

City of New Westminster

Public Art Policy

Adopted by New Westminster City Council
November 5, 2012



New Westminster Public Art Program

“The vision for Public Art in the City of New Westminster embraces the creation of focal points of high artistic standard within the urban landscape that speak to others about us, reflecting our people, history and cultures. As such, Public Art must provide a dynamic sensory experience which has vitality, is accessible, and invites us to engage and react, expressing our view of who we are, where we’ve come from and where we are going.”

*Public Art Sub-Committee
New Westminster Arts Commission 2011*

CONTENTS

CITY OF NEW WESTMINSTER PUBLIC ART PROGRAM

INTRODUCTION

- Public Art: Capturing the Value of New Westminster's Heritage, Culture, Arts and Diversity
- Public Art: Building Upon a Strong Foundation
- Public Art: Attracting Interest and Investment
- Public Art: Contributing to the Urban Character
- Public Art: Benefiting the Entire Community
- Summary
- Acknowledgements

CITY OF NEW WESTMINSTER PUBLIC ART POLICY

Section 1: POLICY STATEMENT

- 1.0 Policy Statement

Section 2: ADMINISTRATION

- 2.0 Principles

- 2.1 Public Art – Purpose, Definitions and Exclusions

- 2.1.1 Purpose of Public Art
- 2.1.2 Definition of Public Art on Municipally-Owned Public Spaces
- 2.1.3 Public Art Exclusions
- 2.1.4 Definition of Public Art
- 2.1.5 Definition of Professional Artist
- 2.1.6 Definition of Community Art

- 2.2 Purpose of the Public Art Policy

- 2.2.1 Permanent and Temporary Types of Public Art
- 2.2.2 Placement of Outdoor Art on Privately-Owned Spaces

- 2.3 Application and Management Process

- 2.3.1 Administering Public Art
- 2.3.2 Acquiring Public Art
- 2.3.3 Site Selection
- 2.3.4 Selection Process
- 2.3.5 Implementation of Public Art
- 2.3.6 Maintenance and Conservation/Restoration
- 2.3.7 De-Accessioning

Section 3: FUNDING

- 3.0 Municipal Budget Funding
- 3.1 Public Art Reserve Fund
- 3.2 Public Art Maintenance Reserve Fund
- 3.3 Percentage for Art Program
- 3.4 Density Bonusing
- 3.5 Voluntary Amenity Contributions
- 3.6 Private Development Public Art Program
- 3.7 Donations and Other Funding Sources

Section 4: APPENDICES

- 4.0 APPENDIX A – Public Art Advisory Committee Terms of Reference

INTRODUCTION

Public Art: Capturing the Values of New Westminister's Heritage, Culture, Arts and Diversity

In the illustrious words of acclaimed *Vancouver Sun* arts and culture writer, Max Wyman, (*The Defiant Imagination, 2004, Douglas & McIntyre*): "The availability and variety of cultural activity is a significant factor in the complex livability equation. A growing number of studies show that when cities promote art, cultural and heritage activities, they not only improve the quality of life for their citizens, but also attract the skilled workforce on which a vibrant economy depends."

In 2008, New Westminister City Council adopted the City's inaugural Arts Strategy. The Arts Strategy identified six Key Objectives, one of which was Public Art. The Arts Strategy includes the following desired outcomes:

- The City develops and implements a Public Art Policy, supporting guidelines and a funding strategy that leads to New Westminister becoming a place noted for arts locally, regionally and nationally;
- Residents and business owners have input into funding, artistic quality and medium, and artist selection.

The Arts Strategy further proposes actions and activities to achieve these objectives, including:

- that the City research and develop a Public Art Policy which includes a community development component to guarantee citizen involvement;
- that the City make a commitment to include public art inside and outside its civic facilities and parks and in street and neighborhood beautification projects when possible;
- that the City, in partnership with the arts community, create community public art projects;
- that the City research and develop a Public Art Policy including supporting by-laws, regulations and guidelines to address public art planning, acquisition/procurement, placement (siting), de-accessioning and ongoing maintenance;
- that the City research other communities in Canada to determine the level of funding needed to develop and maintain a successful public art program;
- that the City develop mechanisms to encourage developers to include public art in their development and to contribute development amenity contributions toward public art.

The City's **Strategic Plan 2012 – 2014** outlines four Strategic Priority areas including support for arts and culture in New Westminister. The desired long-term visionary outcomes of this priority are:

- *"The City of New Westminister is a creative and vibrant city, open and accessible to all artists and cultures, to the broadest range of creative expression, and to the most inclusive community participation and appreciation",*
- *"Visitors will be provided with an exciting and distinct tourism experience that highlights the City's arts, culture and heritage."*

Under the Initiatives for 2012 – 2014, the Strategic Plan articulates the need to “develop a Public Art Policy for the City, complete with funding strategy.”¹

A high quality municipal Public Art Policy is important to achieving these goals. Successful Public Art programs help communities develop and express their unique sense of place and character, and in turn, draw tourism and investment activity to the city.

