



Public Art in Private Development Application Form

(to be completed by Applicant and submitted to Public Art Program staff)

The Public Art in Private Development Ordinance requires that all new commercial developments (including mixed use projects), including new construction, remodels, additions and reconstruction that (i) have a floor area of 10,000 square feet or more, and (ii) have a construction value of \$200,000 or more, exclusive of costs for architecture, design, engineering and required studies; and all new residential projects of five or more units.

DEVELOPMENT ADDRESS:	ESTIMATED CONSTRUCTION VALUATION:
	ESTIMATED DEVELOPMENT SIZE (square feet):
APPLICANT / ARCHITECT NAME:	OWNER NAME:
ADDRESS:	ADDRESS:
PHONE:	PHONE:
EMAIL:	EMAIL:

The ordinance provides an option of commissioning artwork on your site equal to the cost of 1% of the estimated construction valuation **or** paying the 1% to the Public Art Fund in-lieu of commissioning artwork.

Final valuation to be confirmed at time of Building Permit application. Should the final construction valuation submitted for the purpose of issuance of Building Permit indicate a higher amount, then the 1% fee will be based on the higher valuation.

1% of Estimated Construction Valuation: \$ _____

Please choose one of the following options:

Placement of original public art on site Payment of in-lieu fee to Public Art Fund

Applicant Signature: _____

Date: _____



January 1, 2016

RE: Public Art in Palo Alto

Dear Property Owner/Developer:

On December 2, 2013, the Palo Alto City Council adopted an Ordinance to add chapter 16.61 to the Municipal Code establishing a requirement for public art in construction projects requiring Architectural Review over 10,000 square feet with an estimated construction valuation of more than \$200,000.

Public art enhances the quality of life in a community, providing benefits to the developer and the public. Some of these benefits are outlined in the attached ordinance and embody the goals for the Public Art in Private Development Program:

- A robust public art program fosters economic development, creates vital public spaces, and promotes general health and welfare by contributing to a more desirable community in which to live, work and visit.
- Well-conceived and executed works of art- that are integrated into their sites and accessible to the public- enhance the value of development projects, create greater interest in leased space, promote cultural tourism, and create a vibrant environment
- Public art is a lasting visible contribution to the intellectual, emotional and creative life of the community at large, thereby enhancing the perception of development projects.
- Public art should reflect the creative community that lives, works, and visits Palo Alto. By adding public art in private development, the program strives to build the City's reputation as a dynamic public art locale with works of many diverse styles and disciplines, of the highest aesthetic standards.

The ordinance gives you the option of commissioning artwork on your site equal to the cost of 1% of the estimated construction valuation **or** paying the 1% to the Public Art Fund in-lieu of commissioning artwork. Should you decide to pay the in-lieu fee, then those funds are due, along with other development impact fees, prior to issuance of building permit. No presentations to the Public Art Commission or meeting with the Public Art staff will be required.

Should you decide to create original public art on site, the process is key to successful outcomes. Artwork is best integrated into a construction project when the artist is identified early enough in the project planning to become part of the design team. Artists will often see opportunities to leverage existing construction budgets and create more impactful artworks when they are brought into the process early. The ordinance allows for a very broad spectrum of types of artwork allowed to be commissioned on site; this creates opportunities for developers and artists to create engaging and diverse art experiences for the community. Should you decide to commission artwork on site, then the steps of the process are as follows:

1. Meet with the Public Art Program Manager within 60 days of the initial application to the Planning Department. At this meeting, you will get more detailed information on the process, resources available, and discuss the possible types of artwork you are interested in commissioning.
2. Initial review with the Public Art Commission. At the initial review, you will present your development project and your outlined plan for artist selection. You can gain input from the Commission as to types of artists or artworks that may be best suited for the development.
3. Final review with the Public Art Commission. At the final review, the Commission will want to review the chosen artist, the final art concept proposal, a budget breakdown, and a timeline for installation. Final approval is necessary prior to application for a building permit.
4. The artwork and identification signage must be installed and verified by City staff prior to the issuance of the final Certificate of Occupancy.

We look forward to working with you to make this new ordinance work for you and the City. We expect some changes will be needed during the early implementation stage and look forward to your feedback.

We hope that the information presented in this packet is informative regarding the public art in private development ordinance. Please feel free to call the public art office for more information or to set up an appointment with the Public Art staff at 650.329.2227 or email nadya.chuprina@cityofpaloalto.org.

Sincerely,



Rhyena Halpern
Assistant Director, Community Services Department
Arts & Science Division



Elise DeMarzo
Public Art Program Director

Examples of artworks commissioned with Percent for Art in Private Development programs

Santa Monica, CA

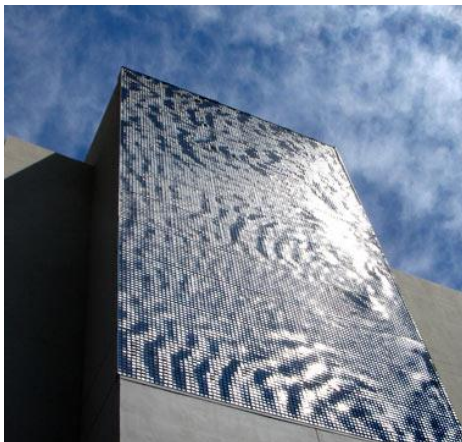


Cradle is an aggregation of mirror polished stainless steel spheres. The sculpture operates structurally like an enormous Newton's Cradle - the ubiquitous toy found on the desktops of corporate executives. Each ball is suspended by a cable from a point on the wall and locked in position by a combination of gravity and neighboring balls. As a whole, the balls imply an articulated surface suggestive of foam or sea life.

