisory Committee's review and recommendations will be forwarded to appropriate Urban Development staff for inclusion in a staff report to City Council for the development application (e.g. rezoning and/or development permit application).
- 2.10.4 Conditions of the rezoning or other legal agreements as agreed to by the applicant will ensure fulfillment of the terms of the Public Art Plan.

## **3. SITE CONSIDERATIONS**

- 3.1 Artwork 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 and accessibility.
- 3.2 Locations designated for the installation (current or future) of public art projects should meet the following criteria:
- a) Visibility for pedestrians and/or motorists (including public transit);
  - b) Proximity to recognized pedestrian routes and 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
  - c) Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork concept.

- 3.3 Given these criteria, indoor areas are usually unsuitable, but if sited indoors, the artwork must offer the general public a free and uninhibited experience during normal business hours.
- 3.4 Places of special heritage, community or environmental significance may be considered for locating public art.
- 3.5 The designation of public art siting locations (as required for current and/or future installations) should be indicated on the appropriate document (e.g., Development Permit and Building Permit drawings) to the satisfaction of City staff, with regard to urban design and technical considerations (e.g., utilities, pedestrian and vehicle safety, maintenance access)

#### 4. SELECTION PROCESS

##### 4.1 General

- 4.1.1 Selection process guidelines are founded on the conviction that the acquisition of public art, like the City's long-term investment in capital works and social development, is contingent on the incorporation of professional advice and community representation
- 4.1.2 Acquisition of artworks and the selection and commissioning of artists and artists' proposals, including gifts of artwork are generally directed through selection panel process. The Public Art Advisory Committee will review the panel composition.
- 4.1.3 The city will only acquire an artwork as part of the City's public art inventory with prior review by the Public Art Advisory Committee.
- 4.1.4 The selection process undertaken by the panel must ensure artists and artworks are selected on their own merit by a process informed by expertise and community awareness, free of personal bias or influence.
- 4.1.5 Anyone involved in the development project team (e.g. architect, landscape architect, engineer) should not apply to be the artist, as defined under *Definitions*.

##### 4.2 Forms of Artist Calls

- 4.2.1 ***Request for Qualifications (RFQ) or Request for Expression of Interest (RFI)*** – A call to artists to submit their credentials and qualifications to be considered for a public art project.
- 4.2.2 ***Request for Proposals (RFP)*** - An artist call soliciting a concept proposal for a public art project, with or without remuneration.
- 4.2.3 ***Open Call*** – A widely publicized call for interested artists to submit their project proposals and/or qualifications.
- 4.2.4 ***Invitational Call*** – A number of specific artists are invited to submit their project proposals and/or qualifications.
- 4.2.5 ***Direct Selection*** - After consulting with curators and/or other art professionals, an invitation to submit a project proposal is issued to a specific artist or artist team.
- 4.2.6 The form of selection to be used for a particular project is to be determined by the City staff in consultation with the Public Art Advisory Committee and the art consultant, should there be one for the project.
- 4.2.7 Staff may designate some projects as suitable for artists new to public art.
- 4.2.8 If the project allows, the developer or project manager might consider including a mentor or workshop program for the benefit of other artists or community participants.

### 4.3 Selection Panel Composition

- 4.3.1 Staff will maintain a list of candidates for selection panels, with input and periodic review by the Public Art Advisory Committee.
- 4.3.2 Selection panels will include artists and urban design professionals (i.e. architects, landscape architects, engineers, urban designers, and planners), and may include representatives from the community, developers, and art professionals. Art dealers are not usually allowed to participate on selection panels due to potential conflict of interest.
- 4.3.3 A panel will be comprised of no less than three and usually no more than five panel members.
- 4.3.4 The developer will in every private development project have the right to appoint a representative to the panel.
- 4.3.5 The panel process may provide for neighbourhood input or representation, and panellists should reflect community diversity. Non-voting advisors may be included as needed to supply technical information or community advice. Typical panel advisors might be: residents, project staff, and technical staff.
- 4.3.6 Panel composition is to be reviewed by the Public Art Advisory Committee in conjunction with the City's project staff team, prior to the start of the panel's work.
- 4.3.7 A panel appointed shall not include any person from the Public Art Advisory Committee, City of Richmond staff, City Council or their respective partners, employees or families.
- 4.3.8 Public Art Advisory Committee members may attend selection panel meetings as observers. Meetings are scheduled at the convenience of selection panellists and developers.
- 4.3.9 Terms of reference for each panel will be set either prior to commencement of the project or as early in the project development stage as possible, by the public art consultant or the City's project staff team in conjunction with the Public Art Advisory Committee.
- 4.3.10 Panellists and/or others consulted or asked to provide an evaluation of proposals or artists' qualifications will be paid an honorarium (ranging from \$100 to \$300 each as of 2010).