Public Art: Building Upon a Strong Foundation

In Canada, the first Public Art Program began in the 1950s when the Province of Quebec introduced its *Art in Architecture Program*. Today, over 50 Canadian municipalities have Public Art Policies and Programs including: Vancouver, Edmonton, Calgary, Richmond, Surrey, Winnipeg, Montreal, Ottawa and Thunder Bay. The best of these programs have created visionary plans for the acquisition and strategic placement of public art in their communities. Additionally, public art has the power to engage communities through events and temporary projects.

Public Art: Attracting Interest and Investment

As public art provides a distinctive cachet that can attract new residents and businesses, property values may increase. Public art can become a destination draw for visitors who will contribute to the local economy in its shops, cafés and businesses. Witness the positive effects that public art has had on the town of Chemainus (with its murals), Seattle (with its Public Market area outdoor installations), and the City of Vancouver through the Vancouver Biennale.

The feasibility of a Public Art Policy is governed by the available funding. City Council can demonstrate its commitment to public art through its annual operating budget, by allocating annual funding for the Public Art Program, noting that it is proposed that any unspent monies can be retained by the program and not transferred back into general revenues. In this way, accumulated funds enable future opportunities to commission larger works of art with higher budget values.

Council will review the funding level every three years to ensure its continued capacity to fulfill the intent of the Public Art Policy. Funding models such as the “One-Percent For Art” model, which is a common practice found in Public Art Programs in other jurisdictions, is the “tried and true” target that enables public art to have an impact on a city in relation to the other 99% of building budgets.

Public art is recognized both nationally and internationally as a significant tool for city building, economic development and beautification. From Pittsburgh to Vancouver to Vienna to Birmingham to Canberra, public art is part of the planning process to rejuvenate and enliven new city precincts for the benefit of residents and tourists alike.

Public art historically has demonstrated its ability to be a key catalyst in rejuvenating stagnant urban settings. For private development, the benefits of public art includes increased property values, more dynamic marketing of corporate units or floor space, and enhanced aesthetics of the development leading to an improved corporate image for the developer in the eyes of the community.

¹ New Westminster “Strategic Plan 2012-2014

Though not addressed specifically in the City of New Westminster's Public Art Policy, the City recognizes that there are many examples of non-municipal outdoor artworks located in privately-owned space across New Westminster that contribute to the identity and character of our community.

Public Art: Contributing to the Urban Character

Works of public art in public space engage people in their everyday lives and provide an opportunity for dialogue and social interaction that is at the heart of a vibrant city. Public art demonstrates that a city is proud, interesting, inclusive and informed. A Public Art Policy helps to create visible works of art and sets high aesthetic standards for all types of building projects. Further, it fosters an environment that promotes creativity, the pursuit of excellence in cultural experiences, public access to those experiences and the preservation and enhancement of diverse cultural identities.

Public art can reaffirm or reveal a sense of place in a symbolic and visually stimulating way by evoking some aspect of the social, natural, cultural, physical, political, economic or historical context of the site and its locale. Different public art sites provide artists with the ability to engage fully in the city building process, adding richness and variety to the urban environment. Public art can also influence the design of a development proposal, affecting the layout of open spaces, public connections to adjacent features such as streets, parks and open spaces, and related requirements for setbacks and streetscaping.

Public Art: Benefiting the Entire Community

Benefits of public art include, but are not limited to:

- defining identity;
- building strong communities;
- promoting development;
- enlivening social spaces;
- providing an "art education" as the local community grows and matures, and;
- encouraging discussion and debate.

Summary

New Westminster's Public Art Policy is a significant tool for promoting the cultural growth of the community, encouraging economic development, and creating a sense of enhanced civic pride and identity.

The primary purpose of the Public Art Policy, which guides the Public Art Program, is to provide a mechanism through which the City of New Westminster acquires public art for municipally-owned public space through its purchase, commission or donation, and manages a growing public art collection.

The 2008 Arts Strategy recognizes the important contribution of public art to the quality of the public realm and to city building. The Arts Strategy also recognizes the need for the City of New Westminster to finance the acquisition, conservation and inventory of public art. Public art helps to make buildings, open spaces and neighborhoods attractive and memorable places where people want to visit, live, work and play. The Public Art Policy represents an important tool for securing high quality installations of public art in order to achieve this goal.

The City of New Westminster's Public Art Policy is divided into three parts as follows:

SECTION 1: Policy Statement

SECTION 2: Administration

SECTION 3: Funding

Acknowledgements

The creation of the new Public Art Policy has been a process that has occurred over a number of years. It was first identified through interviews with members of New Westminster's arts community in preparation for drafting the City's 2008 Arts Strategy. In 2010, the Arts Commission appointed a Public Art Sub-Committee to explore the development of a public art "road map" to achieve the objectives of the Arts Strategy. The recommendations of the Public Art Sub-Committee resulted in the development of Terms of Reference for a Public Art Advisory Committee. In 2011, City Council appointed the City's first Public Art Advisory Committee. See **Appendix A**.

