



## Arts and Cultural Affairs Commission

### URBAN ART GUIDELINES

Very often when people think of public art, they think of a monumental sculpture placed outside an office or public building. Yet public art can extend its reach and involvement into a community much further. Public art can tell a story, portray the culture and history of a community, and add decoration and design where it is least expected. Public art can be at its best when conceived and executed as an integral part of a building or development. Under the guidance of an artist, doors, gates, ceilings, floors, and walls can be transformed from elements of function into objects of fascination and delight. Further, public art can take the form of musical events, poetry readings, theater and performance which enrich civic culture.

The Urban Art Policy provides a mechanism to promote art in the City and achieve interest and vibrancy within the urban fabric. In particular, the Policy is motivated by a desire to ameliorate some of the effects new development has on the community. New development often results in intensified use of land where larger structures seem imposing and inaccessible to the public. Urban art can help soften this effect and provide interaction and connection between the public and private domains.

This Policy details procedures required to implement and fulfill the requirements of the Urban Art Program (often referred to as the Percent for Art Requirement). Through sound administration of the program the City hopes to develop and support quality art projects that can be enjoyed by the whole community.

The Urban Art Program is codified in the City's Municipal Code - Title 19, Zoning Ordinance, Chapter 19.38 "Urban Art Program." Section 19.38.060 of the Ordinance entitled "Procedures, Guidelines, and Requirements," directs the City to establish by resolution the procedures and guidelines for implementing the Urban Art Program.

The City of West Hollywood's Zoning Ordinance, Chapter entitled "Urban Art Program" requires developers of certain projects to contribute one percent of the development valuation to public art.

## **Requirements**

### **Projects Subject to the Urban Art Requirement**

- New development with a value of \$200,000 or more; or the alteration or repair of a structure increasing the total gross floor area or otherwise intensifying the use, where such alteration, intensification, or repair has a value of \$200,000 or more. The development value "Project Value" shall be determined by the City Building Official.

### **Projects Exempt from the Urban Art Requirement**

- Rehabilitation of private property that is primarily financed with public funds.
- Residential structures of one or two units; residential structures with more than 25 percent of the units available to low or moderate income households as determined by eligibility requirements and a rental or sales price schedule established annually by the Council.
- Alteration, construction, or repair financed by funds collected in compliance with development exactions.
- Renovations to designated Cultural Resources as defined in Chapter 19.90 of the Zoning Ordinance.
- Projects that are intended primarily to provide facilities for nonprofit public service providers.

### **Ways to Satisfy the Urban Art Requirement**

- Contribute cash in the amount of one percent of the Project Value to the City's Art Fund (this is called the In-lieu Fee).
- Incorporate art work into the development in accordance with this policy.

Developers will be provided with information regarding the Urban Art Program when they first submit their plans to the City.

Before the City will issue a Building Permit, either the In-lieu Fee must be paid, or the final Art Plan must be approved by the Arts and Cultural Affairs Commission. Further, *before* the City will issue a Certificate of Occupancy or other final building approval, the art must be completely installed and all approvals in place, including payment of any excess In-lieu Fee that may have arisen as a result of an increase in the Project Value.

#### **A. Paying Into the Art Fund (the In-lieu Fee)**

The City's Art Fund was established for the specific purpose of financing art projects within the City and is used solely for that purpose.

Under the Urban Art Program a developer must allocate 1% of the Project Value for art (the Art Budget). The Project Value is determined by the City Building Official. If a developer should choose not to put art on the project site, then the entire Art Budget shall be contributed to the Art Fund. This is called the In-lieu Fee.

Developers intending to meet the requirements of the Urban Art Program by paying the In-lieu Fee must:

1. Obtain a Project Value (sometimes called the building valuation) from the City Building Official.
2. Complete the Urban Art Development Application and return it to the Urban Art Coordinator.
3. Submit a check to the City for 1% of the Project Value figure provided by City Building Official. If there is an increase in the building valuation, as determined by the City Building Official, after the building permit has been issued, the developer shall pay a corresponding increase in the In-Lieu Fee.
4. Deliver a copy of the payment receipt to the City's Urban Art Coordinator. The Urban Art Coordinator will then sign the building permit issuance form.