### 4.4 Selection Criteria

- 4.4.1 Artists and artists' proposals will be selected for recommendation to staff by a majority vote of the panel on the basis of:
  - a) Artist's qualifications and proven capability to produce work of the highest quality;
  - b) Artist's capacity to work in demanding environments with communities and other design professionals, where applicable;
  - c) Appropriateness of the proposal to the project terms of reference and Public Art Program goals;
  - d) Artistic merit of the proposal;
  - e) Degree to which the proposal is site and community responsive, and technically feasible;
  - f) Probability of successful completion; and
  - g) Environmental sustainability of the proposed artwork.
- 4.4.2 A selection panel may determine that none of the submissions fulfill the project criteria. In this case, the selection process may, with the advice of the Public Art Committee, be re-opened.

### 4.5 Review of Donations

- 4.5.1 Donations or gifts of art to the City will be reviewed by a panel and City staff, on the basis of relevance to proposed site, artistic excellence, physical durability, public safety, costs, sponsorship, acquisition terms and procedures, and ability to de-accession, if required.

- 4.5.2 See **Chapter 6.0 DONATIONS OF PUBLIC ARTWORK TO THE CITY OF RICHMOND** for additional information.

**4.6 Technical Review**

- 4.6.1 City staff will act as a resource to various selection panels, providing technical review and an analysis of proposed materials, construction, scale, costs, durability, public access, environmental sustainability and safety, as they relate to the ability of the City to maintain and/or accommodate the proposed artworks.
- 4.6.2 The Project Manager in conjunction with participating departments will ensure all proposals are reviewed prior to final selection for safety and liability, compliance with City by-laws and requirements, technical feasibility, environmental impact, cost, maintenance and other aspects as needed. Final selection will not be made or announced until any question on these issues is resolved.

**5. CIVIC CAPITAL PROJECTS PROGRAM**

**5.1 Project Identification Procedures:**

- 5.1.1 An interdepartmental City staff team will identify priority locations and projects for public art.

**5.2 Civic Financial Procedures:**

- 5.2.1 The City will identify and pro-rate 1% of construction funds allocated to the capital project budget for public art.
- 5.2.2 City facilities budgets will be based on construction costs only.
- 5.2.3 City departments will transfer the appropriate public art allocation funds, as agreed in consultation between the department and Public Art Program Staff, to the Public Art Reserve Fund for development of public art projects on the most publicly accessible and prominent sites.
- 5.2.4 Of this annual Public Art Budget:
- a) A minimum of 85% of the public art allocation will be allocated to the artwork.
  - b) A maximum of 15% of the public art allocation from the Capital Program Budget will be allocated to an administrative operating reserve sub-account for the Public Art Program.

**6. DONATIONS OF PUBLIC ARTWORK TO THE CITY OF RICHMOND**

**6.1 Guideline Objectives**

- 6.1.1 To encourage and ensure that the City acquires public art that meets a high standard and is appropriate and meaningful for the community.
- 6.1.2 To provide a procedure for reviewing proposed gifts to the City of art works intended for placement in public places under the City's jurisdiction.
- 6.1.3 To acquire works that contribute to and enhance the City's Public Art Collection.

**6.2 General**

- 6.2.1 These guidelines have been established to evaluate proposed voluntary public art gifts from private sources.
- 6.2.2 Gifts of artwork to the City are an important part of Richmond's growing Public Art Collection. Proposed gifts of artwork(s) namely, those privately purchased or commissioned and located on City sites will be reviewed before being placed into the City's Public Art Collection.
- 6.2.3 There are very limited City funds to preserve and conserve these works of art. There are also a limited number of suitable sites on City property for gifted artworks.

- 6.2.4 The guidelines are founded on the conviction that the acquisition of public art, like the City's long-term investment in capital works and social development, is contingent on the incorporation of professional advice and community representation.
- 6.2.5 All offers of artwork proposed for sites under City jurisdiction must be made in writing and submitted to the Public Art Program.
- 6.2.6 All proposed gifts are to receive independent assessments by a public art review panel, which will include artists, members of the professional art community, and representatives of the neighbourhoods involved, based on the guidelines, which complement the current Public Art Program.
- 6.2.7 While the following guidelines have been written specifically for the gifting of artworks, other proposals for creative or innovative public art projects are welcomed and encouraged, for example, provision of a site and/or an endowment for an artist residency, public art symposium, a changing exhibition of public art, sculpture garden, etc.
- 6.2.8 These procedures do not apply to gifts of state (e.g. gifts from Sister Cities or visiting foreign dignitaries).
- 6.2.9 These proposals are also subject to the guidelines below.

### **6.3 Role of Sponsor**

- 6.3.1 The sponsor's principal role is to state the intent of the donation and provide the funding for its manufacturing, installation, and maintenance. Community groups or corporations can act as a sponsor, provided that they are capable of demonstrating community support for the proposal and clear financial responsibility for its acquisition, production, installation, and maintenance .
- 6.3.2 Demonstrating community support reinforces the public nature of the proposal.