This artwork was commissioned in 2010 for a new parking garage in downtown Santa Monica.

Cradle, 2010
Ball Nogues Studio
stainless steel

Santa Rosa, CA



Spectacular artwork *Digitized Field* became an iconic landmark for downtown Santa Rosa. Internationally renowned, award-winning artist, Ned Kahn, created this public artwork on the AT&T (formerly SBC) Building, 516 3rd Street in Santa Rosa.

The installation consists of a field of aluminum leaves that are hinged so they move freely in the wind. The artwork is visible as cars and pedestrians enter the city center and can be seen from the freeway.

Digitized Field, 2004
Ned Kahn
Aluminum

West Hollywood, CA



e/motion 3 is a video projection installation triptych composed of six live camera feeds, projected on a translucent building façade, for the new West Hollywood Gateway development on the corner of La Brea and Santa Monica Boulevards. The use of soft, focused images allows for a degree of both painterly qualities and abstraction while still maintaining image-based projections.

e/motion 3, 2004
Paul Tzanetopoulos
Kinetic multi-screen light mural

ORDINANCE NO. 5226

Ordinance of the Council of the City of Palo Alto Amending the Municipal Code
to add Chapter 16.61 (Public Art for Private Developments)

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Purpose. The City Council finds and declares that:

(a) A robust public art program fosters economic development, creates vital public spaces, and promotes general health and welfare by contributing to a more desirable community in which to live, work and recreate. Well-conceived and executed works of art that are integrated into their sites and accessible to the public enhance the value of development projects, create greater interest in leased space, promote cultural tourism, create a sense of place and make a lasting a visible contribution to the intellectual, emotional and creative life of the community at large, thereby helping to mitigate the impacts of development. The experience of public art makes public areas of buildings and grounds more inviting and engaging.

(b) To ensure that public art is present and sustained throughout the community, it is necessary to require that private development projects in the City of Palo Alto provide public art on site or, alternatively, contribute to a public art fund so that public art can be established elsewhere in the community.

(c) The purpose of this Chapter is to establish a public art requirement for private developments and to authorize the City Manager to establish regulations and guidelines to effectuate the intent of this Chapter.

SECTION 2. The Palo Alto Municipal Code is amended to add Chapter 16.61 "Public Art for Private Developments".

SECTION 3. The Palo Alto Municipal Code is amended to add Section 16.61.010 "Definitions".

16.61.010 Definitions

For the purposes of this Chapter, the following definitions shall apply:

"Affordable Housing Developments" means a project where 100% of the units are affordable to a "moderate," "low" or "very low" income household, as those terms are defined by the California Department of Housing and Community Development, as applicable to Santa Clara County.

"Art" or "Work of Art" means original artist-designed and produced unique works in any of a variety of styles and forms.

“Artist” means a practitioner of the creative arts, generally recognized as such by critics and peers, with a body of work including commissions, exhibitions, sales, publications, and collections. For the purposes of this Chapter, “artist” shall not include: (i) persons primarily working in the professional fields of architecture, engineering, design or landscaping; (ii) an employee or relative of the development project architect, landscape architect, engineer or project manager; (iii) any person with a business interest in a development project or with respect to individuals or entities serving as project architects, landscape architects, engineers or project managers; or (iv) a relative of or anyone with a financial interest with respect to an individual or entity serving on an art selection panel for the development project.

“Developer” means a person or entity that is financially and legally responsible for the planning, development and construction of any development project covered by this Chapter. The developer may or may not also be the project owner.

“Development Project” means any commercial or residential development described in Section 16.61.40 (a).

“Historic Renovation” means a Development Project involving preservation of a historic resource listed on or eligible for listing on the California Register of Historical Resources, where such preservation follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

“Public Art” means a work of art that is visible or accessible to the public for a minimum of 40 hours per week. Public art is generally large-scale and may include sculpture, painting, installations, photography, video, works of light or sound, or any other work or project determined by the Public Art Commission to satisfy the intent of this Chapter, provided, however, that none of the following shall be considered public art for the purposes of satisfying the requirements of this Chapter:

- (i) Objects that are mass produced of standard design, such as banners, signs, playground equipment, benches, statuary, street or sidewalk barriers, or fountains;
- (ii) Reproduction, by mechanical or other means, of original works of art, except as incorporated into film, video, photography, printmaking or other derivative works as approved by the Public Art Commission;
- (iii) Decorative, architectural, or functional elements that are designed by the building architect or landscape architect as opposed to an artist commissioned for this purpose; or

- (iv) Landscape architecture or gardening, except where these elements are designed by an artist and are an integral part of a work of art.

“Public Art Commission” means the Commission established by Chapter 2.18 of the Municipal Code.

SECTION 4. The Palo Alto Municipal Code is amended to add Section 16.61.020 “Application”:

16.61.020 Application

(a) This Chapter shall apply to all new commercial developments (including mixed use projects), including new construction, remodels, additions and reconstruction that (i) have a floor area of 10,000 square feet or more, and (ii) have a construction value of \$200,000 or more, exclusive of costs for architecture, design, engineering and required studies; and all new residential projects of five or more units.

(b) Notwithstanding subsection (a) above, this Chapter shall not apply to:

- i. Buildings or structures primarily used for religious worship;
- ii. Historic renovations;
- iii. Affordable housing developments;
- iv. Municipal facilities;
- v. Repair or reconstruction of structures damaged by flood, fire, wind, earthquake or other disaster;
- vi. Seismic retrofit projects; or
- vii. Any project exempted by federal or state law.