The In-lieu Fee must be paid before a building permit can be issued.

## **B. Incorporating On-site Art into a Development**

Developers wishing to meet the requirements of the Urban Art Program by including art on the project site must develop an Art Plan concurrently with the design and design development phases of the project. The art must be an integral part of the development project and the artist must be included as a member of the project design team. The final Art Plan must completely describe the art project including method of artist selection; biography of the chosen artist; narrative and visual descriptions of the art; full plans and engineering drawings; elevations; scale drawings; and, a list of materials to be used. On-site art must be original work produced by a practicing artist specifically for the project site. The art must be easily visible to the public for a minimum of ten hours per day. Projects proposing a performance related Art Plan will be considered on a case by case basis.

The requirements of the Urban Art Program will be deemed satisfied only if art in the value of one percent (1%) of the Project Value has been installed on the project site to the City's satisfaction.

The choice of artist(s) and the Art Plan must be approved by the Arts and Cultural Affairs Commission in accordance with Section 19.38 of the City's Zoning Ordinance and the requirements outlined in this document.

**The review process is seen as a collaborative one, with the single aim of developing the best possible art for the project and the community at large.**

The Arts and Cultural Affairs Commission generally approves Urban Art projects in four stages:

- Stage I      Artist Approval**
- Stage II      Review Schematic Plan**
- Stage III     Review Final Art Plan**
- Stage IV     Construction and Final Review**

All developers intending to develop on-site art to comply with the requirements of the Urban Art Program are strongly advised to meet with the Public Art Administrator for an initial briefing. This meeting will help developers understand the Urban Art Program and will include:

- Developer briefing on the urban art requirements.
- Review art consultant selection (if applicable).
- Discussion of proposed artist selection method.
- Submittal of the Urban Art Development Application.

Stage III – The Final Art Plan must be approved by the Arts and Cultural Affairs Commission *before* a building permit can be issued.

Stage IV – Construction and Final Review-must be completed *before* a Certificate of Occupancy or other final approval can be given.

### **Approval Process for On-site Art**

This section details the general stages for approval of the Art Plan and installation of urban art. The period required for approval will depend on the completeness of the submissions at each stage.

#### **Stage I – Artist Approval**

The developer shall present to the Commission their proposed project artists for approval. The Commission will review:

- the artist selection procedure used (see Requirements for Artist Selection)

- artist(s) resume(s), biographical materials and evidence of artistic/cultural experience

This stage should be completed early in the planning review process of the development project.

### **Stage II - Review Schematic Plan**

The developer shall present to the Commission for review and approval the Schematic Plan consisting of:

- the artist's concept plan for the site, including: schematic designs/drawings; site plans and elevations; a narrative description of the proposed art project including how it fits into the environment of the City; and, proposed materials and color scheme
- implementation timeline
- outline of the Art Budget (see Calculation of Art Budget)
- maintenance issues (see Maintenance of the Art)
- a copy of the Developer/Artist Agreement

This stage of the Art Plan should be undertaken concurrently with seeking planning approval from the Community Development Department.

### **Stage III - Review Final Plan**

The developer shall present to the Commission for review and approval the final comprehensive Art Plan consisting of:

- description of the project
- the artist's biography and narrative statements
- construction drawings and specifications, including location of the Art Plaque.
- scale model
- final list of special materials and colors
- list of proposed fabricators and suppliers
- completed maintenance plan and special considerations
- permits or approvals from the City Building Official (if applicable)
- project timeline and finalized Project Budget

Within 10 days following the meeting of the Arts and Cultural Affairs Commission, the applicant will be notified in writing of the Commission's decision.

