

Private Sector Public Art Guidelines

Revised February 22, 2024

Note: This document applies to Rezoning Applications that had not reached Second Reading on or before October 6th, 2023.

The purpose of this document is to provide guidelines to private sector developers who are contributing to public art within the City of Burnaby. The process is guided by the [City of Burnaby Public Art Policy \(2023\)](#) and aligned to the accompanying *Public Art Program and Procedures* document.

Questions regarding Burnaby's Public Art Program can be directed to City of Burnaby, Culture Division, Public Art: Allison Collins, Public Art Coordinator, allison.collins@burnaby.ca, and to the Planner assigned to the development project.

Public art through private development:

- contributes to the City's character and demonstrates the significance of art in community life;
- reflects a wide range of professional artistic expression and practice, demonstrating excellence, quality and innovation;
- acts as a catalyst for creativity in Burnaby's diverse communities by providing opportunities for engagement, development and partnerships; and
- integrates art into city planning, design and execution of applicable areas of development.

Prior to the advancement of a rezoning to Second Reading, applicants will discuss Public Art Program objectives and requirements with the appropriate staff in both Planning and Public Art to establish a preferred strategy for the delivery of the requirement. The provision of public art is a prerequisite of the rezoning, and a condition of the subdivision/servicing, with details outlined in the Tentative Approval letter.

As stated in Section 6.2 of the [City of Burnaby Public Art Policy](#) (October 16, 2023), applicable developments include private sector development within Burnaby's designated Town Centres (Brentwood, Lougheed, Metrotown, and Edmonds) and Urban Villages. The following criteria determine the applicability:

- multi-family, commercial and mixed-use residential developments comprising 50 or more residential units; and
- commercial and mixed-use development with a total floor area equal to or exceeding 1,000 sq. m (10,765 sq. ft.).

For eligible private sector development projects, a contribution of 1% of the estimated total hard project construction costs related to the market component of the project is required. This contribution excludes any non-market housing components, as well as the value of the land, offsite servicing, permit fees and

consultant costs associated with the project. Public art contributions will only be required for new floor space construction, and not for renovations or tenant improvements that do not result in an increase in floor area.

Two options are available to developers undertaking public art:

Option 1 Public Art on Site	Option 2 Cash-in-lieu Contribution to Public Art in the City of Burnaby
<p>Steps for Public Art on Site:</p> <p>Step 1 – Engage a public art consultant Step 2 – Artwork Site Considerations and Opportunities Step 3 – Public Art Plan Submission and Approval Step 4 – Public Art Bonding Secured Step 5 – Artist Selection Step 6 – Contracting Step 7 – Artwork Development and Fabrication Step 8 – Installation Step 9 – Reporting Step 10 – Ownership Transfer Step 11 – Bonding Release Step 12 – Maintenance and Stewardship</p>	<p>Steps for Cash-in-lieu:</p> <p>Step 1 – Identified as the intended option prior to Third Reading during the Development process. This option is available for any development project requiring public art. It is recommended when an on-site location suitable for artwork(s) is not available and artwork(s) will be located on City land.</p> <p>Step 2 – Project delivered by the City in accordance with Public Art Program priorities and objectives</p>

Ineligible contributions include:

- artwork(s) not provided in accordance with the *City of Burnaby Public Art Policy, and Public Art Program and Procedures*;
- costs not directly related to selecting, designing, fabricating, or installing works of art;
- street adornments, furniture, landscaping, water features, handrails and functional decorative elements which are not agreed upon within the Public Art Plan; and
- objects not created by a professional artist or “Artist as Maker”.

Note: Artworks integrated into the structure or site are only responsible for costs over and above the base component costs.

Public Art on Site

Step 1) Engage a qualified Public Art Consultant

In order to facilitate the creation of public art, developers must engage a qualified public art consultant. A public art consultant is a professional advisor regarding the public art piece, its selection, siting, and any artist-related issues. Public art consultants must have a broad knowledge of current artistic practices and of artists able to work in public and development contexts. The City of Burnaby requires that developers work with a recognized and experienced public art consultant for development and implementation of their public art plan. The public art consultant is required to be under contract for the duration of the project, including installation and completion of Final Report requirements.

Step 2) Artwork Site Selection

The Preliminary Public Art Plan must identify potential locations for artwork(s) and also articulate technical limitations such as weight restrictions, fire lanes, etc. Siting must offer the general public a free and uninhibited experience of the artwork(s). Locations designated for the installation of public artwork(s) are guided by the following criteria:

- visible and safe for pedestrians, cyclists and/or motorists;
- in proximity to 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 proposed multi-artwork concepts or “art walks”; and
- places of special heritage or community significance.

