

# **TORONTO** STAFF REPORT

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May 15, 2002

To: Toronto East York Community Council  
From: Commissioner of Urban Development Services  
Subject: Waterpark City Block Public Art Plan – 640 and 650 Fleet Street (Ward 19)

Purpose:

The purpose of this report is to inform Council of the Waterpark City Block Public Art Plan and to seek approval of the recommendation from the Public Art Commission.

Financial Implications and Impact Statement:

All costs associated with this Block Public Art Plan are the responsibility of the owners of Waterpark City. The art is commissioned by the owner and will be sited in the publicly accessible areas of the development.

Recommendations:

It is recommended that the Toronto East York Community Council approve the proposed Waterpark City Block Public Art Plan, as presented by the owner.

Background:

The Bathurst/Strachan Part II Official Plan requires each landowner to prepare a Public Art Plan prior to, or in conjunction with their first site plan application (Section 9.2.15). This requirement is further secured for this owner's land by Section 37 Agreements. H and R Developments made their Official Plan and Zoning By-law amendment applications in April 2001 and submitted their site plan application in June.

City Council endorsed a revised development project at its November 6, 7 and 8, 2001 meeting, and instructed the City Solicitor to support H and R Development's revised application at the Ontario Municipal Board hearing scheduled for November 2001. The application was subsequently approved by the Ontario Municipal Board in January 2002.

H and R Developments has prepared a Block Public Art Plan that provides the following overviews: a general description of the guidelines for the Block Public Art Plan; an outline of the goals and objectives for the public art; identification of priorities for public art and potential site opportunities; a description of proposed competition methods for the selection of artists and art projects; a description of the budget distribution; an outline of the administrative process for the implementation of the plan; and, amendment procedures.

The owners made a presentation to the Public Art Commission, at its meeting on September 20, 2001, for the approval of the Waterpark City Block Public Art Plan. While the form of the development has been revised, the Public Art Plan presented to and recommended by the Public Art Commission remains applicable to the revised development approved by the Ontario Municipal Board. As outlined in this plan, the individual site-specific public art programs will be submitted to the Public Art Commission, in accordance with the phasing of the development.

Appendix A is the Water City Block Art Plan, prepared by the owner, and approved by the Public Art Commission.

#### Comments

The Waterpark City Block Public Art Plan meets the objectives of the provision for a public art block plan, and is in accordance with the City's guidelines, as published by Urban Development Services. At its meeting of September 20, 2001, the Public Art Commission unanimously approved the proposed plan. It should be noted that the public art programs will be of no cost to the City and that all the public art expenditures will be the responsibility of the owner.

#### Conclusions:

I am in full support of the Waterpark City Block Public Art Plan and look forward to the final outcome of the various public art programs.

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Attachment: Appendix A: Waterpark City Block Public Art Plan

Appendix A

Waterpark City Block Public Art Plan

Prepared for: H&R Developments  
By: Karen Mills, Public Art Management

Plan approved by Public Art Commission: September 20, 2001.

(1) Introduction:

Waterpark City comprises an 18,605 square metre development site located on the north side of Fleet Street west of Bathurst Street in the area described as the "Bathurst/Strachan lands" of Toronto. Fleet Street forms the southern boundary of the development and the future Fort York Boulevard will frame the western and northern edges.

The site was purchased by 640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, and Fleet Boulevard Limited (collectively, the "Owner"). As part of that acquisition, the Owner was required to assume certain responsibilities detailed in the various Section 37 Agreements with the City of Toronto and executed on June 19, 1996 (Instrument No. CA411048, CA411049 and CA4111050). The preparation of his Block Public Art Plan ("Block Art Plan") responds to one of the City requirements as defined under the said Section 37 Agreements and is consistent with the requirements of the Bathurst/Strachan Area Part II Plan. The said Section 37 Agreements are expected to be amended and/or superseded by further Section 37 Agreement(s), which amended or superseded agreement(s) shall have requirements for this Block Art Plan. This Block Art Plan is intended to satisfy the requirements of the currently existing Section 37 Agreements registered on title and as the same are anticipated to be amended or superseded.

