

NO: R051

COUNCIL DATE: March 14, 2011

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## REGULAR COUNCIL

**TO: Mayor & Council** **DATE: March 9, 2011**

**FROM: General Manager, Parks, Recreation and Culture** **FILE: 7800-01**  
**General Manager, Planning and Development**

**SUBJECT: Additional Information on the Private Development Public Art Component of the Surrey Public Art Policy**

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## RECOMMENDATION

The Parks, Recreation and Culture Department and the Planning and Development Department recommend that Council:

1. Receive this report as information; and
2. Approve a revision to the Public Art Policy - Private Development Component as adopted by Council on December 13, 2010 to adjust the start date of the program from March, 1, 2011 to March 15, 2011 to align with the date that has been established for annual adjustments to the City's development cost charge program.

## INTENT

The purpose of this report is to provide additional information for Council's consideration in relation to the implementation of a Private Sector Public Art Program.

## BACKGROUND

At its Regular meeting on December 13, 2010 Council considered Corporate Report No. R 261, titled "City of Surrey Public Art Policy Augmentation – Private Development Program Component", a copy of which is attached as Appendix 1 to this report. Council adopted the following resolution in relation to that report:

1. *Receive this report as information;*
2. *Approve revisions to the Public Art Policy to incorporate a Private Development Public Art Program component as documented in the draft policy titled "Proposed Public Art Policy" that is attached as Appendix 1 to this report except that only the first year of the Program as described in Appendix 1 is to be introduced at this time;*
3. *Instruct staff to prepare administrative procedures and a communications plan regarding the Private Development component to the Public Art Program as outlined in this report;*

4. *Approve revisions to the Terms of Reference for the Public Art Advisory Committee to include an appointed representative of the Development community, as outlined in Appendix 2 of this report;*
5. *Instruct staff to review and update the City's Public Art Master Plan as generally described in this report and forward the updated Plan and related budget to the Finance Committee and to Council for consideration during the first half of 2011;*
6. *Instruct staff to discuss the Private Development component of the Public Art policy and its ramifications with the Economic Development Division and the Development Advisory Committee and others and based on those discussions and related feedback report back to Council on the ramifications of the policy with respect to the investment climate in Surrey; and*
7. *Instruct staff to report on the Public Art Program on the first year of the policies implementation complete with recommendations.*

This report provides additional information for Council's consideration in relation to the implementation of the Private Sector Public Art program in accordance with Council's direction as contained within the above-stated resolution.

## **DISCUSSION**

### **Economic Value of Public Art:**

Three research studies were found that analyzed the value of urban design. Each of these studies reported that high-quality design adds significant value to the community. A study by New Zealand's Ministry of Environment, *The Value of Urban Design: The Economic, Environmental and Social Benefits of Urban Design* describe 8 elements that constitute high-quality design. These 8 elements are:

1. Local character - the distinctive identity of a particular place that results from the interaction of many factors, including built form, people, activity and history.
2. Connectivity - the physical conditions facilitating access within a region, city, town or neighbourhood.
3. Density - the concentration of population and activity in an urban area.
4. Mixed Use - where a variety of different living and working activities are in close proximity within a neighbourhood.
5. Adaptability - the capacity of urban buildings, neighbourhoods and spaces to adapt to changing needs.
6. High-Quality Public Realm - all parts of the physical environment of towns and cities that the public has access to, and that form the setting for community and public life.

7. Integrated Decision Making - integration between and within organisations involved in urban policy, planning and implementation, as well as integration of the different urban design elements.
8. User participation - the public consultation process and other forms of involvement in urban design projects, such as surveys or design workshops.

Public art contributes to 2 of these elements, being a “high-quality public realm” and “local character.”

“Public realm” is defined as “all parts of the physical environment of towns and cities that to which the public has access and that form the setting for community and public life.” The study cited strong evidence that “public art contributes to enhanced economic activity.” The study also reported evidence that a high-quality public realm adds economic value by attracting people and activity, which leads to enhanced economic performance.

Public art also enhances “local character”, which is defined as “the distinctive identity of a particular place that results from the interaction of many factors, including built form, people, activity and history.” The study reported evidence that indicates that high-quality design adds economic value in the following 4 ways:

1. Attracts highly skilled workers and new economy enterprises;
2. Assists in the promotion and “branding” of cities and regions;
3. Contributes a competitive edge by providing a “point of difference;” and
4. Potentially adds a premium to the value of housing.

The study *Economic Value of Urban Design* produced for the North West Development Association/RENEW Northwest reported “good design can add value by making successful places, spaces and buildings. The actual value added is difficult to quantify but there is growing evidence that economic, social and environmental ‘returns’ do increase with better design.” The report estimates that “an increase of up to 15% to 20% in rental/capital value can be added by good urban design.”

The idea of creating a high-quality public realm and nurturing a distinct local character are important characteristics of attractive cities. In *Flight of the Creative Class*, author Richard Florida details in his research that creative and knowledgeable workers locate in vibrant cities that offer a thriving cultural scene and recreation opportunities. Florida notes that creating a creative infrastructure “means more than just increased R&D spending. It must involve increases in spending – from both private and public sector in the arts, culture and all forms of innovation and creativity.”

In addition public art contributes to a local economy through cultural tourism. The BC Arts Council reports that an estimated \$566 million of B.C.’s tourism revenues can be attributed to arts and culture activities. The Council’s 2009/2010 Annual report states that “Cultural tourism is the fastest growing part of the industry and one that will get more and more attention in the future as BC’s demographic ages and has more time to participate.”

The Economic Development staff in principle supports the proposed new Private Development Public Art Program; expecting it to contribute positively to the City's image and thereby protecting and enhancing the value of real estate investments. It will also assist in building the "creative" infrastructure that is required to attract and retain a talented workforce for Surrey's growing economy. The Economic Development Division recognizes that the policy will modestly increase the costs of development in the City but that the program will result in outcomes that have significant value for the development industry and businesses generally as articulated above.