### **6.4 Project Identification (Acceptance Conditions)**

- 6.4.1 The City will consider gifts of works of art for placement at City owned sites on the understanding that no City funds will be required for production, siting, installation or ongoing maintenance of the work without prior approval of City Council.
- 6.4.2 A work of art must have a sponsor or co-sponsors, who will present the proposal and, when necessary, be responsible for raising or providing the necessary funds in accordance with the budget that they present to the City.
- 6.4.3 The City will accept no gift of an artwork until all funds for its development and siting have been secured.
- 6.4.4 The City will consider the following types of proposals for works of art intended for placement at a public site under the City's jurisdiction:
  - a) A sponsor's offer of an already completed work of art.
  - b) A sponsor's offer to commission an artwork by a specific artist or artists.
  - c) A sponsor's offer to commission an artwork by means of a public competition as described in the Public Art Program.
- 6.4.5 The Public Art Program encourages the creation of work of the highest standards, that is deemed relevant to the community, and that allows the public to be inspired, make connections and understand relationships among the works in the collection and the community. City staff and the Committee will review all proposals of gifts of artwork based on the following criteria, and refer them to an independent review panel and City Council for approval.

## 6.5 Public Art Selection Criteria

- 6.5.1 **City Sites:** Gifted public artwork must be for sites under the City's jurisdiction (e.g. City owned, City managed). See also detailed Site Considerations - Chapter 3.
- 6.5.2 **Theme:** A stated theme of the artwork, which is consistent with the goals, objectives and mandate of the City and the Richmond Public Art Program (*and/or other relevant City area plans*), must be identified.
- 6.5.3 **Relevance:** Works of art must be appropriate for the proposed site and its surroundings, and complement surrounding architecture, topography, history and the social dynamic of the particular community in which the art will be placed.
- 6.5.4 **Artistic Excellence:**
  - a) The work of art shall merit placement in a City public place.
  - b) The artist demonstrates the ability and potential to execute the proposed piece, based on previous artistic achievement and experience.
  - c) In the case of a donation of an existing work of art, the quality of the work(s) must be supported by documentation from an independent professional evaluator.
  - d) The artwork must enhance the City's public art collection.
- 6.5.5 **Physical Durability:** Consideration of the artwork's long-term durability against theft, vandalism, and weather must be addressed.
- 6.5.6 **Public Safety:** All proposals must address public safety concerns.
- 6.5.7 **Environmental Sustainability:** Consideration will be given to the environmental impact and sustainability of the proposed artwork.
- 6.5.8 **Costs:** In order for the donation to be approved, all costs of the proposed artwork, including production, acquisition, siting, installation, and maintenance must be made available and detailed in the proposal.
- 6.5.9 **Legal:** Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, artist right to reproduce, liability and other issues as appropriate.

## 6.6 Acquisition Procedures & Process

- 6.6.1 The sponsor will be asked to submit a detailed proposal to the City and Public Art Advisory Committee prior to its consideration. The proposal must contain:
  - a) A rationale for the proposed gift;
  - b) A brief statement about the proposed artwork and theme from the artist;
  - c) A project time line;
  - d) Project ownership, transfer to the City and stakeholder responsibilities;
  - e) A site plan showing the installation of the work in relation to the site;
  - f) Visual presentation material of the work on the proposed site(s) and community, including drawing(s), photograph(s) and model(s) of the proposed work with scale and materials indicated;
  - g) A detailed budget, with projected costs for the project, including: materials, installation, documentation, construction, maintenance, insurance, etc.;
  - h) Funds committed to date and proposed source(s) of funds;
  - i) Anticipated maintenance for completed and/or donated artwork;
  - j) Artist's resume and any additional supporting material; and
  - k) All other program criteria should be addressed in the proposal.

- 6.6.2 The Committee and City staff will review offers of artwork to determine whether they meet initial criteria for the City's public art collection.
- 6.6.3 All those qualifying will be put on a list of possible donations.
- 6.6.4 The City will appoint and instruct a panel to review the offer and site for compatibility and make recommendations to the City.
- 6.6.5 A panel of no fewer than three members and no more than 5 persons with suitable expertise, including art professionals and at least one neighbourhood representative, if appropriate, will evaluate the work according to the criteria and the choice of site.
- 6.6.6 The panel chair will report the panel's recommendation in writing to the City..
- 6.6.7 Public Art Advisory Committee reviews the panel's decision.
- 6.6.8 Public Art Advisory Committee makes a recommendation to the City on the proposal.
- 6.6.9 If the proposal is accepted by City Council, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor, the artist and outside contractors, where applicable). The agreement will address project funding, insurance, siting, maintenance, project supervision, vandalism, the plaque, the right of removal or transfer, public safety and other issues as necessary.
- 6.6.10 If the City decides against selecting the proposal, City staff will notify the sponsor and the artist with the rationale for their decision.

## **6.7 Integrity and Registration of the Artwork**

- 6.7.1 The City will be the owner of the artwork and reserves the right to move or alter the work to meet public safety or other City concerns. Any such change will be made in consultation with the artist and sponsor, and staff. (See **Section 8.0 DE-ACCESSION GUIDELINES**)
- 6.7.2 The completed and installed work of art will be registered in the City's Public Art Inventory together with the artist's statement of purpose. (See **Section 7.0 ART DOCUMENTATION**)

## **6.8 MAINTENANCE**

- 6.8.1 Funds for all maintenance costs must be made available and detailed in the proposal.

