



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michael Olubiyi
Current Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 12, 2023
REPORT DATE: May 29, 2023
FILE: 3060-20 (DP001034) (Folio: 001148.000)

SUBJECT: MURAL REQUEST FOR 3301 30TH AVENUE

PURPOSE:

To review the request from the officials of Welbec Properties Inc. for approval to install a painted mural on the entire north wall of the building located at 3301 30th Avenue.

RECOMMENDATION:

THAT Council approve the painted mural on the north wall of the building located at 3301 30th Avenue as proposed by Welbec Properties Inc. in their request dated May 16, 2023;

AND FURTHER, that Council approve the proposed mural design as submitted by Welbec Properties Inc. and included as Attachment 1 in the report titled "Mural Request for 3301 30th Avenue" dated May 29, 2023 and respectfully submitted by the Current Planner.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council deny the request from Welbec Properties Inc. for approval to install a painted mural on the entire north wall of the building located at 3301 30th Avenue as outlined in the report titled "Mural Request for 3301 30th Avenue" dated May 29, 2023 and respectfully submitted by the Current Planner.

Note: This alternative does not support the requested approval to install the mural; therefore, the mural would not be installed.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The City has received a request for approval to install a painted mural designed by artists Lacey Jane and Layla Folkmann dated May 16, 2023 from Welbec Properties Inc. In their letter (Attachment 1), the applicant is requesting Council approval for the installation of a mural on the entire wall of the newly redeveloped retail plaza located at in the City Centre Neighbourhood at 3301 30th Avenue (Figures 1 and 2). Section J (1) of Sign Bylaw 4489 states that murals shall be reviewed and approved by Council.

2. The theme of the mural, as shown in Attachment 1, is to express reverence for the local wildlife and beauty of the region, that is also bold, vibrant, dynamic, and contemporary with vivid lighting effects to signal revitalization, progress and future-forward thinking.

3. According to the Mural Maintenance Agreement between the City and Downtown Vernon Association (DVA), as amended on April 3, 2023 (attachment 2), the City agrees to establish and administer the Maintenance Fund for the Murals within the area identified on Schedule "A" in the agreement attachment. Per the agreement, the DVA will commit up to \$5,000 per budget year to the Maintenance Fund, while the City will match or exceed the Association's contribution each budget year.

4. The City and DVA work closely on the annual maintenance of the murals. The DVA completes annual inspections and report any deficiencies and estimated repair costs to the City by May 31st of each year. Minor repairs, including cleaning, sealing and graffiti removal are completed by the City, while building repairs or major maintenance to the murals are managed by DVA in consultation with the property owner and original artist.

5. The DVA was consulted and strongly supported the proposed mural on the entire north concrete wall elevation of the building located at 3301 30th Avenue (Attachment 3). If this mural is approved, the DVA would allocate funds from the existing City's Mural Maintenance Reserve to cover maintenance and upkeep for five years after the installation is completed. The copyright would be agreed upon between the applicant and the artists.

6. Council approval of the mural design and location would allow for the associated Sign Permit to be approved and issued.

C. Attachments:

- Attachment 1 – Mural Rendering, Design and Artists Profile
- Attachment 2 – The City and DVA Mural Maintenance Agreement as Amended
- Attachment 3 – Downtown Vernon Association Support Letter Dated May 18, 2023