#### **Development Advisory Group input:**

The Private Development Public Art policy was further discussed with the Development Advisory Committee (DAC) in early 2011. The DAC understands that the policy has only been implemented for a one-year period at a reduced contribution rate to allow further refinements to take place. The DAC is interested in reviewing the Public Art Financial Plan when it is available in the context of ensuring a reasonable balance between the contributions expected from new development in comparison to contributions being provided by others on behalf of development that is already in place. Staff has committed to reviewing the Public Art Financial Plan with the DAC when a draft of such a Plan is completed later this spring.

#### **Effective Date for Private Development Component of the Public Art Policy**

The effective date for the Private Development component of the Public Art Policy is March 1, 2011 as adopted by Council in December 2010. In this regard, the City has adopted a policy of annually reviewing its Development Cost Charge rates and if adjustments are necessary to bring them into effect on March 15<sup>th</sup> of the respective year. To develop a consistent pattern for rate introduction and adjustments for the development industry, it is recommended that the Private Development component of the Public Art Policy take effect for applications received on and after March 15, 2011, which will coincide with the March 15<sup>th</sup> effective date for revisions to the development cost charge rates.

#### **Financial Plan for Public Art Program**

In conjunction with the development of a Cultural Plan for the City, which includes as a component the Public Art Master Plan, staff is developing a Financial Plan for the Public Art Program (including both capital and maintenance considerations). Once the draft Financial Plan is completed and the above-referenced consultation with the DAC has been undertaken, staff will forward a report to Finance Committee on the Financial Plan prior to the completion of the Cultural Plan. It is noted that at this time Council has only approved the implementation of the first year of the Private Development Component of the Public Art Policy at a reduced contribution rate.

#### **CONCLUSION**

Public art contributes to protecting and enhancing the value of real estate investments and to creating a high quality environment within which to live, work and recreate. Despite the fact that it is difficult to ascribe precise economic value to these benefits, they are viewed as being significant and well above the direct costs of the art work.



Based on the above discussion, it is recommended that Council approve a revision to the Public Art Policy - Private Development Component as adopted by Council on December 13, 2010 to adjust the start date of the program from March, 1, 2011 to March 15, 2011 to align with the date that has been established for annual adjustments to the City's development cost charge program.

As part of the current process of developing a Cultural Plan for the City, which includes as a significant component the Public Art Program, staff will be developing a Public Art Program Financial Plan, which will be forwarded to Finance Committee for consideration during this coming summer.

Laurie Cavan  
General Manager  
Parks, Recreation and Culture

Jean Lamontagne  
General Manager  
Planning & Development

Appendix 1 – Corporate Report No. R261 – City of Surrey Public Art Policy Augmentation – Private Development Program Component



## **POLICY CONSIDERATIONS**

The proposed improvements to the Public Art Program relate to priorities articulated in the following corporate plans:

### **Parks, Recreation and Culture 10 Year Strategic Plan:**

The Parks, Recreation and Culture Strategic Plan includes as an objective “Enhance the public art program by providing more substantial art in higher profile locations and explore a broader base of funding”.

### **Surrey’s Official Community Plan:**

The Official Community Plan (OCP) is currently being up-dated. The new OCP will outline the contributions that public art can make to the community under the pillar of Socio – Cultural Sustainability in terms of contributions to:

- enhancing civic beautification and pride;
- promoting historical events and people of significance to Surrey;
- complementing and promoting the character of Surrey’s diverse Town Centres;
- increasing public awareness, understanding and enjoyment of the arts in everyday life;
- encouraging public participation and dialogue about art;
- promoting cultural tourism;
- creating welcoming environments;
- developing cultural industries; and
- promoting creative expression, diversity and cross –cultural sharing.

## **BACKGROUND**

In 1998 City Council adopted the City’s first Public Art Policy. In 2004, Council adopted a revised Public Art Policy and a Terms of Reference for the establishment of a Public Art Advisory Committee. The revised Policy and the Public Art Advisory Committee and the related TOR remain in effect to this date. Corporate Report 306 Revised Public Art policy & Public Art Advisory Committee Terms of Reference are attached as Appendix 3 to this report.

The City of Surrey, through its Public Art Policy, ensures that public art is integrated into the planning, design and delivery of a variety of new City facilities and infrastructure. In this policy, public art is recognized as contributing to the City’s character, community life and serves as a catalyst for creativity and partnerships within Surrey’s diverse communities.

Public artists bring unique visions to a City that reflect, engage and challenge the image of its society in memorable, pertinent, and contemporary forms of expression. Public art is highly visible, accessible original art that enriches the City as it evokes meaning in the public realm. It can be of a variety of forms and takes into consideration the site, its location, its context and the audience. The artist(s) selected for a public art project may work independently in their own studio or in a community setting where they engage the public in the creation of the artwork. A community art process results in meaningful, accessible artwork that is displayed in the public realm and is therefore considered public art.

Public art may possess functional as well as aesthetic qualities. The City's public art collection includes iconic artworks developed for placement in or near facilities or parks, and works that are integrated within the physical design features of a building or streetscape.

In July, 2008 Surrey Council adopted the Parks, Recreation and Culture 10 Year Strategic Plan which includes statements regarding the desirability of iconic public art in the City. This was the catalyst for the Public Art Advisory Committee to conduct a review of the Public Art Program with a view to identifying ways to improve the Program.

The Public Art Advisory Committee (PAAC) review focussed on three areas:

- Increasing awareness and support for the public art program;
- Improving public art planning; and
- Diversifying and developing additional public art funding sources.

Further details are documented in Appendix 4, which is an excerpt from the minutes of the PAAC meeting held on April 9, 2009.

Council has expressed general support for a Private Development Public Art Program with the following notes:

- Many developers that contribute to public art in other cities also work in Surrey and should expect to make similar contributions in Surrey;
- The Public Art Advisory Committee should continue their work to improve the program and conduct further research into Private Development Public Art programs; and
- Staff should consult with the Development Advisory Committee on the proposed Private Development Public Art Program.