## **7. ART DOCUMENTATION**

- 7.1.1 The following documentation must be filed with the City at the completion of the public art project:
  - a) Name of artwork;
  - b) Name and biographical details of the artist(s) including city, province and web-site;
  - c) Artist statement and/or brief description of the work, including a statement on how it relates to its environment, and/or area history, and/or community as applicable;
  - d) Specifications of the artwork including medium, method of construction and installation and dimensions;
  - e) Six good quality, high resolution electronic images (minimum 700 dpi) showing the artwork close-up, details, and in context;
  - f) Contact information (including mailing address, telephone, e-mail address) for the following as applicable:
    - Owner (e.g. Developer's company name or City of Richmond)
    - Public Art Consultant
    - Donor



- Selection Panel
  - Sponsor
  - Artist
  - Fabricators
- g) Other related materials as necessary to reveal the artwork and/or artist intentions (e.g. film, video clips, book works, etc.); and
- h) A copy of the artist's maintenance plan, including method, materials and frequency of inspections or maintenance and person or organization responsible for maintenance.

## **7.2 Condition inspections**

- 7.2.1 On occasion, conditions inspections will be carried out and recorded.

## **7.3 Public Accessibility to Database**

- 7.3.1 The Public Art Database shall be updated regularly and be accessible to the public through the City's web site.

# **8. DE-ACCESSION GUIDELINES: FOR REMOVING ARTWORK FROM PUBLIC SITES UNDER CITY JURISDICTION**

## **8.1 Objective:**

- 8.1.1 To establish careful procedures for the **de-accessioning** of works or art belonging to the City of Richmond, which have been installed in public places (e.g. streets, parks and plazas).
- 8.1.2 To ensure the de-accessioning process of public artwork does not occur haphazardly (e.g. due to fluctuations of fashion).
- 8.1.3 To ensure that the de-accessioning of an art work, whether through sale, exchange, gift or any other means, is not contrary to the terms on which it was received by the City.
- 8.1.4 To ensure that the decision-making process incorporates the advice and expertise of art and other professionals qualified to assess the effects of de-accession on both the artwork in question and the integrity of the City's Public Art Collection.
- 8.1.5 To ensure that the decision making process is carried out with the informed involvement of the public and all potentially affected communities and stakeholders.

## **8.2 Conditions**

- 8.2.1 The City will consider de-accessioning an artwork when directed by Council or if any of the following conditions apply:
- a) The artwork is fraudulent, not an authentic work; or there is valid challenge to title;
  - b) The artwork possesses faults of design, workmanship, or inferior materials, that result in excessive or unreasonable maintenance, a threat to public safety, and/or damage to an extent where repair is unreasonable or impractical;
  - c) The destruction of, or changes to, the artwork or site threaten the artwork's survival, maintenance costs, or result in a significant diminishing of its artistic integrity and effectiveness;
  - d) A written request with justification from the artist has been received; or
  - e) An exceptional and unforeseen reason arises (e.g. other priority uses of City land, the provisions of services. etc.) for removing the artwork from its current site, and no other suitable site can be found.

**8.3 Procedures:**

- 8.3.1 Providing one of the conditions in the preceding section applies, as evidenced in a written submission, City staff will forward the request promptly to the Public Art Advisory Committee.
- 8.3.2 City staff will report the following information to the Public Art Advisory Committee for their review:
  - a) Reasons for the suggested de-accessioning;
  - b) Opinion of the Legal Department;
  - c) Implications arising from the Terms of the initial acquisition;
  - d) Expert appraisal of the current value of the art work ;
  - e) Costs of site mediation, de-accessioning, removing, storage and relocation;
  - f) All documented public response to the work;
  - g) A report on the condition of the artwork from a professional conservator;
  - h) Relocation and storage options;
  - i) Alternative uses and treatment of the site;
  - j) Suggested and alternative course of action;
  - k) Where applicable and achievable, the artist whose work is being considered for de-accessioning will be notified by reasonable means and invited to comment in writing or in person by a specified deadline; and
  - l) Where applicable and achievable, the original sponsor of the work shall be notified of the de-accessioning request and invited to comment in writing or in person, by a specified date.
- 8.3.3 The City will designate a panel to review the proposed request. The panel will usually consist of three to five persons having suitable expertise, including a majority of art professionals, and a neighbourhood representative from each community likely to be affected.
- 8.3.4 The panel may recommend any of the following courses of action as a result of its de-accessioning review. The panel shall be advised that these options are not in any order of preference.
  - a) Sell, auction or trade the artwork after receiving a bona fide current appraisal;
  - b) Give the artist or sponsor the first opportunity to buy back the work at the current appraised value;
  - c) Give the artist the opportunity to propose repurposing the work
  - d) Relocate the work retaining ownership by the City;
  - e) Transfer ownership to another public institution, organization or public site;
  - f) Properly store the work temporarily with a plan for its future;
  - g) Retain the work as sited
  - h) Recommend improvements or alterations, agreeable to the artist and or sponsor to the artwork or site
  - i) Other solutions or recommendations as determined by the review and circumstances.
- 8.3.5 The Public Art Advisory Committee will review the panel's report and recommendation(s) and will convey them through staff to City Council for final approval.
- 8.3.6 All financial proceeds resulting from any sale or trade of public art are to be deposited in the Public Art Reserve Fund

## 9. PRIVATE DEVELOPER CONTRIBUTION AND PARTICIPATION PROCEDURES

9.1 These guidelines are intended to assist staff, developers, art consultants, artists, landscape architects and others in the planning of public art projects in private developments which are undergoing a rezoning, development permit, subdivision, or building permit application review process.

