

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-103

Date of Report: May 3, 2023

Date of Meeting: May 8, 2023

Subject: Installing Art on Private Property in the Downtown

Ward: Ward 4

File: 03-05

1.0 Purpose

The purpose of this Report is twofold. Firstly, it recommends that the City expand its definition of public art to permit the installation of City initiated art projects on private property through the Public Art Policy. Secondly, this Report recommends a new public art project, hereinafter referred to as the Frame Project.

Attachment 1 to this Report is a copy of the Public Art Policy (“P.A.P.”). Owing to its size, a copy of the P.A.P. is not attached to this Report but can be view at the following link: [Public Art Policy](#).

Attachment 2 to this Report is a copy of the Public Art Master Plan (“P.A.M.P.”). Owing to its size, the P.A.M.P. is not attached to this Report but can be view at the following link: [Public Art Master Plan](#).

2.0 Recommendation

That the Economic Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-103 dated May 3, 2023, the Public Art Policy be amended generally in accordance with the comments in said Report in a form and content acceptable to the Commissioner of Economic and Development Services.
2. That, pursuant to Report ED-23-103 dated May 3, 2023, the Economic and Development Services Committee select an option for the frequency that artwork in the Frames will be replaced from Sections 5.5.3 and 5.5.4 of said Report.

3.0 Executive Summary

In the late 1990s, numerous downtown murals, created by various artists, were commissioned by the City of Oshawa through the Downtown Action Committee. Many of these are located on private property and remain in place today.

In its meeting on February 18, 2014, City Council approved CS-14-16, Culture Counts: Oshawa's Arts, Culture and Heritage Plan. One of the key strategies of this plan is to "Create Vibrant Places and Spaces".

In its meeting of March 9, 2015, City Council approved CS-15-54 and adopted a Public Art Policy. The Public Art Policy outlines the framework for the City to acquire, maintain and oversee a Public Art Program. The Policy states that City Council's responsibilities include approving the related budget, expenditures and sites.

On June 25, 2018, City Council approved CS-18-51 and adopted a Public Art Master Plan. The Public Art Master Plan is a planning tool that articulates a City-wide vision for public art and is an extension to the Public Art Policy framework clarifying how sites are selected as well as identifying specific sites for future Public Art projects.

4.0 Input From Other Sources

The following were consulted in the preparation of this Report:

- Commissioner, Corporate and Finance Services
- Public Art Task Force
- The Durham Municipal Insurance Pool
- Town of Ajax
- Town of Whitby
- City of Brampton
- Town of Bracebridge

5.0 Analysis

5.1 Overview and Background: The Public Art Policy and Public Art Master Plan

The City of Oshawa's P.A.P. was approved in 2015 and was developed in consultation with community members and provides a framework related to the administration, selection, and maintenance of public art in Oshawa.

The P.A.P. reflects the commitment and desire to connect and engage with the community, as well as transform the spaces where we live, work, learn and play into vibrant, inviting and meaningful public places.

In 2017, the City of Oshawa convened a Public Art Committee, now known as the Public Art Task Force ("P.A.T.F.") to assist with the City's Public Art Program. The P.A.T.F. is comprised of six members, including a Durham College representative from the Faculty of Media, Art and Design Program, a Robert McLaughlin Gallery Representative, a Cultural Leadership Council representative, and a Community Representative. Currently, the

Oshawa Art Association Representative and one of the two Community Representative positions are vacant. The purpose of the P.A.T.F. is to advise on new Public Art projects and priorities, review Public Art donations and make recommendations on juried Public Art competitions.

Developed in collaboration with the P.A.T.F., the Public Art Master Plan (“P.A.M.P.”) was approved by Oshawa City Council on June 25, 2018. It guides the ongoing implementation of the City's public art program, and outlines the following vision statement for public art in Oshawa:

“Oshawa will be a community where Public Art is innovative, diverse, and accessible to create vibrant public spaces and meaningful connections.”

5.2 The Current Definition of Public Art in the Public Art Policy

The value and definition of Public Art is provided in Section 1.2 of the P.A.P. which reads as follows:

“Public Art is defined as art in any medium that is situated in a public space. Public Art plays a role in beautifying the community, engaging residents and creating a sense of place, creating links to economic growth and strengthening tourism.

Public Art can be placed, installed and created anywhere in or on City-owned buildings and spaces in Oshawa. Public spaces are those areas frequented by the general public and are owned or leased by the City of Oshawa. Public spaces may include, but are not limited to, parks, trails, roads, open spaces, courtyards, bridges, tunnels, boulevards, building exteriors, and publically accessible interior areas of municipal buildings.

