

ADMINISTRATIVE REPORT

Report Date: November 2, 2015 Contact: Alan Zacharias Contact No.: 604.873.7214

RTS No.: 11176 VanRIMS No.: 08-2000-20

Meeting Date: December 1, 2015

TO: Standing Committee on Planning, Transportation, and Environment

FROM: General Manager of Engineering Services

SUBJECT: Request to Install Lighting Works and Public Art in City Street at 520 West

Georgia Street and 1408 Howe Street; and Amendments to the

Encroachment Bylaw No. 4243

RECOMMENDATION

- A. THAT Council grant permission, pursuant to the Encroachment Bylaw, for the installation of Rodney Graham's "Torqued Chandelier" (public art), as illustrated in Appendix B, at Beach Avenue and Granville Street, suspended from the Granville Bridge, and adjacent to the Vancouver House development.
- B. THAT Council grant permission, pursuant to the Encroachment Bylaw, for the encroachment of Martin Boyce's "Hanging Lanterns" (lighting works), as illustrated in Appendix C, in the City lane east of Seymour Street, north from Robson Street and adjacent to the Telus Gardens development.
- C. THAT the encroachments described above in Recommendations A and B will not require the annual charges prescribed in the Encroachment Bylaw.
- D. THAT Council approve the addition of "public art" to Part D of the Schedule to the Encroachment Bylaw.
- E. THAT Council approve the addition of "lighting works" to Part D of the Schedule to the Encroachment Bylaw.
- F. THAT the Director of Legal Services be instructed to bring forward for enactment the revisions to the Encroachment Bylaw substantially as referred to in Recommendations D and E as set out in Appendix D.

REPORT SUMMARY

The purpose of the report is to obtain Council permission for the installation in City street of the above noted lighting works and public art features and also to approve amendments to the Encroachment Bylaw such that in the future the City Engineer will have authority to grant permission for similar works at other locations when they are considered to be safe and advisable.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The Encroachment Bylaw No. 4243 (the "Bylaw") was enacted by Council on April 26, 1966. In 1990, Council revised the Schedule to the Bylaw (Parts C and D) which lists the types of encroachments that are subject to annual charges and the types of encroachments that are not subject to annual charges.

The Encroachment Bylaw enables Council to grant permission to an owner of real property to construct, use or maintain any encroachment upon, under or over a street subject to that owner entering into an agreement with the City.

The City Engineer may grant permission for and authorize the execution of an agreement for only those types of encroachments that are listed in Section 3(3) or in Parts C or D of the Schedule to the Bylaw.

The Public Art Policy and Procedures for Rezoned Developments adopted by Council on July 23, 2014 establishes policy for the provision of high quality public art by rezoned developments.

GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services RECOMMENDS approval of the foregoing recommendations.

REPORT

Background/Context

As part of the Vancouver House development at 1480 Howe Street, the owners of the lands adjacent to Granville Street and Beach Avenue, being Howe Street Ventures Ltd. (to be referred to herein as "Westbank"), propose to suspend from the underside of the Granville Bridge above Beach Avenue an artistic rotating ("torqued") chandelier created by artist Rodney Graham. The purpose of the chandelier is to provide light, animation and visual interest to the public realm in the vicinity of the Vancouver House development. See Appendix B for descriptions and illustrations of the proposal.

As part of the Telus Gardens development at 520 West Georgia Street, the owners of the lands adjacent to the lane, being Telus Communications Inc., 501 Robson Property Inc., and 500 Georgia Property Inc. (also to be referred to herein as "Westbank") propose to install hanging lanterns in the City lane to provide light and animation to the lane. The lanterns will be suspended above the lane surface from cables attached to the adjacent buildings, see Appendix C for descriptions and illustrations of the proposal.

The Telus Gardens rezoning was approved by Council in 2011 and the Vancouver House rezoning was approved by Council in 2013. For both sites, Council encouraged the enhancement of the public realm with lighting and visual interest, particularly for the unique environment under the Granville Bridge. Under rezoning requirements both sites are obligated to provide public art as part of the Public Art Policy and Procedures for Rezoned Developments adopted by Council on July 23, 2014. The City's public art

policies apply to rezoning projects with a mission to produce high quality public art that enriches Vancouver's urban environment, create landmarks and distinctive elements in the built environment and provide unique identity for individual developments and for the city as a whole.

Both artworks at Telus Gardens and at Granville Bridge/Vancouver House represent the required public art contributions from their respective developments. The Public Art Committee has reviewed and recommended the artworks and they are supported by the Managing Director of Cultural Services.