(c) In mixed use projects, those portions of projects excluded from application of this Chapter under subsection (b) shall be subtracted from the project for purposes of determination of applicability under subsection (a), above, and from construction valuation under Section 16.61.040 and 16.61.090.

SECTION 5. The Palo Alto Municipal Code is amended to add Section 16.61.030 “Public Art Requirement for Private Developments”:

16.61.030 Public Art Requirement for Private Developments

Before a certificate of occupancy is issued for any development project subject to this Chapter, the developer shall participate in the construction or installation of on-site public art under Section 16.61.040, or, at the developer’s option, make a contribution to the Public Art Fund in lieu of providing on-site art, as provided in Section 16.61.090.

SECTION 6. The Palo Alto Municipal Code is amended to add Section 16.61.040 "On-Site Public Art":

16.61.040 On-Site Public Art

(a) A developer may satisfy the requirements of this Chapter by constructing or installing on-site public art valued at 1% of the first \$100 million construction valuation, adjusted as described in subsection (b) below, and .9% of construction valuation for valuation in excess of \$100 million. For purposes of budgeting and planning for on-site art, an initial estimate of the art contribution shall be calculated based on estimated construction valuation at the time of application for entitlements. The arts contribution shall be finally determined based on the construction valuation determined at the time the building permit is issued.

(b) Beginning in FY 2015 and annually thereafter, the Director of Planning and Community Development shall adjust the ceiling for 1% valuation as set forth in subsection (a) above to reflect increases in the Consumer Price Index for All Urban Consumers.

(c) If the market value of the on-site public art is greater than the art contribution provided in Subsection 16.61.040(a), the City shall have no obligation to refund the excess amount. If expenditures do not utilize the entire amount provided in 16.61.040(a), the remainder shall be deposited into the Public Art Fund.

SECTION 7. The Palo Alto Municipal Code is amended to add Section 16.61.050 "Eligible Expenditures for On-Site Public Art Projects":

16.61.050 Eligible Expenditures for On-Site Public Art Projects

The public art contribution for on-site installation may be expended only on costs associated with the selection, acquisition, purchase, commissioning, design, fabrication, placement, installation or exhibition of the public art, and project management and administrative costs not to exceed 20% of the total budget. Eligible expenditures include:

(a) Artist fees;

(b) Labor of assistants, materials, and contracted services required for design, fabrication, engineering and installation of the public art;

(c) Any required permit or certificate fees and reasonable business and legal costs directly related to the public art;

(d) Reasonable art consultant fees, as established in regulations or guidelines approved by the City Manager to implement this Section;

- (e) Communication, utilities, insurance and other indirect costs associated with the creation but not the operation of the public art;
- (f) Transportation of the public art to the site;
- (g) Preparation of the site specifically required for the public art, such as fabrication of platforms or pedestals;
- (h) Installation of the public art;
- (i) Mountings, anchorages, containments or other materials necessary for installation of the public art;
- (j) Public art project management and administration, in an amount not to exceed 20% of the total art contribution; and
- (k) A plaque or plaques identifying the public art.

SECTION 8. The Palo Alto Municipal Code is amended to add Section 16.61.060 "Ineligible Expenditures for On-Site Public Art Projects":

16.61.060 Ineligible Expenditures for On-Site Public Art Projects

Expenditures that are ineligible to be counted toward the on-site public art contribution include:

- (a) Labor of assistants, materials, and contracted services not required for design, fabrication, engineering and installation of the public art;
- (b) Promotional materials or activities for the artist, the public art, the development project, the developer or other parties involved in the development project;
- (c) Opening, dedication or other costs of events for the public art, artist, developer or development;
- (d) Services, materials, utilities or other expenses association with the ongoing operation or maintenance of the public art; and
- (e) Land costs or any other costs associated with the development that are not part of and solely attributable to the public art.

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SECTION 9. The Palo Alto Municipal Code is amended to add Section 16.61.070 "Process for Planning and Approval of On-Site Public Art":

16.61.070 Process for Planning and Approval of On-Site Public Art

(a) Application and Planning. Within 60 days of initial application for permitting or other discretionary approval, the developer shall consult with the Public Art program staff regarding a plan for meeting the requirements of this Chapter. This consultation must be complete before the development project is calendared for consideration by a public body, including the Architectural Review Board, Planning & Transportation Commission or City Council, and before the Director of Planning and Community Environment issues any approvals with respect to the project.

(b) Public Art Commission Review and Approval. If the developer elects to comply with this Chapter by providing on-site art, the developer's public art plan must be presented to the Public Art Commission. The plan should include the process by which the art and artist will be selected while ensuring that no single artist be commissioned for more than 3 public art in private development projects within Palo Alto, the type of art proposed, a plan to integrate the art into the site, and a proposed budget and schedule of payments. The Public Art Commission shall render a decision whether the proposed public art plan conforms to the requirements and intent of this Chapter within 90 days of submission of a complete application, as determined by the Director of Planning and Community Environment, in consultation with the Public Art program staff. The developer shall not enter into contracts or make expenditures until the Public Arts Commission approves the on-site art plan. In addition, before initiating fabrication and installation of the on-site art, the developer shall return to the Public Art Commission for final approval of the artist and the proposed public art. The Public Art Commission shall render a decision within 60 days of submission of a complete proposal, as determined by the Director of Planning and Community Environment, in consultation with the Public Art program staff. No building permit may issue until the Public Art Commission issues the approvals required under this subsection.

SECTION 10. The Palo Alto Municipal Code is amended to add Section 16.61.080 "Additional Requirements for On-Site Public Art":

16.61.080 Additional Requirements for On-Site Public Art

(a) Plaque. The public art shall be identified by a plaque that meets the standards in use by the City at the time of installation of the public art.

