

1181 Sheppard Avenue East - Public Art Plan

Date: November 15, 2024
To: North York Community Council
From: Director, Urban Design, City Planning Division
Ward: 17 – Don Valley North

Planning Application Numbers: 19 264391 NNY 17 OZ and 22 121816 NNY 17 SA

SUMMARY

The purpose of this staff report is to seek City Council approval of the 1181 Sheppard Avenue East - Public Art Plan (“The Plan”). The Plan, which is included as Attachment 1 of this report, outlines the method by which the owner will commission four new public art installations on the site.

The Public Art Plan provides a framework and description of the commissioning of public art including: a project description; a planning context overview; proposed opportunities; conceptual approach; public art objectives; budget; selection process; artist longlist; schedule and mentorship program.

The attached Plan meets the objectives of the City's Percent for Public Art Guidelines and is supported by the Toronto Public Art Commission (TPAC).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve 1181 Sheppard Avenue East Public Art Plan as attached (Attachment 2) to the report dated November 15, 2024 from the Director, Urban Design.

FINANCIAL IMPACT

The recommendation in this report has no financial impact.

PROPOSAL

1181 Sheppard Avenue East (Block 1), is proposed as a two-tower residential and mixed use development with building heights of 32 storeys for the west tower and 38 storeys for the east tower. The site is Block 1 of the larger redevelopment of Concord Park Place.

The site is bounded by Sheppard Avenue to the north, Singer Court to the south, Provost Drive to the west and the Metrolink rail corridor to the east with access to nearby Oriole GO Station and Leslie Toronto Transit Commission (TTC) subway station, amenities and retail. The site proposal includes a large Privately-Owned Publicly Accessible Space (POPS) along the east and south sides of the development. Three of the artworks will be located in the POPS and the fourth artwork will be integrated into the rooftop glazing. See attached Public Art Locations Map (Attachment 1).

Public art was reviewed in accordance with the policies of the City of Toronto Official Plan as follows:

Chapter 3 - Building a Successful City

Section 3.1.5 Public Art

Policy 1. e) encouraging the inclusion of public art in all significant private sector developments across the city.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

DECISION HISTORY

On December 23, 2019, an Official Plan and Zoning By-law Amendment application was submitted to amend the Sheppard East Subway Corridor Secondary Plan and the former City of North York Zoning By-law No. 7652 and Zoning By-law 1094-2002, as amended by Zoning By-law 961-2009, for the property at 1181 Sheppard Avenue East.

On November 19, 2021, the Applicant appealed the application to the Ontario Land Tribunal ("OLT"), citing Council's failure to make a decision on the applications within the time allotted by the Planning Act.

On July 19 and 20, 2023, City Council considered a Supplementary Request for Direction Report from the City Solicitor dated July 5, 2023. The Report outlined the decision history for the applications in detail. The report can be found here: www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-238404.pdf

At the July 19 and 20, 2023 City Council meeting, City Council accepted the Without Prejudice Settlement Offer dated July 4, 2023 (the "Settlement Offer") and directed the City Solicitor to attend the OLT in support of the Settlement Offer, and to request that the OLT withhold its Order until certain pre-conditions had been met. The Council Decision document can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.NY6.4>

On December 21, 2023, the OLT issued an Interim Order. The OLT's Final Order for the Official Plan Amendment application (OLT Case No. OLT-21-001718) and Zoning By-law Amendment application (OLT Case No. OLT-21-001719) has been withheld until such time as the OLT receives confirmation from the City Solicitor that the identified conditions have been satisfied by the applicant. The Appeal of the Site Plan application (OLT Case No. OLT-23-000142) is also adjourned *sine die*. The OLT's Interim Order is available on the OLT's website at the following link: <https://www.omb.gov.on.ca/e-decisions/OLT-21-001718-DEC-21-2023.PDF>.

The public art plan for the site will be implemented as part of the Site Plan Approval process which has been appealed to the Ontario Land Tribunal and is currently being held in abeyance pending finalization of the OPA and rezoning.