Staff support the proposals noted above provided the installations will be owned and regularly maintained by Westbank even though they will be located within City street.

Neither of these proposed encroachment types are listed among the types of encroachments described in Parts C or D of the Schedule to the Bylaw for which the City Engineer is authorized to grant permission and enter into agreements for, hence, Council authority is required to permit these encroachments. Recommendations A through F seek Council's permission to install the encroachments and to revise the Bylaw such that in the future the City Engineer can grant permission for similar types of encroachments when they are considered to be safe and advisable.

Both installations will be designed, installed, and maintained under the supervision of qualified professionals and generally in accordance with the requirements and specifications to be established by the City Engineer. Westbank, as the adjacent land owner will be required to enter into an encroachment agreement in accordance with the Bylaw which will set out:

- That the owner is responsible for the installation and removal of the encroachment;
- Payment by the owner of all costs of and incidental to the removal of the encroachment;
- The obligation for the owner to keep the encroachment in good and sufficient repair;
- Provisions for termination of the encroachment;
- The right of the City Engineer or authorized representatives of the Engineer to enter upon the premises of the owner for the purpose of inspecting or maintaining the encroachment if required;
- That the owner will be liable for and shall indemnify the City against any claims that arise as a result of the encroachment;
- That the owner will be required to pay all fees and charges required under the Bylaw.

Since these installations are providing an enhancement to the public realm and enrichment of the public environment and experience for the public, staff are recommending that they will not be subject to an annual charge.

The installations will be located on City street but they will be privately owned and maintained by the adjacent property owners.

In addition to the two examples noted above, the City has received a number of requests from developers to install public art or lighting works on City street adjacent to their development projects. The installations proposed are often too specialized and too complex to be maintained under normal City maintenance programs and are best accepted as encroachments under the provisions of the Bylaw. Going forward with the amended Bylaw, before any public art is accepted in the street, engineering staff would first consult with the Public Art Program Manager for acceptance of the proposal.

Strategic Analysis

The City regularly secures the provision of public art through rezoning and development conditions. The public art provided may be privately owned, maintained by the owner and located on accessible private property; or, may be gifted to the City, maintained by the City under its public art programs and located on sites under City jurisdiction. The Recommendations in this report will enable a hybrid of the above two scenarios i.e. the placement of privately owned and maintained art on City street when it is determined to be safe by the City Engineer and supported by the Managing Director of Cultural Services.

Engineering Services currently supports a wide range of street lighting styles throughout the City since the special styles are often used to acknowledge a neighbourhood's special character. The "Hanging Lanterns" however are a considerable divergence from any of the City's available lighting options and their artistic quality goes beyond just providing functional street lighting. The Recommendations above support the adjacent owners desire to install privately owned and maintained lighting works in the lane and the City's goals to enrich the experiences of public places. Both projects will use LED lighting.

The installation of privately owned public art and lighting works in the street is consistent with the public realm and public art objectives articulated in the Council approvals for the Telus Gardens and Vancouver House projects and are supported by the Managing Director of Cultural Services.

The above Recommendations D through F create an enduring mechanism to support similar proposals that arise in the future while establishing reasonable criteria for maintenance and risk management.

Implications/Related Issues/Risk (if applicable)