(b) Ownership and Maintenance. All on-site public art shall remain the property of the property owner or the property owner's successor in interest. The property owner shall retain the obligation to provide all necessary maintenance to preserve the public art in good condition. Immediately upon installation and continuously thereafter, the developer and the property owner shall maintain the public art and shall promptly perform all

necessary repairs and maintenance to the satisfaction of the City. The obligation to maintain and preserve the public art includes the obligation to take reasonable steps to protect the public art against destruction, damage or modification.

(c) Location and Relocation of Public Art. Except as provided herein, the public art must remain at the development in the location approved by the Public Art Commission. A property owner may petition the Public Art Commission to relocate the public art within the development project.

When and if the development project is sold, the public art must remain at the development and may not be claimed as the property of the seller or removed from the site. If the development is to be demolished, the owner must relocate the public art to another publicly accessible permanent location approved in advance by the Public Art Commission.

(d) Removal and Replacement of Public Art. If the owner desires to deaccession, sell or remove the art from the site, the owner shall give prior notice to the City by providing written notice to the Public Art program staff no less than 90 days before the intended action. The owner must receive prior approval from the Public Art Commission. The developer will be required to replace the sold or de-accessioned artwork with an alternative work of equivalent or greater value, as determined by the Public Art Commission, in current dollars. In the alternative, the developer may elect to pay fees in lieu of replacing on-site art, at a reasonable rate equivalent to the cost of replacing the art in current dollars, as determined by the Public Art Commission.

(e) Statutory and Contractual Rights of Artists. The owner is solely responsible for complying with all statutory and contractual rights of the artist, including rights under the California Preservation of Works of Art Act, the federal Visual Artists' Rights Act, and any other applicable law.

(f) Covenant; Recordation. The property owner shall record against the property a declaration of covenants, conditions and restrictions, in favor of the City, and in a form approved by the City Attorney. The declaration shall include (i) the owner's obligation to provide all necessary maintenance of the public art, including preservation and restoration of the public art, in good condition, to the reasonable satisfaction of the City, and to protect the public art against destruction or damage; (ii) the owner's obligation to ensure that the public art is accessible to the public as required by this Chapter; and (iii) any other terms reasonably necessary to implement this Chapter.

(g) Inspection; Remedies. The City shall have the right to inspect the public art, on reasonable notice, to ensure compliance with this Chapter. Failure to maintain the public art as required by this Section is hereby declared to be a public nuisance. The City may remedy the public nuisance and may pursue additional remedies to obtain compliance with this Chapter. In addition to all other remedies provided by law, in the event the owner fails to maintain the public art, on reasonable notice the City may perform all necessary repairs and

maintenance, or may secure insurance or other needed services, and the costs thereof shall become a lien against the real property.

SECTION 11. The Palo Alto Municipal Code is amended to add Section 16.61.090 "Developer's Option to Pay Fees to Public Art Fund In-Lieu of Providing On-Site Art":

16.61.090 Developer's Option to Pay Fees to Public Art Fund In-Lieu of Providing On-Site Art

In lieu of installation of on-site public art, the developer may elect to make a monetary contribution to the Palo Alto Public Arts Fund. The amount of the contribution shall be the cost of the public art required by Section 16.61.040. A developer who elects to satisfy the requirements of this Chapter through a contribution to the Fund must complete the payment in-lieu prior to the issuance of any building permit for the development project.

SECTION 12. The Palo Alto Municipal Code is amended to add Section 16.61.100 "Inspection and Final Approval."

16.61.100 Inspection and Final Approval.

Before a Certificate of Occupancy is issued for the development project, the City shall inspect and confirm that either: (i) public art has been installed as required by the Public Art Commission approvals and to the satisfaction of the Director of Planning and Community Environment, in consultation with the Public Art program staff; or (ii) in-lieu contributions have been paid in full. In addition, before a Certificate of Occupancy is issued, the City shall confirm that the developer has executed and recorded a covenant as required by Section 16.61.080(f).

SECTION 13. The Palo Alto Municipal Code is amended to add Section 16.61.110 "Public Art Fund":

16.61.110 Public Art Fund

There shall be a fund entitled "Public Art Fund" to account for in-lieu contributions made under Section 16.61.090. This fund and the interest thereon shall be maintained by the Chief Financial Officer according to standard governmental accounting requirements. The Public Art Fund shall be reserved for the design, acquisition, commission and installation of new works of art and art experiences in Palo Alto, or for such other equivalent artistic purposes approved by the Public Art Commission. Funds may be used for project management and administration costs associated with acquisition of new works, not to exceed 20% of the project budget, and for the repair, maintenance, conservation and insurance of those works. Art works acquired through the Public Art Fund shall be owned by the City of Palo Alto and generally made accessible to the public.

SECTION 14. The Palo Alto Municipal Code is amended to add Section 16.61.120 "Regulations":

16.61.120 Regulations

The City Manager, or his or her designee, is authorized to adopt administrative regulations, procedures or guidelines that are consistent with and that further the terms and requirements of this Chapter.

SECTION 15. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 16. Implementation. This ordinance shall be effective on the thirty-first day after the date of its adoption and shall immediately apply to all development projects that have not yet received final land use entitlements.