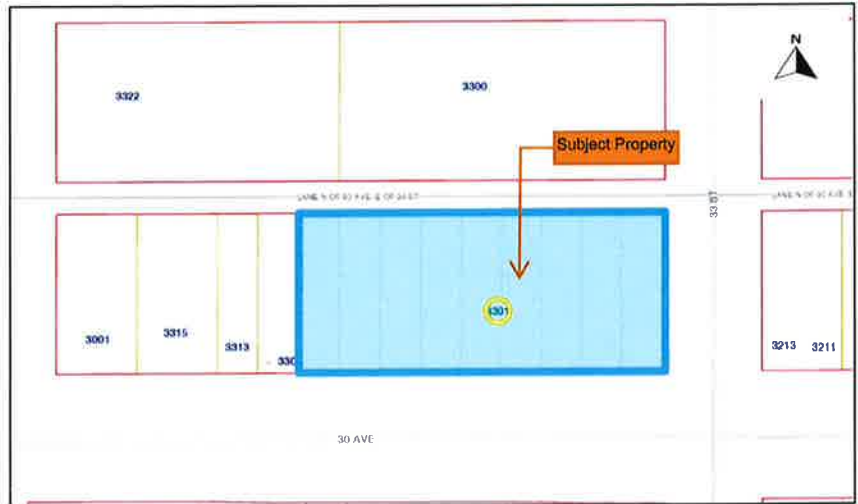


Figure 1 - Location of Subject Properties

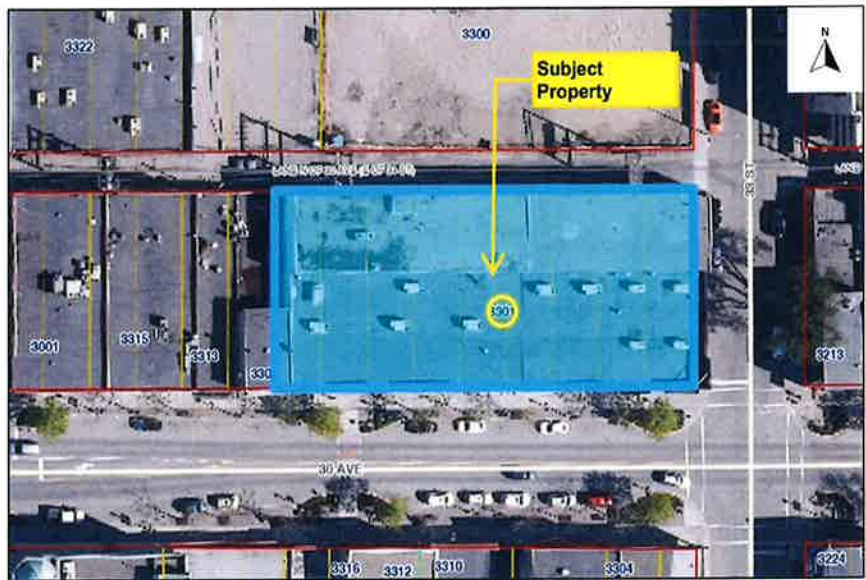


Figure 2 - Aerial View of Subject Properties

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject mural request involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Implement additional incentives to encourage upgrades to existing buildings.
- Increase the vibrancy of Downtown, including the provision of new amenities and events.

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is located within the Historic Downtown Character Area of the City Centre Neighbourhood Plan (CCNP). The following policies within the CCNP support the installation of murals:

- "9. Explore ways of animating the streets bringing life, art, music and people to the downtown."
- "10. Investigate ways to make the alleys more visually interesting and usable. Improve public perception regarding safety in the lanes."

2. Section J.1. in Sign Bylaw 4489 for Murals states as follows:

"J.1. Murals shall be reviewed and approved by the Council of the City of Vernon."


BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X 
 Michael Olubiyi
 Current Planner


 Patti Bridal, CAO
 Date: June 7/2023

X 
 Roy Nuriel
 Acting General Manager, Planning

REVIEWED WITH

- | | | |
|---|--|--|
| <input type="checkbox"/> Corporate Services | <input checked="" type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input checked="" type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |

