



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
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Legislation Details (With Text)

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Title: Request from Esquimalt Community Arts Hub to have the 2021 Esquimalt Mural Festival be considered a "community beautification program", Staff Report No. DEV-21-053

Sponsors:

Indexes:

Code sections:

Attachments: 1. Appendix A - 2021 Mural Festival Request for Exemption, 2. Appendix B - Photos of the Trackside Gallery and Environs, 3. Appendix C - Existing Public Art Policy, 4. Appendix D - Email from Laura-Beth Keane Re: Letters of Support for the Mural Festival

Date	Ver.	Action By	Action	Result
6/28/2021	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: June 21, 2021

Report No. DEV-21-053

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Request from Esquimalt Community Arts Hub to have the 2021 Esquimalt Mural Festival be considered a "community beautification program"

RECOMMENDATION:

That Council resolve that the 2021 Esquimalt Mural Festival be considered a "community beautification program" for the purposes of Section 5.7 of the Sign Regulation Bylaw, 1996, No. 2252, as amended, subject to the following conditions:

- 1) All murals selected by the organizing committee are to be forwarded to the Corporation of the Township of Esquimalt (Township) for final approval by Council of the Township (Council). Any proposed alterations to the mural after final approval by Council must also be approved by Council.
- 2) All property owners that have a mural installed on their property must enter into a maintenance agreement with the Township to ensure that the mural will be properly maintained while installed on the property. Such agreement must be registered on the title of the subject property prior to the commencement of the installation of the mural. The agreement will also contain requirements for the provision of security if the landowner does not maintain or

remove a mural.

- 3) The property owner must enter into an indemnity agreement with the Township indemnifying the Township from all liability.
- 4) Other than murals painted directly onto the exterior wall of a building, all murals must be installed under the direction of a qualified engineer licensed to practice in British Columbia.
- 5) That this resolution only applies to the 2021 Esquimalt Mural Festival.
- 6) Any other condition that Council considers appropriate.

Furthermore, Council approves the payment of legal fees incurred to review legal documents, from the Contingency budget for up to \$5,000.00.

RELEVANT POLICY:

Sign Regulation Bylaw, 1996, No. 2252 as amended

STRATEGIC RELEVANCE:

Support the arts, culture, and heritage community.

BACKGROUND:

On June 14, 2021, Laura-Beth Keane, Executive Director of the Esquimalt Community Arts Hub, presented to Council a request to have the 2021 Esquimalt Mural Festival be considered a “community beautification program” for the purposes of Section 5.7 of the Sign Regulation Bylaw, 1996, No. 2252 as amended (Sign Bylaw) (Appendix “A”). This would allow the murals to be exempted from the Sign Bylaw. Staff have reviewed the request and believe that there is considerable merit in approving the request subject to the conditions noted in the Recommendation section of this report.

Staff are cognizant of the history of the Trackside Gallery and recommend that all precautions be taken to avoid a repeat of this situation. The Trackside Gallery has become an unregulated space that has expanded to the rear walls of nearby buildings and has become an area of significant amounts of graffiti (Appendix “B”).

It should be noted that the Township does have a Public Art Policy (Appendix “C”); however, it deals more with public art that would be initiated by the Township as opposed to a third-party as is the case here. Parks and Recreation is currently leading a process aimed at developing a more holistic public art policy that would address this type of circumstance; however, in the absence of that policy, interim measures need to be implemented such as those outlined in the recommendation above.

Laura-Beth Keane has indicated that through her community engagement, there has been considerable support for the idea of a mural festival in Esquimalt. This support has been expressed in posts on the Esquimalt Community Connection Facebook page. In addition, several letters of support may be submitted to Council prior to the meeting.

ISSUES:

1. Rationale for Selected Option

Due to the lack of an adequate policy framework at this time, staff have determined that the installation of murals should be approved by Council subject to the conditions listed in the recommendation section.

2. Organizational Implications

Preparing the proposed murals and background information for Council's consideration as well as preparing the necessary reports will require staff time.

3. Financial Implications

No significant costs are anticipated with recognizing the 2021 Esquimalt Mural Festival as a "community beautification program". The cost of drafting the legal agreements will be borne by the Festival organizers or the property owners. There will be some legal costs associated with reviewing the draft agreements. Staff recommend that these costs come from the contingency budget. They are anticipated to be less than \$5,000.00.

It should be noted that Council already approved a \$13,500 local grant to Esquimalt Community Art Hub, which includes \$10,000 specifically for the Mural Festival.

4. Sustainability & Environmental Implications

There are no significant sustainability and environments implications associated with the Esquimalt Community Art Hub's request to exempt them from the requirements of the Sign Bylaw.

5. Communication & Engagement

The Esquimalt Community Art Hub has done some informal engagement on the Esquimalt Community Connection Facebook page. In their proposal (Appendix "A"), they undertake to contact homeowners near the proposed installation sites for the purpose of soliciting feedback.

ALTERNATIVES:

1. That Council resolve that the 2021 Esquimalt Mural Festival be considered a "community beautification program" for the purposes of Section 5.7 of the Sign Regulation Bylaw, 1996, No. 2252 as amended subject to the following conditions:
 - 1) All murals selected by the organizing committee are to be forwarded to the Corporation of the Township of Esquimalt (Township) for final approval by Council of the Township (Council). Any proposed alterations to the mural after final approval by Council must also be approved by Council.
 - 2) All property owners that have a mural installed on their property must enter into a maintenance agreement with the Township to ensure that the mural will be properly maintained while installed on the property. Such agreement must be register on the title of the subject property prior to the commencement of the installation of the mural. The agreement will also contain requirements for the provision of security if the landowner refuses to maintain or remove a mural.
 - 3) The property owner must enter into an indemnity agreement with the Township indemnifying the Township from all liability.
 - 4) Other than murals painted directly onto the exterior wall of a building, all murals must be installed under the direction of a qualified engineer licensed to practice in British Columbia.
 - 5) Any other condition that Council considers appropriate.

Furthermore, Council approves the payment of legal fees incurred to review legal documents, from the Contingency budget for up to \$5,000.00.

2. That Council consider the 2021 Mural Festival to be a "community beautification program"; however, they amend the conditions outlined above.

3. That Council decline to consider the Mural Festival a “community beautification program”.