



**CORPORATE POLICY MANUAL**

Section:	Social & Community Services Planning	10
Sub-Section:	Cultural Planning	4794
Title:	DEVELOPER PUBLIC ART PROGRAM	4

**POLICY**

**Please see attachment A to this policy**

**REASON FOR POLICY**

To develop appropriate guidelines, procedures and budgetary allocations for private sector development, public/private partnerships and temporary public art projects.

**AUTHORITY TO ACT**

As outlined in Attachment A of this Policy.

Approval Date:	February 5, 2001	Approved by:	Regular Council
1. Amendment Date:	March 10, 2003	Approved by:	Regular Council
2. Amendment Date:	<a href="#">July 21, 2003</a>	Approved by:	Regular Council
3. Amendment Date:	July 6, 2009	Approved by:	Regular Council

### **A.5.3 DEVELOPER PUBLIC ART PROGRAM**

#### **1. Definitions, Value & Guiding Principles**

Refer to Public Art Policy (10-2794-2; Sections A.1, A.2, A.4)

#### **2. Goals**

To include private sector developments in the enhancement of the community through installation of public art.

#### **3. Objectives**

The main objective of the District of North Vancouver's Developer Public Art Program is to create incentives for developers to contribute toward the creation and installation of public art. The description of the Program as set out in this Attachment A is a guideline only for the purpose of directing municipal staff and informing the public as to some considerations that Council will likely wish to take into account in respect of rezoning applications to which this policy applies, as set out in section 6.1 below. For greater certainty nothing in this Policy in any way binds or fetters Council in the exercise of any of its statutory powers and duties.

#### **4. Benefits**

##### Benefits to the development

- provides an impetus and flexible framework for integrating high quality public art works on or near private developments.
- provides evidence of the developer's commitment to and investment in the community.
- reveals some aspect of the social, historical, physical or commercial context of the site
- adds to the attractiveness and value of the site, presenting a positive image to potential clients and investors.
- creates a landmark feature, helping a building stand out from the crowd.

##### Benefits to the community

- establishes common requirements for public art in both municipal and private developments.
- revitalizes the urban landscape of the community
- links private and public spaces creating harmonious, accessible, people-friendly places in the municipality
- offers an opportunity for artists to contribute to the shape and feel of their community

#### **5. Roles**

**Developer Public Art Program:** The Developer Public Art Program is designed to encourage developers to commission site-specific works of art that are integrated into exterior architectural features, landscape elements and/or public spaces adjacent to or part of the development project. Because public art is enjoyed and experienced in the public domain, the sites identified should be the most publicly accessible parts of the development.

**Developers:** The policy allows the developer considerable latitude in selecting artists and site/location of the art, making recommendations on thematic content and materials, determining funding options, and participating in the artist selection process. Staff will encourage developers to submit a public art plan in their detailed application. After the public hearing, an artist selection process is undertaken, the artwork is commissioned, fabricated and installed, and a detailed description of the work is prepared. Developers are encouraged to contact the municipal staff about the Developer Public Art Program as early as possible in the development process.

**Artist:** The artist is commissioned specifically to create public artwork for the development site or collaborate with other design team members. Incorporating the artist's perspective early in the planning allows for creative solutions in the design process, and for public art to be successfully integrated into the site design. Artists should have a broad knowledge of the current practice of public art and demonstrate capability of working in public and development contexts.

**Public Art Consultant:** Developers may wish to hire an independent consultant to provide advice on public art opportunities, potential locations for public art, artist resources and, if desired, to act as the developer's agent throughout the implementation phase. .

**Selection Panel:** The Selection Panel is the preferred method of selecting an artist. It involves a time-limited jury appointed by the North Vancouver Public Art Advisory Committee. Composition should include resident(s), artists, architect, landscape architect and a developer representative. The Selection Panel's role is to select the best artist and artwork to meet the project's design, technical, and budgetary parameters, theme, site requirements, and public art criteria.

**District Staff:** Municipal staff will advise developers of the existence of the Developer Public Art Program, and work with the developer to manage the public art selection as outlined in this policy. Members of Staff will act as liaisons between the developer and the North Vancouver Public Art Advisory Committee.

**North Vancouver Public Art Advisory Committee:** The North Vancouver Public Art Advisory Committee (NVPAAC) assists the developer and municipal staff in preparing a public art plan, establishing selection panels, recommending approval for projects to Council, and advising on implementation of the project. The comments and recommendations of the NVPAAC are incorporated into the staff report to Council that accompanies any rezoning application.

## **6. Guidelines**

### *6.1 Eligibility*

The Developer Public Art Program will apply to rezoning applications involving:

- a) residential building proposals with five or more units
- b) non-residential building proposals with a gross floor area of 500 sq. meters or more. Not counted in the square footage are: public amenity space, corridors, stairwells, parking, utility areas (except where they are the primary use, e.g. parking garage). Rezoning applications relating to non-profit housing, non-profit senior's housing and

provincially subsidized housing developments are exempted from this requirement.