9.2 Refer to the **Public Art Program Policy Section 6.0 PRIVATE DEVELOPMENT PUBLIC ART PROGRAM** for additional information.

### 9.3 Calculation Method for Private Sector Public Art Budgets

9.3.1 To achieve the 0.5% flat rate Policy objective, the following table provides a guideline for the public art contribution, based on maximum developable floor area (FAR) and according to categories of building type of the development:

**RECOMMENDED PUBLIC ART CONTRIBUTIONS BY BUILDING TYPE  
EFFECTIVE JANUARY 1, 2011**

Building Type	Recommended Public Art Contribution (\$/sq. ft.)
Commercial, Office, Industrial, Light Industrial	\$0.40
Residential (all construction types)	\$0.75

*Rates to be adjusted annually based on Consumer Price Index*

9.3.2 Eligible items for the application of private sector public art budgets include:

- a) Preparation of a public art plan;
- b) Public art consultant and artist selection process administration fees;
- c) Artist, engineering and consultant fees;
- d) Legal and insurance fees;
- e) All costs for materials, fabrication, transport and installation for the artwork;
- f) A public relations program; and
- g) Documentation costs.

9.3.3 Ineligible items for the application of private sector public art budgets include:

- a) Maintenance costs for artwork(s) situated on private property;
- b) Artwork not provided in accordance with the Richmond Public Art Program Policy and Administrative Procedures; and
- c) Costs not directly related to selecting, designing, fabricating, or installing artwork, such as related landscape, structural, lighting, and architectural design and construction.

### 9.4 Form of Contribution

9.4.1 Where a monetary contribution is the option chosen, it is to be deposited to the Public Art Reserve.

9.4.2 When actual artwork is to be produced with the development project, it may be provided and secured in a mutually agreed manner (e.g., cheque or letter of credit);

- 9.4.3 Where the proponent administers the public art project and budget and a letter of credit is provided to the City, it is to be secured in the amount of the public art budget and is to be released back to the developer upon the satisfaction of the City that the public art has been completed including transfer of title to the City or Strata and all accounts paid.
- 9.4.4 Where a monetary contribution is provided, by cheque, the City administers the public art project budget on behalf of the developer, releasing funds as agreed in a contract between the developer and artist, with the City Public Art Planner named as Administrator.

## 9.5 Timing of Contribution

- 9.5.1 Applicants will be notified of the public art program contribution details at the earliest possible time in the development review process (e.g., at the rezoning, Development Permit, or subdivision stage);
- 9.5.2 The City will secure the applicant's public art contribution prior to the Rezoning Adoption and/or Development Permit Issuance.
- 9.5.3 During the Rezoning /Development Permit review, staff will confirm whether a public art contribution has been made with the application.
- 9.5.4 For multi-phase developments, legal agreements, including no-build covenants on land title, may be required to secure future contributions.
- 9.5.5 Where a contribution has been agreed upon, but has not yet been made, the outstanding contribution will be regarded as a condition of the issuance of the Rezoning or Development Permit.

## 9.6 Clarification of Roles

- 9.6.1 Developers select a public art option, prepare a plan, select a public art site, identify the project parameters and implement the project.
- 9.6.2 City staff advise and work with developers to manage the public art selection as per the City's Public Art Program Policy.
- 9.6.3 The Public Art Advisory Committee advises the developer, City staff and artists in preparing a public art plan, recommends it to Council and advises on implementation.
- 9.6.4 The selection panel's role is to select the best artist and artwork that meets the public art project's design parameters, theme and locational conditions, as outlined in the public art competition call terms of reference.

## 9.7 Developer Public Art Options

There are three options for developers to participate in the Public Art Program:

### 9.7.1 Option 1 - Developer Donates Cash to City's Public Art Statutory Reserve Fund

Developers may donate 0.5% of the value of an eligible development's estimated construction cost to the City's Public Art Statutory Reserve.

It is encouraged, that for public art budgets, which are less than \$40,000 (e.g. for developments of less than \$8 million construction value), a monetary contribution be made to the City's Public Art Statutory Reserve Fund.

This approach enables the City to pool contributions from developers for public art. In this way, the benefits of these contributions are maximized and administration costs for all are reduced.

The City's intent is to spend these funds on public lands in the general vicinity of a developer's project.

Payment - Developers are asked to provide their cash contribution for public art to the City before a development or building permit is issued.

OR

**9.7.2 Option 2 - Developer Funds and Manages Public Art Selection Process**

A public art consultant is retained by the developer to work with the developer and City to manage the public art project process.

Developers may commission artworks through a juried public art competition.

This public art project is owned by the development proponent, and transferred to the Strata Corporation, where applicable.