## **DISCUSSION**

### **Public Art Advisory Committee Input:**

The Public Art Advisory Committee (PAAC) unanimously supports the creation of a Private Development Public Art Program. In conducting their research, staff and PAAC members toured the University of Washington campus and the cities of Seattle and Vancouver. They hosted the Manager, Public Art from the City of Vancouver to learn about the Vancouver program and they reviewed information on private development art installations in numerous cities including Toronto, Calgary and Richmond. Through the development of the Program discussed in this report the PAAC members' comments included the following highlights:

- Incorporating public art into a development enhances the attractiveness, marketability and value of the property;
- Creating a mandatory program would be preferable to a voluntary program;
- Applying the program to a broad range of developments would create a level playing field where everyone contributes to the program; and
- PAAC would welcome a member of the development community to sit as a voting member of the Public Art Advisory Committee.

### **Development Advisory Committee Input:**

Staff met five times with the DAC throughout 2010. First, for a general orientation to the Public Art Program, providing a virtual tour of the existing public art collection and reviewing the benefits of public art. At the second meeting staff shared a draft of a possible Private Sector Development Public Art Program. The DAC members requested further information regarding:

- City's historical contribution to public art;
- The potential of the City to match developer contributions;
- Projected private sector financial contributions based on historical development statistics;
- Public art planning and financial needs;
- Art consultant fees in comparison to artist's fees;
- Flexible, time effective processing; and
- Developer membership on the Public Art Advisory Committee.

Staff provided this information at subsequent DAC meetings. The Development Advisory Committee (DAC) does not have consistent attendance at meetings and therefore gaining consensus from this group has been challenging. Some DAC members were involved in a similar Public Art Program review in the City of Richmond and suggested that our program align more closely with the Richmond model. Staff has closely monitored the Richmond program and in the following section of this report we have identified where the proposed Surrey program differs from the City of Richmond and the rationale.

DAC members have requested a detailed budget and plan for Public Art in the City of Surrey. In relation to other development charges, developers are accustomed to a formula drive contribution based on population or geographical growth and they can generally see in advance how the money that the contribute will be used.

A detailed Private Development Public Art Plan and corresponding budget has not been finalized. Subject to Council approval of the recommendations of this report, such a Plan would be developed over the next few months.

Staff provided to the DAC examples of iconic art work in other cities and the related budgets. Staff also described plans to advance public art work in designated areas including;

- City Centre Art Walking Loop;
- Greenways Art Plan;
- Cultural Corridor (KGH from 88<sup>th</sup> Avenue – 108<sup>th</sup> Avenue);
- Surrey's six town centres;
- Sculpture park in Fleetwood Park gardens; and
- Public art for infrastructure such as traffic circles, bridges and roadway underpasses.

Additional Public Art planning work will be completed in 2011.

An iconic piece of public art requires a budget of \$750,000, with smaller public art features having budgets in the range of \$200,000. Given the size of the City, the desire to have a number of iconic public art features in each town centre with complementing smaller pieces, will require a significant investment in public art. The proposed private sector contributions as proposed in the recommendations of this report will assist in expanding public art across the City and will complement the continued investment by the City in public art development at civic facilities.

As mentioned previously in this report, as part of the work program for 2011, a comprehensive public art plan will be developed for the City.

**Synopsis of the Proposed Private Development Public Art Program:**

The following provides an overview of the main elements of the proposed Private Development Public Art Program as recommended in this report:

- The Private Development Public Art Program will be phased in over two years commencing on March 1, 2011.
- The Program will take effect for development applications received on or after March 1, 2011.
- Development applications that are in-stream prior to March 1, 2011 will be exempt from the policy provided that a complete building permit application for the related project is received by the City by March 1, 2012.
- Development applications that are submitted in the first year of the program will be required to provide a contribution toward public art at a value of 0.25% of the construction value of the development project either as public art on or in the immediate vicinity of the site of the project or as a cash contribution to the city's Public Art Reserve.
- After the first year of the program, the development applicant will provide a contribution toward public art at a value of 0.5% of the construction value of the development project either as public art on or in the immediate vicinity of the site of the project or as a cash contribution to the City's Public Art Reserve.
- Initially the policy will apply to multi-family residential developments with more than 10 dwelling units and commercial and industrial development applications involving the construction of a building with a total floor area of 1,000m<sup>2</sup> (10,765 sq. ft.) or greater.
- Certain types of projects will be exempted from the private development public art program.
- For projects where the required public art contribution based on the above formula is less than \$100,000 the developer will be required to make a cash contribution to the City's Public Art Reserve based on 75% of the amount calculated by the formula and will not be required to install public art as part of the related project.
- The public art requirements as stipulated in the policy will be collected or secured at the rezoning stage of the development approval process.
- For projects where the value of the required public art contribution based on the above formula is greater than \$100,000, the developer will have the option of providing public art on or in the immediate vicinity of the development site or alternatively, at the developer's option, making a cash payment to the City's Public Art Reserve Fund in the amount of 75% of the required public art contribution based on the above formula.
- The discount for cash in lieu payments to the City is an incentive to encourage developers to make such cash contributions since the pooling of the public art resources will ensure a more comprehensive approach to the delivery of public art across the City and will help to achieve the program goal of creating more significant, iconic art works.
- During 2011, the City in consultation with the Public Art Advisory Committee and other stakeholders will update/develop a Public Art Plan including a related financial strategy that will act as the basis for the City's use of the funds in the Public Art Reserve that are generated by the Private Development Public Art Policy.
- Staff will review the possible expansion of the private development component of the program to include single family residential development and will report further to Council on this matter in due course.

### **Comparing Surrey's Proposed Private Development Public Art Program to the City of Richmond Program:**

The Private Development Public Art Program as proposed in this report was developed in part based on a review of a similar program that exists in the City of Richmond. A number of members on Surrey's Development Advisory Committee were involved in both processes and encouraged an alignment between the two programs. The following are the areas where Surrey's proposed program differs from the public art program adopted by the City of Richmond.

