

Guidelines for Proposed Donations of Public Art and Monuments to the City of Toronto

The City of Toronto's Public Art and Monuments Donation Policy was updated and approved by City Council in January 2017. This policy aims to ensure that all donated artworks that are accepted and installed in Toronto's public realm demonstrate outstanding aesthetic values, meet technical criteria that ensure safety and sustainability, demonstrate clear relationships to the City, Ontario, and/or Canada and are appropriate to the surroundings where the work will be located.

This document explains the process by which proposed donations of public art and monuments will be considered. It provides guidelines for prospective donors, their responsibilities and the steps that must be taken in order for the City to accept a donation.

Decision Making Process

All applications to donate public art or monuments will follow a two-step process which consists of a Preliminary Application (Part 1), followed by a Full Application (Part 2) if the Preliminary Application is accepted.

Both parts of the application will be reviewed by an interdivisional advisory panel comprised of appropriate City staff. These may include, but are not limited to, staff from City Clerk's Office, Economic Development and Culture, Parks, Forestry and Recreation, Transportation Services, Planning, Waterfront Toronto, Facilities Management, and the City Manager's Office, as required. The panel will review the proposals for design excellence, relevance to the community, technical compliance, proposed budget, maintenance and other issues that may be unique to each project. The panel's decision will be final.

The following should serve as a guideline for filling out the Part 1 and Part 2 application forms.

Part 1: Preliminary Application

The preliminary application requires the donor to provide:

- 1) an explanation of the work's direct connection to Toronto, Ontario or Canada, and if applicable,
- 2) a description of the work to be donated. City staff from relevant divisions will determine if a proposal should proceed further.

All donations will be conditional on meeting the following criteria:

- i. Donors shall assume all costs associated with the donation including design, public consultation, production, siting, and installation of the work.
- ii. No municipal funds shall be provided to design, produce or install the work.
- iii. Approval is conditional upon proof of full funding of the project.

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- iv. The City will consult with the donor, but the City alone has the final authority to determine the location and siting of the proposed work.
- v. The donor shall provide a maintenance manual and maintenance funds at the time of official acceptance into the City's collection.
- vi. The donor may not impose any conditions on the City associated with the donation.

Financial Conditions

There are no municipal funds available for donation projects. All costs related to the proposal and realization of public art and monuments will be assumed by the donor including the design, public consultation, production, siting, installation and long term maintenance of the specific proposal.

Thematic Criteria for Donations

All donations must have a direct connection to Toronto, Ontario or Canada.

For commemorative donations, the proposed work must:

- feature a significant contribution from Canadians; or
- be an event that occurred in Canada; or
- feature a person or event that is officially recognized by the Government of Canada and for which it confirms its support.

The applicant must also provide sufficient detail to demonstrate the local significance and relevance of the donation to the proposed site.

If the work of art already exists, the donor must demonstrate that it is the work of a professional artist.

According to City policy, a professional artist is someone who:

- has specialized artistic training (not necessarily in academic institutions)
- is recognized as a professional by his or her peers (artists working in the same artistic tradition)
- has a history of public exhibitions
- has produced an independent body of work that has been presented, exhibited, or published in a visual arts context (including architecture and design)
- holds copyright to their intellectual property

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Part 2: Full Application

If a preliminary donation proposal is conditionally acceptable for placement on City property, the applicant is required to submit, in writing, the full application. This includes:

- Budget and proof of at least 30% of project funds
- Fundraising strategy, if required
- Detailed description of technical and aesthetic considerations
- Letters of support
- Inspection and maintenance plan
- Public consultation plan
- Estimated project timelines

Funding

All costs associated with the donation of a work of public art or monument, including design, public consultation, production, siting, installation and future maintenance, shall be the sole responsibility of the applicant.

Prior to City consideration, applicants must submit a detailed project budget, and a letter from an accredited financial institution or foundation confirming that a minimum of 30% of the cost of the donation is in place.

At the completion of the project, the applicant will submit a maintenance manual which shall be reviewed and approved by the City. The maintenance manual must provide projected maintenance costs for a minimum of 20 years. A minimum of 10% of the project costs will be provided to the City to be placed in the Public Art Reserve Fund managed by Economic Development & Culture.

Approval of a donation is conditional and subject to a submission to the City providing proof of full funding of the project. Proof of full funding for the project must be provided no later than two years from the date the City provides communication that the donation is conditionally approved. If funding is not secured within two years of conditional approval, the applicant must provide a written request for an extension on the project, which the City may or may not grant at its sole discretion. If a written extension request is not received or is received and is denied, the project will be considered closed, and all conditional approvals rescinded.

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Technical and Aesthetic Criteria

Proposals will be reviewed according to the following criteria. Technical and aesthetic considerations will be specific to the individual proposal and location and will include, but are not limited to:

- Quality of the work, based on a professional assessment of the work by City staff of the detailed written proposal, photographs, drawings and/or maquettes.
- Suitability of the theme of the donation to a public venue and appropriateness of the artwork to the site
- Appropriateness of the process for selecting the artist and/or work
- Suitability of the work to the technical requirements of installation in public space
- The materials proposed and their documented performance of durability in outdoor Canadian environment and other urban conditions
- Susceptibility of the work to wear, ongoing maintenance requirements;
- Vandalism and potential danger to the public (for example, climbability, trip hazards, sharp edges, light reflectiveness, motorist distraction, etc.)
- Proposed programs, such as an annual public ceremony, to be associated with the work
- The dimensions of the proposed donation including the foundation (above and below ground if required) and the manner in which the structure will be affixed to the foundation
- Absence of conditions imposed by the donor; and
- Compliance with all other applicable bylaws, policies, guidelines and provincial or federal legislation and regulations, as required