*Alternatively, the developer may directly commission an artist to create a public art project, subject to the developer preparing a public art plan that describes the selected public art site(s) and concept; artist(s); budget allocations; schedule re: design, construction, installation and documentation; public participation proposed; progress reports; anticipated needs for property dedication or encroachment; and proposed maintenance plan. The public art plan is to be reviewed by the Public Art Advisory Committee prior to it being implemented.*

OR

**9.7.3 Option 3 - Developer Funds and the City Manages Public Art Selection Process**

Developers may allow the City to manage their public art project (e.g. planning, competition and selection process).

This option allows developers to dedicate funds to the creation of public art and to minimize their administration costs.

**9.8 Option Selection Phase Procedures**

- 9.8.1 When developers apply for development approval (e.g. rezoning, development permits, building permit) they will be advised by the City's Planning and Development Department staff if they are eligible to participate in the Private Development Public Art Program. Developers are meet with Public Art Program staff to discuss the public art project details and procedures. Developers advise staff of the option which they have selected. The developer and City staff agree upon one of the above public art options and a contribution amount.

**9.9 Approval Phase**

- 9.9.1 The Planning & Development Department will include the selected public art option in its final rezoning or development permit report to Planning Committee, Development Permit Panel, and City Council, as appropriate.

- 9.9.2 City Council approves the public art proposal.

**9.10 Implementation Phase****9.10.1 Payment/Security**

- a) For Option 1, Developers make their contribution to the City's Public Art Reserve Fund, with 15% deposited of the total amount to the Public Art Operating Provision.
- b) For Options 2 and 3, Developers make their contributions for public art to the City's Public Art Reserve Fund, or provide a letter of credit to the City, before a development permit or building permit is issued, whichever takes place first.
- c) Letters of credit are released after City staff accept the completed public artwork.

**9.11 Preparation of a Public Art Plan**

- 9.11.1 All aspects of public art projects are to be presented to the Public Art Advisory Committee for review, prior to project implementation.

9.11.2 Options 2 and 3 involve developers preparing a public art plan,(see **Section 2.0 PUBLIC ART PLAN**) which addresses:

- a) The policies and guidelines under the "Richmond Public Art Program Policy"
- b) Panel composition and selection;
- c) The public art opportunities;
- d) The locations for the specific project;
- e) Time lines;
- f) A public art budget;
- g) Method of artist selection (e.g. proposal call and terms of reference);
- h) Potential artists; and
- i) A public relations program.

#### **9.12 Review of the Plan by the Public Art Advisory Committee**

9.12.1 The Public Art Advisory Committee will review a developer's public art plan and advise on any changes required. If the development schedule allows, the public art plan may be reviewed by the Public Art Advisory Committee in two stages:

- a) The first part includes the public art site, budget, themes, time lines, and method of artist selection; and
- b) The second part includes selecting an artist, the panel composition, selecting the public art and implementation.

#### **9.13 Implementing the Public Art Plan – Timeline:**

9.13.1 Generally speaking, the average public project takes:

- a) A minimum of three months to select the artist and/or artwork; and
- b) Typically, a minimum of six months plus to fabricate and install the artwork.

#### **9.14 Artists Proposal Call and Selection Panel Processes**

9.14.1 The Artist Proposal Call and Terms of Reference for the preparation of a public art plan are reviewed by the Public Art Advisory Committee, specifying the process involved, the actual public artwork, and its location.

9.14.2 It should be drafted at the earliest possible stage in order to create a well-balanced program, which can be successfully integrated with the rest of the development.

9.14.3 The schedule should offer an opportunity for early collaboration among the developer, the City, artists, design teams and the Public Art Advisory Committee.

9.14.4 The public art planning process includes the following steps:

- a) Prepare and finalize Artists Proposal Call and Terms of Reference;
- b) Form a panel to select an artist and/or the artwork;
- c) Initiate public artist call (e.g. newspaper ads and internet);
- d) Hold information meetings and site orientations for the selection panel and for the artists;
- e) Hold first panel meeting to review submissions, and select short listed artists and proposals;
- f) Interview artists, particularly for integrated design projects;

- g) Payment upon delivery to artists preparing final detailed sketch or maquette (model) for presentation;
- h) Hold second panel meeting to review finalists and select artist and public art project; and
- i) Developer and selected artist sign contract and initiate project implementation highest quality.

#### **9.15 Further Developer Procedural Guidelines:**

- 9.15.1 All financial contracts are negotiated between the applicant and the artists involved.
- 9.15.2 Artists and developers are advised to seek independent legal counsel.
- 9.15.3 **Public Relations:** Developers have realized that public art can enhance their corporate image by better relating their new development to the community as a whole. As a result, public relations is an important component of a public art project. Such programs may include: news releases, newspaper articles, opportunities for public comment, media events, official openings, City brochures, maps and guides and public tours.
- 9.15.4 The artist, developer and City jointly agree on the public art project completion date and final transfer of ownership.
- 9.15.5 **Acceptance:** the artist, developer and City jointly accept the built public art.
- 9.15.6 **Accessibility and Maintenance:** it will be the developer's responsibility to ensure that the artwork is accessible and functioning at times when the public has access to the site. For example, in open spaces, a fountain should be operating in the evenings and on weekends for the benefit of the public.