Public Art and Public Artworks are original art that is created for, or located in, public spaces, and which is accessible to the public at no cost.”

Section 1.3 Purpose of the P.A.P. clarifies as follows:

“For the purposes of this Policy, public spaces are City-owned buildings and spaces. Private art acquisitions located on privately owned lands and temporary art that does not leave a lasting record of its creation (e.g. ice sculptures) are not subject to this Policy”.

Currently, City-led projects on private property are not included within the P.A.P.'s definition of Public Art.

5.3 Existing Downtown Murals on Private Property

The downtown is currently home to 15 murals installed by the City between 1995 and 2001. Ten (10) of the murals are located on private property.

The Downtown Action Committee, established in 1993, led the creation of these murals. They are all part of the City's Public Art Collection. The agreements with property owners

from this era were executed by the City of Oshawa and specify that the City is responsible for the cost of the installation, repair, insurance for the artwork, and removal of the mural.

The P.A.M.P. notes that during the consultation process residents proudly cited the murals in the downtown core as a unique and special element to Oshawa's Public Art collection.

5.4 Updating the Public Art Policy to Include City-Led Projects on Private Property in Oshawa's Downtown

The P.A.M.P. identifies the priority zones, areas and sites for future Public Art. The downtown urban core received the highest level of public interest during the P.A.M.P. consultation. The P.A.M.P. explains, "the urban core is a high priority area for Public Art due to its high volume of pedestrians, high concentration of local businesses, services and retail, public transit nodes and density."

The majority of downtown locations identified by the public during the consultation process were located on private and commercial property. Regarding the possibility of installing art on private property, the Plan noted that it "prioritizes City-owned and operated lands/buildings but also recognizes the importance and opportunities of working with private land owners."

City staff researched other municipal art programs and contacted a number of cities for input. While many municipalities focus on installing art on publicly owned property, which streamlines maintenance and insurance, there are some examples of cities installing artwork on private property.

Given the unique context of Oshawa, the precedent of City-owned murals already installed on private property, and the relative lack of City-owned property in the downtown area suitable for two-dimensional artworks, staff recommend that City Council endorse an amendment to the P.A.P. to allow the City to execute City-led art projects on private property within Oshawa's downtown. The proposed amendment to Section 1.2 would generally introduce the following sentence:

"From time to time, the City may develop City-led projects on private property in Oshawa's downtown, in agreement with property owners. These projects will be treated as and considered as Public Art within the scope of this policy."

This amendment to the P.A.P. will not impact the process for residents and business owners who wish to install private art projects and murals that are not led by the City.

5.5 The Frame Project

City staff have begun developing a new public art project for Oshawa's downtown. Inspired by large scale framed artworks on exterior walls in downtown Kitchener, a project developed by the Downtown Kitchener Business Improvement Association and the Kitchener-Waterloo Art Gallery, City staff are proposing to deliver a similar project in Oshawa to introduce new forms of art downtown.

This project would see the addition of new two-dimensional artworks that will complement and expand on the existing downtown mural collection. The project, currently referred to as the Frame Project, proposes to install large aluminum frames on exterior walls within the downtown area. Artwork, printed on a vinyl-like fabric, will be inserted into the frames for exhibition.

The Frame Project advances the presentation of art in the downtown core. These new frames will create a connection to the existing downtown murals by using the same two-dimensional visual language. Since the art will be reproductions (as opposed to original paintings in the case of a mural), the Frame Project will expand the type and style of work presented, allowing for the presentation of photography, illustration, and digital works. Artwork will be changed periodically to increase opportunities for artists, including local artists.

This project received support from the P.A.T.F. at their meeting held on October 11, 2022. It supports many of the P.A.P.'s Guiding Principles for Public Art in Oshawa, including:

- Public Art will be accessible to all;
- Various art mediums, types, sizes and different locations are considered; and,
- Public Art will reveal the unique character of, and foster a positive image for, the City.

Frames will be installed in the Downtown, supporting the location priority identified within the P.A.M.P. The Frame Project also directly supports the following Vision outlined in the P.A.M.P.:

“Oshawa will be a community where Public Art is innovative, diverse, and accessible to create vibrant public spaces and meaningful connections.”