Financial

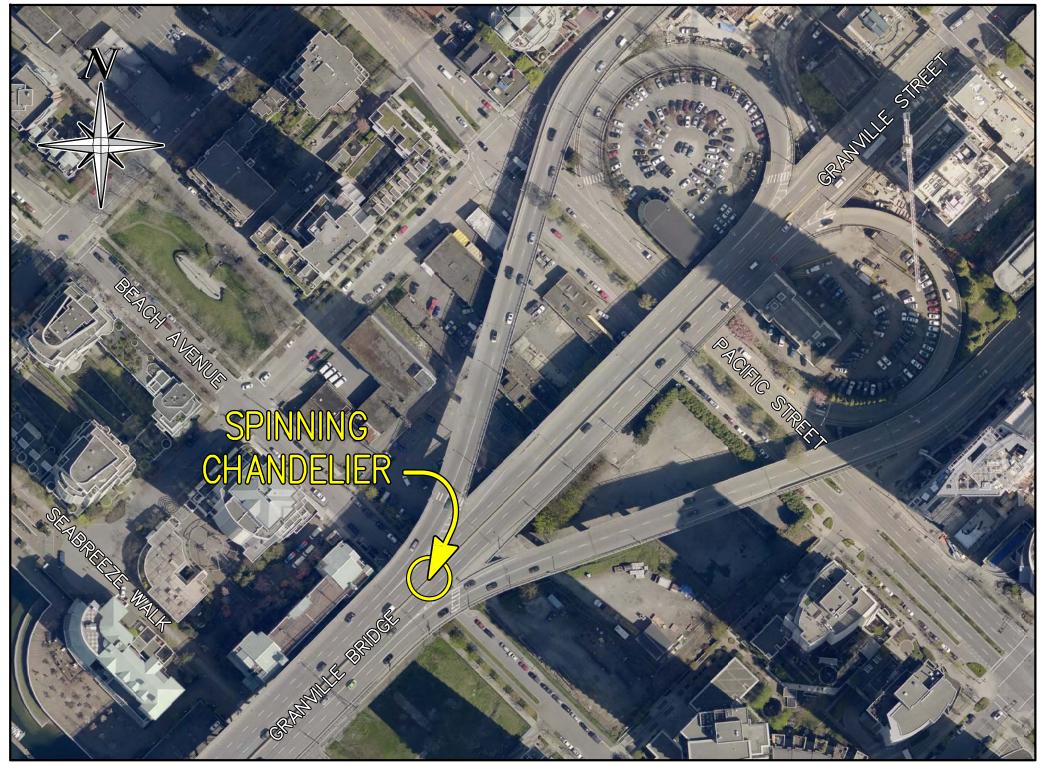
All installation and on-going maintenance costs will be the responsibility of the owners (Westbank) and there are no anticipated on-going costs that will be borne by the City. As these encroachments are to be listed in Part D of the Schedule to the Bylaw they will not be subject to annual fees. Other fees currently prescribed in the Bylaw, such as the \$50.00 fee for the preparation of an agreement, and any fees required for the registration of the agreement in the Land Title Office will be applicable and paid by the applicant.

CONCLUSION

The General Manager of Engineering Services, in consultation with the Managing Director of Cultural Services, recommends approval of the Recommendations contained in this report.

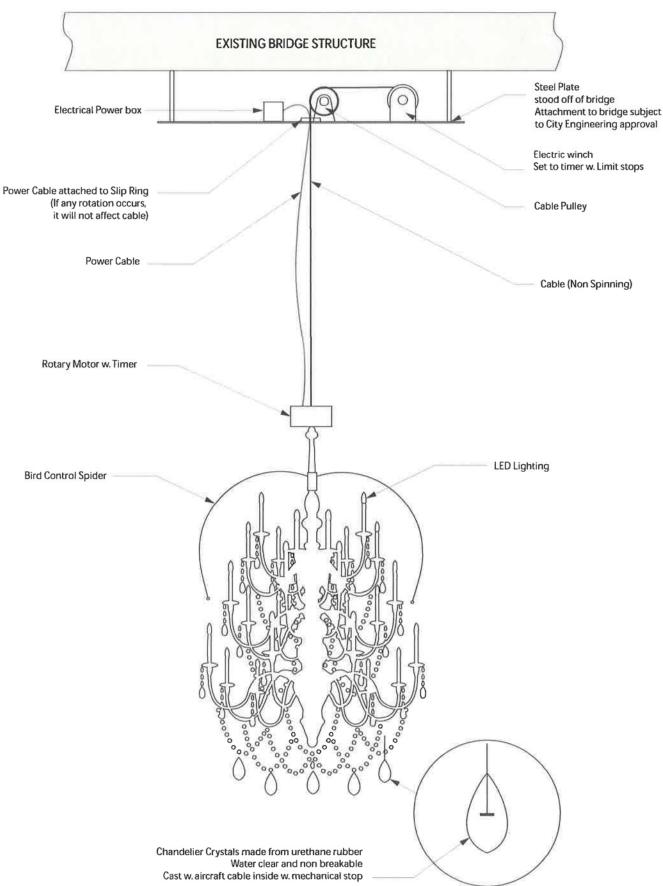
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APPENDIX A