The Public Art Advisory Committee has drafted the City's first Public Art Policy. New Westminster has the benefit of being able to reference the existing and well-developed Public Art Policies in neighboring municipalities to guide its direction in developing "best practices" for Public Art. Additionally, the **Public Art Toolkit**² published in 2010 by the Creative City Network of Canada (a national professional arts network that connects municipal cultural staff across Canada), has become an invaluable planning tool for municipalities that are engaged or are interested in engaging in the delivery of Public Art. Further resources exist through the BC Public Art Network (BCPAN).

² Brown, Lorna; Cole, Barbara, Henry, Karen: co-authors; *Public Art Toolkit*. Creative City Network of Canada, 2010.
Doc # 273020

CITY OF NEW WESTMINSTER PUBLIC ART POLICY

SECTION 1: POLICY STATEMENT

1.0 POLICY STATEMENT

The City of New Westminster supports the installation of permanent and temporary art in public places that celebrates and honours our culture, history, people, events and locations while enhancing our social and economic vibrancy. Public art affects many aspects of community living. Public art enriches daily life through visual experiences and attracts people to places where public art is installed.

SECTION 2: ADMINISTRATION

2.0 PRINCIPLES

Public art is significant to the City of New Westminster because it:

- enriches public spaces for the enjoyment of all;
- supports Arts and Culture as the “fourth pillar” of sustainability in the city’s Strategic Plan;
- serves the city as a whole;
- engages the community and visitors;
- can yield proven economic benefits;
- demonstrates excellence in a wide range of artistic expression;
- is integrated conceptually and physically into the local context;
- local artists can be involved;
- is relevant to New Westminster and its citizens;
- is accessible to daily living, work, and play;
- commemorates events of local, provincial and national significance;
- is a key part of major capital investment projects in New Westminster;
- is presented in a manner that responds to the unique requirements for care, conservation and safety, and;
- is preserved for the enjoyment of future generations through management policies and guidelines.

2.1 PUBLIC ART – PURPOSE, DEFINITIONS AND EXCLUSIONS

2.1.1 Purpose of Public Art

Public art is intended to contribute positively to the City of New Westminster’s urban space by providing landmarks, defining meeting places, injecting humour and whimsy, speaking to history and reminding us of our accomplishments. Public art speaks not only of our past, but projects our vision for the future. It is hoped that works of public art on municipally-owned public space will be viewed by citizens and visitors with a keen sense of pleasure, wonder or curiosity and lend a feeling of satisfaction that these works are “ours”, that they help to define “us” and that they belong to this community.

2.1.2 Definition of Public Art on Municipally-Owned Public Spaces

The Public Art Policy considers “Public Art” to be art that is displayed on municipally-owned public space.

Municipally-owned public space is considered to be areas frequented by the general public that are owned, maintained, operated or occupied by the City of New Westminster. Municipally-owned public space includes, but is not limited to, parks, road allowances, tunnels, boulevards, streets, courtyards, squares and bridges, as well as building exteriors, foyers, concourses and significant interior public areas of municipal buildings. Public art may include, but is not limited to:

1. sculpture;
2. murals and mosaics;
3. digitally-created projections;
4. memorials, monuments or artifacts such as the Cenotaph, cannons, etc.;
5. fountains or water features that contribute aesthetically to their surroundings (i.e. not spray parks);
6. hard and soft landscaping components; which are not a mere extension of the landscape architecture;
7. special engineering or architectural features of existing capital projects that contribute aesthetically to their surroundings; and,
8. community-created public art related to neighborhood beautification.

Public art may be integrated into the design of the site, buildings and landscapes in publicly accessible and visible areas of a site. These areas can include the walls, floors and ceilings or other publicly accessible open space such as plazas, forecourts, courtyards, colonnades or setbacks. However, public art does not extend to architectural features that are part of the comprehensive normal design of a building. When integrated, public art must retain an interpretative aspect, as determined by the commissioned artist, and not be a mere extension of the design of the architecture, landscape architecture, interior design, etc. of the new development.

2.1.3 Public Art Exclusions

Examples of public art that are excluded under the scope of this policy are:

1. Directional elements such as super graphics, signage or colour coding, except where these elements are integral parts of the original work of art or public art project;
2. Art objects which are mass-produced of standard design such as playground equipment, or statuary objects;
3. Landscape architecture, landscape gardening or earthen works except where these elements are an integral part of the original work of art, or are the result of collaboration among design professionals including at least one artist;
4. Easily-moveable art works such as paintings, drawings, models and books.

2.1.4 Definition of Public Art

“Public Art” is defined as unique art (utilizing any medium or combination of media) that is predominately designed and made by a professional artist or group of professional artists, is of significant quality as determined by demonstrated skill and innovative concept, is site specific, follows standards in accordance with internationally accepted best practices. Public art encompasses art on city property as well as publicly accessible land and buildings that involve an agreement between the city and property owner. The term is especially significant within the art world, amongst curators, commissioning bodies and practitioners of public art, to whom it signifies a particular working practice and often with implications of community input and collaboration. Public art may involve the community in various stages of consultation. **“Professional Public Art”** and **“Community Art”** both constitute Public Art.