The City of Toronto Public Art Commission is in recess during the summer months. Input from City staff has been received and incorporated in the Block Plan. Presentation to the PAC will occur in September, 2001 the first meeting after the summer recess.

The Waterpark City Block Public Art Plan will provide a framework for the individual public art programs to be implemented during the course of the build out of the phased development.

The Waterpark City Block Public Art Plan outlines the following:

- (a) a general description of the guidelines for the Block Public Art Plan;
- (b) an outline of the goals and objectives for the public art;
- (c) identification of priorities for public art and potential site opportunities;
- (d) a description of proposed competition methods for the selection of artists and art projects;

- (e) a description of the budget distribution;
- (f) an outline of the administrative process for implementation of the plan; and
- (g) amendment procedures (in the event that such are proposed in the future).

Information to be provided in the final Plan will include: preliminary estimates of the proposed overall budget based on estimated construction costs

(2) Background:

(a) Section 37 Agreement

The Waterpark City Block Public Art Plan was prepared in response to Article 6.2(b) of each of the aforesaid Section 37 Agreements that state:

The Owner agrees, at its expense, to prepare and submit a plan, for the provision of public Art on the Block or Blocks (“the Block Public Art Plan”) for the Owner’s Lands to the Commissioner of Planning and Development and the City of Toronto Public Art Commission...”

Individual site specific, public art programs for each approved site shall be submitted on an on-going basis in accordance with the phasing of the development and shall provide such detail as specified by the applicable Section 37 Agreement. The applicable Section 37 Agreement is the principal document governing the detailed application of the public art process and issues relating to the future management and maintenance of public art works.

(b) Sources

A variety of sources were consulted prior to the preparation of the Waterpark City Block Public Art Plan. General public art references are listed in Appendix 1: “References”.

Four district public art plans were reviewed. They are:

- (i) the Southtown District Public Art Plan;
- (ii) the CityPlace Public Art Plan;
- (iii) the Canada Life District Art Plan; and
- (iv) the Gooderham & Worts District Public Art Plan.

In addition, an assessment of large-scale public art installations in the immediate Bathurst/Strachan area were considered. These include:

- (i) the National Trade Centre Public Art Program; and

(ii) the World War II 50<sup>th</sup> Anniversary Memorial, in Coronation Park.

(3) Guidelines and Approach:

(a) City of Toronto Percent for Art Policy

The Public Art Policy of the City of Toronto has generated one of the most successful cultural initiatives in North America and the most significant program in Canada. Few North American cities have been as consistent in initiating public art projects of national or international importance. Part of the success of Toronto's Percent for Art Program may be attributed to its maturity although the knowledge and experience of City staff has contributed to growing cooperation between developers and the City.

To that end, it is clear that communication between the City and the future public art managers for Waterpark City is to be encouraged. Flexibility and the will to capitalize on new opportunities not envisioned in this Block Art Plan will enable the future programs to be responsive to changing conditions resulting in better artwork and a better environment for the public and future owners.

(b) Public Art: History, Historicism and a New Community

Waterpark City will be constructed in one of the oldest occupied areas of Toronto. To the north lies historic Fort York. Also nearby are some of the most important cultural and open space resources in the City: Exhibition Place, Ontario Place and Coronation Park.

The urban design of Waterpark City has recognized the significance of Fort York and the Fort York Heritage Conservation District particularly in the alignment of new streets and open spaces. The public art programs, as they evolve, should recognize the importance of site history and context without becoming prescriptive. Artists competing for commissions in Waterpark City will be provided with information concerning the history of this area and will be invited to tour the area. While it is important that the public art commissions be an expression of our times, references to site history may be relevant and desirable- it should not be dictated. Artists should be free to interpret site history within the context of their own vision.

For example, one of the landmark visual objects in the area is the magnificent Princes Gates, marking the entrance to Exhibition Place. The notion of celebrating an entrance (whether to an exhibition ground, a fort or a residential complex) offers many interesting opportunities for the contemporary artist.

The most important goal will be to conceive artwork that visually stimulates and engages the passer by, the casual visitor and the resident day to day. For that reason, appropriate experts in public art will be engaged to assist the Owner in the planning and selection of the future individual art programs.