### **Stage IV - Construction and Final Review**

Prior to requesting the issuance of a Certificate of Occupancy or other final building approval, the developer must notify the Urban Art Coordinator that the art project is completed and request an on-site inspection.

In addition to an on-site inspection the developer shall:

- submit documentation of the art expenditures including but not limited to: copies of payments to the artist and other eligible contractors. The artist(s) must confirm in writing to the City that they have received the contracted payments. (Note: any shortfall in expenditures compared to the 1% for art amount determined by the City Building Official shall be paid into the Art Fund.)
- provide a detailed final maintenance plan and schedule
- have completed installation of the required Urban Art
- have installed the required Art Plaque
- have signed, executed and recorded the Urban Art Maintenance covenant

### **C. Review Criteria and Requirements for On-site Art**

This section details the general review criteria used by the Arts and Cultural Affairs Commission to assess urban art plans and details the requirements associated with artist selection and eligibility, types of art for on-site art projects, the project budget, acknowledgement plaque and maintenance requirements.

#### **i. General Review Criteria**

It is the goal of the Urban Art Program to achieve high quality urban art projects within the City. As outlined previously, artists and urban art designs will be reviewed by the Arts and Cultural Affairs Commission at each stage of the project. General criteria used to review projects and project artists will include, but may not be limited to:

- Quality and artistic merit of the artist's public art proposal.
- Responsiveness and relevance to the site (its history, architecture, development, landscaping and socio-economic context).
- Feasibility and quality of the proposed public art project (technical, operational, maintenance, public safety, durability and quality of materials).
- Artist's experience of working in the public realm.
- Artist's ability to work collaboratively with other design professionals.
- Artist's experience in working within a given budget, time-frame and City parameters.
- Artist's achievements, experience, education and recognition.

## **ii. Requirements for Artist Selection**

There are several ways to select an artist for an urban art project but for larger projects the City requires developers to hire an arts professional to assist with the selection and development process, as provided in this section.

### **Role of an Art Consultant**

The role of an art consultant is to act as advisor and project manager for the art project. An Art Consultant must have experience of managing a variety of public art projects through all stages of development, including: artist selection, contracting, design development, construction oversight, and development of a maintenance schedule.

### **Ineligible Project Artists**

Project architects, or any other member of the consulting design team such as landscape architects/designers, engineers, interior designers etc. are ineligible to act as the project artist. Also, members of the City's selection panel, City employees or anyone with a vested or familial relationship to the development project are also ineligible.

### **Artist Qualifications**

The City's Urban Art Program is intended for the participation of practicing, professional artists and seeks to bring the highest standards of art to the program. The City acknowledges that there are no professional designations or qualifications that define an artist. However, the Arts and Cultural Affairs Commission requires developers to present the following information relating to the proposed artist/s:

- Resumes outlining professional work as an artist and related academic, vocational or apprentice training.
- A record of solo/group exhibitions, other public art commissions, performances, etc. and documented examples or representations of past work.
- Printed critiques and peer recognition.
- An analysis of the value of their work based on past purchase prices, commissions or proposal fees.

Additionally, artists must be able to demonstrate their ability to:

- Work in the public realm.

- Work in the medium or media proposed for the project.
- Work collaboratively with other design professionals.
- Identify other artists to join the project, if applicable.
- Recognize the uniqueness of a project and respond accordingly.
- Access and involve the community and its history as applicable.
- Work within a given budget, a designated timeframe, and with city officials

### **iii. Types of Art for On-site Art Projects**

The City encourages art that takes account of the social and physical environment in which it will exist. Possible art forms, media and materials that might be used for on-site art include, but are not limited to:

Sculpture: Free-standing, wall-supported or suspended, kinetic or electronic etc., in any material or combination of materials.

Installations, earthworks, fiberworks, neon, lasers, glass, mosaics, calligraphy, tile, stone, clay and combination of media. Other media including sound, film, holographic and video systems and new digital media may also be considered.