2.1.5 Definition of Professional Artist

The Canada Council for the Arts defines a **“professional artist”** as someone who has specialized training in the field (not necessarily academic), is recognized by his or her peers, and has a history of public presentation. They may be emerging artists who have completed education or training and created a modest independent body of work, or more established artists with a record of achievement.

2.1.6 Definition of Community Art

“Community Art” is defined as a project which is predominantly developed, designed and/or created by members of a community, with or without the guidance of or facilitation by a professional or trained artist or community arts worker. Examples of **“community”** include schools, community centres, cultural groups, neighborhood associations, and business improvement associations. A professional or trained artist or community arts worker typically facilitates community arts projects.

2.2 PURPOSE OF THE PUBLIC ART POLICY

The primary purpose of this Policy is to provide a mechanism through which the City of New Westminster acquires significant pieces of public art for municipally-owned public space through their purchase, commission or donation. The City may authorize public art that it does not own to be placed on municipally-owned public space through an agreement between the City of New Westminster and the owner of the public art.

2.2.1 Permanent and Temporary Types of Public Art

This Policy is applicable to both permanent and temporary installations of public art. Permanent works of art include fixed works which, due to their weight and size, become an integral component of any municipally-owned public space, in terms of structure, design context, or neighborhood. Temporary works of public art include works created for a specific event or place for a specific occasion and timeframe. The City has the authority to determine the length of time a work of art will be displayed on municipally-owned public space.

2.2.2 Placement of Outdoor Art on Privately-Owned Spaces

Though not addressed specifically in this Policy, the City of New Westminster believes in encouraging the inclusion of outdoor art in privately-owned spaces across the city. It is recognized that this art has significant appeal and can contribute to the identity and character of our community. As part of the development approval process, these works of art would be vetted through the Public Art Advisory Committee. One example of such artworks would be outdoor wall murals.

2.3 APPLICATION AND MANAGEMENT PROCESS

2.3.1 Administering Public Art

The Public Art Policy will be administered by the Cultural Services function of the Parks, Culture and Recreation department. The Cultural Services function will work collaboratively with the City's appointed Public Art Advisory Committee to advise and make recommendations to Council for the prioritization of public art projects and the selection of qualified artists. Council will be responsible for the prioritization of public art projects under the guidance and recommendations of the Public Art Advisory Committee on an annual basis at minimum.

The Cultural Services function may also delegate responsibility for site selection, implementation, maintenance and conservation/restoration of public art to other City departments or knowledgeable community arts organizations, depending on the scope and scale of individual projects.

2.3.2 Acquiring Public Art

Public art, collected for municipally-owned public space, may be acquired through:

- purchase, commission or donation; or,
- creation of community art projects.

Purchase, Commission or Donation of Public Art

All works of public art that are to be purchased, commissioned or donated by the City of New Westminster will be subject to the terms and conditions of the Public Art Policy. Purchased art is existing artwork that is bought by the City from an artist, agent, or gallery or through another direct method. Commissioned art is a work of art created by a selected artist for a specific site. Donated art is existing artwork given to the City in the form of a bequest, a gift or a sponsored acquisition.

When public art is acquired through donation, in accordance with the criteria established in the Income Tax Act (Canada), the City of New Westminster may issue a tax receipt to the donor. Independent appraisal costs will be the responsibility of the donor. The Donation Guidelines, as outlined in the Public Art Policy, in conjunction with other similar policies – such as the New Westminster Museum & Archives Donation Policy – will be used to guide the City to determine which donations, gifts or bequests of works of art will be accepted.

Donation of Funding to Acquire and/or Maintain Public Art

The City will develop a protocol for the private sector, which will stimulate the creation of public art through bonusing and other mechanisms to contribute financially to the Public Art Program.

Donated art will also include a funding donation for the maintenance and conservation/restoration of the work being donated, the amount of which will be negotiated as part of an acceptance agreement.

Should a donation of funding from the public or private sector be received for the City of New Westminster's Public Art Program, this funding would be treated similarly to the annual contribution allocated by Council outlined in Section 3.1 and 3.2 of this Policy. Donations must be free and clear of conditions and restrictions imposed by the donors regarding the City's use of these funds for the City of New Westminster's Public Art Program.

Creation of Community Art Projects

The Cultural Services function will also receive applications for community art projects which may include requests for funding according to the procedures set out by the Public Art Advisory Committee for such projects. The goal of these community art projects is to create artwork that is accessible to a large public, not simply because it has been placed in a public space, or because of its content, but through the engagement of community members in defining and shaping their environment. It may or may not include the use of professional practicing artists. Community murals are examples of community art projects.

2.3.3 Site Selection

The Cultural Services function, through the direction of the Public Art Advisory Committee, and in conjunction with appropriately-related City departments (including Development Services, Engineering, and Parks, Culture & Recreation) will coordinate the site selection of appropriate locations for the installation of public art on municipally-owned public space. This will include creating a visionary long-range plan for the strategic placement of public art in New Westminster.

For locating a specific piece of public art, a qualified art conservator or urban design professional may be consulted. The City's Engineering department will be consulted by the City when a work of public art is to be on a road allowance.