Given these criteria, indoor and privately-accessed areas are deemed ineligible.

Step 3) Public Art Plan Submission

A Public Art Plan is a document that guides the implementation of artwork(s) as part of the development process. A Detailed Public Art Plan must be submitted for approval prior to Third Reading of a Rezoning Amendment Bylaw. A financial equivalent to the public art contribution is secured through letter of credit in accordance with the Detailed Public Art Plan, and is released upon successful completion of all project deliverables.

Requirements for the Public Art Plan

The developer and their designate (a recognized public art consultant) will meet with City staff (Planning and Public Art) to review Public Art Program goals. City staff will advise on steps in the public art process

and preparation of the Public Art Plan as applicable to the development project. Meetings are convened by the public art consultant as required to address elements of the Public Art Plan.

The Public Art Plan consists of two stages:

1. Preliminary Public Art Plan (PPAP) – The Preliminary Public Art Plan is a short proposal (10 pages or less) identifying the project site, development description, community context, potential public art opportunities and restrictions, timeline for artist participation, estimated budget, proposed selection process and potential selection committee members. The proposal is reviewed by City staff (Planning and Public Art) who will seek clarification as necessary and offer feedback on the proposed direction for public art on the development site.

2. Detailed Public Art Plan (DPAP): After receiving feedback from the City, the Detailed Public Art Plan is submitted for review by City staff (Planning and Public Art). It must be approved prior to Final Adoption of the rezoning, or initiation of the public art project. The DPAP includes:

- detailed context, considerations and terms of reference for artist including local First Nations context and site histories;
- detailed description of site, identifying proposed location(s) and restrictions; anticipated needs for property dedication or encroachment;
- identifying potential for public information and/or engagement in the process
- budget allocations within the project;
- proposed method of Artist participation and selection including prospective committee details
- estimated timelines for project delivery, with a detailed schedule including construction, installation, and documentation.

City staff will review the Detailed Public Art Plan, convey any final changes if required, and upon completion of all necessary revisions, formally approve the plan in writing.

Step 4) Public Art Bonding Secured

A letter of credit or bonding in the amount of the public art allocation is secured by the City through the Development Approvals Division. This process is undertaken between the Third Reading and Final Adoption.

Step 5) Artist Selection

Using the Detailed Public Art Plan as a basis for Artist selection, the public art consultant will carry out selection according to the approved plan.

Selection procedures comply with best practices in ensuring principles of equity, diversity and inclusion are met. In aggregate, artistic selection must reflect the diverse nature of the Burnaby community. Artists with three or more works previously commissioned under this program shall not be considered,

except in the case of artists from Host Nations. Artists and all participants must be free of conflicts of interest. Site context and history as identified in the public art plan also provide context for artistic selection.

Selection options include:

- Open Call
- Invitational Competition
- Direct Commission

Selection committees are to be comprised of:

- one representative from the Planning and Development Department
- one representative from the Parks, Recreation and Culture Department – Culture Division
- one representative from the developer
- one representative from the architect or landscape architect
- two members of the cultural sector (curators and arts professionals with demonstrated knowledge and experience in the field of public art), as proposed by the public art consultant and approved by City staff

A two-stage selection meeting arrangement is most common. The first meeting involves a long list grouping presentation, a fulsome discussion of the candidates by the selection panel, and arrival at a short list based on the stated program criteria. Shortlisted candidates will then typically prepare and present a full proposal based on the available information in the Detailed Public Art Plan.

Payment for selection committee members must comply with creative industry standards. Reference CARFAC guidelines for minimum rates.

Payment for artist's proposals is determined by the scope of work, but generally falls in the range of \$3,000 per proposal for a small project to \$10,000 for a large project.

After shortlist presentations, the selection committee will confirm the top choice and inform artists of the selection. The process is binding and final. If, following selection, a project cannot proceed, the developer must restart the process at their own expense.

Step 6) Contracting

Once artist selection has taken place, and artists have been notified of results by the public art consultant, a contract must be issued between the developer and the artist. It is the responsibility of the developer and public art consultant to issue a contract, and to file this contract with City staff upon execution. Contracts are expected to be issued within 12 months of artist selection.

Step 7) Artwork Development and Fabrication

Following the selection of artwork(s) and the issuing of a contract to the artist, the public art consultant will initiate and guide the process for undertaking artwork creation in alignment with the building project.

Step 8) Installation

The installation of a physical artwork aligns to the completion of a building project. Upon completion of the installation, professional documentation will be undertaken. City staff in Public Art and Planning will undertake a review of the site to confirm the work is accepted as complete. Any identified deficiencies must be addressed prior to approval.