- Richmond exempts industrial development where as a result of DAC advice Surrey's proposed program will include industrial development.
- Richmond's program applies to non-residential uses with a total floor area of 2,000 m<sup>2</sup> (21,528.5 ft<sup>2</sup>) or greater. Surrey's proposal applies to non-residential uses with a total floor area of 1,000 m<sup>2</sup> (10,764.25 ft<sup>2</sup>) or greater. This slightly smaller threshold is intended to demonstrate equity across a broad range of development from the perspective of the Public Art Program. The Public Art Advisory Committee viewed the lower threshold as reasonable from this perspective.
- Richmond's program requires that where a development is responsible under the program for making a contribution to public art of less than \$40,000 that this must be made as a cash contribution to Richmond's Public Art Reserve Fund for use by the City in public art projects. For contributions over this amount developers have the option to create their own art projects according to Richmond's public art program guidelines or contribute to the Public Art Reserve Fund.

The members of the DAC and PAAC advised that with smaller public art budgets, where art consultants may be involved, the art budget and payment for the artist becomes disproportionate and results in smaller, less significant art works. Surrey's goal is to create larger scale, iconic art work therefore pooling developer contributions to create larger budgets is desirable. Therefore the Surrey Program proposes a threshold of \$100,000; with public art budgets under this amount going towards Surrey's Public Art Reserve. Over this level the proposed Surrey programs offers the developer the same options as the City of Richmond program.

### **Public Art Development Cost Charge (DCC):**

The British Columbia *Local Government Act* (LGA) allows local governments to collect monies from land developers to offset some of the infrastructure expenditures incurred to service the needs associated with new development (DCC's). Imposed by by-law pursuant to the Local Government Act, development cost charges are intended to facilitate development by providing a method to finance capital projects related to roads, drainage, sewers, water and parkland. The LGA does not provide local governments with the authority to collect DCC monies specifically for Public Art.

### **Rezoning Application Approvals:**

Council has the unfettered authority to withhold rezoning approval until conditions that it sets with respect to such rezoning applications have been met. Therefore with respect to future rezoning applications, Council could include a condition "That the applicant adequately address the City's needs with respect to public art prior to final adoption." to indicate to the applicant that

a contribution consistent with the City's private development public art program policy is to be submitted by the applicant as a condition precedent to final adoption of the related Zoning By-law.

**Public Art Planning:**

The City's current Public Art Program applies to all new Surrey civic construction and major additions/renovations to City facilities. Funding is based on 1.25% of the construction budgets for applicable capital projects. The contribution of these funds is prescribed and directly applied to the new infrastructure being constructed by the City including pools, arenas, recreation centres, libraries, fire halls, police buildings, etc. Therefore the Public Art master plan is updated on an annual basis by staff after the annual capital budget is approved by Council.

Staff has recognized the need to develop Town Centre and NCP-specific public art plans. This will help to achieve a relevant and equitable program throughout the City. These unique plans would identify the art works currently located in each area and engage the communities in identifying sites and themes for future art works. Staff has secured a 2010 LegaciesNow grant to complete a Cultural Map and Cultural Plan for the City of Surrey. One of the goals of this Plan will be to create Town Centre and NCP Public Art Plans. This work should be completed in 2011.

**Implementing the Private Development Public Art Program:**

When implementing changes to DCC's the City allows a one year grace period for in stream development applications. Therefore, pending the approval of the proposed Private Development Public Art Program with an implementation date of March 1, 2011, any relevant application that is not in stream by March 1, 2011 or any in stream application as of March 1, 2011 that has not submitted a complete building permit application before March 1, 2012 would be subject to the new Private Development Public Art Program contributions.

As mentioned previously in this report this Program will be phased in over two years effective March, 1, 2011.

**Best Practises in Private Sector Public Art Programs:**

In June 2010, the Creative City Network of Canada released a Public Art Tool-kit that included a section related to best practises in Private Developer Public Art Programs. This tool-kit states:

"The development sector often embraces public art as a way to enhance their own image in the marketplace, while providing alternative and interesting amenities for their employees and residents to enjoy. The contribution for art projects can be used for the public areas of the development site or allocated to the Public Art Program in general, and managed by the city.

Partnerships with private development work best when the Public Art Program:

- establishes the principles and standards to which all parties will adhere;
- clearly defines the role of developers in the process and the terms of their contribution;
- involves art professionals with curatorial and management expertise;
- employs an Art Plan to outline an opportunity and selection process prior to announcing a competition;
- is flexible in making exceptions for non-profit organizations, social housing,



- neighbourhood leisure centres, etc;
- offers an option for the developer to contribute to a Public Art Reserve, managed by the agency as an alternative to offering a commission;
- is willing to consider new, entrepreneurial approaches to addressing the public art requirement; and
- requires that a percentage of the public art budget be contributed to a maintenance fund.

Large scale developments can contribute significant funds for major public art opportunities. The standard requirement in North America has been One Percent for Public Art, and some programs have recently been increased to 1.3% or 2%, reflecting the rising costs of constructing specialized elements and the growing market value of art internationally.”

Creative City Network of Canada – Public Art Toolkit

Staff has incorporated these best practises into the proposed City of Surrey – Private Development Public Art Program.

#### **SUSTAINABILITY CONSIDERATIONS**

The expansion of the public art program to private development in Surrey will contribute to furthering the goals of the socio-cultural pillar of the Sustainability Charter; specifically, the program will contribute to the goal of incorporating high quality design and beauty, including public art, in the public realm and the built environment. It supports Scope Action SC 4: Cultural Awareness in the Community, which includes the task to incorporate Public Art in each of Surrey’s six town centres.