2.3.4 Selection Process

Applications for proposed public art projects will be received by the Public Art Advisory Committee, in conjunction with the City's Purchasing department (for commissions over \$10,000). For City of New Westminster capital projects over the value of \$500,000, investment in public art should be considered as part of that project. It is recognized that there should be some flexibility for City departments, in consultation with the Public Art Advisory Committee, to determine if a piece of public art is appropriate for a particular capital project.

The Public Art Advisory Committee will be responsible for establishing an appropriate level of public engagement, through project juries and/or community forums, before the final selection of the public art, to receive feedback from the community with regard to the public art being proposed. The intent of this engagement process is to create the opportunity for accessible public dialogue and education about public art, as not all citizens will have the same opinion about art.

The Public Art Program is primarily focused on the installation of significant public art pieces in our community. The Public Art Advisory Committee (PAAC) will:

1. Review applications for significant pieces of public art and prioritize the sequence of projects based on available funding. The (PAAC) will recommend their prioritization of public art projects to Council for approval. The PAAC will also be responsible for the selection of qualified artists to create public art, if not identified in the original application.
2. The PAAC will also receive applications for smaller community art projects for more than \$10,000 in funding, according to the guidelines which would be developed by the PAAC and endorsed by Council, and set out under a community-initiated art granting process.

2.3.5 Implementation of Public Art

The Cultural Services function will oversee the implementation of public art on municipally-owned public space. Implementation will include overseeing processes, contract negotiations, site planning and individual Public Art Project Plan preparation, installation, insurance for installation, long-term insurance, and maintenance of acquired public art on municipally-owned public space.

The City of New Westminster will respect the right of authorship and the integrity of the public art. Not all art placed on City property will become the property of the City of New Westminster. When art is not owned by the City, the City Solicitor or Purchasing department will determine the type of agreement required between the owner and the City prior to installation of the artwork on municipally-owned public space.

2.3.6 Maintenance and Conservation/Restoration³

The Cultural Services function in conjunction with the Engineering Operations department, will oversee the maintenance, conservation/restoration of public art under guidelines and principles developed by the PAAC. Maintenance and conservation/restoration requirements will be included within the Public

Art Project Plan for each piece of public art and captured within the City of New Westminster's Public Art Conservation Plan and Master Inventory of Public Art.

The Cultural Services function may delegate the responsibility for the creation of the City's overall Public Art Conservation to a knowledgeable third-party contractor. This contractor will consult with Engineering Operations department to determine maintenance and conservation/restoration requirements and actions for public art on an ongoing basis.

2.3.7 De-Accessioning

The Public Art Advisory Committee will consider candidates for the de-accessioning of permanent and temporary public art and report its findings and make recommendations to City Council for the method of de-accessioning, based on the City's standard accession/de-accessioning policies. The de-accessioned art may be moved, sold, donated, returned to the artist or destroyed, with any monies received through the sale of art being placed in the Public Art Reserve Fund.

SECTION 3: FUNDING

This section of the Public Art Policy is intended to provide direction related to the funding of public art in municipally-owned public space.

3.0 MUNICIPAL BUDGET FUNDING

City Council, through its annual operating budget, will provide an amount equal to \$2.00 (two dollars) per citizen in addition to 1% (one percent) of all City development capital projects, as listed below, and as detailed under 3.3 for the commissioning of Public Art projects.

These applicable capital projects include:

- publicly accessible above ground buildings including all major municipal buildings, renovations, additions or expansions;
- parks;
- industrial parks and new city-developed subdivisions; and,
- new or major upgrades to sidewalks, roads and bridges.

This funding will be guaranteed annually to ensure the City's ongoing capacity to meet the intent of the Public Art Policy. This will be reviewed by the Public Art Advisory Committee every three years, as part

³ Definition: Conservation is distinct from maintenance as it refers to the concept of care of the collection, encompassing examination of the condition of the art, preservation of the art to avoid deterioration or damage, and restoration.

of a review of the Public Art Program, to ensure its ongoing capacity to fulfill the intent of the Public Art Policy.

Principles that are used as the basis for selecting the eligible capital works are:

1. Eligible projects for defining budget should be theoretically eligible funding enhancements;
2. Eligible projects should be projects that provide good public exposure. Such projects would be new works or major upgrades;
3. Industrial parks and new city-developed subdivisions see significant public traffic and should be candidates for public art; therefore, they should be included in the eligible list;
4. Property purchases for locations of future public exposure are simply advance projects costs for otherwise logical, eligible projects; therefore, those budgets set up simply for property purchase should be candidates for the eligible list;
5. Straightforward repairs should not be candidates for eligible capital works, however additions, renovations and expansions to city buildings would be included where appropriate.

Any operating funding required for the ongoing operation of specific pieces of public art must be approved by Council on a case by case basis through the City's annual operating budget approval process.

3.1 PUBLIC ART RESERVE FUND

Public art funding will be annually allocated by Council to a Public Reserve Fund for the purchase, commission and donation of public art. The Public Art Reserve Fund will ensure that a diversity of public art opportunities occur in communities throughout New Westminster that are accessible to citizens and visitors.