WELBEC PROPERTIES

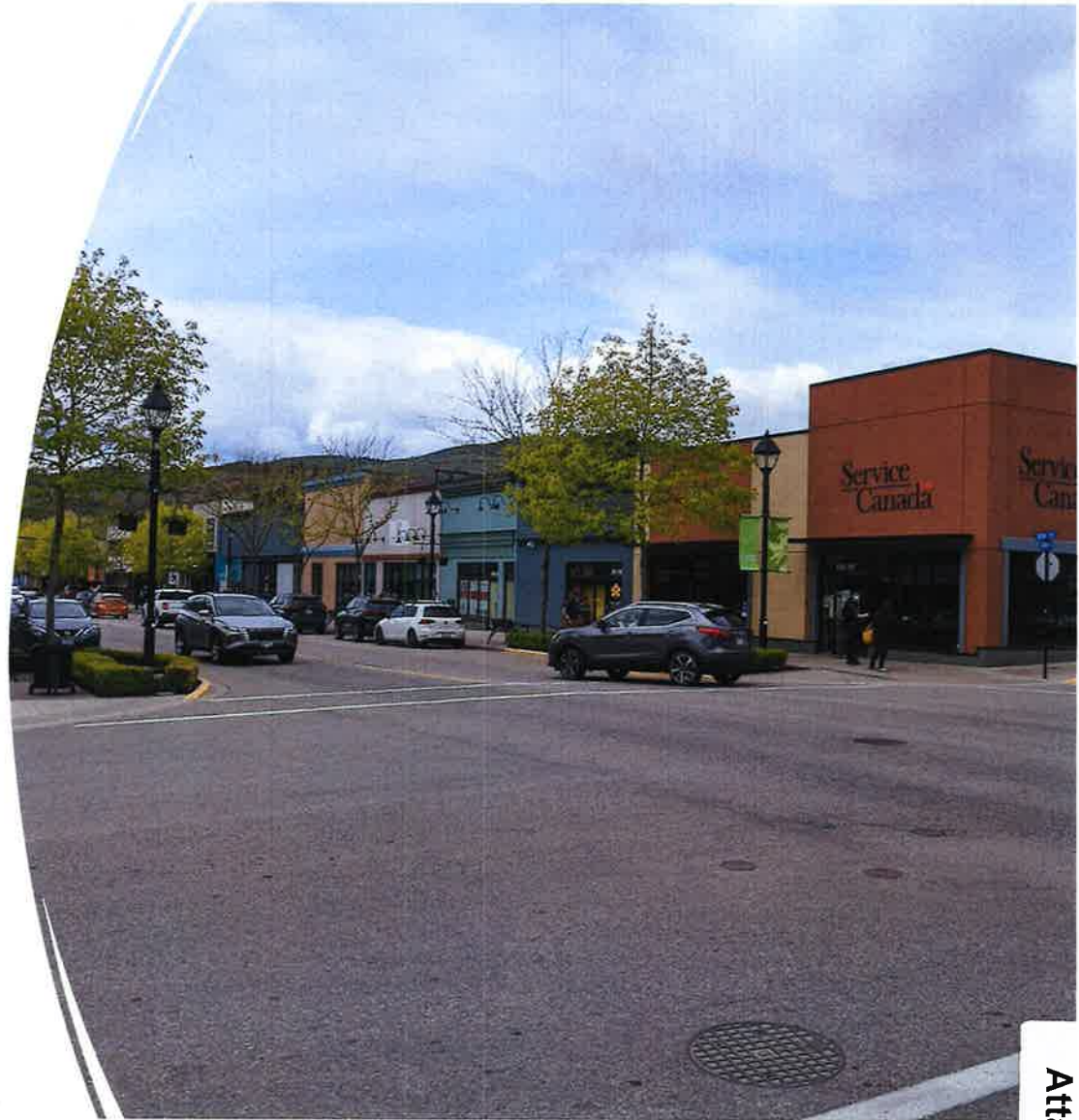
MURAL PROPOSAL: 3301 30th AVENUE

Sanjeev Kandola

President

(604) 954 0617

sanjeev@welbec.com



PROPOSED LOCATION:

North-facing wall of the newly redeveloped retail plaza at 3301 30th Ave

220 ft

25 ft



31st Avenue





MURAL RENDERING:

Reflecting on the spirit of Vernon and the local flora and fauna, we chose the following elements to create a tapestry that felt unique to the area. On the left we have apple blossoms to represent Vernon's lush apple orchards and fruit-bearing climate that make it such a sought-after travel destination in summer, and on the far right we have the silvery-green wild sage that also signifies the heat, the wildness, and more desert-like hills and fields. For the local wildlife, we chose the fox for both its beauty, and its cleverness as an incredibly resilient animal that can thrive throughout all the seasons of the area, and its gorgeous warm coat reminded us of the colours of the foothills of the region on a late summer's day. We chose a rich emerald and pine green as part of the colour palette to signal to Kalamalka Lake and its deep colour palette, and a bright magenta that represent the crazy beautiful sunsets, sunrises and clouds we saw every day while we painted there last summer. Combined with our own use of structure, luminosity and graphic pattern overlays, our intention is a new mural that both expresses a reverence for the local wildlife and beauty of this region, but is also bold, vibrant, dynamic, and contemporary with vivid lighting effects to signal revitalization, progress and future-forward thinking.

ARTIST PROFILE:

laceyandlaylaart.com

Contemporary female mural artists Lacey Jane and Layla Folkmann have a professional collaboration in large-scale public art for over a decade. Working exclusively as a synchronized duo, they have produced 100 murals all across the globe, from an over 4,000 square foot farm silo in the Ontario countryside to the notable Rogers Place hockey arena in downtown Edmonton. Having relocated from Montreal in late 2019, they currently operate out of Vancouver and Edmonton where they are dedicated to their collaborative efforts in meaningful and engaging public art and developing their individual studio practices.



