

NO: R031

COUNCIL DATE: February 19, 2018

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **February 15, 2018**
FROM: **General Manager, Parks, Recreation & Culture** FILE: **7800-00**
SUBJECT: **Newton Business Improvement Association (BIA) Mural Proposal**

RECOMMENDATION

The Parks, Recreation & Culture Department recommends that Council:

1. Receive this report for information; and
2. Authorize the Newton Business Improvement Association (BIA) to proceed with two proposed temporary mural designs.

INTENT

The purpose of this report is to seek Council's approval for the Newton Business Improvement Association to proceed with two proposed temporary murals to be painted on private property alleyways behind commercial buildings located along 72 Avenue.

BACKGROUND

Murals are addressed under the *City sign By-law, 1999, No. 13656* which states:

"5. (5) No owner of a lot or premises shall erect, allow or cause to be erected a mural unless such mural has received approval from Council or from any Committee appointed by Council to approve such mural."

"Mural means any piece of artwork, including a painting, fresco, frieze, photograph, picture, image, illustration or graphic presentation, applied directly or by an electronic or digital means on and partially or fully covering a wall, ceiling or other permanent or non-permanent surface."

The Newton BIA proposes to complete two temporary murals in 2018 to be painted with the permission of the property owner Value Properties, on commercial buildings located at 13625 72 Avenue in Newton Town Centre (a map of the mural location is attached to this report as Appendix "1").

As per the City process for mural applications (see Appendix “II”), the Executive Director of the Newton BIA brought forward the mural proposals as a delegation to the Public Art Advisory Committee (PAAC) on December 7, 2017. The presentation and mural designs were positively received by the Committee. The Newton BIA was also commended by the Committee for their ongoing support for arts initiatives in Newton. At the following PAAC meeting February 1, 2018 the Committee voted unanimously to recommend staff prepare a report for Council to approve the mural design proposals.

DISCUSSION

The murals proposed in the report are intended by the Newton BIA to be the next step in creating a series of murals in the Newton Town Centre for the purposes of: revitalization of the Newton area; enhance the alleys alongside commercial buildings; showcasing Newton in a positive light; deterring graffiti; creating an artistic vibe in the area; and bringing more visitors to the town centre. Collectively the murals, including the Canada 150 mural created by the City in 2017 and the public art glass frit design on the glazing of the Newton Recreation Centre, will create an opportunity for an art walk in Newton.

The Newton BIA is experienced in commissioning murals. Their first successful mural was completed in 2016 by artist Danny Fernandez, a Canadian visual artist who has produced murals worldwide. The mural was painted using professional spray paint and is located facing King George Boulevard on the north east corner of 72 Avenue. This artwork, which is a portrait of Newton residents, and includes the word Newton, received favourable media attention in the following publications:

- [CBC – Newton Graffiti Mural to Help the Fight on Crime](#)
- [Surrey Now Leader – Mural Captures Surrey Communities Past, Present and Future](#)
- [Daily Hive – This street artist is changing the way people look at Newton](#)
- [The Link Paper - Newton Graffiti Artist Brings Area Past, Present And Future Alive](#)

Encouraged by positive media and public response, and noting the first mural had not received any tagging or vandalism, the Newton BIA sought out a proposal by the same artist for more mural artworks.

The PAAC noted the mural designs proposed comply with all of the Terms of Reference for murals on private property including criteria for design. The Newton BIA will be responsible for the installation of the murals, including the repair of any potential damage to the buildings during the installation process. Should either mural need to be removed at any point, the Newton BIA will be responsible for the removal process within two weeks of the request for it to be removed.

FUNDING

The Newton BIA will fund both mural projects.