#### **CONCLUSION**

Based on the above discussion, it is recommended that Council:

- Approve revisions to the Public Art Policy to incorporate a Private Development Public Art Program component as documented in the draft policy titled “Proposed Public Art Policy” that is attached as Appendix 1 to this report;
- Instruct staff to prepare administrative procedures and a communications plan regarding the Private Development component to the Public Art Program as outlined in this report;
- Approve revisions to the Terms of Reference for the Public Art Advisory Committee to include an appointed representative of the Development community, as outlined in Appendix 2 of this report;
- Instruct staff to review and update the City’s Public Art Master Plan as generally described in this report and forward the updated Plan to Council for approval in 2011;

- Instruct staff to take such other actions as are necessary to bring the recommendations of this report into effect on March 2, 2011; and
- Instruct staff to report on the Public Art Program on an annual basis with the first such report to be forwarded by the end of March 2012.



Laurie Cavan  
General Manager  
Parks, Recreation and Culture

Appendix 1 – Proposed Public Art Policy with Proposed Private Development Public Art Program

Appendix 2 – Public Art Advisory Committee (PAAC) Terms of Reference

Appendix 3 – Corporate Report R306 Revised Public Art Policy & Public Art Advisory Committee Terms of Reference

Appendix 4 – Public Art Advisory Committee Minutes – April 9, 2009

**Appendix 1 – Proposed Public Art Policy**

**PUBLIC ART POLICY**

**City Corporate Component:**

**A. PURPOSE**

The purpose of the Corporate component of the City of Surrey Public Art Policy is to:

- A.1 Ensure that artwork and the creative concepts of artists are supported through the City's Public Art Program.
- A.2 Serve as an act of public trust and stewardship for public art.
- A.3 Establish a sustainable funding mechanism to support the City's commitment to public art.
- A.4 Guide City staff in the implementation of the public art program.

**B. PRINCIPLES**

The Public Art Policy ensures that public art is:

- B.1 Selected through an informed, open and fair public art competition process.
- B.2 Contributing to the City's character and is demonstrating the significance of art in community life.
- B.3 Reflective of a wide range of professional artistic expression and practise, demonstrating excellence, quality and innovation.
- B.4 A catalyst for creativity in Surrey's diverse community by providing opportunities for community engagement, development and partnerships.
- B.5 Integrated into the planning, design and execution of applicable civic development.

**C. PUBLIC ART ADVISORY COMMITTEE**

- C.1 Council will appoint a Public Art Advisory Committee (PAAC).
- C.2 PAAC will advise the City on the implementation of the Public Art Policy, including selection processes, acceptance of gifts, donations, bequests, loans, and de-accessions.

- C.3 A Terms of Reference for PAAC approved by Council outlines their roles and responsibilities in relation to the implementation of the Policy.

**D. FUNDING**

- D.1 Funding is based on 1.25% of the construction costs of applicable capital projects funded by the City. Applicable projects include new building construction, major additions to existing buildings, park development projects and new engineering structures.
- D.2 The 1.25% allocated for public art projects must cover the design, fabrication, administration and installation.
- D.3 A minimum of 10% of the 1.25% public art allocation will be used to support the long-term maintenance of the collection.
- D.4 Project funds may be pooled to establish community, neighbourhood and/or Town Centre public art initiatives, or to enhance selected project budgets.

**E. PUBLIC ART SITING**

Applicable projects include new civic building construction, major additions to existing buildings, park development projects and new engineering structures and should meet the following criteria:

- E.1 Visibility for pedestrians and/or motorists.
- E.2 Proximity to high pedestrian activity areas, places of public gathering, public open spaces, and recognized pedestrian routes.
- E.3 Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork concept.
- E.4 Places of special heritage of community significance.

**F. COLLECTION MANAGEMENT**

- F.1 The management, maintenance and insurance of the Public Art Collection on City property are the responsibility of the City.
- F.2 The Public Art Collection is managed according to appropriate professional inventory and documentation practices.

**Private Development component:**

**A. PURPOSE**

The purpose of the Private Development Public Art component is to:

- A.1 Ensure that the City of Surrey's Public Art Program objectives and principles are advanced by private development contributing to the Public Art Program.
- A.2 To ensure that artwork and the creative concepts of artists are supported through the Program.
- A.3 To establish a sustainable funding mechanism to support the City's commitment to public art.
- A.4 Guide 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.

**B. PRINCIPLES**

The Private Development Public Art Program ensures that public art is:

- B.1 Contributing to the City's character and is demonstrating the significance of art in community life.
- B.2 Reflective of a wide range of professional artistic expression and practise, demonstrating excellence, quality and innovation.
- B.3 A catalyst for creativity in Surrey's diverse community by providing opportunities for community engagement, development and partnerships.
- B.4 Integrated into the planning, design and execution of applicable civic development.

**C. FUNDING**

- C.1 It is intended that applicants discuss the Public Art Program objectives and requirements with City staff prior to or during the course of the rezoning development application review process to establish a preferred strategy for the delivery of the Public Art Program objectives.
- C.2 Contributions to the City of Surrey Public Art Reserve will be based on the development's public art budget (e.g. see Section G, Private Sector Public Art Budgets below), as determined by staff in discussion with the applicant.
- C.3 The public art contribution percentage for eligible private development projects in the first year of the program commencing on March 1, 2011 is

0.25% (one quarter of a percent) of the estimated total project construction cost. This is also called the project's public art budget. The total project construction cost will not include the value of the land on which the project is to be constructed or the value of offsite servicing for the project.

- C.4 The public art contribution percentage for eligible private sector projects after March 1, 2012 will be 0.50% (one half of a percent) of the estimated total project development cost. This is also called the project's public art budget.
- C.5 Applicants for eligible developments will be responsible for contributing:
  - (i) For public art project budgets that are less than \$100,000, a cash in lieu contribution to Surrey's Public Art Reserve of 75% of the project public art budget; or
  - (ii) For other eligible development projects where the public art contribution is calculated to be over \$100,000 the applicant will have the option to either:
    - a) Provide a cash in lieu contribution to Surrey's Public Art Reserve of 75% of the project public art budget; or
    - b) Install public art on or in the vicinity of the project site with a value no less than the project public art budget.