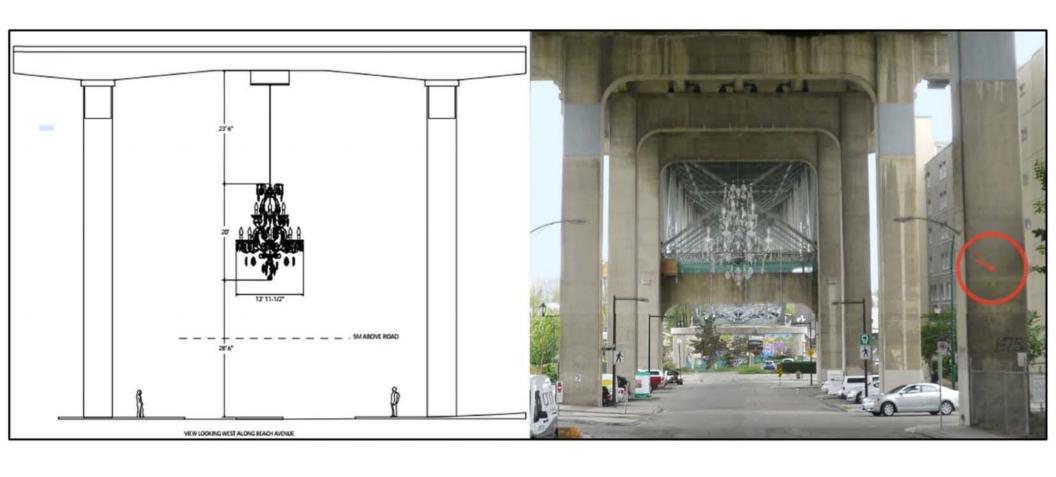
APPENDIX B

APPENDIX B



Oct 02 2013 RODNEY GRAHAM Spinning Chandelier Proposal Mechanical Layout



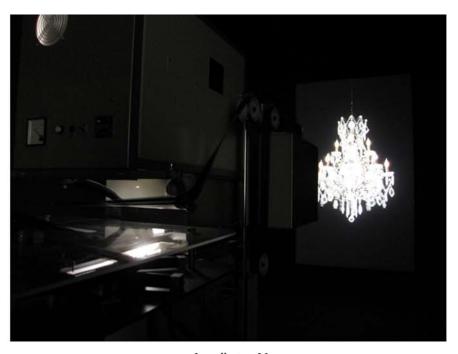


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Spinning Chandelier Proposal: Precedent



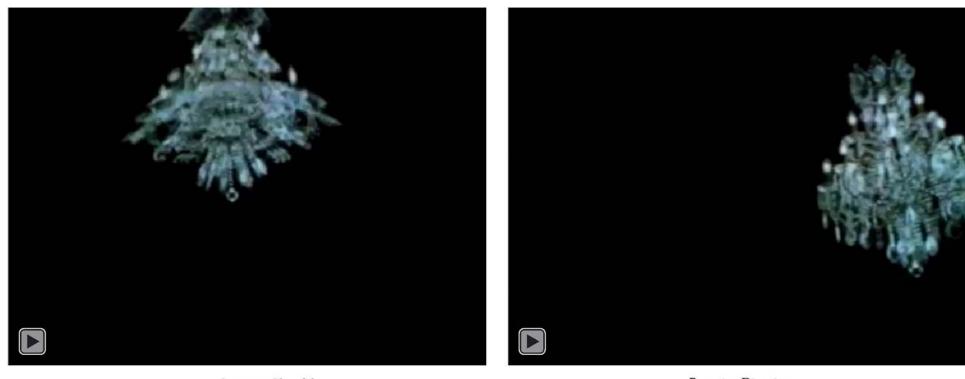
Projection Image



Installation View

Torqued Chandelier Release (2005) is a film that the artist described as "illustrated 'thought experiments' documenting transitory lighting events within the context of a single roll of film." Inspired by Sir Isaac Newton's famous water-bucket experiment, which explored the nature of rotational motion, Torqued Chandelier Release documents a crystal chandelier—wound up on a rope off-camera and then released—spinning in one direction until the rope unwinds, slowing, then spinning in the reverse direction, and so on, until finally coming to rest.

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Spinning Chandelier Reversing Direction

The film was shot at twice the normal speed with a 35mm camera placed on its side, and is shown in a vertical format through a custom-built, high-speed projector. The image of the spinning chandelier becomes hypnotic—it takes on a sculptural, three-dimensional appearance that is unlike anything made by conventional filmic means; the intensified resolution and lush texture transform the simple event into a dizzying, glamorous spectacle.

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Spinning Chandelier Proposal: Concept



View toward east from Beach Avenue



View toward east from Beach Avenue (Night)

Hanging underneath the Granville St. Bridge at Beach Avenue, *Spinning Chandelier* is a large kinetic sculpture (a 10-15 foot reproduction of the same 18th century French or Italian chandelier used in the *Torqued Chandelier* film loop. Above are crude digital collages to depict the approximate scale and concept for the *Spinning Chandelier*