SUSTAINABILITY CONSIDERATIONS

This initiative supports the objectives of the City's Sustainability Charter. In particular, this work relates to the Sustainability Charter themes of Built Environment and Neighbourhoods and Education and Culture. Specifically, this initiative supports the following Desired Outcomes and Strategic Directions:

- Neighbourhoods and Urban Design: DO1: Surrey is comprised of distinct, diverse and compact neighbourhoods and Town Centres, with an engaging public realm.
- Neighbourhoods and Urban Design: DO8: The built environment enhances quality of life, happiness and well-being.
- Arts and Heritage: DO7: An enviable and vibrant arts and heritage sector contributes to Surrey's citizen engagement, enrichment, economy, community livability and civic pride.
- Arts and Heritage: DO11: Public art is visible in diverse forms throughout the community and brings art into the daily lives of Surrey residents.
- Arts and Heritage: SD10: Encourage arts, heritage and cultural expression for youth in the community.

CONCLUSION

Based on the above discussion it is recommended that Council authorize the Newton Business Improvement Association to proceed with two proposed temporary mural designs as generally described in this report.

Laurie Cavan
General Manager
Parks, Recreation & Culture

Appendix "I" Mural Locations, Designs and Artists
Appendix "II" Mural Proposal Guidelines

Mural Proposal Location, Design and Artists 72 Avenue and King George Boulevard

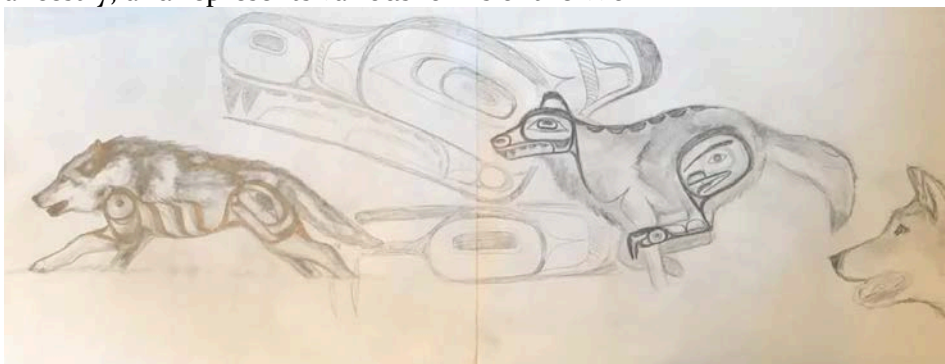
Mural design A location: Side Wall of a commercial property owned by Value Properties located on the North East Corner of 72 Avenue near King George Boulevard.



Images of the wall that will receive the mural



Mural Design: as shown in this concept sketch, the design draws from the artist's Haida ancestry, and represents various forms of the Wolf



The Artist is Cory Bulpitt (Taakeit Aaya)

Mural design B location: Alley walls of a commercial property owned by Value Properties located on the North East Corner of 72nd Avenue near King George Boulevard.



Images of the alley way where the mural will be applied



Artwork Design:

The theme of this mural is the ice kingdom. Six artists will create this mural in a series of six panels that use a shared colour palette of icy tones. Although most notable is the intended “mark” of each artist in the centre of their panel, as seen in the colour sketch below. This mark is presented within the context of an ice cave. A detail below shows the cave surrounding the mark, and along the bottom people inhabiting this landscape of this science fiction world.





Concept design by the artist team: Danny Fernandez, Nelson Garcia, Tyler Scott, Aime Milot, Cory Bulpitt and Mychael Jensen

Demonstrated in this image below is an example of the technical skill and artistry of the lead artist Danny Fernandez. He is shown here in front of the first mural commissioned by the Newton BIA. Image source: <http://dailyhive.com/vancouver/street-artist-def3-newton-surrey>





WALL ART AND MURALS ON PRIVATE AND CITY PROPERTY GUIDELINES

CITY OF SURREY APPROVAL PROCESS AND ADVICE ON COMPETITIONS FOR DESIGN

Introduction:

Wall art including painted and vinyl murals are recognized as an effective strategy to engage communities, enliven streetscapes and contribute positive and aesthetic messages within the public realm. Wall art can also generate creative opportunities for groups of artists, residents, businesses and others to collaborate on projects whose process of production, design and presence contribute a positive sense of place and create an experience of community and belonging in the City's neighbourhoods.

