

§ 15.06.135 APPLICATION AND APPROVAL PROCEDURES FOR PLACING ARTWORK ON PRIVATE PROPERTY.

A. In order to ensure integrated projects, applicants choosing to commission new artwork for their project shall submit plans to the Community Development Director during Preliminary Project Review (PPR) or prior to receiving any discretionary review approvals. At a minimum, the following information shall be included:

1. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
2. Preliminary plans containing such detailed information as may be required by the Community Development Director to adequately evaluate the location of the artwork in relation to the proposed development, including compatibility with the character of adjacent conforming developed parcels and the existing neighborhood. Applicants should be involved in the development of the preliminary plans in order to assist in the proper placement of the artwork in relation to their proposed development environment, and to ensure that the artist that is chosen creates an artwork that fits the needs and requirements of both the applicant's project and the APPP.

B. Upon receipt of discretionary review approvals, applicants shall prepare the following in preparation for Cultural Affairs Commission review:

1. A narrative proposal, with the artwork's budget and timeline. Elevations, site plans, line of sight studies, renderings and other descriptive materials, as deemed necessary by the Community Development Director, shall be included to demonstrate that the artwork will be displayed in an area open and freely accessible to the general public.
2. Information provided by a conservator affiliated with the American Institute for Conservation ("AIC") about the durability of the proposed materials, recommendations for future maintenance and estimated maintenance costs. In addition, the application shall include information on how the future maintenance costs will be allocated and identify the party responsible for ensuring that maintenance is performed; and,
3. If applicable, an appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs.

C. The Cultural Affairs Commission shall review the completed application together with the recommendation of the Community Development Director and CAC Public Art subcommittee, and approve, approve with conditions, or deny the proposed artwork, and its proposed location, considering the aesthetic quality and harmony with the proposed project, and the public accessibility of the artwork.

D. Submitted artwork applications shall be assessed on:

1. Compliance with the general APPP requirements as outlined in this Subchapter;
2. Artistic quality;
3. Conceptual compatibility of the design with the immediate environment for the site;
4. Appropriateness of the design to the function of the site;
5. Creation of a desirable environment for the general community by the design and location of the artwork;
6. Preservation and integration of natural features with the project;
7. Appropriateness of the materials, textures, colors, and design to the expression of the design concept;

8. Ability to convey the artist's intention and underlying themes;

9. Whether the artwork is representative of a broad variety of tastes within the community and makes a contribution to the provision of a balanced inventory of artworks commissioned through the APPP;

10. Permanence of structural and surface components including, but not limited to, the structural and surface soundness and inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.

E. Disqualifying characteristics for artwork:

1. Directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original artwork or executed by the artist in unique or limited editions;

2. Artwork that incorporates logos, images, text or other elements that relate directly to a specific business's or organization's branding or marketing themes;

3. Art objects which are mass-produced and of standard design such as playground equipment or fountain pieces;

4. Reproduction of original artworks, except in cases where incorporated into an original artwork;

5. Decorative or functional elements which are designed by the building architect as opposed to a qualified artist;

6. Landscape design except where it is designed by a qualified artist and is an integral part of the artwork;

7. Architectural rehabilitation, historic preservation and structural building modifications;

8. Temporary art exhibitions, unless included with a Cultural Facility as outlined in Subsection 15.06.125.1;

9. Educational activities;

10. Artwork designed by City elected or appointed officials, City staff or members of their immediate family, members of the project architect's firm or immediate family members, individuals directly associated with the development team or immediate family members of the property owner/applicant, or any individuals with whom the property owner and/or applicant may have an interest in common; and,

11. Artwork designed by an artist who has received a prior permanent public art commission through the City's Art in Public Places Program, if the contract for said commission was executed within the last ten (10) years.

F. If the applicant proposes significant revisions to the artwork, a revised application shall be submitted to the Community Development Director for review and recommendation to the Cultural Affairs Commission. The Commission shall make a determination whether to approve, approve with conditions or deny the requested revision(s).

(Ord. No. 2013-003 § 1 (part))