(c) Public Art Context: Neighbouring Projects

The Strachan/Bathurst area houses a number of important public art projects. Generally, those associated with residential development have been smaller in scale and often, of a functional nature. The Copperfield Condominium project, an early project incorporating public art, commissioned artistic fencing from John McKinnon. This still stands as a fine example of functional public art. The Mark Gomes and Susan Schelle granite floor in the atrium at 901 King Street West is another excellent example of high quality functional art. It's application, as an interior commission, is not relevant to Waterpark City, but the level of quality in concept and execution is relevant.

On a much larger scale are the public art projects associated with the development of the World War II 50<sup>th</sup> Anniversary Memorial integrated into Coronation Park in 1995 and the National Trade Centre (completed in 1997).

The memorial serves not only a commemorative function, but also one of rest and gathering. In spring, it is ablaze with 14,000 daffodils offering another seasonal dimension to its planting scheme. Certainly, one attribute of the memorial is that it combines aesthetic excellence with an understanding of how the public will use the space. The artwork is distinctive, compelling and memorable.

The National Trade Centre program offers a variety of public art projects inside and out. The exterior program consists of a 100,000 square metre artist designed paving project. This was undertaken to accommodate functional considerations and to offer visual relief from vast expanses of poured in place concrete.

Surface finishes alone and particularly paving designs, should be used judiciously and, preferably, in conjunction with other sculptural or three-dimensional elements.

(d) Goals/Objectives of the Waterpark City Block Public Art Plan

The Goal is to:

- (i) Commission public art that is engaging, visible, stimulating and a benefit to the public realm;
- (ii) Commission public art that will endure- in the physical and the conceptual sense; and
- (iii) To commission art that reflects the best of national and international current art practice while encouraging the participation of emerging artists.

To achieve these goals, the following should be recognized, that:

- (i) Artists commissioned for Waterpark City Public Art projects should understand and respect the nature of the locations in which they are developing artworks- be they residential areas or other public spaces.

- (ii) H & R will work with art experts (public art managers and selection panel or jury members) to make informed decisions concerning the planning of the individual public art programs and the selection of artists.
- (iii) Public education will form a key component of the program.

(4) Public Art Locations:

(a) Criteria for Determining Locations

Consideration given to the following criteria in identifying priority locations for public art:

- (i) locations that afforded high public use, visibility or public exposure;
- (ii) locations which afforded an opportunity to add a variety of unique and/or distinctive artworks to the public realm;
- (iii) locations where public art would reinforce urban design initiatives such as creating a strong sense of place in key locations and capitalizing on view corridors; and
- (iv) the creation of “gateways” or other ways to mark the neighbourhood may be encouraged.

(b) Mutual Goals

The public art policy of the City of Toronto encourages the development of public art in the most publicly accessible parts of the site and for artists to participate in the creation of interesting harmonious relationships between buildings, open spaces and streets. That principle has governed the identification of potential locations within the Waterpark City.

The public art locations proposed in the Waterpark City Block Public Art Plan support these expectations. Additionally, they respect the goals of the City of Toronto Public Art Policy that seeks to “enhance and assist in humanizing the development and the City”.

(c) Proposed Locations:

The Waterpark City Block Public Art Plan will focus on several prominent locations for public art ensuring that budgets will be sufficient to create artworks of scale and substance. Works may be stand-alone artworks or work that is integrated into the location. The public art programs for the development will describe the type of opportunity available as the process of architectural designs advance.

Landmark Location

- Location 1: Mid-Block Connection
- Location 2: Fort York Boulevard Entry (North)
- Location 3: Fleet Street Entry (South)
- Location 4: Fleet Street at the Corner of Fort York Boulevard

Landmark Location:

This location will be identified in a future public art program. It should be defined as a prominent location within or on the top of a tower that affords an opportunity to develop a signature element that may be seen from a variety of viewpoints in the City.

Location 1:

Location 1 offers the highest visibility of all and should be considered the first priority location. Situated near the center of the mid-block connection, this location is clearly visible from Fleet Street and Fort York Boulevard. Views from the south will look toward Fort York and from the north, they will connect to the Gore and Coronation Park. This location may accommodate a large-scale work of art- one that acts as a focal point in the heart of the development or a program of works. Given an appropriate budget, the opportunity exists to commission a work by a prominent internationally renowned artist. The boulevard in the mid-block connection may offer an opportunity for a series of art elements or for an integrated program that engages the whole space.