This Guideline anticipates applications to install temporary wall art on both City and private property and guides the planning and approval following both the City Signage By-Law and the City's Public Art Policy and procedures.

Temporary projects are planned to be installed for less than twelve (12) months and are designed to be removable. These include large-scale vinyl wraps and large painted panels temporarily fastened to an external wall. Permanent wall art has a planned life-expectancy longer than one year.

Process for approval to proceed with a wall art project on private property:

Step 1:

Mural sponsor contacts Surrey's Community Engagement Planner to discuss the intention to create a proposal for a temporary wall art project, and ensure the project as conceived will meet the City's guidelines. The Planner will provide preliminary advice, and will schedule an internal meeting with Planning and Public Art staff to brief them on the pending proposal.

Step 2:

Mural sponsor creates a written proposal and include the following information:

- 1) Who comprises the group proposing the project (experience, lead individuals, roles and responsibilities)
- 2) Location, material, size and dates for the proposed wall art installation and removal date,
- 3) Theme and purpose of creating the artwork
- 4) Process for artist selection, community engagement artwork production and project coordination;
- 5) Documentation of the skills, abilities and experience of
 - the group proposing to coordinate the project (if different from the building owner) and
 - the artists, fabricators and installation company (reflecting process for selection and intended materials etc.)
- 6) Written and signed agreement between the property owner and the group undertaking the wall art that confirms the following:
 - Approval and support for the project to use their building;
 - Responsibility for the installation and the removal of the artwork;
 - Responsibility for insurance as needed for those undertaking the project;

The City Signage By-law

(13656 amended 01/13/14) states:

DEFINITIONS: 4. (1) In this By-law: "Mural means any piece of artwork, including a painting, fresco, frieze, photograph, picture, image, illustration or graphic presentation, applied directly or by an electronic or digital means on and partially or fully covering a wall, ceiling or other permanent or non-permanent surface."

APPLICATION: 5. (5) No owner of a lot or premises shall erect, allow or cause to be erected a mural unless such mural has received approval from Council or from any Committee appointed by Council to approve such mural."

Permanent wall art on private property:

A permanent artwork is not removable, such as a mural painting on a wall. Inquiries about permanent wall art are received by public art staff.

Private property owners, who wish to propose permanent artwork on private property, will need to prepare a written proposal, including a rendering of the final design.

This proposal, together with a delegation of the property owner, will be received by the Public Art Advisory Committee (PAAC), who will then advise Council with recommendations.

Permanent murals and other forms of permanent wall art are not produced or funded through the City's public art program.

- Repair of any damage to the building;
- Documentation confirming understanding and agreement that resident complaints about the wall art would be brought forward to the Public Art Advisory Committee (PAAC) and if deemed necessary by the PAAC and if requested, the group will remove the artwork within 2 weeks. If not removed by the art group, the work would be removed by By-Laws upon request of Public Art and the costs will be borne by the building owner.

(Note: The City will expect the building owner to be responsible for all costs and to serve as the point of contact for the project for the City, unless the City is provided with clear documentation that an alternative business or incorporated organization has both agreed to be responsible and demonstrates the capacity and resources.)

Step 3:

- Contact the Community Engagement planner to schedule an opportunity to submit and discuss proposed wall art initiative, and receive preliminary feedback.
- When the preliminary design is created, and well prior to fabrication, provide the Planner with the design drawing. At this time, the Planner will ensure the proposal is complete, and request its presentation to the Public Art Advisory Committee (PAAC). A complete preliminary design includes colour, demonstrates all design content (details) and fairly accurately renders what the final design will look like. The Planner may request the organization to present their proposal as a delegation to PAAC.
- The proposal for the wall art, including the final design, is presented to PAAC for discussion and advice.
- The Community Engagement Planner will advise the organization making the proposal the advice received from PAAC.
- Communication Engagement Planner prepares a report for Council deliberation. This report will be scheduled for the next possible Council meetings (note: Council does not meet in August). The Planner will require documentation of the final design, demonstrating that it has responded to any advice or requirements, for this report.
- Approval will be provided in writing to those proposing the artwork the outcome of Council's deliberation.