**D. TIMING OF CONTRIBUTION**

- D.1 Applicants will be notified of the public art program contribution details at the earliest possible time in the development application review process.
- D.2 Where an applicant decides to install public art in a project, prior to final adoption of the related rezoning by-law, the applicant will be required to enter into an agreement with the City related to the installation of the public art and submit cash or a letter of credit to the City as security to ensure the installation of the public art.

**E. APPLICABLE DEVELOPMENTS**

- E.1 Residential & Non-Residential Uses  
The private development public art program will be applicable to the following types of development (except as exempted under Section E.2):
  - 1. Multi-family residential uses containing 10 or more units; and
  - 2. Non-residential uses with a total floor area of 1,000 m<sup>2</sup> (10,764.25ft<sup>2</sup>) or greater.
- E.2 Exempted Uses  
The private development public art program is not applicable to the following types of developments:
  - 1. Care facility, congregate care facility, childcare facility, hospital, health care uses and schools as generally defined under the Zoning Bylaw No. 12,000;

2. Purpose-built rental, social and/or subsidized affordable housing projects and/or units;
3. Public, storage, and utility areas, except where they are a primary use;
4. Ineligible Costs in relation to the use of private development Public Art Budget include:
  - a. Maintenance costs for artwork(s) situated on private property;
  - b. Artwork not provided in accordance with the City of Surrey Public Art Program Policy and Implementation Guidelines; and
  - c. Costs not directly related to selecting, designing, fabricating, or installing artwork(s).

**F. PUBLIC ART SITING**

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

- F.1 Visibility for pedestrians and/or motorists.
- F.2 Proximity to high pedestrian activity are (e.g. active retail areas), transit stops (especially those serving high ridership routes), places of public gathering, public open spaces, and recognized pedestrian routes.
- F.3 Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork concept.
- F.4 Places of special heritage of community significance.
- F.5 Given these criteria indoor areas are usually unsuitable, however if sited indoors, the artwork must offer the general public a free and uninhibited experience during normal business hours.
- F.6 The designation of public art siting location(s) should be indicated on the appropriate document (e.g., development permit and building permit drawings).

**G. ELIGIBILITY CRITERIA FOR THE DESIGN OF PUBLIC ART**

Those involved in the development project team (e.g. architect, landscape architect, and engineer) are not permitted to apply to be the artist as defined below:

- G.1 Artwork:  
Artist creations or collaborations in any medium, for example: sculpture, ceramic, glass, film, video, fabric, engineering work, architecture, painting, environment, landscape, photography, etc.
- G.2 Artist as Maker:  
As creator, the artist is a catalyst and manager of a creative process resulting in a finished product. This product may be transitory, or permanent in response to physical and/or social, historical and conceptual issues.

- G.3 Artist as Jury or Selection Panel Member:  
The artist as jury or selection panel member must have an art education or apprenticeship background in art making, through which the 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.
- G.4 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 artist able to work in public and development contexts.
- G.5 Public Art Reserve:  
The city fund which reserves funding contributions from public and private sources for Public Art Program purposes.

#### H. EFFECTIVE DATE

The Private Development Public Art Program becomes effective on March 1, 2011.

#### I. PUBLIC ART PLAN AND DESIGN

- I.1 The developer or their designate (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 as applicable to the development project.

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 redesign, 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 Advisory Committee and approved 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, artist statement or other matters is submitted to city staff.



**J. CITY OF SURREY PUBLIC ART ADVISORY COMMITTEE**

- J.1 The Public Art Advisory Committee 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.
- J.2 The Committee will assign a subcommittee (usually three members) to each project, to enable quick and focused response to the Plan, if required.
- J.3 The Committee's final recommendation will be presented for Council's consideration, if required.

**K. MAINTENANCE**

- K.1 Artwork must remain accessible to the public at no cost and be maintained in good repair by the owner(s) of the development for the life of the development.
- K.2 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 Committee in a manner consistent with decommissioning procedures established from time to time by the Committee.

**L. PUBLIC ART DOCUMENTATION**

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

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

## Appendix 2 – Public Advisory Committee (PAAC) Terms of Reference

### PUBLIC ART ADVISORY COMMITTEE (PAAC)

#### TERMS OF REFERENCE

#### 1. PURPOSE

- 1.1 To advise Council on the implementation of the Public Art Policy (PAP) for the City of Surrey.

#### 2. RESPONSIBILITIES OF PAAC

PAAC will advise on the:

- 2.1 Development of calls for artist proposals, the choice and appointment of selection panels and the selection of recommended artwork;
- 2.2 Communication and outreach strategies regarding the Public Art Program to achieve cultural partnerships and build awareness of the program throughout the community;
- 2.3 Proposed gifts, donations, bequests, de-accessions and loans of artworks to the City collection;
- 2.4 Development of private sector public art and public/private partnerships for public art;
- 2.5 Issues, new trends and future needs related to the delivery of the public art program in Surrey.

#### 3.0 MEMBERSHIP

- 3.1 The Committee shall be appointed by Council and consist of **ten (10)** nine (9) voting members and one (1) alternate member. **One voting member will be a designated representative of the private sector development community.**
- 3.2 Up to two (2) City Councillors shall be appointed by Council to serve as Council liaisons to the Committee.
- 3.3 PAAC will appoint a Chair for the Committee.
- 3.4 The Committee may appoint a Deputy Chair at their discretion.
- 3.5 The majority of members will be residents of Surrey; they should have knowledge of public art practise and represent a broad cross-section of the community.

- 3.6 The alternate member will serve a one (1) year renewable term for a maximum of three (3) consecutive years; shall attend meetings on a regular basis and have voting privileges if quorum is not established.
- 3.7 Members of PAAC are appointed for a three (3) year term. Members may not serve for more than two (2) consecutive three (3) year terms. However, after at least one (1) year out of office, a past member of PAAC may re-apply and may be considered for re-appointment by Council.