INTRODUCED: November 12, 2013

PASSED: December 2, 2013

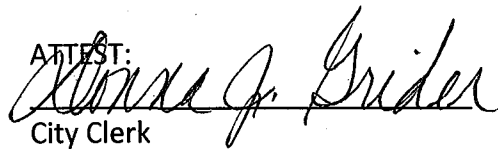
AYES: BERMAN, BURT, HOLMAN, KLEIN, KNISS, PRICE, SCHARFF, SCHMID, SHEPHERD

NOES:

ABSENT:

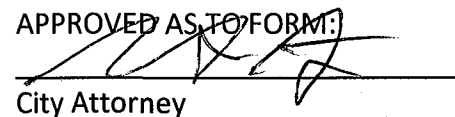
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ATTEST:

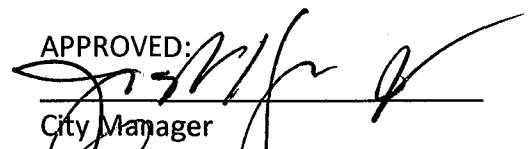

City Clerk


Mayor

APPROVED AS TO FORM:


City Attorney

APPROVED:


City Manager


Director of Community Services


Director of Administrative Services

INTAKE MEETING WITH PLANNING DEPARTMENT

Estimate Construction Valuation of the Development Project + Submit Public Art in Private Development Application
Indicate one of the options as listed below:

OPTION 1: ON-SITE ART (1%)

Public Art Budget is OVER \$ 15,000 and
Developer chooses to place on-site art

DEVELOPER AND PUBLIC ART STAFF MEET

To discuss process for commissioning public art including:

- Application for Public Art Commission Review
- Project Management
- Types of artwork and integration of art into site
- Selection process or direct art purchase
- Contract and financial management
- Fabrication and Installation
- Maintenance and care management

INITIAL REVIEW BY PUBLIC ART COMMISSION

(See Application Checklist for Public Art Commission Review)

Developer presents development plans to integrate Public Art into the site and receives recommendations from PAC.

Review will take place **within 90 days** of receipt of Application for PAC review.

FINAL REVIEW BY PUBLIC ART COMMISSION

(See Application Checklist for Public Art Commission Review)

Developer submits Final Art Plan which will include selected commissioning process, art concept, budget, timeline, maintenance information, and information about the chosen artist. Art Plan will be reviewed by PAC **within 60 days** of submission of materials.

PRIOR TO ISSUANCE OF BUILDING PERMIT

Developer must receive final approval for public art and installation from PAC.

FINAL INSPECTION

Public Art Staff confirms that artwork was installed as approved by PAC prior to the final Certificate of Occupancy issuance.

OPTION 2: IN-LIEU PAYMENT (1%) TO PUBLIC ART FUND

Public Art Budget is UNDER \$ 15,000 and/or
Developer chooses to pay the in-lieu fee

***Public Art Application is due within 60 days of Planning Intake Meeting and Application**

Upon payment of the in-lieu fee,
Developer receives a receipt from
Accounts Payable and provides a copy to
their Planner and Public Art Staff.

PRIOR TO ISSUANCE OF BUILDING PERMIT

Developer submits receipt to their planner for 1% paid to Public Art Fund before Planning signs off on permit.