Locations 2 & 3:

Locations 2 and 3 may be considered as complementary elements. Again, the emphasis should be on creating an entry marker- be it in a form such as an arch or gateway or a sculptural element(s) suggestive of this. The scale, form and placement of these works should take the Location 1 artwork into consideration. Works in these areas may combine to perform a functional purpose (for example, incorporating lighting).

Location 4:

Location 4, at the corner of Fleet Street and Fort York Boulevard offers high visibility for vehicular traffic. The feasibility of this location cannot be fully evaluated until the location of underground services and other possible restrictions are identified.

(d) Budget Distribution

The Owner is in the process of refining the phasing of the development and a projected budget will be submitted to the City by separate cover.

Distribution of the budget is a matter for discussion with City staff, however, the projected distribution for discussion purposes is as follows:

- Landmark Location: Up to 25 percent of the budget;
- Location 1: Up to 30 percent of the budget;
- Location 2 and 3: Up to 25 percent of the budget; and
- Location 4: Up to 20 percent of the budget.



It is understood that the Owner will comply with City guidelines concerning administration fees: that is, the fees paid to administer a public art program until an artist is selected and contracted by the Owner, shall not exceed 10 percent.

Detailed budget breakdowns will be submitted in each individual public art program for the development.

(e) Amending Procedures

In the event that the Owner finds it necessary to amend this Block Art Plan, it may do so provided that the City of Toronto Public Art Commission and the Commissioner of Planning and Development agree to the amendment

The protocol for amending individual public art programs for the development is governed by Article 6.5(a) of the Section 37 Agreement.

(5) Public Art Administration:

The Owner will engage a public art administrator to assist in the planning and development of each public art program as the phased development progresses.

This individual shall have the necessary experience and expertise to perform all the duties required of them by the Owner in this regard. Duties shall include:

- (i) working with the Owner and City staff to identify a program for presentation to the City of Toronto Public Art Commission; and
- (ii) administering the program through the PAC review process and through City Council or other mandated reviews;
- (iii) management of the selection process;
- (iv) assistance in the development of a suitable public art agreement/ contract for the execution of the artwork;
- (v) preparing information concerning the public art for future owners, sales and marketing staff and for dissemination by the Owner to other interested parties.

Fees for this work shall not exceed 10 percent of the Gross Public Art Budget unless approval for an additional sum is agreed by the Owner and the City of Toronto Public Art Commission.

The Public Art Manager cannot:

- (i) represent any artist as a dealer or agent nor may the manager accept any commission from the artist, the artists representative or others acting for the artist in exchange for consideration for a public art commission.

The role of the Public Art Manager is to act as a “lynchpin” for the public art aspects of the development- to assist the Owner during the planning, selecting and contracting processes. Additionally, the Public Art Manager may be an effective project interface and project manager during the design, fabrication, construction coordination and implementation of the public art concept- acting neither for the artist nor Owner alone, but acting in the interest of seeing the project through to a successful completion.

(6) Artist/Artwork Selection:

The procedures for selecting artists or artworks for each location will be described in the individual public art programs for each site. The selection procedures will be in accordance with City of Toronto public art policy: decisions will be made by a jury comprised of representatives of the Owner and a majority of recognized art experts. Depending on the specifics of budget, timing, possible scope of the public art project; selection may be made through the following:

- (i) competition: selection through juried interviews; and
- (ii) a competition for ideas or concepts.

Artists may be invited to compete or the Owner may undertake a pre-qualification process as part of the process to identify possible candidates. Public and private resources, information in the public realm and other professional recommendations may be secured to identify artists for the competitions.

(7) Summary:

The Block Public Art Plan for Waterpark City lays a framework for the development of public art in strategic locations within the development. It attempts to identify those locations that offer the highest public accessibility from a variety of viewpoints within the development and from public streets. It also describes the importance of developing public art that is clearly “art”-identifiable and engaging. To achieve the goal of commissioning the finest quality of art possible, a professional planning and selection process is endorsed. The selection of artists and artworks will be based on informed, professional, arms length advice.