The Public Art Reserve Fund may also accept donations of funding from the public or private sector toward the City's Public Art Program, noting that this funding will be treated similarly to the annual contribution allocated by Council. Donations must be free and clear of conditions and restrictions imposed by the donors regarding the City's use of these funds for the City of New Westminster's Public Art Program. Unspent funds in any given year will be rolled over into subsequent years, allowing the Public Art Reserve Fund to grow in order to ensure sufficient funds for commissions, as well as minor or major restorative maintenance in the future. No unspent monies in the fund will be returned to general operating revenues.

3.2 PUBLIC ART MAINTENANCE

In addition there will be an annual drawdown of 10% from the public art funding annually allocated by Council to the Public Art Reserve Fund for the maintenance of public artworks, noting that from time to time, the Public Art Advisory Committee may recommend that this drawdown percentage be increased to meet specific public art maintenance requirements.

The use of this fund will be administered by the Cultural Services, in conjunction with the Engineering Operations department, to ensure specific maintenance requirements for individual pieces of public art are met. Incidental maintenance that is part of the expected City of New Westminster's operating budgets, including graffiti and site clean-up, will not be funded from this reserve fund.

Donated art will also include a funding donation for the maintenance and conservation/ restoration of the work being donated, the amount of which will be negotiated as part of an acceptance agreement.

Where funds are donated from the public or private sector for the City's Public Art Program, this donation will also include a funding donation for maintenance and conservation/ restoration, the amount of which will be negotiated as part of an acceptance agreement.

3.3 PERCENTAGE FOR PUBLIC ART PROGRAM

The objective of the "percentage for public art" will be calculated at 1% of the applicable capital projects costs (as defined under 3.0) for the City of New Westminster applicable capital budget projects over \$1 million recognizing that certain funding restrictions may limit overall available funds. Eligible capital projects include all upgrade and growth budget items over \$1 million. Projects in the \$500,000 to \$1 million range would include a 0.5% for public art. Ineligible costs include land purchase, moveable equipment, maintenance and service budgets.

When planning an upgrade or growth capital project that exceeds \$1 million, City departments will identify 1% for public art allocation. The public art allocation will reside with the initiating department as part of the overall capital project for development of public art on the capital project site. An example of this would be the commissioning and allocation of mosaic art tiles for the East Columbia Street redevelopment project. The project funding for this public art project resided with the City's Engineering department.

3.4 DENSITY BONUSING

Density is the amount of floor space, or the number of units a developer is allowed to build in a project. The amount of floor space permitted for a project is described as FSR, or Floor Space Ratio calculated as:

$$\text{FSR} = \text{Total floor area} / \text{Total site area}$$

The Local Government Act allows municipalities in BC to permit density bonuses in their zoning in exchange for the provision of amenities or affordable housing. This means that in exchange for providing affordable housing or amenities, a developer can build more floors pace or more units.

Developers who want to build projects that take advantage of the density bonusing system will make a cash contribution to the City. These cash contributions will be used to acquire community amenities, including Public Art. New Westminster City Council has committed to allocate density bonusing revenues in the following way:

- 30% towards affordable housing
- 10% towards child care
- 10% towards public art (*as of November 5, 2012*)
- 50% towards general amenities (e.g., civic facilities, park space, etc.)

Further details regarding the Density Bonusing program are available through the City's Development Services department.

3.5 VOLUNTARY AMENITY CONTRIBUTIONS

New Westminster accepts voluntary amenity contributions as part of development proposals requesting an increase in development rights (e.g. additional density, land use changes, variances resulting in a substantial increase in floor space that cannot be achieved under existing zoning). The amenity contributions are intended to help fund the capital investments required to accommodate a growing population and economy.

This approach is based on financial analysis to determine whether the change in zoning increases the value of the subject site and, if so, what portion of this increase in land value should be available to fund community amenities. The City began using this approach in May 2005 and has secured significant contributions toward parks, transportation, and public art, and other amenities and community benefits. This tool requires site-by-site negotiations with developers, an approach that is well suited to large, complex projects but is cumbersome for small projects and is not applicable at all to projects that do not require rezoning.

Some applicants requesting zoning amendments or development variance permits in New Westminster offer to make an amenity contribution as part of their development proposal. Applicants usually seek the advice of City staff on what may be considered an appropriate type and value of amenity contribution. Given the size and variety of projects that can fall into these categories, the value and composition of the amenity package will vary considerably.

The City does not have a formal policy regarding these contributions. However, staff follow a standard procedure to increase accuracy and procedural consistency for the benefit of the City and the applicant. These guidelines are useful to those applying for all Zoning Bylaw amendments, and development variance permits that if approved, enable the applicant to achieve additional floor space or more units per acre than are permitted under existing zoning.