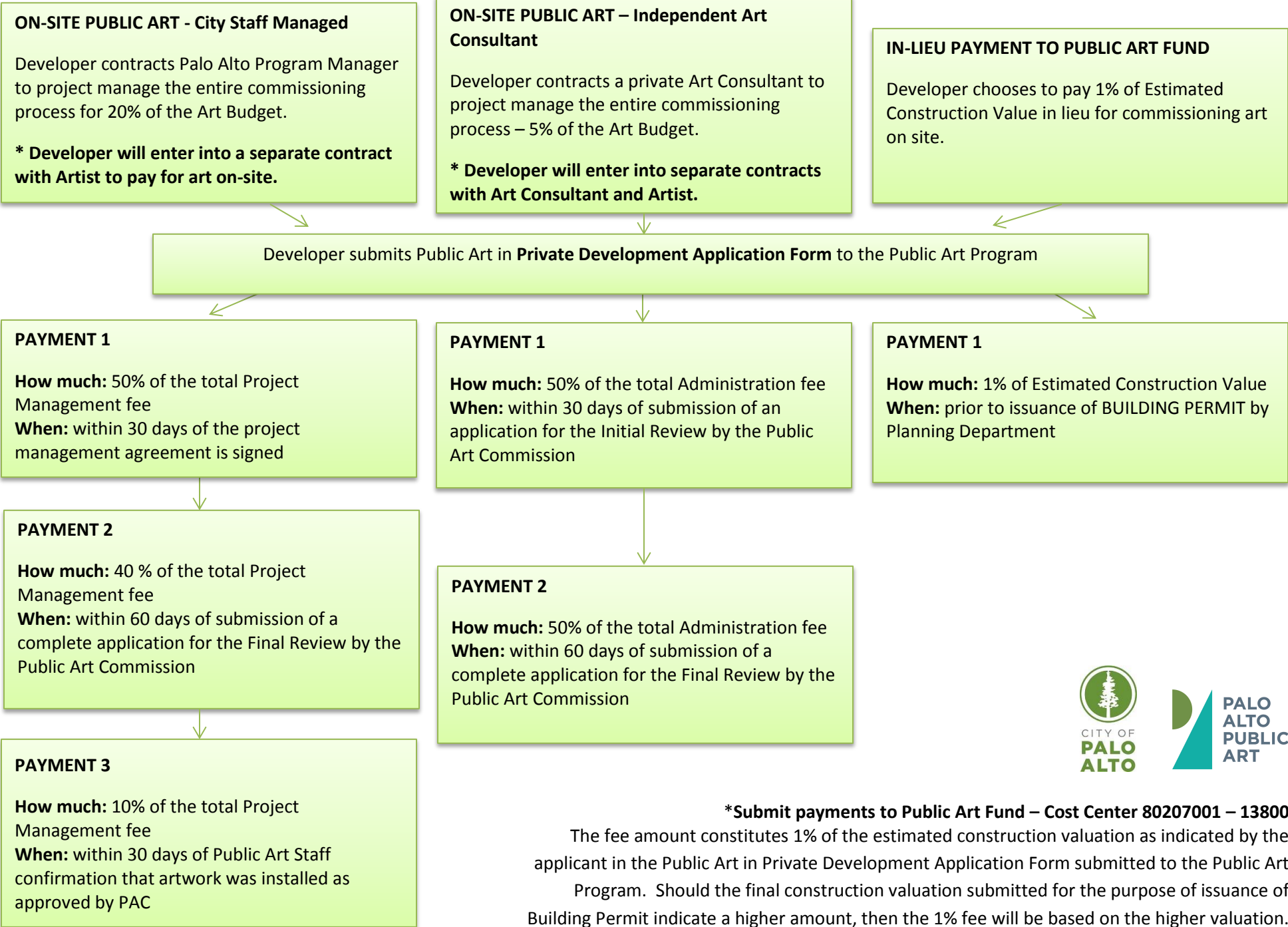


*Note: 1% of the estimated Construction Valuation will constitute the Public Art Budget; Final amount to be confirmed at time of Building Permit Application.

WITHIN 60 DAYS

Public Art in Private Development – Payment Schedule

1% of the estimated Construction Valuation will constitute the Public Art Budget



***Submit payments to Public Art Fund – Cost Center 80207001 – 13800**

The fee amount constitutes 1% of the estimated construction valuation as indicated by the applicant in the Public Art in Private Development Application Form submitted to the Public Art Program. Should the final construction valuation submitted for the purpose of issuance of Building Permit indicate a higher amount, then the 1% fee will be based on the higher valuation.



PUBLIC ART COMMISSION APPLICATION CHECKLIST AND INFORMATION

INITIAL REVIEW

Applicants must meet with the Public Art Program staff and submit a **Public Art in Private Development Application Form** prior to submitting application materials for initial review by the Public Art Commission. Public Art Commission meetings take place the third Thursday of each month at 7PM at City Hall. Applicants must submit the following materials electronically **one week prior** to the meeting to Nadya.chuprina@cityofpaloalto.org:

1. A written summary of the project: this should include the approximate art budget, the art selection plan and consultant, timeline for the project, and an overview of the development.
2. PDF files of the overall site and existing drawings.
3. A PDF of the powerpoint presentation of the project that will be given at the meeting.
4. Name and contact information for the person who will be presenting the project to the Commission.

What you can expect:

Items 1-3 will be distributed to the Commission in advance of the meeting. You will have 15 minutes to present the project to the Commission. The Commission will then have the opportunity to ask questions and make recommendations regarding the possible placement of artworks, types of artwork or artists that may be appropriate to the site, and point out areas of concern. Preliminary review is not an action item with an approval, but an opportunity for you to get input that will help make the final artwork more successful.

Next Steps:

Once you have completed the selection process for an artist and proposal, then you must return to the Public Art Commission for Final Approval before fabrication can begin on the artwork. It is highly recommended that your art consultant stay in close contact with public art staff or that you hire staff to manage the process for you.

Questions:

Contact Elise DeMarzo 650.617.3517 or Nadya Chuprina at 650.629.2227.



PUBLIC ART COMMISSION APPLICATION CHECKLIST AND INFORMATION

FINAL REVIEW

Applicants must have met with the Public Art Program staff, submitted a **Public Art in Private Development Application Form**, and completed an **Initial review by the PAC** prior to submitting application materials for final review by the Public Art Commission. Public Art Commission meetings take place the third Thursday of each month at 7PM at City Hall. Applicants must submit the following materials electronically **one week prior** to the meeting to nadya.chuprina@cityofpaloalto.org:

1. A written summary of the art selection process (how the artwork(s)/ artist were selected).
2. Samples of the artist's previous work and a resume.
3. Description of the proposed artwork, including dimensions, materials, method of construction.
4. Detailed drawings or photographs of the proposed artwork, including a rendering in-situ.
5. A rendering showing the artwork, along with the locations for any lighting, the identification plaque, and other elements included in the proposal associated with the art installation.
6. A detailed timeline and itemized budget, including installation, artist fees, art consultant fees.
7. A statement on the maintenance requirements for the artwork(s).

What you can expect:

Items 1-7 will be distributed to the Commission in advance of the meeting. You will have 20 minutes to present the art plan to the Commission. The Commission will then have the opportunity to ask questions and make recommendations regarding the artwork and point out areas of concern. Final review is an action item requiring the approval of the Commission prior to the issuance of a building permit.

Next Steps:

Once you have the final approval of the Public Art Commission, you may secure your building permit. Prior to the issuance of your Certificate of Occupancy, the Public Art Program staff must confirm that the artwork was installed as approved by the PAC, including an identification plaque for the piece (standards apply – inquire with the Public Art Program staff).

Questions:

Contact Elise DeMarzo 650.617.3517 or Nadya Chuprina at 650.629.2227.

Frequently Asked Questions – a Quick Guide for Private Developers

WHY IS PALO ALTO REQUIRING THAT MY DEVELOPMENT CONTRIBUTE TO PUBLIC ART?

Public art is an integral element in private development that offers Palo Alto many possibilities, to honor local tradition and history, to illuminate our city’s aspirations, and to help the City reflect the creative community that lives, works, and visits here. Private development is critical to Palo Alto’s growth. Successful public art projects have the ability to infuse new development with a strong connection to the community, giving both residents and visitors a vibrant sense of place.