The result will be a public art program that engages the residents of Waterpark City and adds to the growing, collection of outstanding works in the City of Toronto.

Images

- Section 3 (b)           The Prince's Gate, Exhibition Place
- Section 3 (c)           John McEwen, Victory/Peace, Coronation Park, 1995  
Bronze, limestone, concrete, granite, landscaping
- Section 3 (c)           Jerry Clapsaddle, Shoreline National Trade Centre, 1997  
Coloured concrete unit pavers
- Section 4 (c)           Location 1: Martin Puryear, Ampersand (Battery Park City)  
                              Ned Smyth  
                              Anthony Gormley
- Location 2 and 3: R.M. Fischer, Rector Gate (Battery Park City)
- Location 4: Juan Munoz

### Definitions

“Section 37 Agreement” means the master section 37 agreement with the City of Toronto executed June 19, 1996 and registered as Instrument No. CA411048 and individual Section 37 Agreements with the City of Toronto executed on June 19, 1996 registered on title to lands identified as Block 1A and Block 2A as Instrument Nos. CA411049 and CA411050 respectively. The Owner has made application to integrate development on Blocks 1A and 2A and an amended and/or superseding Section 37 Agreement(s) will deal with the Block Public Art Plan for the development Plan in exactly the same manner as the currently existing Section 37 Agreements registered on title as aforesaid.

“Artist” includes professionals undertaking artistic endeavours which may include but are not limited to visual artists, sculptors, landscape artists, designers and artists working in the decorative arts (ceramics, metalwork, textiles etc.).

“Building Permit” means a permit to construct a building, within the Site, pursuant to Section 8 of the *Building Code Act*, S.O., 1992, amended or re-enacted from time to time; for greater clarity, a Building Permit does not include a permit for demolition or for excavation.

“Public Art Coordinator” means the staff person at the City of Toronto Architecture and Urban Design Department who is responsible for overseeing implementation of the City of Toronto Public Art Policy.

“Public Art Program” means the detailed outline describing a specific approach to a particular location; details include projected budget, selection method, composition of selection committee or jury, name of public art manager, proposed list of artists or delegated artist; all of which is presented to the City of Toronto Public Art Committee.

“Block Public Art Plan” means the plan prepared to outline the goals and objectives of the future public art programs for the Waterpark City Development and the proposed locations for public art.

“Public Art Administrator or Manager” is the person engaged by the Owner to oversee implementation of individual public art programs referring to the Waterpark City Block Public Art Plan and whose responsibilities include the provision of all services necessary to oversee the selection, contracting of commissioned public art works. Additional services may include assistance in managing the design development process, fabrication assistance, construction coordination and such work required to see the project through to completion. To avoid a conflict of interest, this person is may not be an agent or representative of an artist nor may they accept any financial compensation form artists or artist representatives on a commission basis.

“Publicly Accessible Art” means that the public art is clearly visible at all times from public sidewalks, public walkways, public open spaces and privately-owned publicly accessible open space.

References

Art for Public Places

City of Toronto Public Art Program, 1993

Aspirations: An Invitation to Explore Public Art

Alberta Culture Visual Arts

City of Rockville, Master Plan for the Art in Public Places Program, 1993-98

Culture Arts Commission, Rockville, Maryland

Gooderham & Worts, District Public Art Plan

Drivers Jonas (Canada) Ltd., Roger du Toit Architects Limited, January, 1994

Metro's Culture Plan, Redefining our Cultural Framework, 1994

Metro Toronto

Public Art Policy Study

City of Toronto Planning and Development Department, June 1991

Southtown District Public Art Plan

Marathon Realty Company Limited and Eave Baxter Visual Art Consulting and Planning,  
July, 1993

CityPlace Public Art Plan

Concord Adex Developments Corp. and Public Art Management, June 1999

A District Public Art Plan for the Canada Life Assurance Company, Head Office Campus

Canada Life Assurance Company and The Haley Group, December 1995

Bathurst Strachan Blocks 1 and 2: Urban Design Guidelines (Draft)

IBI Group for Urban Development Services – Toronto, July 2001