Principles for Determining Appropriate Amenities

Staff use to the following guidelines when identifying amenity options for each project:

1. Amenities should be consistent with the City of New Westminster Strategic Plan (*September 14, 2010*).
2. Development gifts must be used solely for the public benefit.
3. Amenities provided through developer contributions should be clearly related to either:
 - Mitigating community impacts caused by the donor development, or;
 - Addressing the demands of additional growth.
4. Amenities must be operationally viable, be within the City's service standards and have an identified source of operating funding.
5. Voluntary amenity contributions cannot be used to obtain housing, amenities or infrastructure that would otherwise be provided by:
 - the private market
 - the collection of development cost charges
 - municipal or senior government investments and maintenance.
6. As much as is operationally possible, neighborhood amenities (e.g. park improvements, public art) obtained will benefit the community in which the development is located in order to

maintain and improve existing community livability and quality of life in neighborhoods that are accepting of growth.

7. Amenities that do not benefit only immediate areas (e.g. nonmarket housing units, conservation of heritage buildings, facilities) will be located based on good planning principles.
8. Amenities should be owned by a public body, or be secured for public benefit by way of a covenant or housing agreement in perpetuity or, at a very minimum, for the life of the structure.
9. Amenities will be subject to quality standards to ensure they are desirable, accessible, and well-used by the public.

3.6 PRIVATE DEVELOPMENT PUBLIC ART PROGRAM

A. PURPOSE

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

- Ensure that the City of New Westminster's Public Art program objectives, as outlined in the 2008 Arts Strategy, and principles are advanced by private development contributing to the Public Art program;
- Ensure that artwork and the creative concepts of artists are supported through the program;
- To establish a sustainable funding mechanism to support the City's commitment to public art;
- 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:

- Contributing to the City's character and is demonstrating the significance of art in community life;
- Reflective of a wide range of professional artistic expression and practice, demonstrating excellence, quality and innovation;
- A catalyst for creativity in New Westminster's diverse and growing community by providing opportunities for community engagement, development and partnerships;
- Integrated into the planning, design and execution of applicable civic development.

C. FUNDING

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. Contributions to the City's Public Art Reserve Fund will be based on the development's public art budget, as determined by staff in discussion with the applicant.

The public art contribution percentage for eligible private development projects will be 1% (one percent) of the estimated total project development 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.

Applicants for eligible developments will be responsible for contributing:

1. For public art project budgets that are less than \$100,000, a cash in lieu contribution to the City's Public Art Reserve of 75% of the project public art budget; or
2. 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 the City'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

Applicants will be notified of the public art program contribution details at the earliest possible time in the development application review process, in coordination with the assigned Planner in the city's Development Services department.

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

Residential & Non-Residential Uses

The private development public art program will be applicable to the following types of development (except as exempted, see below):

1. Multi-family residential uses containing 10 or more units; and
2. Non-residential uses with a total floor area of 1,000 m² (10,764.25ft²) or greater.

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;
2. Purpose-built rental, social and/or subsidized affordable housing projects and/or units;
3. Public, storage, and utility areas.

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 New Westminster's Public Art Policy 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:

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

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

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.

Artist as Jury or Selection Panel Member: The artist as jury or selection panel member must have an art education or apprenticing background in art making, through which 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.

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.

H. PUBLIC ART PLAN AND DESIGN

The Developer or their designate (public art consultant) will meet with City staff to review the 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:

1. 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;
2. 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;

3. 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.

I. CITY OF NEW WESTMINSTER PUBLIC ART ADVISORY COMMITTEE

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. The Committee may assign a subcommittee (usually three members) to each project, to enable quick and focused response to the Plan, if required. The Committee's final recommendation will be presented for Council's consideration, as required.

J. MAINTENANCE

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. 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 Public Art Advisory Committee in a manner consistent with decommissioning procedures established from time to time by the City.

K. 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;
- A CD-ROM or USB stick containing six high-resolution images 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, etc.);
- A copy of the artist's maintenance plan.

3.7 DONATIONS AND OTHER FUNDING SOURCES

Potential private sector donations may be categorized as follows:

- Donations of works of art
- Donation to Public Art Reserve Fund
- Donation to a specific project
- Community-based fundraising

Government and Foundation grants

Formal grant programs that provide assistance for art acquisition are rare and, in general, the City of New Westminster's Public Art Program would not be eligible for these programs. However, if the program is managed by an arm's length non-profit organization such as the Arts Council of New Westminster or New West Artists, then more possibilities are available, particularly through action as a catalyst or facilitator for artist/community interaction.

Similarly, public and private foundations generally do not support art acquisition. However, a proactive stance by a non-profit organization could discover potential sources of support, particularly for projects that address broader social agendas.

Section 4: APPENDICES

4.0 APPENDIX A – Public Art Advisory Committee Terms of Reference

Title

1. The Public Art Advisory Committee shall be an ongoing advisory committee of Council and shall be known as the “**Public Art Advisory Committee**” (hereafter referred to as the “PAAC”).

Definitions

2. “**Public art**” shall include but not be limited to any and all art forms, whether temporary, freestanding, incorporated with other forms of development, or otherwise, which the PAAC in its collective judgment determines to be public art.