WHAT IS A WORK OF PUBLIC ART?

Public art is artwork in the public realm, which may be situated on public or private property, and acquired through public or private funding. The most important aspect of a work of public art is that it is created by a professional working artist of recognized achievement in the field of public art. The artist may collaborate with architects, landscape architects, engineers, lighting designers and/or other professionals, but he or she must be the primary designer of the art project, and must hold the contract with the developer for the work of art.

HOW WOULD MY DEVELOPMENT BENEFIT FROM INCORPORATING PUBLIC ART ON SITE?

There are many benefits for Developers in commissioning public art, including gaining



Around About, 2010 Larry Kirkland
Pasadena, CA Photograph by Artist

visibility, making their properties more attractive to both business and residential markets, and promoting good relationships within the community.

“Don’t just pay for art because it is required. Work hard to get the best possible solution for the site and project. The end result of this should be something you will enjoy seeing every time you visit the project. If you are not proud of the art, it is just an expense.”

David Jury | Vice President, Support Services & Facilities Development | Palo Alto Medical Foundation

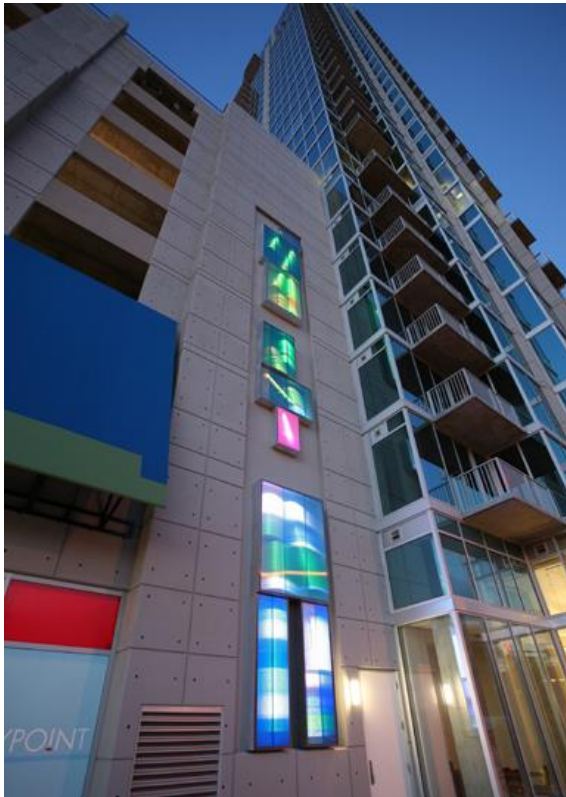
WHAT ARE PALO ALTO’S REQUIREMENTS FOR PUBLIC ART IN PRIVATE DEVELOPMENT?

The Public Art in Private Development Ordinance, adopted by the City of Palo Alto in December 2013, establishes a requirement for art for all new commercial developments, including new construction, remodels, addition and reconstruction with a floor area of 10,000 sq. ft. or more and construction valuation of \$200,000 or more; and all new residential projects of five or more units. The ordinance

provides an option of commissioning artwork on the development site equal to the cost of 1% of the estimated construction valuation, or paying the 1% to the Public Art Fund in-lieu of commissioning artwork.

HOW DO I PAY THE FEE?

In lieu of an on-site project, a Developer may contribute 1% of the estimated Construction Valuation to the City's Public Art Fund. Developments with Art Budgets of \$15,000 or less are encouraged to pay the in-lieu fee rather than commission artwork on-site. Upon payment of the in-lieu fee the Developer receives a receipt from Accounts Payable and provides a copy to their Planner to complete their public art requirement.



One and Many, 2007 LED installation by Sara Stracey, Tampa, FL

HOW DOES PUBLIC ART ON SITE GET SELECTED?

First, the Developer should meet with the Public Art Program Staff within 60 days of the initial application to the Planning Department. At this meeting, the Developer will gain more details about the process, eligible types of artwork, costs and resources available. This consultation must be complete before the development project is calendared for consideration by a public body, including the Architectural Review Board, Planning & Transportation Commission or City Council, and before the Director of Planning and Community Environment issues any approvals with respect to the project.

Once this initial meeting has taken place, the Developer can choose from the following methods:

- Employ a private, Public Art Consultant whose services would be used to solicit or identify public artists that meet the City's criteria for public art. Some Art Consultants also manage the process from start to finish. The fee for the use of a Consultant is included in the 1% budget allocation. 5% of the budget goes to the Public Art Staff to offset administrative costs associated with your project.
- Delegate project management and administration process to the City of Palo Alto Public Art Staff. The fees for the use of the Public Art Program Staff will be allocated from the overall art budget and costs will not exceed 20% of the total budget.
- Although not recommended, the Developer can directly propose an artist or work of art and pay 5% to Public Art Staff for the administration of your project.

The Public Art Commission must review and approve the public art proposal. The Commission will review the plan for compliance with the public art requirements identified in the Ordinance.

At the Initial PAC Review, the Developer presents the development plan and outlines their plan for arts administration to the Commission and receives guidelines and recommendations from the PAC.

AT WHAT POINT AM I REQUIRED TO PRESENT WHAT THE ARTWORK WILL LOOK LIKE?

The Developer should present their final Art Plan at the final Review meeting with the Public Art Commission once the following information has been formulated by the Developer:

- The process that outlines how the artwork and artist were selected (*i.e.* RFQ/RFP; through an Art Consultant; Invitation / Commission; Direct Selection / Purchase)
- Images of previous work by that artist and Resume.
- Description of artwork, including overall length, width and height, materials, and method of construction;
- Detailed drawings or photographs of the proposed work;
- Detailed drawings of the specific public art site showing: location of artwork and location of plaque for artwork;
- Detailed timeline and itemized budget including installation, artist fees and any art consultant fees;
- Description of maintenance requirements.