Wall Art Design Proposals Criteria for Approval

The following will be used by PAAC to review and provide advice to Council:

- 1) Content is aesthetically pleasing, will contribute positively to a neighbourhood, is original, and does not infringe on the copyright of others including cultural rights, and takes into consideration other nearby public artworks, urban design and community context;
- 2) Content is non-partisan, non-racial, non-denominational, non-sexist, and non-political, and in keeping with Human Rights Act principles;
- 3) Temporary wall art will not be used or serve as any form of commercial advertising or public information or solicitation of any kind;
- 4) Content is appropriate for child audiences and if deemed sensitive is not permitted; (e.g. content depicting alcohol, drugs, tobacco or violence is not permitted)
- 5) Content does not include logos or organizational brands or identities; and
- 6) The theme of the mural is respectful of the greater context of the community, including historic and socio-cultural contexts.

ADVICE ON COMMISSIONING A SUCCESSFUL DESIGN FOR A TEMPORARY WALL ARTWORK

The best possible design depends on commissioning a qualified artist. The following process is regarded as a good methodology for recruiting artists who have been asked to compete for a commission.

A. Developing the call for proposals and short listing artists

1. Meet with the building owner and other stakeholders (neighbours, businesses, community organizations) to develop the terms of reference for the call for proposals – this identifies the site, theme and form of desired artwork. It may also identify issues, opportunities, technical challenges, budget, and partnerships, and other characteristics specific to the site that will be useful to those making the proposal.
2. Establish a budget for the project
 - a. Fees for shortlisted artists to develop concept proposals (consider how many hours they would work on this and develop the fee accordingly). It is inappropriate to ask artists to work for free.
 - b. Honorariums for those providing time to review materials (people who have day jobs may volunteer, but those who are self-employed may need a small fee for their time)
 - c. Fees for artist for developing design, time for revisions, and time working with the fabricator if a vinyl process, or time actually painting the mural and coordinating volunteers or others including marshalling supplies and equipment. Consider materials, meeting times, cost for prototypes, travel and insurance etc. some mural initiatives are full time jobs for several weeks depending on the scale.
 - d. Fees for permits, insurance, fabrication, installation, and the unveiling celebration
3. Draft a call to artists with terms of reference for the opportunity. Review it with stakeholders. Include all specifications, budget (what is included, what isn't), timelines, expectations and what triggers payments
4. Meet with PAAC/Community Engagement to review proposal and receive feedback and advice.
5. Determine who will select the art, and how to handle conflicts of interest in the project.
6. Issue the Call for proposals and promote it: building owner/stakeholders, listserves, ads, posters etc.
7. Information meeting for interested artists is held and includes presentation on the site and Q+A
8. Expression of interest (EOI) submissions from artists is received
9. Phase I selection panel convened, and a shortlist of artists is determined.

B. Short listing artwork proposals

1. Artists are contacted and a draft agreement for the full commission is provided as *information* to artists. They are also sent an agreement for the development of their **competition proposal** (the proposal that will be presented at the phase II selection panel).
2. Information meeting is held with the shortlisted artists to provide more in-depth orientation to the opportunity, with key advisors including building owner, community representatives as deemed appropriate. It is at this time, either collectively or individually/privately that artists may be advised of any issues with their original concept as may have been evident in their EOI. Questions about the draft project agreement can be addressed.
3. FAQ from shortlisted artists are received, and responses are shared with all competitors
4. Phase II selection panel convened and receives the artist's presentation of their competition proposal, and responds with questions and concerns which are documented. A recommendation is voted by the selection panel.
5. The group initiating the project receive the advice of the selection panel, and if agreeable, the group proceeds to finalize the proposal with the City and the contract for the project with the successful artist.

Word of advice: the competition proposals submitted by all artists are fully the intellectual property of the originating artists and are protected under Canadian law. Therefore organizers are strongly advised not to share, circulate publish or otherwise retain these designs for any purpose. All original materials, such as drawings, should be returned to the artist, unless expressly purchased as an original artwork.