**4.0 MEETINGS**

- 4.1 The Committee shall meet a minimum of eight (8) terms per year; additional meetings may be called by the Chair as needed.
- 4.2 A majority of the members shall constitute a quorum. Recommendations of a quorum shall be considered those of the full Committee.
- 4.3 Any member who is absent from three consecutive meetings of the Committee, or in excess of one-third (1/3) or more of all meetings over any six (6) month period without leave of absence from the Committee, or without reason satisfactory to the Committee, shall forthwith cease to be a member of PAAC.
- 4.4 Minutes of the meetings are prepared by City staff.

**5.0 CODE OF CONDUCT**

- 5.1 City policy regarding conflict of interest will apply to all PAAC members.
- 5.2 The members are not permitted to directly or indirectly benefit from their participation in the Public Art Advisory Committee during their tenure and for a period of twelve (12) months following the completion of their term.

**6.0 STAFF SUPPORT**

- 6.1 Appropriate staff support will be arranged by the City Manager; General Manager, Parks, Recreation and Culture, and the City Clerk.

*Approved by Council: December 15, 2004 (RES.R04-3386)*

Appendix 3 – Revised Public Art Policy & Public Art Advisory Committee TOR



# Corporate Report

**CITY MANAGER'S  
DEPARTMENT**

NO: R306

COUNCIL DATE: Dec. 13/04

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## REGULAR

TO: Mayor & Council

DATE: December 9, 2004

FROM: General Manager  
Parks, Recreation and Culture

FILE: 0360-20/P ✓

SUBJECT: Revised Public Art Policy & Public Art Advisory Committee Terms of Reference

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## RECOMMENDATION

That Council:

1. Approve the revised Public Art Policy, included as Appendix A; and
2. Approve the Terms of Reference for the Public Art Advisory Committee (PAAC), included as Appendix B.

## BACKGROUND

In Spring 2004, staff began a review process of the Public Art Policy. This process included revisions to the existing policy document, and the creation of a stand alone Terms of Reference for the Public Art Advisory Committee (PAAC).

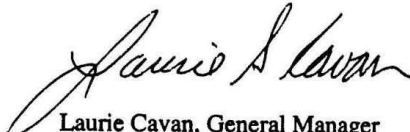
The goal of the review was to create a more streamlined policy document and through the development of a Terms of Reference for the Public Art Advisory Committee, clearly articulate the role of Council, City staff and the Public Art Advisory Committee in the implementation of the Public Art Program.

## DISCUSSION

In order to achieve the goals outlined above, the review process included consultation with the current Public Art Advisory Committee members. The attached appendices reflect the input and feedback received through the review process. The PAAC supports the revised Public Art Policy and the new Terms of Reference.

## CONCLUSION

The review process identified opportunities for streamlining the Policy, resulting in a more manageable and clearly articulated document. The Terms of Reference provides further clarity on the roles and responsibilities of staff, Council and PAAC in the implementation of the Public Art Program. Upon approval of the revised Policy and the new Terms of Reference for the committee, staff will complete work on a Public Art Program Procedures document.



Laurie Cavan, General Manager  
Parks, Recreation and Culture

LC:dlg

Attachments

**APPENDIX A**  
**PUBLIC ART POLICY**

## **PUBLIC ART POLICY – City Policy**

### **A. Purpose**

The purpose of the Public Art Policy is to:

- A.1 To ensure that artwork and the creative concepts of artists are supported through the City's Public Art Program;
- A.2 Serve as an act of public trust and stewardship for public art;
- A.3 Establish a sustainable funding mechanism to support the City's commitment to public art;
- A.4 Guide City staff in the implementation of the public art program.

### **B. Principles**

The Public Art Policy ensures that public art is:

- B.1 Selected through an informed, open and fair public art competition process;
- B.2 Contributing to the City's character and is demonstrating the significance of art in community life;
- B.3 Reflective of a wide of range of professional artistic expression and practise, demonstrating excellence, quality and innovation;
- B.4 A catalyst for creativity in Surrey's diverse community by providing opportunities for community engagement, development and partnerships;
- B.5 Integrated into the planning, design and execution of applicable civic development.

### **C. Public Art Advisory Committee**

- C.1 Council will appoint a Public Art Advisory Committee (PAAC);
- C.2 PAAC will advise the City on the implementation of the Public Art Policy, including selection processes, acceptance of gifts, donations, bequests, loans, and de-accessions;
- C.3 A Terms of Reference for PAAC approved by Council outlines their roles and responsibilities in relation to the implementation of the Policy.

**D. Funding**

- D.1 Funding is based on 1.25% of the construction costs of applicable capital projects funded by the City. Applicable projects include new building construction, major additions to existing buildings, park development projects and new engineering structures.
- D.2 The 1.25% allocated for public art projects must cover the design, fabrication, administration and installation;
- D.3 A minimum of 10% of the 1.25% public art allocation will be used to support the long-term maintenance of the collection;
- D.4 Project funds may be pooled to establish community, neighbourhood and/or Town Centre public art initiatives, or to enhance selected project budgets.

**E. Collection Management**

- E.1 The management, maintenance and insurance of the Public Art Collection is the responsibility of the City.
- E.2 The Public Art Collection is managed according to appropriate professional inventory and documentation practices.



**APPENDIX B**

**TERMS OF REFERENCE**

## **PUBLIC ART ADVISORY COMMITTEE (PAAC)**

### **TERMS OF REFERENCE**

#### **1. Purpose**

- 1.1 To advise Council on the implementation of the Public Art Policy (PAP) for the City of Surrey.

#### **2. Responsibilities of PAAC**

PAAC will advise on the:

- 2.1 Development of calls for artist proposals, the choice and appointment of selection panels and the selection of recommended artwork;
- 2.2 Communication and outreach strategies regarding the Public Art Program to achieve cultural partnerships and build awareness of the program throughout the community;
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- 2.4 Development of private sector public art and public/private partnerships for public art;
- 2.5 Issues, new trends and future needs related to the delivery of the public art program in Surrey.