Cradle, 2010 by Ball Nogues Studio, Santa Monica, CA

WHAT CRITERIA DOES THE PUBLIC ART COMMISSION APPLY TO REVIEW AND APPROVE THE PROPOSED PUBLIC ART?

When reviewing the final Art Plan, the PAC will evaluate the public art based on the following criteria:

- Appropriateness of the artwork to the site;
- Quality and originality of the artwork;
- Visibility of the artwork by the public;
- Engagement or Interactive Elements;
- Durability of Materials;
- Public Safety.

IS THE PUBLIC ART COMMISSION THE ONLY BODY THAT APPROVES THE ARTWORK OR MUST IT ALSO BE APPROVED BY P&TC, ARB, AND THE CITY COUNCIL?

The artwork only gets approved by the PAC. However, the other bodies may comment on the placement of the art as it pertains to the architecture, circulation issues, lighting concerns, or other elements.

WHEN MUST THE DEVELOPER SUBMIT THE FINAL PROPOSAL AND INSTALL PUBLIC ART ON SITE?

The Developer must submit for review and approval an artwork proposal before the issuance of a building permit. The artwork must be completed and installed before the final Certificate of Occupancy is issued.

WHO OWNS THE ARTWORK?

The public art is owned by the property owner.

WHO IS RESPONSIBLE FOR MAINTENANCE OF ARTWORK?

The property owner is responsible for the maintenance and conservation of the artwork. Durable materials should be used for minimal maintenance and proven ability to withstand the specific environmental conditions of the site. Artwork shall have reasonable maintenance requirements as specified by the artist and these requirements shall be compatible with routine city maintenance procedures.

WHAT HAPPENS IF THE OWNER SELLS THE PROPERTY?

In case the development project is sold, the ownership of the public art will be transferred with the property. The artwork must remain at the development in the location approved by the PAC and may not be claimed as the property of the seller or removed from the site.

I WANT TO REMOVE THE ARTWORK FROM THE DEVELOPMENT SITE. WHAT SHOULD I DO?

If the development owner wishes to sell, de-accession or remove the artwork from a site, the owner must notify the City a minimum of 90 days before removing the work.* The owner must receive prior approval from the Public Art Commission. The Developer will be required to replace the sold or de-accessioned artwork with

an alternative work of equivalent or greater value, as determined by the PAC. In the alternative, the Developer can choose to pay fees in lieu of replacing on-site art.

*As it pertains to public art, property owners and developers should be aware of VARA, a section of the Federal Copyright Legislation. Among other things, this law forbids the willful destruction of a work of visual art. For further information regarding VARA, see United States Code Annotated, Title 17. Copyrights, Chapter 1 – Subject Matter and Scope of Copyright, Current through P.L. 105-153, approved 12-17-97.

Guide to Public Art Resources

The following list of online resources is provided as an optional informational resource for developers who may be subject to the requirements of the Public Art in Private Developments Ordinance. These links are for informational purposes only and are not intended to endorse any of the listed organizations, artists, or types of art. The Palo Alto Public Art Program does is not responsible for any content or products which may be available or advertised on any of these sites.

General Information

www.publicartresourceproject.com

This site is an online directory and offers links to other information and resources on the Internet.

www.cpanda.org

CPANDA, the Cultural Policy & the Arts National Data Archive, is the world's first interactive digital archive of policy-relevant data on the arts and cultural policy in the United States.

www.artsusa.org/networks/public_art_network

Public Art Network (PAN) develops professional services for individuals and organizations engaged in the field of public art. PAN is dedicated to advancing public art programs and projects through advocacy, policy, and information resources to further art and design in our built environment.

www.publicartdialogue.org

Public Art Dialogue (PAD), an organization devoted to public art. PAD was founded on the premise that dialogue is the essential element in all effective public art endeavors.

Artists Directories

www.artistsregister.com

The site showcases visual art by artists who are US residents represented through many disciplines.

www.artonfile.com

The site is a photo bank that features images of architecture, public art projects, temporary commissions, and sustainable design.

www.publicartarchive.org

The Public Art Archive™ is a free, online resource for comprehensive data and rich media, employing a standardized framework to catalog public art. The Archive allows collection stewards to share their artworks with new, broader audiences; helps find information about best practices in public art.

Local Arts Agencies

www.cac.ca.gov

The site provides essential information about the California Arts Council, an agency that helps build strong arts organizations at the local and statewide level, directly supports arts programs for all citizens, assists with the professional development of arts leaders, supports arts education in schools in all areas of the state, and promotes awareness of the value of the Arts.

Arts Organizations, Consulting Services

www.artsusa.org/pdf/networks/pan/PAN%20Public%20Art%20Administrative%20Consultants%20Directory%202009.pdf

The PAN Public Art Administrative Consultants Directory 2009 - a comprehensive directory of public art consultants with administrative expertise. It includes a descriptive summary of each firm, arranged alphabetically.

www.pps.org

Project for Public Spaces (PPS) is a nonprofit planning, design and educational organization dedicated to helping people create and sustain public spaces that build stronger communities.

www.artsourceinc.com

A multidisciplinary art advisory company based in San Francisco.

www.artconsultingservices.net

A locally owned and operated consulting firm based in the Sacramento Valley.

www.codaworx.com

CODAworx is an online community for artists and design professionals to showcase their work, collaborate with one another, and earn recognition for their projects.