APPENDIX B 6 of 7



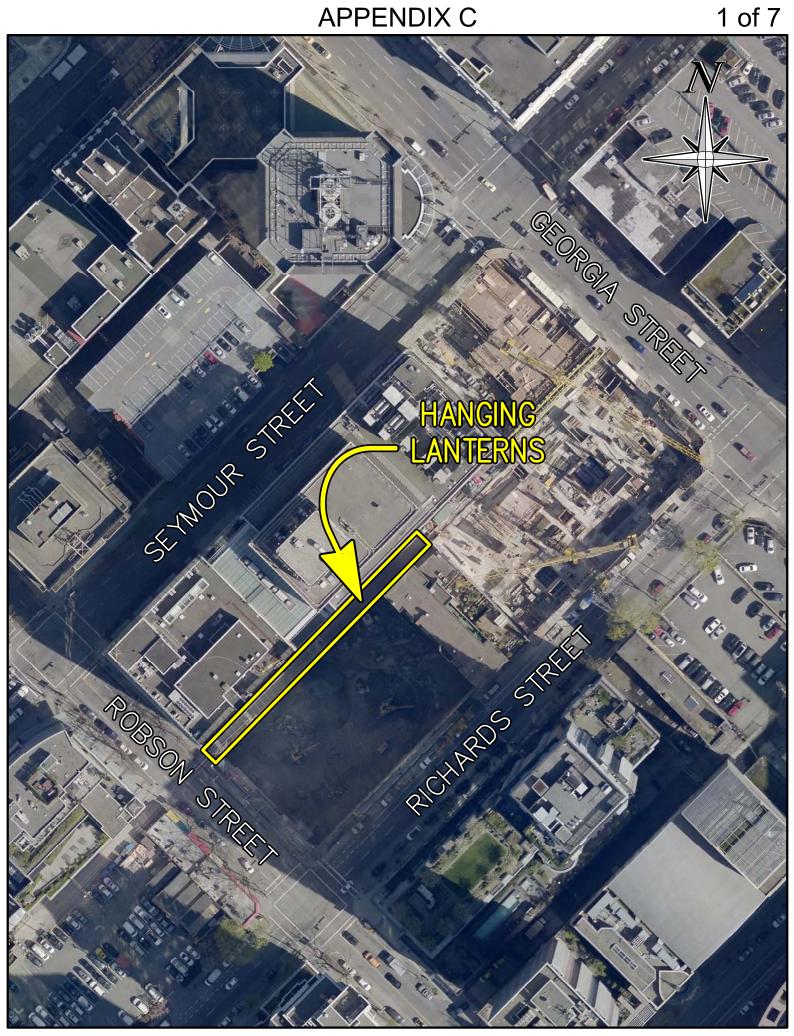
View toward southwest under Granville Bridge



View toward southwest under Granville Bridge (Night)

The enlarged chandelier would turn slowly and simultaneously elevate (mimicking a torquing/winding action) over the course of 24 hours. It would be 'released' once every 24 hours, at a fixed time in the evening, spinning quickly in the opposite direction (mimicking an unwinding action) while lowering to its starting position.

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Martin Boyce (born 1967) is a Scottish sculptor inspired by early 20th century modernism. In 2011, Boyce won the prestigious Turner Prize, awarded by Britain's Tate Gallery, for an installation that recreated a park in autumn. The judges praised his "opening up of a new sense of poetry", while Nicholas Serota, director of Tate Galleries, said: "He is an extraordinarily strong artist who has consistently reinvented the language of early modern art, but he makes work that is beautiful and arresting in its own right."