#### **3. Membership**

- 3.1 The Committee shall be appointed by Council and consist of nine (9) voting members and one (1) alternate member.
- 3.2 Up to two (2) City Councillors shall be appointed by Council to serve as Council liaisons to the Committee.
- 3.3 PAAC will appoint a Chair for the Committee.
- 3.4 The Committee may appoint a Deputy Chair at their discretion.
- 3.5 The majority of members will be residents of Surrey; they should have knowledge of public art practise and represent a broad cross-section of the community.
- 3.6 The alternate member will serve a one (1) year renewable term for a maximum of three (3) consecutive years; shall attend meetings on a regular basis and have voting privileges if quorum is not established.
- 3.7 Members of PAAC are appointed for a three (3) year term. Members may not serve for more than two (2) consecutive three (3) year terms. However,

after at least one (1) year out of office, a past member of PAAC may re-apply and may be considered for re-appointment by Council.

**4. Meetings**

4.1 The Committee shall meet a minimum of eight (8) times per year; additional meetings may be called by the Chair as needed.

4.2 A majority of the members shall constitute a quorum. Recommendations of a quorum shall be considered those of the full Committee.

4.3 Any member who is absent from three consecutive meetings of the Committee, or in excess of one-third (1/3) or more of all meetings over any six (6) month period without leave of absence from the Committee, or without reason satisfactory to the Committee, shall forthwith cease to be a member of PACC.

4.4 Minutes of the meetings are prepared by City staff.

**5. Code of Conduct**

5.1 City policy regarding conflict of interest will apply to all PAAC members.

5.2 The members are not permitted to directly or indirectly benefit from their participation in the Public Art Advisory Committee during their tenure and for a period of twelve (12) months following the completion of their term.

**6. Staff Support**

6.1 Appropriate staff support will be arranged by the City Manager, General Manager, Parks, Recreation and Culture and the City Clerk.



**Appendix 4 – Public Art Advisory Committee Minutes – April 9, 2009**

**D. ITEMS FOR DISCUSSION**

**1. Council Workshop Follow-up – held March 9, 2009**

File No. 0390-20

Sheila McKinnon provided a presentation at the March 12, 2009 PAAC meeting proposing three strategies for discussion at this meeting:

- Increase awareness and support for the public art program
- Improve Public Art planning
- Diversify and develop additional public art funding sources

Discussion:

- Increase awareness and support for the public art program:
  - Lunch'N Learn session to take place in May for city staff to raise awareness of program
  - Host a panel like the LuLu Series in Richmond to look at Seattle and other programs.
  - Create high profile Cultural Capitals Unveiling events
  - Create Public art related special events such as a bus tour at opening events
  - Create more media attention for artists through press releases
  - Improve and update website
  - Create a public art information session and deliver it to key community groups.
  - Send out a CD of the program to media outlets
  - Build special interest stories re. various projects

Committee suggestions:

- Link and other multicultural media outlets would be interested in articles on art since there is not much published about art.

- Utilize the S. Asian community media in order to reach the people. Take local journalists on a tour and consultation with the particular reporters for arts related information.
- The Mayor's Office is very conscious of sending out press releases to the S. Asian radio stations (RedFM). The manager of the radio station decides what to do with them. The Dancing Shiva exhibit at the Gallery would be of interest to them.
- Write the story for the media
- Arrange interviews to talk about the subject on the Art Advisory Committee. The practice is for Councillor Villeneuve or the Chair to be the spokesperson.
- Interview the artists. Record that and have it as a package in the ready.
- Some media are more receptive than others. It is preferred that the artists be interviewed rather than staff.
- It was suggested that a more effective approach to getting the word out to the public would be to create CDs which include motion clips. Groups would then have a better understanding through a more multi-media approach.
- Another good way to promote the program is through story boards which list projects, gifts, donations and acquisitions. These will be displayed first at the Cloverdale opening and then throughout the various community sites in May and June.

Discussion:

- Improving public art planning - suggestions:
  - Clearly define and do future planning for the City Centre art walking loop
  - There is existing art but we have room for more.
  - Clearly define the cultural corridor and engage the public in this planning.
  - OCP is being reviewed. Attend the planned OCP public open houses to ensure public art gets included. For the first open house on April 21, 2009 use display materials already prepared and on hand. All committees of Council will be invited to one meeting to discuss the OCP. PAAC members should participate.
  - Take it down a level from the official plan to a neighbourhood planning process. Conduct open houses on a town centre basis. We would like to get ahead of the NCP processes and have documents ready to go when the NCP reviews are activated to have relevant content for each one.
  - Pilot public art specific plans for each town centre beginning with City Centre.
  - Take a group field trip to Seattle. (e.g. visit Seattle's sculpture park). Suggest hosting an exchange with the Seattle program.
  - Public art presentation was presented at last meeting. Suggest having a portfolio identifying public art, the scale and type. Have a draft call to artists on hand to give a sense of what this community is all about. This will serve to inform artists call in future.

- Discussion re. Diversifying and developing additional public art funding sources – suggestions:
  - Promote the giving of donations for public art (i.e. Fleetwood projects: poetry stone, firefighter sculpture).
  - Specifically pick a few projects that were gifts and make a broader profile of them.
  - Implementation of the public sector developer contributions towards public art.
  - Encourage more partnerships with public art and beautification projects.
  - Encourage other community partnerships e.g. would the BIA's want to get on board?
  - Apply the percentage for public art policy to a broader range of City infrastructure and capital projects.

In response to queries Sheila McKinnon noted the following:

- Ideas and suggestions regarding improvements to planning are to go into the corporate report and should be considerate of staffing and financial resources required to implement this work. If additional funds are required we should try to identify a funding source. We would first look towards the existing Public Art administration budget to produce needed invitations for events and signage for the public art projects. If any funding is left we could possibly use this for a bus tour. The municipal budget is constrained due to the current economy.
- Legacy funds have been donated in past (eg. Redwood Forest Mysteries - \$20,000 donation). There are endowment foundations that might be worth pursuing and the city is able to provide charitable tax receipts. Foundations only release the interest on their endowment funds to work with, not the principle so these amounts are generally not very significant.