5.5.1 Location Selection Process

The P.A.P. and Master Plan outlines site selection criteria. Sections 3.5 and 4.0 in the P.A.P., along with Section 6.1 in the P.A.M.P. outline a set of criteria that will be used to evaluate possible Frame locations.

Key criteria from the P.A.M.P. that connect to this project include:

- **Pedestrian Use:** The site is in a high traffic pedestrian area and allows for pedestrians to easily experience and interact with Public Art.
- **Vehicular Traffic:** The site is visible from the road and the road has high traffic use by cars and buses.
- **Site Lines and Surroundings:** The proposed site and its surroundings are visually accessible (e.g. surrounding architecture would not impede access (physical or visual)).

Frames are best suited for large walls with clear sight lines, which are located in well-trafficked areas and visible from the direction of traffic. To reduce the risk of graffiti, in particular that artworks will be cut/slashed, it is recommended that the frames be installed higher than seven feet from the ground.

In order to ensure fair and equitable access to this opportunity, staff will launch a public 'call for walls' and invite downtown property owners who are open to hosting artwork on their property to register their location. Staff and members of the P.A.T.F. will review locations against the site selection guidelines and criteria to recommend appropriate locations for the Frame Project to the Economic and Development Services Committee and Council.

5.5.2 Proposed Annual Costs

Staff anticipate installing three large scale frames in 2024. If the project is successful additional frames can be added in future years.

The cost of installing three large frames with artwork is estimated at \$30,000 with an estimate of \$18,000 for artwork replacement.

A large frame, 4.47 metres (14.66 ft.) by 6.7 metres (21.98 ft.) is estimated to cost \$10,000 in year one, which includes fabrication, installation, artwork printing, installation costs, an artist fee and disbursements. The estimated cost of replacing artwork is \$6,000, which includes production, installation, an artist fee and disbursements.

The existing Business and Economic Development Services operating budget may be able to fund the Frame Project. However, final costs for the Frame Project will only be determined once locations have been selected and the sites measured.

It is recommended that artwork be replaced annually or biennially to allow for the exhibition of a variety of artworks across a diversity of artistic styles and disciplines, and to support downtown revitalization by drawing more visitors to view the works.

5.5.3 Option 1 – Replace Artwork Annually

If Council would like artworks to be replaced annually, then in addition to Item 1 in Section 2.0 of this Report, the Economic and Development Services Committee should adopt the following resolution:

2. That, pursuant to Report ED-23-103 dated May 3, 2023, Council support an annual update of the Frame Project.
3. That, pursuant to Report ED-23-103 dated May 3, 2023, the amount of \$18,000 to fund the cost of annually replacing the artwork in the three frames as part of the overall Frame Project be referred to the 2024 Budget.”

5.5.4 Option 2 – Replace Artwork Biennially

If Council would like artworks to be replaced biennially, then in addition to Item 1 in Section 2 of this Report, the Economic and Development Services Committee should adopt the following resolution:

2. That, pursuant to ED-23-103 dated May 3, 2023, Council support a biennial update of the Frame Project.

3. That, pursuant to ED-23-103 dated May 3, 2023, the amount of \$18,000 to fund the cost of biennially replacing the artwork in the three frames as part of the overall Frame Project be referred to the 2024 Budget.”

5.6 Next Steps

If the recommendations in this report are adopted, the project will proceed, as generally outlined below:

- Staff will develop a “call for walls” to invite downtown property owners who are open to hosting artwork on their property to register their location;
- Staff and the P.A.T.F. will review the locations;
- Staff will contact property owners of selected locations to discuss the project;
- Staff will measure sites, seek quotes for the Frames in accordance with the City’s Purchasing By-law;
- The City and property owner will execute an agreement to govern the installation of art on the property in a form and content satisfactory to the Commissioner of Economic and Development Services and the City Solicitor;
- Staff will select a fabricator for the Frames;
- Staff and the P.A.T.F. will determine sites to recommend to the Economic and Development Services Committee and Council;
- The Economic and Development Services Committee and Council endorse locations; and,
- Frames and artwork will be installed.

6.0 Financial Implications

This is no financial implication to changing the P.A.P.

The financial implication of the Frame Project is dependent on which option is endorsed by Council, and would range between \$18,000 annually or \$18,000 every other year to replace art in three large scale frames.

The initial investment of fabrication and installation of the frames, along with the cost of artwork in year one, will be paid for through the existing 2023 Business and Economic Development Services operating budget.

7.0 Relationship to the Oshawa Strategic Plan

This Report advances the Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.



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