AMENDMENT TO THE MURAL MAINTENANCE AGREEMENT

THIS AGREEMENT dated for reference the 3 day of April 2023

BETWEEN

THE CORPORATION OF THE CITY OF VERNON

City Hall
3400 30th Street
Vernon, BC
V1T 5E6

(the "City")

AND:

THE DOWNTOWN VERNON ASSOCIATION

#101 – 3334 30TH Avenue
Vernon, BC
V1T 2C8

(the "Association")

WHEREAS:

- A. The City and the Association entered into a Mural Maintenance Agreement dated August 18, 2005.
- B. The City and the Association have agreed to amend the Mural Maintenance Agreement as hereinafter more particularly set out;

NOW THEREFORE, this Agreement witnesses that in consideration of the premises and mutual covenants and agreements herein contained, the parties agree as follows:

1. The words and phrases used in this Agreement shall have the same meanings as ascribed to them in the Mural Maintenance Agreement unless otherwise specifically defined herein.
2. The Parties hereby confirm the Mural Maintenance Agreement, and, except as otherwise provided in this Agreement, further confirm that the provisions contained in the Mural Maintenance Agreement will continue to be in full force and effect and binding upon both parties and their respective successors and assigns.
3. This Agreement may be executed in as many counterparts as may be necessary and may be delivered by facsimile or other electronic means and each such counterpart agreement so

executed and delivered shall be deemed to be an original and such counterpart copies together shall constitute one and the same instrument.

4. Section 3. and Section 4. of the Mural Maintenance Agreement are hereby deleted in their entirety and replaced with the following:

~~3. The Association will work with the City's Fleet and Facilities Manager to identify maintenance needs, potential contractors, materials, grants, and other matters related to the Murals.~~

~~4. The City will notify the Association as to the maintenance work that will be undertaken on the Murals; provide a cost estimate of the proposed work and the time estimated to complete the work. Statements regarding the Maintenance Fund will be supplied at the end of each calendar year.~~

3. The Association will work with the City to identify maintenance needs, potential contractors, materials, grants, and other matters related to the murals. The Association will conduct annual inspections of all the murals and report any deficiencies and estimated repair costs to the City by May 31, of each year. The City will confirm that funding is available and provide approval to complete the repairs.

4. The City will be responsible for coordinating the completion of minor maintenance and repairs to the murals including cleaning, sealing and graffiti removal. The Association will be responsible for coordinating the completion of maintenance and repairs to the murals that require building repairs or repairs requiring the involvement of the original mural artist.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

CITY OF VERNON

Per: *Victoria Timmons*
Mayor

Per: *Janice Nicol*
Corporate Officer

DOWNTOWN VERNON ASSOCIATION

Per: *[Signature]*
Authorized Signature

Print Name: Keelan Mortagh

This agreement made the 18th day of August, 2005

BETWEEN

THE CORPORATION OF THE CITY OF VERNON

City Hall
3400 30th Street
Vernon, BC
V1T 5E6

(the "City")

AND:

THE DOWNTOWN VERNON ASSOCIATION

#4 – 3101 29th Street
Vernon, BC
V1T 5A8

("the Association")

WHEREAS:

- A. Through the efforts of the Association and the financial support of the City, murals portraying the history of the City of Vernon were painted on buildings throughout the downtown business district;
- B. The City and the Association agree that the murals are a valuable asset to the Greater Vernon Community and mural maintenance is of primary concern;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The City agrees to establish and administer the Maintenance Fund for the Murals within the boundaries shown on Schedule "A" attached hereto.
2. The Association will commit up to \$5,000 per budget year to the Maintenance Fund. The City will deduct this \$5,000 from the Association's annual Business Improvement Area Levy allocation for deposit to the Maintenance Fund. The City agrees that the City will match or exceed the Association's contribution each budget year.
3. The Association will work with the City's Fleet and Facilities Manager to identify maintenance needs, potential contractors, materials, grants, and other matters related to the Murals.
4. The City will notify the Association as to the maintenance work that will be undertaken on the Murals; provide a cost estimate of the proposed work and the time estimated to complete the work. Statements regarding the Maintenance Fund will be supplied at the end of each calendar year.
5. All monies within the Maintenance Fund are for Mural maintenance only, with excess monies in any given year being carried over to the next year. In the event that the Maintenance Fund is dissolved, all remaining monies will be divided proportionately according to the contribution levels between the City and The Association.
6. In the event of extenuating circumstances such as vandalism causing damage to a number of Murals and where the current monies within the Maintenance Fund do not cover the cost of repair, the City will advance the required funds to refurbish the Murals, until the Maintenance Fund can be replenished.

7. The Association will assist where possible to replenish the Maintenance Fund in the event of extenuating circumstances by seeking grants or by fundraising. Grants may also be used to assist with preventative maintenance.