The following public art contribution requirements were outlined in the Canadian Tire Lands Plan of Subdivision Agreement issued October 7, 2005 and subsequently assumed by the Owner on acquisition of the land:

"H.7.2 Special Conditions

Each development after Phase I (Canadian Tire Store) will contribute 1% of the gross construction cost (GCC) for the provision of public art. To ensure that all public art supports the principles and structure of this area as defined in the Bessarion-Leslie Context Plan, the OWNER will prepare a District Public Art Plan in consultation with City Planning and the Toronto Public Art Commission (TPAC) to the satisfaction of the Chief Planner and Executive Director, to be submitted to Community Council for their review, prior to the approval of the first site plan for any building within Phase 2 und 3 respectively."

A district art plan was prepared by the owner, presented to TPAC and reviewed by Community Council in 2008 with an addendum to the plan submitted in 2013. Individual Block Plans have been submitted for review and approval through the subsequent development of the site.

The public art contribution for Block 1 at Concord Park Place fulfills the requirement described in the original agreement assumed by Concord Adex on the acquisition of the development blocks contained within the 2005 Subdivision Agreement.

The total public art contribution for Block 1 based on the GCC is \$3,400,000.00. The funds will be allocated as follows: \$2,400,000.00 for the four proposed artworks, comprised of artist fees, drawings, fabrication, insurance, transportation of artwork and installation. The remaining \$1,000,000.00 will be allocated to maintenance, art consultant administration fees, mentorship fees, competition costs, community outreach and design coordination.

COMMENTS

Four public art installations are proposed for the site. Three of the public artworks are proposed to be installed in a prominent location in a new Privately-Owned Publicly Accessible Space wrapping the south and east sides of the development, which provides a pedestrian connection from Singer Court along the setback to the rail corridor Oriole GO Station. Leslie (TTC) subway station. This location is accessible to all, either physically and/or visually, and intends to be a highly impactful feature of the overall development. The fourth artwork will be integrated into the rooftop glazing and be illuminated at night, it will be highly visible on site and from a distance and will fit in well with existing public art installations along the Highway 401 edge and within the development.

The public art objectives will encourage and consider the following: quality, site specificity, integration, technical review, public use, scale, safety standards, and maintenance durability.

The selection of the final artists will be commissioned through a two-stage invitational competitive process. This process is supported by City Planning staff and TPAC.

In accordance with City policy, City Planning continues to encourage applicants to seek artistic excellence and expertise with broad representation from the art community in the selection of artists and jury members, including representation from the Indigenous, Black and equity-deserving groups or communities.

Artist Selection Process:

Stage 1: An invited call to a long list of artists will be issued to solicit Expression of Interest (“EOI”) submissions. Evaluations of EOI’s to be carried out by the Public Art Consultant and Owner and result in a short list of artists to advance to stage 2.

The long list of artists includes: Esmaa Mohamoud; Jhyling Lee; Jason Zante; Tony Matelli; Marman and Borins; Victoria Fard; Jameson Yap; James Nizam; Malcolm Pate; Studio Breites and Liz West.

Stage 2: The shortlist of artists will be invited to interviews by a selection jury made up of one Owner representative and two independent art experts with one living or working in the ward. The artists will be provided with a project brief prior to being interviewed. The interviews will result in an award recommendation and the selected candidate will prepare sketch concepts based on a Letter of Intent from the Owner and will receive an honorarium for their submission.

The jury composition is proposed to be made up of an Owner representative and two of the following individuals: Gitte Hansen, ward-based arts professional; Akshata Naik, artist; Brandon Vickerd, professor/artist, York University; Gaetane Verna, curator; Jordan Sook, artist and Joanne Tod, artist.

Mentorship Program:

One local, emerging, or mid-career artist will be selected by the Public Art Consultant and the Developer as a mentee who will undergo bi-monthly online public art training facilitated by the public art consultant. The lessons will cover advice on calls to artists, the application process for Request for Proposals or Expressions of Interest, commissioning contracts and fabricator agreements.

The selection process, mentorship program and estimated budget allocation for the art, administration and maintenance as described in the Public Art Plan is in general compliance with the City's Percent for Public Art Guidelines.

The attached Public Art Plan is supported by City Planning staff. It was presented to TPAC at its meeting on October 30, 2024 where it gained unanimous support.

CONTACT

Andrea Mantin, Project Manager, Programs and Strategies, Urban Design, Tel. (416) 392-2281, andrea.mantin@toronto.ca

SIGNATURE

Emilia Floro, Director of Urban Design
City Planning Division

ATTACHMENTS

Attachment 1: Concord Park Place Public Art Locations Map
Attachment 2: 1181 Sheppard Avenue East - Public Art Plan