

# Surrey's Private Development Public Art Policy & Program

UPDATED JANUARY 1, 2018

## Purpose

Private Development Public Art is intended to:

- ensure the City of Surrey's Public Art objectives and principles are advanced;
- ensure artwork and the creative concepts of artists are supported;
- 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 including the selection and siting of public art in private developments that are undergoing a rezoning development permit, subdivision, or building permit application review process.

## Vision & Benefits

Public art is highly visible and accessible original art that enriches the urban environment of the City and contributes to the quality of life of its citizens. It serves the goals of sustainability, community connection, and resiliency. Public art evokes meaning and reflects, engages, and challenges the image of its society in memorable, pertinent, and contemporary forms.

### Public Art works to:

- enhance civic beautification and pride;
- promote historical events and people of significance to Surrey;
- complement and promote the character of Surrey's diverse Town Centres;
- increase public awareness, understanding, and enjoyment of the arts in everyday life;
- encourage public participation and dialogue about art;
- promote cultural tourism;
- create welcoming environments;
- develop cultural industries; and
- promote creative expression, diversity, and cross-cultural sharing.

### The Private Development Public Art Program ensures 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 practise, demonstrating excellence, quality, and innovation;
- a catalyst for creativity in Surrey's diverse community by providing opportunities for community engagement, development, and partnerships; and is
- integrated into the planning, design, and execution of applicable developments.

## Applicable Developments

### Residential & Non-Residential Uses:

The Private Development Public Art Program will be applicable to the following types of development (except for the exemptions described below) when rezoning is required:

- multi-family residential uses containing 10 or more units; and
- non-residential uses with a total floor area of 1,000 m<sup>2</sup> (10,764.25ft<sup>2</sup>) or greater.

Contributions will be required for new floor space construction only and not for renovations or tenant improvements with no increase in floor area.

### Exempted Developments:

The private development public art program is not applicable to the following types of developments:

- care facility, congregate care facility, childcare facility, hospital, health care uses and schools as generally defined under the Zoning Bylaw No. 12,000;
- purpose-built rental, social, and/or subsidized affordable housing projects and/or units;
- public storage and utility areas, except where they are a primary use.

### Ineligible Costs in relation to the use of Private Development Public Art funds:

- maintenance costs for artwork(s) situated on private property;
- artwork not provided in accordance with the City of Surrey Public Art Program Policy and Implementation Guidelines; and
- costs not directly related to selecting, designing, fabricating, or installing artwork(s).



**Water Guardians** by Susan Point was funded by matching civic and private development public art contributions. It is installed in Hazelgrove Park in Clayton.

## Effective Dates

The City adopted a public art policy in 1998. The Public Art Policy for Private Development Public Art was then adopted on March 15, 2011.

The Private Development Public Art Policy applies to rezoning applications seeking to accommodate higher density multiple residential, commercial, or industrial development. The Policy was updated in regards to Private Development effective January 1, 2018. Development projects received by City Planning prior to 2018 will be subject to the previous policy rates of contribution.

## Funding

It is intended that development applicants discuss their public art 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 of Surrey Public Art Reserve 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 is 0.5% (one half 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.

When the private development construction budget generates a public art project budget less than \$200,000, a cash in lieu contribution to Surrey's Public Art Reserve will equal the full amount of the public art budget; or

For eligible development projects where the public art contribution is calculated to be over \$200,000, the applicant will have the option to either:

- provide a cash in lieu contribution to Surrey's Public Art Reserve of the full amount of the public art budget; or
- install public art on or in the vicinity of the project site with a value no less than the project public art budget.

Note: The City will endeavour to invest cash contributions from Private Development in new public art commissions enhancing the Town Centre where the development occurs.



**Gnomens** by i.e. creative was funded by private development public art contributions and civic public art funding. It is installed in Fleetwood Park Gardens.

## 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.

### Securing and Collecting the Public Art Contribution:

The public art contribution will be secured at the rezoning stage, through a Restrictive Covenant, when the proposed use for the site is multiple residential with more than 10 dwelling units or commercial development with a potential total floor area of 1,000 m<sup>2</sup> (10,765 sq.ft.) or more or industrial development with a potential total floor area of 1,000 m<sup>2</sup> (10,765 sq.ft.) or more.

The collection of the public art contribution should coincide with other payments at the building permit stage. Therefore, registration of the Section 219 “no build” Restrictive Covenant will be required at the rezoning stage to facilitate the public art contribution being satisfied prior to the building permit being issued. The Restrictive Covenant, which runs with the land, will ensure any new owners of the land are aware of this requirement, should the land be sold after rezoning and prior to the submission of a building permit.

The collection of public art contributions will follow the same procedures as development cost charges for multiple residential, industrial, and commercial developments. The Restrictive Covenant will incorporate the following implementation rules:

- contribution requirements will be in accordance with the Public Art Policy;
- contributions will apply incrementally for a multi-building site in accordance with the respective building permit;
- contributions will be required for additional floor area being proposed and not for renovations/tenant improvements with no increase in floor area; and
- a 15-year sunset clause will apply after which time the public art contribution will not be applicable to future development on the respective site.

## 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; and
- places of special heritage or community significance.

Given these criteria, indoor areas are usually deemed unsuitable.

The designation of public art siting location(s) should be indicated on the appropriate document (e.g. development permit and building permit drawings).



*Supernatural Eye* by Robert Davidson was created through the Private Development Public Art Program by Polygon Homes. It is located in the Harvard Gardens Development in South Surrey.

## Key Terms

### Artwork:

Artist creations or collaborations in any medium. For example: sculpture, ceramic, glass, film, video, fabric, 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 is in response to physical and/or social, historical, and conceptual issues.

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

### Art Consultant:

An advisor to the developer on art siting, selection, and artist-related issues. Consultants should have a broad knowledge of current artmaking practices and of artists able to work in public and development contexts. Note: some developers may have expertise in planning public art and therefore are not required to work with an art consultant for their public art plan.

### Public Art Reserve:

The City fund that reserves financial contributions from public and private sources for Public Art Program purposes.

## Public Art Plan and Design

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:

1. Preliminary Public Art Plan Proposal consists of a two to three page proposal identifying estimated budget, public art opportunities, timeline 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; project schedule, construction, installation, and documentation; public participation proposed; progress reports; anticipated needs for property dedication or encroachment; and proposed maintenance plan.
3. The Detailed Public Art Plan is reviewed by the City of Surrey – Public Art Advisory Committee and approved prior to issuance of the Development Permit Application or initiation of the public art project.

## Public Art Advisory Committee

The City's Public Art Advisory Committee will review the Public Art Plan for:

- proposed method of artist participation;
- terms of reference for artist;
- site selection process;
- budget allocations within the project; and
- public consultation or participation process.

The Committee's final recommendation will be forwarded to Council with the regular minutes of the Public Art Advisory Committee.

## Maintenance

Artwork created on private property 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 Committee in a manner consistent with decommissioning procedures established from time to time by the Public Art Advisory Committee.

Artwork created with funds from the public art reserve will be located on public land and maintained by the City in accordance with the City's Public Art Program.



*Nautilus* by Doug Taylor was created through the Private Development Public Art Program by Rize Alliance Properties Ltd. It is located by the Wave Development in City Centre.

## Public Art Documentation

A project is deemed completed when a Final Report is submitted to and accepted by City staff.

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

- biographical details of the artist(s);
- an artist statement and specifications of the artwork;
- six good quality high resolution detailed 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, book works, etc); and
- a copy of the artist's maintenance plan.

This information will be used by the City to publicize the artworks alongside those created by the City on public art maps and databases.