Fixtures such as gates, fences, street furniture, fountains and other design enhancements designed by the project artist for unique or limited edition.

Note: no advertising or commercial signage is permitted.

### **iv. Art Budget**

The total budget for the installation of on-site art to meet the requirements of the Urban Art Program must be 1% of the Project Value as determined by the City Building Official (this is the Art Budget). If the Art Budget is less than 1% of the Project Value, the balance of the amount must be paid into the Art Fund.

The requirements of the Urban Art Program will be deemed satisfied only if art in the value of one percent (1%) of the Project Value has been installed on the project site to the City's satisfaction.

### **Eligible Costs**

- Artist's fees as outlined in the developer/artist contract.
- Materials, fabrication, construction and installation of the public art project.
- Cost of the Art Plaque.



- Up to fifteen percent (15%) of the total Art Budget may be credited towards the development and administration of the Art Plan, including consultants' fees, travel and all other reimbursable costs.

### **Ineligible Costs**

- Directional elements such as supergraphics, signage, or color coding except where these elements were designed by the project artist and approved as part of the Art Plan.
- Art objects which are mass produced or of standard design, such as playground equipment or fountains.
- Art objects produced by a studio or design house where the artist cannot be identified.
- Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography or other media arts, as approved in the Art Plan.
- Decorative, ornamental, architectural or functional elements not designed by the project artist specifically for the project and which have not been approved in the Art Plan.
- Landscape architecture and landscape gardening except where these elements were designed by the project artist and where the elements were approved as part of the Art Plan.
- All maintenance costs, services or utilities required for the proper functioning of the art project.
- Cost of receptions or grand openings.
- Administration of the Art Plan in excess of fifteen percent (15%) of the agreed Art Budget, including consultants' fees, travel and all other reimbursable costs.

### **v. Art Plaque/Acknowledgement**

Developers must incorporate a plaque on or close to the work of art which properly acknowledges the artist and the City's Urban Art Program. The City approved plaque must be 6" by 9" in weather resistant bronze. The plaque must identify the name of the artist and the title of the piece as approved by the artist, the year of completion and the following words "West Hollywood Urban Art Program." Any additional wording must be approved by the Arts and Cultural Affairs Commission.

### **vi. Maintenance of the Art**

Maintenance of the Art is the responsibility of the developer and its successors for the lifetime of the building or other length of time as

approved by the City. The developer shall ensure that the Art is properly maintained, cleaned and in good repair and working order at all times.

The owner shall execute a maintenance covenant with the City. The maintenance covenant will be recorded against the property and binding on subsequent owners.

Developers should include maintenance provisions in the artist's contract that stipulate the length of time that the artist will be responsible for repairs or modifications (typically one year).

The developer must provide a copy of the maintenance manual and schedule to the City (as indicated in Stage III of the approval process).

The developer, and his or her successors in ownership must ensure that the Art remain in-situ on the property as approved in the final Art Plan unless otherwise approved in writing by the City. If the art work should be removed, stolen, or destroyed, the owner shall be responsible for the replacement of the art work or pay an amount equivalent to the original 1% percent of Project Value into the City's Art Fund.

Should the art work cease to be reparable, the property owner must negotiate an alternative solution for the replacement or disposition of the Art in conjunction with the City and the artist as applicable.

### **Change of Use**

In the event that the property is to be redeveloped or demolished, the property owner must make provisions to the satisfaction of the City and Artist to preserve the Art. Should the new development be subject to the requirements of the Urban Art Program, the owner must comply with the new requirement as well as assume the responsibilities for the existing artwork.

### **vii. Artists' Rights**

This Policy in no way limits the rights of the artist under any applicable state, federal or local laws.

**QUESTIONS:** Contact the Acting Arts Manager, Rebecca Ehemann, [rehemann@weho.org](mailto:rehemann@weho.org), 323-848-6846