### **10. COMMUNITY PUBLIC ART PROGRAM PROCEDURES**

#### **10.1 Goals**

- 10.1.1 To provide opportunities for artists and the public to express their individual and collective ideas through public art as a means to support the arts, build community pride, enhance local character, and strengthen Richmond's identity;
- 10.1.2 To create a more humane and liveable City by integrating and linking the arts and everyday life;
- 10.1.3 To encourage and support residents' participation in local art projects in ways that respect the diversity of culture and interests of the area.
- 10.1.4 To encourage the creation of works with both artistic merit and community benefit; and
- 10.1.5 To leave a legacy of understanding and/or recognition in the community.

#### **10.2 Artist Selection shall follow the processes set out below:**

- 10.2.1 Participation by an artist will not be guaranteed until a match is made with a community group. Artists should not apply with a specific community partner in mind. The artists applying will form a roster from which a match will later be made.
- 10.2.2 Community groups applying to the program will be asked to submit a detailed letter of interest for review by a selection panel composed of people with experience in art and community development. Community groups are asked not to have a specific project or end product in mind when applying but rather a willingness to explore themes or goals meaningful to their group.
- 10.2.3 A selection panel will recommend community groups and short-listed artists appropriate to each community group.
- 10.2.4 The recommended community group will interview and select from the shortlist, the artist, whose art practice would be most compatible with their interests and goals.

- 10.2.5 Community process is evaluated by the level and diversity of community participation. Artistic merit is evaluated by the quality of production, project innovation, relevance to site, and significance to the larger community.

### 10.3 Program Applicants

- 10.3.1 The program is open to submissions of interest by artists and communities wishing to collaborate on artwork for public sites in Richmond.
- 10.3.2 To be eligible, community groups must be located in Richmond and willing to spend the time that the collaborative process requires. Community group applicants must demonstrate the involvement of a sizable membership/constituency in the project, extending beyond a board of directors, staff or a committee.
- 10.3.3 A separate call will be issued to artists in all disciplines for expressions of interest to participate in the program, including: Visual arts: public art, film and video, photography, installation, multi-media and other visual art forms; performing arts: performance, music, dance, theatre; literary arts: writing, story-telling, poetry.

### 10.4 Project Submissions

- 10.4.1 Community artwork project submissions will be considered once a year. Calls will be issued separately to community groups and to artists.
- 10.4.2 Artists' expressions of interest will be reviewed on the basis of:
- a) Artistic excellence, quality of artwork and professional experience of the artist;
  - b) Evidence of broad thinking, conceptual clarity and problem-solving capabilities;
  - c) Ability and willingness of the artist to work collaboratively with community members on a shared goal;
  - d) Ability to work well with a wide range of people including community members, City staff, arts professionals, and professionals in other fields;
  - e) An expressed desire to create artwork in a public realm; and
  - f) Interdisciplinary and team approaches are welcome.
- 10.4.3 Community groups' applications will be reviewed on the basis of:
- a) Expression of a shared goal, theme or idea to explore through art, including but not limited to issues such as identity, social history, cultural expression or the environment;
  - b) Commitment to working collaboratively with an artist to explore these community issues;
  - c) Willingness to enter the process without a predetermined idea about the outcome;
  - d) Belief that the art-making process is a unique and valid way to express community identity and concerns; and
  - e) Commitment of community time to work on the project.

### 10.5 Community program funding:

- 10.5.1 Artists or artist teams matched with a community group will receive a planning fee **(\$2,000 per project of the total budget of \$15,000 as of 2010)** in the initial stage of the program. Artists working as a team must share the planning fee. The artist and community group will work together during this period to formulate the kind of ideas they wish to explore, as well as develop a concept with budget and implementation plan. The remaining funds **(\$13,000 plus contributions from other sources)** will be made available to the artist to carry out the project, based on a payment schedule and approval by the Richmond Public Art Advisory Committee of the budget and implementation plan.



- 10.5.2 Community groups will not receive funding but the budget will be developed in collaboration with the artist(s) and community group. The budget must include an artist fee for the implementation stage of the collaboration as well as cover all aspects of the project including, but not limited to planning, community consultation, materials, insurance, and any other resources necessary to complete the project.
- 10.5.3 Once an artist and community group are matched, they will develop a budget and implementation plan describing their goals for the project. The selected community group will be required to enter into an Agreement with the Artist, facilitated by the City, that outlines the roles and responsibilities of all parties as well as rights of use and ownership.
- 10.5.4 Communities or artists cannot receive funding for projects already underway.