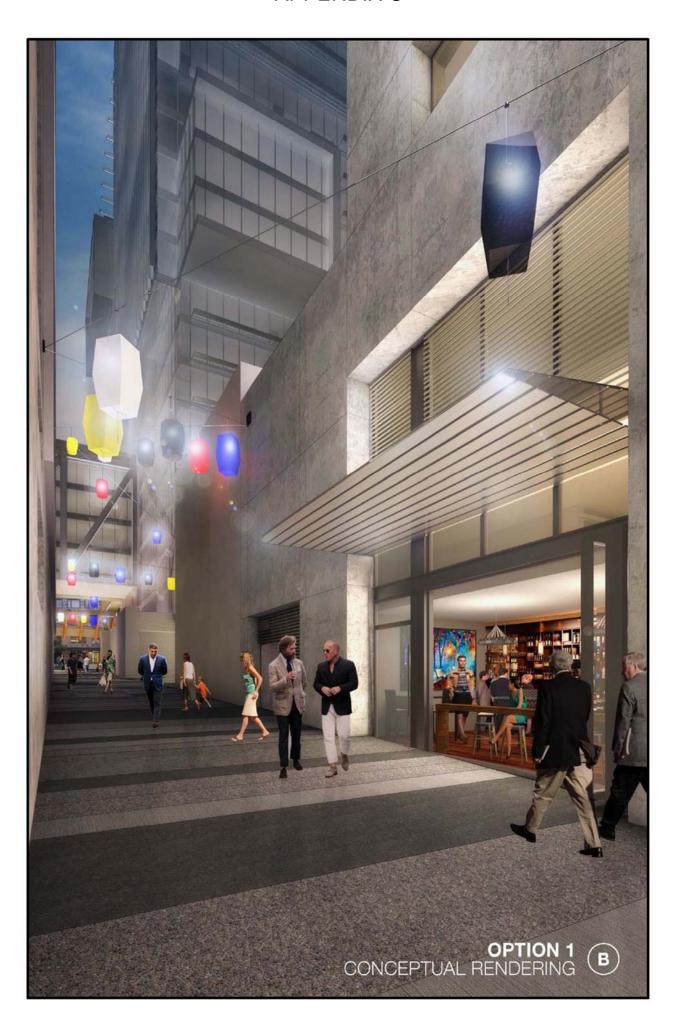
In 2012, through invitational competition, Boyce was chosen by a committee made up of Ian Gillespie, Architect Gregory Henriquez, Telus Vice President Andrea Goertz, acclaimed Vancouver visual artist Ian Wallace, and Daina Augaitus, Chief Curator/Associate Director of the Vancouver Art Gallery, to produce a major public artwork for Telus Garden.

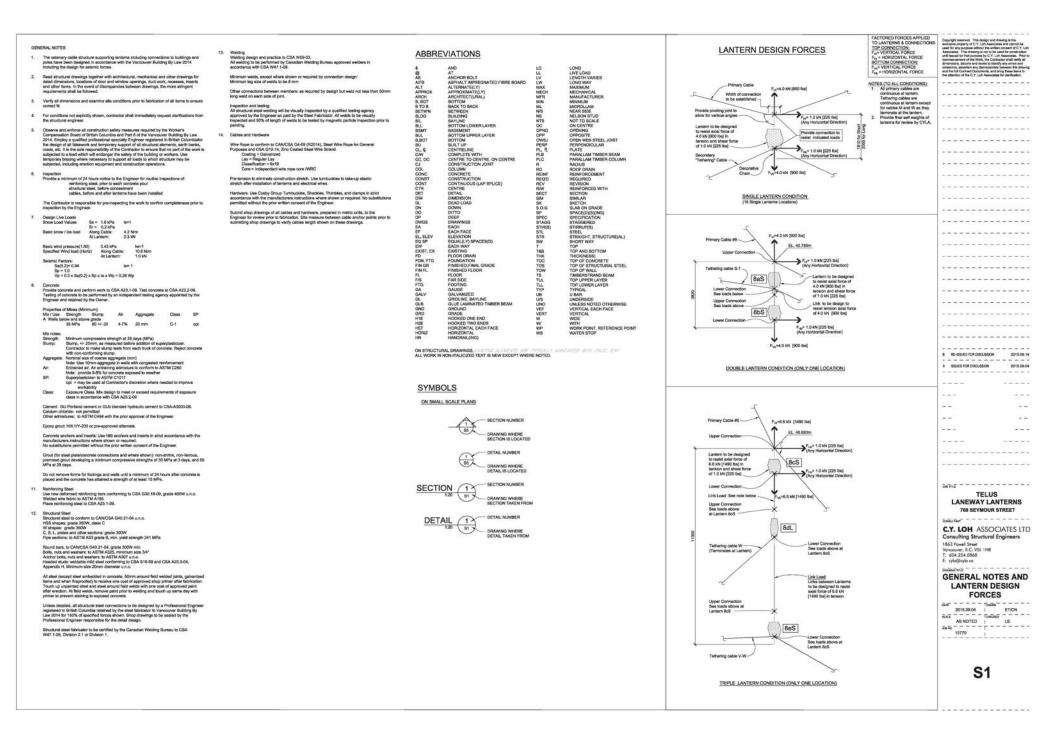
Boyce's proposal, titled: Beyond the Sea. Against the Sun, consists of three continuous chains of hanging lanterns that converge at the point where the Richards St. lane meets the alleyway running from Robson St through to Georgia St. The lanterns follow a geometric design with their component shape being found as the 'leaf' in the 1925 abstract trees of French sculptors Jan and Joel Martel. They are produced in perforated stainless steel and coated with a two-part epoxy paint system. Each lantern will be around 1.5 metres in height with its fringed tassel reproduced in stainless steel chain.