## 6.2 Budget

In order to ensure high quality art, the recommended budget for a Developer Public Art Contribution should be calculated on the basis of 1% of the gross construction costs as noted on the building permit. The budget for public art should be sufficient to provide for: careful planning and integration of the art into the project, durable and effective materials and workmanship, appropriate compensation for the artist, and long term maintenance of the public art work.

Staff will encourage developer's to secure any commitments they make under this Developer Public Art Program by cash or letter of credit prior to adoption of the rezoning bylaw. Any letter of credit provided will be released upon completed installation of the artwork and receipt of final project documentation.

### Eligible costs

- Preparing a public art plan
- Artist selection and consultation costs
- Artist commission
- Design, materials and fabrication of original art work
- Site preparation, shipping, insurance and other ancillary expenses directly related to installation of the art work
- Project documentation
- Public relations costs that recognize and celebrate the public art (e.g. unveiling ceremonies, educational/promotional materials, interpretive signage)
- Funds deposited to DNV Public Art Reserve Fund

The District will not assume any responsibility for continued maintenance of public artworks installed on private lands. If privately initiated artwork is intended for public lands, staff will encourage the developer to submit 10% of the public art budget to DNV Public Art Reserve Fund to maintain the art work.

### Ineligible costs (as per PAP, Section B.2.6.)

Public art funding does not apply to costs normally associated with capital projects such as design and engineering, insurance, fees and permits, development cost charges, building demolition, relocation of tenants, contingency funds, land acquisition, environmental testing or other engineering project costs.

## 6.3 Developer Options

There are three recommended options associated with the Developer Public Art Program:

### **Option A** Developer funds and municipality manages the public art component

Developers may authorise the municipality to manage the public art project on the development site. The process would involve municipal staff and the North Vancouver Public Art Advisory Committee in preparing the proposal call, making siting decisions, the selection of artist(s), and the fabrication and installation of the public art commission in coordination with the developer. Developers will have a representative on the selection panel. A portion of the

project budget will be used by the municipality to cover administration costs for the public art selection process. (See Public Art Policy B.2.5)

**Option B** Developer funds and manages the public art component

Developers may directly commission public art works for their development site, retaining a public art consultant and/or artist to supervise the process. The developer must ensure the artwork is safe and conforms to relevant building codes, and that the municipal engineer approves any artwork encroaching on municipal rights-of-way. Municipal staff can help organize the selection process and provide a listing of public art consultants and artists experienced in creating site-compatible works, if requested.

**Option C** Developer contributes to District's Public Art Statutory Reserve Fund.

Developers may contribute an amount equal to 1% of construction costs to the municipality's Public Art Statutory Reserve Fund. This option is designed to allow for the pooling of public art budgets that are less than \$25,000 in order to ensure that quality public art can be funded. Funds collected will be spent on public art within the local area of the developer's projects.

## 7. Reporting

Municipal staff are directed to report on public art contributions as an item under a separate heading on every report to Council relating to any rezoning application for a private development to which this policy applies.

### Preliminary Application

Developers are encouraged to consider the inclusion of public art at the earliest possible stage to enable the artist to work closely with the developer's design team. The ultimate success of many public art projects depends on the timely integration of art, design, purpose and location.

Developers should arrange an initial meeting with municipal staff and the Public Art Coordinator to review the approved guidelines and procedures.

### Detailed Application

1. Upon submission of the detailed application, staff will encourage the developer to file a letter of commitment specifying:
  - Preferred funding option
  - Budget allocation
  - Project schedule
  - Appointment of public art consultant/artist on design team
  
2. Prior to public hearing/public information meeting, staff will encourage the developer to present a Public Art Plan to the North Vancouver Public Art Advisory Committee, specifying:
  - Location(s) for public art on development site
  - Artistic theme/concept and material options
  - Artist Selection Process – type of competition, schedule & jury composition
  - Detailed budget for public art
  
3. Prior to issuance of the development permit, if applicable, staff will encourage the developer to confirm the artist and project design.

The North Vancouver Public Art Advisory Committee will review the public art plan and submit recommendations to Council for final approval. The developer's plan should conform to the objectives and principles in the District's Master Plan for Public Art and any local area streetscape guidelines approved by Council.

4. At the completion of the project the Public Art Coordinator will encourage the developer to submit the following information to the municipality to confirm that the public art commitments have been fulfilled:
  - Artist Statement & Biography
  - Specifications of art work and placement on site
  - Long-term Maintenance Plan
  - Final accounting of public art project expenses
  - Photos for DNV public art inventory

## **8. Policy Review**

The Developer Public Art Program will be evaluated after three years to determine if any changes are required.

Adopted by Council: February 5, 2001

Amended by Council: March 10, 2003

Amended by Council: July 6, 2009