Purpose

3. The PAAC shall be a voluntary city-wide advisory group that provides expert community input on the City of New Westminster’s public art policies, projects and procedures. The PAAC shall review all public art projects, inventory management, conservation, maintenance, de-accessioning, and repair or alteration of the public art in the City. The PAAC will provide input from the earliest stages of public art projects proposed for the City on both its owned lands and those of development projects that have entered into public art agreements including potential donations to the City. The policies, procedures and funding strategy shall be collectively referred to as the Public Art Master Plan.

The PAAC will develop the Terms of Reference for art selection and commissioning. PAAC members play an integral leading role on any selection committees, ad hoc project groups or juries for all public art projects, proposals or commissions.

Mandate

4. As an advisory body to Council, the mandate of the PAAC is to:

- a) encourage the development of Public Art in the City of New Westminster;
- b) develop the Public Art Master Plan for consideration by City Council and monitor the activities of the City in the implementation of the Public Art Master Plan;
- c) support the Public Art Master Plan by providing expert input on the City of New Westminster’s public art policies and procedures, projects, and funding strategies, giving guidance and advice to City departments, agencies, sponsors, boards and commissions from the earliest stages of public art projects proposed for City-owned lands and potential art donations to the City;
- d) promote awareness and understanding of the importance of public art, soliciting input from the Arts community where appropriate;

- e) provide advice to City staff on the management, ongoing maintenance and promotion of the City of New Westminster's public art collection;
- f) act as a resource to City Council and to its boards, agencies, commissions or staff, and to developers and citizens; and strive to provide reasonable and objective advice and guidance on any matter where public art is involved;
- g) work within the goals and recommendations of the Public Art Master Plan – which includes policies, procedures and ideas respecting gifts of public art, the conduct of public art competitions, the de-accessioning of public art, public arts events and festivals and other applicable policies as City Council may from time to time adopt;
- h) draft the terms of reference for each Public Art selection jury and be responsible for the appointment of jury members.
- i) increase awareness and appreciation of the economic and social benefits of murals in the community, and to establish and recommend technical and artistic guidelines for murals.
- j) strive for artistic excellence/creativity in public art and in the process to obtain and manage public art.

Membership

5. It is important to have PAAC members with experience, expertise and commitment in and to public art. The PAAC should have at its core artists and arts professionals who are well informed about contemporary and public art practice. The PAAC shall be made up of 13 people appointed by City Council as follows:

(a) Voting members shall consist of:

- Council Representative (1)
- artists of recognized standing in the New Westminster arts community (2)
- other arts professionals – artists, designers, gallery directors, curators, historians, educators, conservators, etc. who have a thorough knowledge of public art, and who are of recognized standing in the arts community (3)
- urban designers – architects, landscape architects, engineers or others (2)
- developer recognized by the community (1)
- members of the community at large (3)
- one member of the Arts Commission (1)

All voting members shall serve without remuneration.

(b) Non-voting City staff liaisons to the Commission shall consist of:

- the City's Manager of Arts & Cultural Development
- a Recording Secretary

Terms of Appointment

6. (a) Voting members shall be appointed by Council for a two year term, commencing on the first day of February after the appointment;

(b) Voting members of the PAAC may not serve more than three (3) consecutive terms however, after at least one year out of office that member may be re-appointed;

(c) In the event of a vacancy, Council may appoint a person to fill the vacancy for the remainder of the term.

Selection of the Chair

7. (a) At the first meeting of the year, the PAAC; shall elect one of its members to serve as Chair;

(b) At the first meeting of the year, the PAAC shall elect one of its members to serve as Acting Chair in the absence of the Chairperson.

Meeting Procedure

8. (a) The PAAC shall meet at the call of the Chair;

(b) Members of the public are permitted to make a presentation or submission at a PAAC meeting with permission from the Chair. The PAAC may request persons with a particular expertise to make presentations before the PAAC on matters relating to public art;

(c) The duties of the Chair shall be to call and preside at meetings of the PAAC in accordance with the Terms of Reference of the PAAC and such other duties as the PAAC may prescribe;

(d) It shall be the duty of the Chair to ensure new members are conversant with the terms of reference and the guidelines set out thereof,

(e) A quorum for the meeting shall be half the number of voting members plus one. If a quorum is not present within 30 minutes following the time at which the meeting was to commence, the Recording Secretary shall record the names of members present at the meeting and the meeting shall adjourn;

(f) All PAAC decisions must be made by resolution. Unless specifically provided for in these Terms of Reference, a resolution is adopted if a majority of the members present at the meeting vote in the affirmative;

(g) Unless specifically provided in this Terms of Reference, the PAAC shall be governed by the meeting procedures as set out in the City Council's Procedure Bylaw and its Rules of Order.

Attendance

9. (a) Members shall advise the Recording Secretary of their intent to attend or to be absent from meetings;

(b) Any member who is absent from three (3) consecutive meetings of the PAAC, or in excess of one-third of all meetings over any six (6) month period without leave of absence from the PAAC, or a reason satisfactory to the PAAC shall by resolution be recommended to Council for removal from the PAAC.

Adopted: Regular Meeting of Council, February 14, 2011

Amended: Regular Meeting of Council, April 2, 2012