## **11. RICHMOND PUBLIC ART ADVISORY COMMITTEE**

- 11.1.1 See Public Art Program **RICHMOND PUBLIC ART ADVISORY COMMITTEE (RPAAC) TERMS OF REFERENCE**
- 11.1.2 The terms of office for Committee members is normally January 1 of the first year through to December 31 of the first or second year, depending on length of appointment.
- 11.1.3 Prior to April 30<sup>th</sup> each year, the Committee will work with staff to articulate the activities and accomplishments of the Public Art Program for the previous year in an annual report to Council, and prepare an Annual Work Program.
- 11.1.4 A quorum will consist of the majority of the members of the Committee (i.e. 5 members).
- 11.1.5 The Committee must meet no less than six times each calendar year, unless otherwise directed by Council.
- 11.1.6 The Chair, or any two members, may call a special meeting of the Committee by giving at least four days notice in writing to each member, stating the purpose for which the meeting is called.
- 11.1.7 All members of the Committee present may vote on motions before it, and where the votes for and against any motion are equal, such motion is defeated.
- 11.1.8 No act or other proceedings of the Committee are valid unless authorized by resolution at a meeting of the Committee.
- 11.1.9 The Committee will report to Council through the Director, Arts, Culture and Heritage Services.
- 11.1.10 The minutes of the proceedings of each meeting of the Committee must be:
  - i. Maintained as directed by the Director, City Clerk's Office; and
  - ii. Forwarded to the Director, City Clerk's Office for custody, once adopted by the Committee and signed by the Chair or Acting Chair.
- 11.1.11 No member of the Committee will receive remuneration for serving on the Committee, however, a member is entitled to reimbursement for any out-of-pocket expenses incurred on behalf of the Committee, provided such expenses were previously approved by the Committee.
- 11.1.12 The Committee may adopt such additional rules of procedure for its meetings as are:
  - i. Consistent with the Terms of Reference;
  - ii. Required by the provisions of the Community Charter and any other applicable legislation;
  - iii Consistent with City Council Procedure Bylaw 7560, to the extent they are reasonably applicable.
- 11.1.13 New members to the Committee will receive an information package, be oriented on expectations and role of the Committee, and be invited to observe a selection panel as part of the orientation process.

## 12. DEFINITIONS

(Note: defined terms to appear in bold throughout the document. Definitions need to be harmonized with Official Community Plan Appendix of Definitions. ).

- 12.1 **Archive (Richmond Public Art Archive):** The inventory or record of all public artworks in Richmond, intended to be made available on the City's website. The archive includes details of the artwork, artist, ownership, maintenance program, selection process and people contributing to the work and site.
- 12.2 **Art Consultant:** An advisor to the developer or the City on art siting, selection, and public art plans. Consultants should have a broad knowledge of and experience with current art-making practices, and knowledge of artists able to work in public and development contexts.
- 12.3 **Artist:** A skilled and recognized practitioner of the fine arts of various media, including but not limited to painting, drawing, sculpture, photography, music, literature, theatre, film, dance and electronic arts.
- 12.4 **Artist as Project Artist:** As project artist, the artist is a catalyst and manager of a creative process resulting in a finished product, whether permanent, semi-permanent, temporary or ephemeral. Richmond offers a range of opportunities for artists with varying levels of experience in creating public art. Notwithstanding, the selection of the artist will always be made on the premise that the art produced will be of the highest quality.
- 12.5 **Artist Selection Panel Member:** As a member of the selection panel member, the artist must have an art education or apprenticing background in art making, with a knowledge of aesthetics and technical processes and/or have exhibited work in recognized public or commercial art galleries or performance spaces. Where education is undocumented, recognition by professionals in the field is essential.
- 12.6 **Artwork: A work created by an artist exhibiting aesthetic expression and skill, craftsmanship, and creativity in its production.**
- 12.7 **Community:** Community refers to a group of people brought together by any number of forces including geography, tradition, culture, faith, lifestyle, common experience, interest or spirit.
- 12.8 **De-accession:** A set of actions that result in the removal of a work of art from a collection.
- 12.9 **Gift:** An existing or proposed work of art or funded project offered as a donation by someone to the City for placement at a public site under the City's jurisdiction or taking place in a public building or area.
- 12.10 **Public Art:** Public art is defined as **artwork** in the **public realm**, which is accessible physically or visually to the public and possesses aesthetic qualities.
- 12.11 **Public Artwork – Duration:** Public art may be permanent, semi-permanent, temporary or ephemeral. Where the artwork is ephemeral and/or performance or process based, documentation is to be considered an integral part of the project.
- 12.12 **Public Artwork – Forms:** Public art shall include all forms of art conceived in any medium or discipline or any combination thereof. It may respond to physical, social, historical, environmental, contemporary, conceptual or other issues. It includes but is not limited to, sculpture, freestanding or incorporated with other forms of development, civic infrastructure and furnishings, landscape, environmental work, installations, kinetic works, light works, film, video, photography, performance, parades, celebrations and festivals.

- 12.13 **Public Art Reserve Fund:** The City fund that reserves funds from public and private sources for Public Art Program purposes.
- 12.14 **Public Art Operating Provision:** The City fund that hold funds from private sources for Public Art Program operation and administration purposes.
- 12.15 **Public Realm:** Includes the places and things, such as building facades, parks, public open spaces, and streets that provide for physical or visual access to the general public.
- 12.16 **Restricted Funding:** Includes Development Cost Charges (DCCs), Utility Reserves and Grants designated for specific uses where public art is excluded.
- 12.17 **Richmond Public Art Advisory Committee (RPAAC or The Committee):** The City Council appointed citizen advisory committee, made up of art professionals, urban designers, individuals from the development industry and the community at large.
- 12.18 **Sponsor:** An individual or group, other than the artist, who proposes a donation of a work of art or funded project for placement on a public site under the City's jurisdiction or taking place in a public building or area.

## Richmond Public Art Process

Civic • Private • Community