Technical Considerations related to public safety:

- All structures require stamped engineered drawings to address anchoring, stability, and load-bearing concerns
- Sharp edges, points or projections that can cut, puncture, or cause injury should not be within 3 metres from the ground.
- No components should form an angle or opening that can trap a person's head, neck or limbs.
- Structures that may be climbed, especially by children, may be subject to Canadian Safety Association standards
- Water must not be able to pool on or around the artwork
- Any electrical requirements, such as lighting, must be approved by the appropriate authority
- Lighting levels cannot pose a danger to motorists, cyclists, and pedestrians
- Any other public safety considerations related to the specific design and materials proposed

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The proposed design shall not be or be perceived to be discriminatory or derogatory of race, colour, ethnic origin, gender identity or expression, sex, sexual orientation, creed, political affiliation, disability or other social factors.

Donations relating to recent events or recently deceased individuals may be considered after five years. The donation shall not make a direct or indirect reference to recent events or recently deceased individuals, except where the event or the individual had a legacy of significant contribution to the City of Toronto.

At any point in the review process, the City may consult with and seek the professional opinion of external experts regarding a donation's suitability and design as it pertains to the criteria identified in the Policy.

Artist Selection

The City aims to ensure that the quality and diversity of public art in the City's collection is high and that donated works adhere to the same level of integrity. The proposed work must be produced by a professional artist and the qualifications of the artist will be evaluated by the City based on documentation of past work and the artist's professional background. According to City policy, a professional artist is someone who:

- has specialized artistic training (not necessarily in academic institutions)
- is recognized as a professional by his or her peers (artists working in the same artistic tradition)
- has a history of public exhibitions
- has produced an independent body of work that has been presented, exhibited, or published in a visual arts context (including architecture and design)
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The City uses a competition process for all new public art that it commissions directly. If the proposed work has not been designed, the City can assist the donor on a process to commission an original work from a professional artist. Staff will assist with the invitation or open call process, scoping the project based on budget, and convening an advisory panel of art professionals to assist the donor with the selection of the work.

If the donor chooses to proceed without a competition process, consultation with City staff is required to ensure that the final proposal is of an acceptable quality to the City.

Site Selection

A selection of preferred sites may be proposed. Just as it is highly desirable for the proposed artwork to connect to the local context, it is equally important that the design is appropriate to the proposed location. The context can include physical, ecological, historical and cultural elements. It is also important to consider how the space surrounding the work may be suitable for gatherings related to celebrations or other specific events.

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The goal is to ensure that the design and placement of the donation is consistent with the physical, historical and cultural aspects of the site as well as any geographical sensitivities.

In order to enhance community sense of ownership and value of the proposed work, the City encourages prospective donors to commission works that are site-specific, respond to the context of the site, and spark awareness of collective heritages and neighbourhood identities.

There are some sites that the City may determine are not suitable for any new public art or monuments due to ecological sensitivity, existing or ongoing site Master Plans, Official Plans, site saturation or other site-specific reasons. The City may decline a specific location request at its sole discretion for reasons which may or may not include the following considerations:

- Current use of the site and existing programs
- Impact on surrounding areas
- Water drainage (no pooling)
- Traffic flow and transportation routes
- Impact on City maintenance vehicles (TTC lines, grass mowers, etc.)
- Accessibility for people with disabilities
- Impact on the natural environment including (but not limited to) existing trees, tree roots and drip lines
- Existing utilities (underground lines, power, gas, sprinkler, drainage, wires, cables etc.)
- Heritage considerations
- View corridors
- Impact on existing architecture

Letters of Support

All Part 2 Applications require a minimum of three letters of support for the project from individuals or organizations not directly related to the donor or donor group.

Inspection and Maintenance Plan

Once a final design is selected, the donor should work with the artist to ensure a full inspection and maintenance manual is created for the work, and handed over to the City with the donation. The City will provide a template for the maintenance manual.

Public Consultation and Communications

A public consultation of the proposed donation is required and all costs will be borne by the donor. Installations on City lands require various degrees of public notice and community consultations tailored to the unique circumstances of a given project. Local stakeholders can be notified by leaflets, advertising in local newspapers, social media, or reached through neighbourhood associations. A public consultation plan must be submitted and completed to ensure the public and all local stakeholders are provided with

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an opportunity to comment on the design, theme and siting of all donation proposals, once a location has been proposed. Donors are encouraged to develop a communications strategy for sharing information about the project at various levels of its development, reaching beyond the narrower interest of the group that initiated and is managing the donation process. City staff will assist the donor in facilitating and evaluating the result of the community consultations.

The City must approve the public consultation plan and communications strategy.

Donation Approval

Once a submission is recommended for approval by City staff, and the applicant demonstrates that all specific location requirements have been met, the proposal will be considered by Community Council or Standing Committee as appropriate, and then by City Council.

Once City Council approves the donation, the applicant will work in coordination with Arts & Culture Services, EDC to establish an implementation work plan, which must include confirmation of full funding of the project.

An approved project must physically commence within two years of approval. If the applicant cannot meet this requirement, they must provide an annual update on their progress to the City of Toronto, which will determine whether to extend the deadline. The City's decision regarding an extension is final.