

Albany Art in Public Places Program Ordinance
Implementation Procedures
Private or non-City Sponsored Projects

1. Design Review Application Submittal Requirements

The selection of the artwork shall be left to the applicant and/or artist to encourage creativity, originality and inventiveness, and to elicit a broad range of art for the entire community to enjoy. An application for Design Review approval for non-City project that is incorporating public art into the project shall include following material in their application:

- a. A written description of the proposed artwork;
- b. Photos or sketches of the proposed artwork showing dimensional size, materials, and colors;
- c. The proposed location of the artwork;
- d. Elevation drawings or renderings showing the public art feature in context with the proposed development project;
- e. A preliminary estimate of the value of the artwork;
- f. A short biographical sketch of the artist and their previous works.

The Arts Committee and Planning Zoning Commission review of the public art elements of the design review may be deferred to a future date. The applicant shall submit for Planning and Zoning Commission an amendment to their Design Review approval incorporating a public art elements of the project prior to processing as complete an application for a building permit.

2. Standards of Review

The Design Review approval of the proposed artwork shall be based on the following criteria:

- a. Is the artwork appropriate for the project site, environment and community?
- b. Is the site location and public visibility of the artwork appropriate?
- c. Does the artwork created a physical or visual safety hazard to the public?
- d. Is the artwork offensive to the public?

- e. Is the scale of the artwork appropriate for the intended location and surroundings?
- f. What physical elements (i.e. rain, sun, irrigation, landscaping) might change the appearance of the artwork over time?
- g. Is the artwork protected from vandalism or graffiti?
- h. Does the applicant have a maintenance plan for the artwork to ensure longevity?
- i. Does the artwork include appropriate night or accent lighting?
- j. Does the artwork include an identification plaque, with the artwork title, artist name and date of installation?
- k. Does the project preserve and integrate with any natural features of the project? Natural features may include trees or other features of the natural terrain.
- l. Does the artwork have compatibility of design and location within a unified design character or historical character of the site?

3. Eligible Costs

The valuation of the art may include the following expenses:

- a. Artist design and fabrication fees.
- b. Labor of assistants, as well as materials and contracted services required for the production and installation of the work of art.
- c. Any required permit and certificate fees, business or legal costs directly related to the project, including appraisal costs.
- d. Dealer's fees (the National Endowment for the Arts and several other arts agencies recommends that no more than 10% of the artist's fee be paid as a dealer/gallery commission).
- e. Transportation of the work of art to the site.
- f. Preparation of the site to receive artwork.
- g. Installation of the completed work of art.
- h. Documentation (color slide and photographs) of the artwork's fabrication and installation and plaques to identify the artwork.

- i. Dedication ceremony

4. Ineligible Costs.

The following expenses shall not be considered in the value of the public art feature:

- a. Directional elements such as graphics, signage or color coding except where these elements are integral parts of the original work of art or executed by artist in unique or limited editions.
- b. “Art Objects” which are mass produced of standard design such as playground equipment or fountains.
- c. Reproduction, by mechanical or other means, or original works of art, except in cases of film, video, photography, or other media arts.
- d. Decorative or functional elements which are designed by the building architect as opposed to an artist commissioned for this purpose.
- e. Landscape architecture and landscaping gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
- f. The cost of services or utilities necessary to operate or maintain the artwork over time shall not be included in the valuation of the Public Art Feature.

5. Building Permit Procedures

Following design review approval of the public art elements, the applicant shall prepare detailed plans and specifications related the public art components of the project (“Detailed Art Submittal”). The “Detailed Art Submittal” shall be prepared by the applicant and reviewed by the City for compliance with City standards and the California Building Code. Any building permit application that does not include the Detailed Art Submittal shall be deemed incomplete and will not be processed through the plan check process.

The Detailed Art Submittal shall include:

- a. Detailed plans and specifications related to the public art elements of the project, including plan and elevation drawings at a scale sufficient for the City to evaluate the precise location and detailed elements of the art work, structural support, description of materials, plumbing plans, and electrical plans as applicable. Such plans shall be reviewed and stamped by the architect or engineer of record before submittal to the City.
- b. Detailed instructions to the contractor for installation of the public art.

- c. Detailed instructions to the contractor for protection of the art installation while the project is under construction.
- d. Detailed instructions to the owner for long term maintenance instructions.
- e. Written documentation of the value of the Public Art Features. Such documentation shall be provided by an independent third party with qualifications acceptable to the Community Development Director

In the event the Detailed Art Submittal varies substantially from design review approval of the public art elements of the project, including if there is a change in the artists commissioned to prepare the art works, the Community Development Director shall determine if the revised plans require an amendment to Design Review approval, and shall determine if the proposed changes shall be referred to the Arts Committee and the Planning and Zoning Commission.

6. Construction

- a. Installation of public art improvements shall be inspected during construction of the project for compliance with City standards and requirements, including the California Building Code, and other conditions of approval. The applicant and the Community Development Department shall prepare a written inspection protocol associated with the installation of the art work.
- b. In the event of delays beyond the reasonable control of the applicant, the Building Official may issue a certificate of occupancy if the applicant provides financial security in a form acceptable to the Community Development Director, which is equivalent to the valuation of the approved Public Art Feature.

7. Maintenance

- a. Public Art that has not been dedicated to the City is the sole responsibility of the property owner and must be maintained for the life of the development. If the property is sold the maintenance for the artwork will become the responsibility of the new owner.
- b. In the event that the City finds that public art that has not been dedicated to the City needs repair, a letter will be sent to the landowner along with a copy of the original maintenance agreement and maintenance recommendations provided by the artist.
- c. In the event that a landowner wishes to remove a piece of artwork form the site and replace it with another the landowner must comply with the requirements of Section 20.58 of the Planning and Zoning Code.