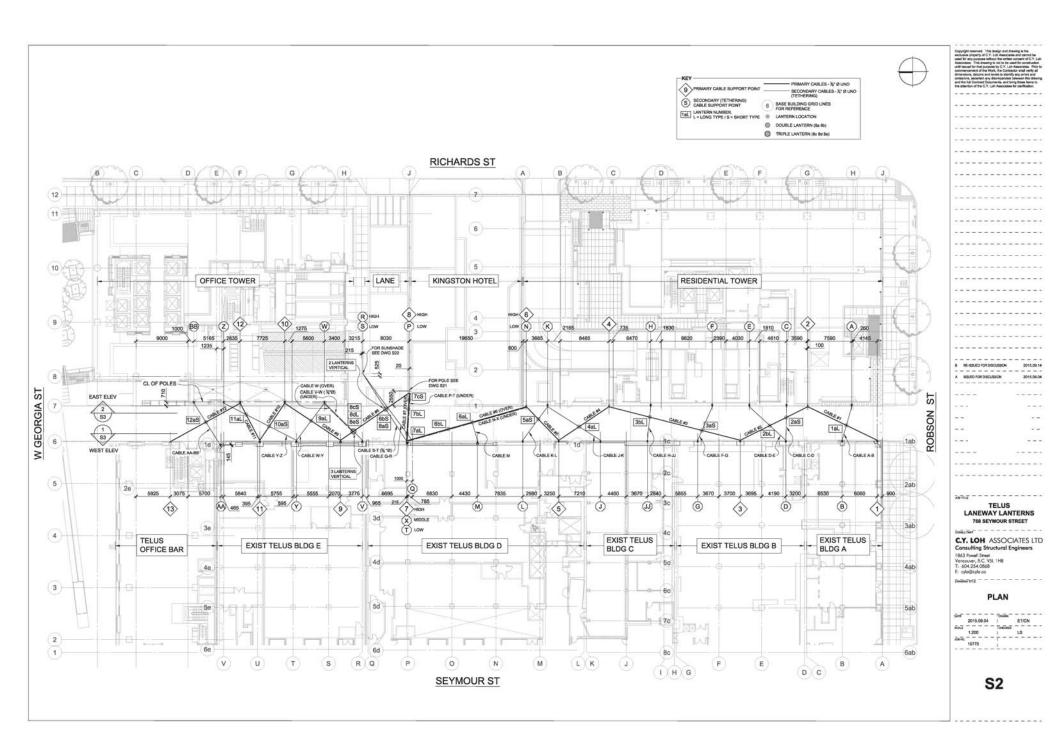
This industrial translation belies the lightness of traditional paper lanterns. They are objects in and of themselves but more importantly mark and activate the space below them. Their state of partial collapse simultaneously suggests the residue of a celebration long since passed and an arrangement in advance of such an occasion. Scaled up and clustered in colourful constellations their presence will heighten the dramatic possibilities of the site, drawing people into an ambient, atmospheric urban space. The lanterns will also create spectacular vistas for pedestrians walking past, or seen "snapshot-like" from passing cars.

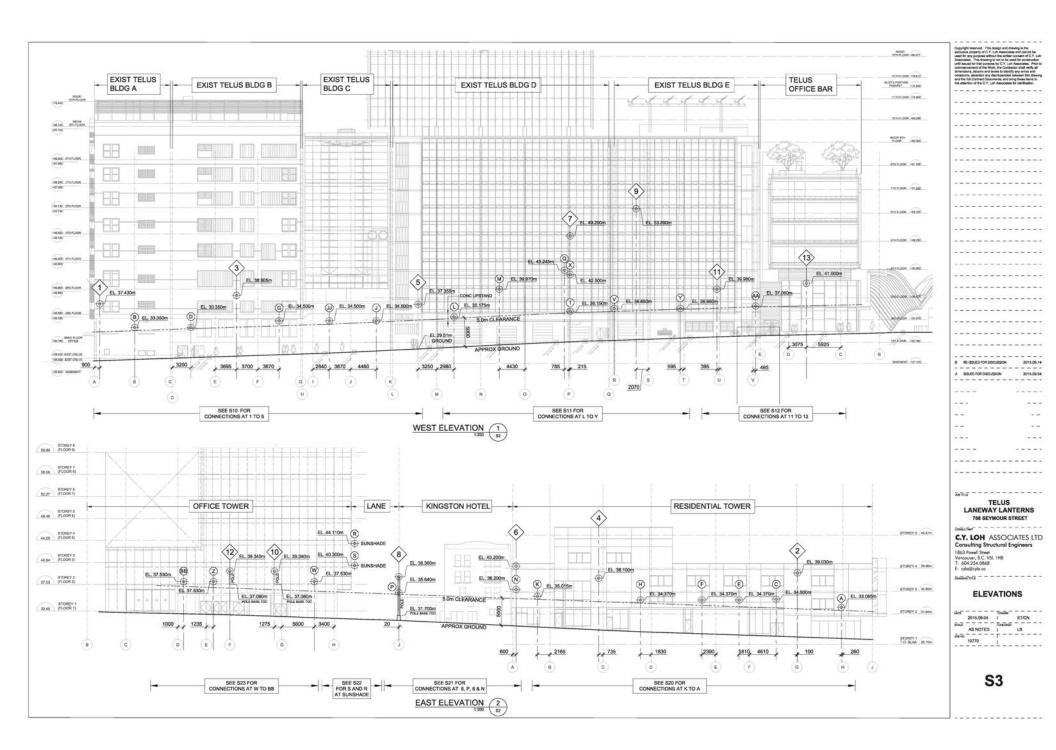
In addition to the lanterns, Westbank is now in discussion with the Boyce to enlarge and expand on his work in the alleyway with a pavement treatment originally designed by the artist in 2007 for the prestigious Muenster Sculpture Project. Here Boyce also created an artwork in homage to the Martels, whom he finds inspiration for their attempts to present a "perfect unity of architecture and art".