Step 9) Public Art Report

A report shall be created by the public art consultant on behalf of the developer and delivered to City staff, inclusive of the following materials:

- Artwork ID: artist, title, date, medium, demensions
- A written description of the artwork
- Brief biography of the artist(s)
- Twelve (12) high resolution, professional photographs showing the artwork in context and close-up, revealing significant details
- A copy of the artwork commission contract
- A copy of the detailed design package with engineer's certification
- Confirmation that didactic signage or identifying plaque has been installed on site
- The artist's maintenance plan for the public art
- Statutory Declaration from the developer (including a reconciled budget with line-item breakdown). This document must declare that the developer has paid in full for each aspect of the public art, and release of any unspent contingency funds back to the City of Burnaby.
- Confirmation of the artwork title transfer legal agreement and identification of artwork owner, including a contact name, email and phone number (for example: a strata management corporation administrative representative)

Step 10) Ownership Transfer

Once a Final Report is submitted to and accepted by City staff in Public Art and Planning, the Public Art Report is delivered to the new project owner, typically a building strata council, as a reference.

A maintenance manual must be delivered to the owner of the artwork and must be kept on file for the lifetime of the work. A handover meeting between the public art consultant, developer, and new owner is recommended.

Step 11) Bonding Release

Communication on release of Bonding occurs between the developer and Planning Subdivision Staff in the **Development Approvals Division** associated. Release of secured funds requires the approval of the Public Art Report.

Step 12) Maintenance and Stewardship

Artwork created on private property must remain visible and/or accessible to the public at no cost and must be maintained in good repair by the owner throughout the life of the building. Note, in a mixed-use commercial and residential development, the commercial strata or commercial owner has the primary administrative responsibility for maintenance. When a residential strata council takes ownership of a building, they also take on responsibility for the long-term maintenance needs of the artwork. Artwork owners must conduct regular cleaning and necessary maintenance in accordance with the artist's maintenance manual. The artist's maintenance manual must be shared with the owner during the property transfer and must include all relevant details and specifications for ongoing maintenance and replacement parts.

The artist and City staff (Public Art) must be contacted prior to significant repairs. 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 the City to allow its removal or relocation may be made in a manner consistent with decommissioning procedures established by the City of Burnaby Public Art Advisory Committee.

Glossary of Key Terms

Public Artwork: A public artwork is an artist's creation or collaboration in any medium created with durability and public access in mind, for example: sculptures created in a wide variety of media; work of photography or video presented in a digital format; or integrated works incorporating the building itself. Public artworks may also exist as multimedia installations or include socially engaged participatory events.

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. The definition of the artist must comply with the Canada Council for the Arts definition of a professional artist.

Artist's Concept and Design: An artist's work, once accepted through the designated selection process, must not be changed or hindered by members of the design or development team. Significant changes to concept, material, design and siting must be communicated in writing to appropriate City staff (Planning and Public Art) throughout the process.

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

Public art consultant: A public art consultant is a professional advisor regarding the public art piece, its selection, siting, and any artist-related issues. Public art consultants must have a broad knowledge of current artistic practices and of artists able to work in public and development contexts. The City of Burnaby requires that developers work with a recognized and experienced public art consultant for development and implementation of their public art plan. The public art consultant is required to be under contract for the duration of the project, including installation and completion of Public Art Report requirements.

Public Art Resources

The following resources are available online at burnaby.ca/publicart

[Public Art Policy](#)

City of Burnaby Public Art Policy provides guidance for the acquisition, installation, interpretation, maintenance and lifecycle planning of artworks in public areas.

[Burnaby Public Art Map](#)

An interactive online map that shares details about public art in Burnaby.

Appendix I Sample Public Art Budget

Identify Development Phase x (Tower x)

Public Art Consultation Fees	Fees for services
Selection Process	Honoraria for artists submitting and presenting, honoraria for selection committee participants (excluding City and developer representatives), as well as any related travel/presentation or meeting expenses
Artwork Budget	The total amount payable to artist(s) related to all aspects of artistic creation. This includes individual artist fees, project management, insurance, engineering, fabrication, installation, etc.
Design Integration	For projects that may involve artistic collaborations with designers, there may be a separate area for graphic design services, such as scanning, digital or other technical file creation, colour management, or related fabrication readiness costs.
Programming Expenses	Expenses related to public engagement such as local advisors or information events, or artistic programming that is available to the public in association with this project. For example, artist talk, performance, workshop, etc.
Contingency	Indicate any contingency and how this will be redirected if not used
Audio Visual Documentation	Costs for the undertaking of professional photographic and/or video documentation
Signage	Cost of signage creation and installation
Interpretation	Costs associated with project websites, publications, brochures, events or other undertakings that improve public understanding of the artwork