8. The Association shall at all times remain the owner of the copyright in the Murals and nothing in this Agreement shall give the city an explicit or implied license or right to use the Murals in any manner without the written consent of the Association.

AGREED to the day and year first above written.

The City of Vernon

Per: Bernd H. Fehrmann

Authorized Signature

Print Name: BERND H. FEHRMANN

Downtown Vernon Association

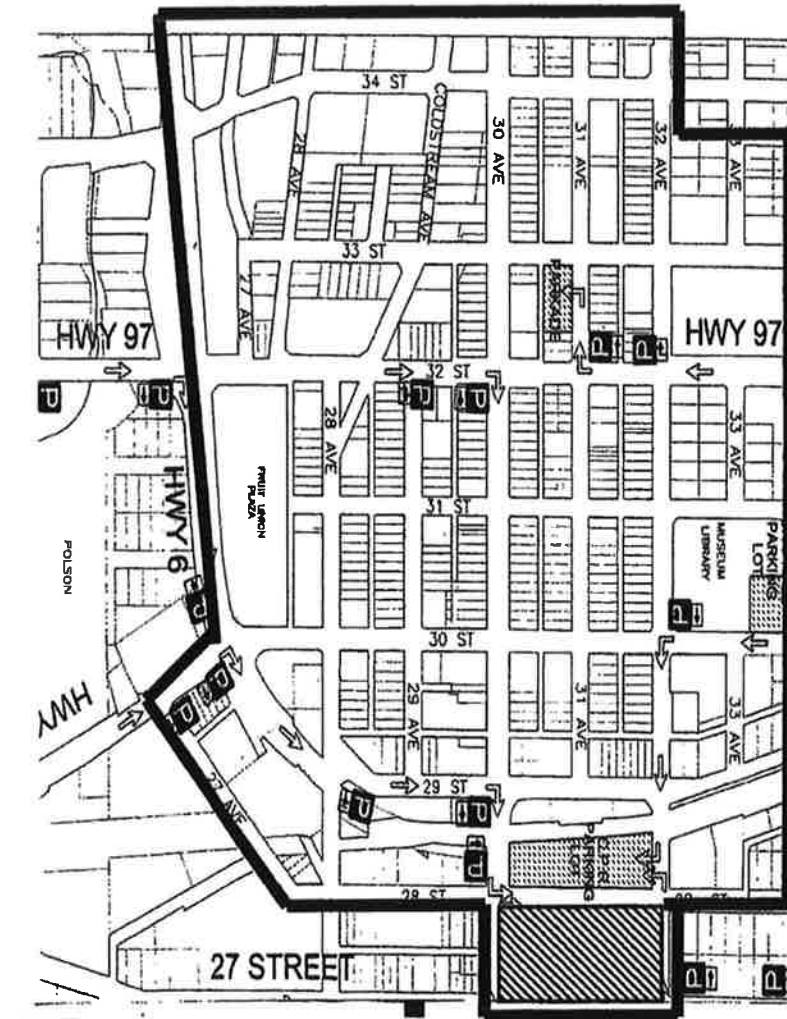
Per: T Jones


Authorized Signature

Print Name: TERRI A. JONES

SCHEDULE "A"

(DVA BIA BOUNDARIES)



 BIA Expansion 2800 block 27 & 28th St

 Primary & Secondary Area Boundaries



250-542-5851
info@downtownvernon.com
#101 - 3334 30th Avenue
Vernon, BC V1T 2C8

Downtown Vernon Association

#101 – 3334 30th Ave

Vernon, BC

V1T 2C8

May 18, 2023

Attn: Sanjeev Kandola

Welbec Properties

1930 – 777 Hornby Street

Vancouver BC

V6Z 1S4

Dear Mr. Kandola,

On behalf of the Downtown Vernon Association (DVA), it is my pleasure to provide this letter of support regarding the proposed mural on the back of your building located downtown Vernon at 3301 30th Avenue.

The DVA was consulted during the mural process and strongly believes in the various benefits of placing dynamic public art projects in our downtown Business Improvement Area (BIA). Welbec's concept and intent of revitalizing our downtown is commendable and aligns with the DVA's strategic plan to keep downtown attractive to would-be patrons, business owners and potential investors.

Should this mural go forward, the DVA would request that the City of Vernon allow this new art piece to be accepted and included under the existing mural repairs and maintenance fund so that after the initial installation, the DVA would be responsible for repairs and maintenance for a period of five (5) years after the installation is completed.

Sincerely,

A handwritten signature in black ink, appearing to read "Keelan Murtagh", is written over a large, stylized scribble.

Keelan Murtagh

Executive Director

Downtown Vernon Association