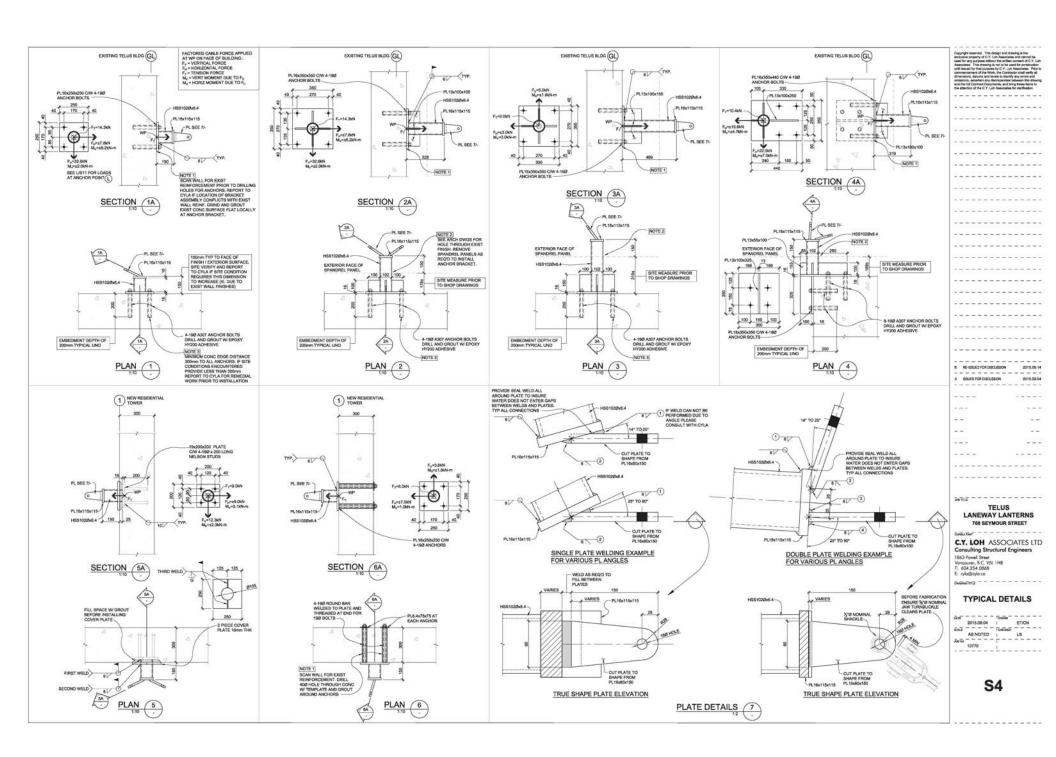
- More lantern images: http://www.themoderninstitute.com/exhibitions/3965/images
- Also you can find more of Martin's pavement images if you Google: "Munster Sculpture Project 2007 Martin Boyce"











APPENDIX D

BY-LAW NO.

A By-law to amend Encroachment By-law No. 4243

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

- 1. Council amends By-law No. 4243 by adding to Part D of the Schedule to the Bylaw "-lighting works" and "-public art".
- 2. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
- 3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this	day of	, 2015
		Mayor
		City Clerk