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I. Purpose

These guidelines establish a process for implementing public art in Site Plan Projects as directed by the County's Public Art Policy, adopted by the Arlington County Board on September 9, 2000. These guidelines supplement the County-Initiated Project Guidelines, where italicized terms are defined.

II. Public Art Policy Goals

The Arlington County Board established the Public Art Policy to achieve the following goals:

- ◆ To create exciting, appealing, and harmonious public spaces by integrating art into architecture, urban design and the planning of infrastructure at the earliest design stage;
- ◆ To celebrate our community's heritage, ethnicity, commonality and civic pride by stimulating collaboration and understanding between artists and Arlington's diverse community;
- ◆ To enhance Arlington's image locally, regionally and nationally by insuring the creation of the highest quality public art;
- ◆ To foster the public's understanding and enjoyment of public art;
- ◆ To encourage artists to live and work in Arlington and to participate in public presentations of their art in the County; and;
- ◆ To encourage federal, state and private support for Arlington's public art program.

III. Developer's Options for Public Art

Since 1979 when Nancy Holt's *Dark Star Park* was commissioned in Rosslyn, real estate developers have collaborated with Arlington County to provide *public art*. The developer's key role in fulfilling the goals of the Public Art Policy was first documented in *Public Art Public*

Places: A Public Art Master Plan for Arlington, Virginia (Public Art Master Plan), adopted by the County Board on December 11, 2004.

Developers can provide public art through the *special exception* or “*site plan*” process as one of the community benefits. When negotiated as part of the community benefits package, developers choose to support public art by either:

- A. Providing funding for *County-initiated public art projects on public property* through a cash contribution to the *Public Art Fund*; or
- B. Commissioning public art within the *site plan*.

Prior to the issuance of the Final Building Permit, developers may elect to contribute the value of their public art commission to the *Public Art Fund* in lieu of commissioning art on site.

IV. Administrative Regulation 4.1

Governing the Submittal of Site Plans in Arlington County requires applicants to meet with the County’s *Public Art Program* staff prior to filing a site plan application. At this pre-filing meeting, the developer and staff assess opportunities for integrated public art on-site and discuss the appropriateness of a *Public Art Fund* contribution versus commission. The *Public Art Master Plan* generally recommends contributions to the Public Art Fund for County-initiated projects, except where art on-site furthers the objectives offered in the *Public Art Master Plan*. The outcome of this meeting informs the developer’s decision about how public art may be incorporated into a community benefits package.

V. Contributing to the Public Art Fund

If the developer agrees to a condition requiring a contribution to the *Public Art Fund* then, no later than the application for the final building permit, the developer delivers a contribution check made out to “Treasurer, Arlington County” to the

Public Art Program
Arlington Economic Development
1100 North Glebe Road, Suite 1500
Arlington, VA 22201

The developer has the option to earmark the contribution for expenditure within the development’s community. Public acknowledgement of this funding will be determined in cooperation with the developer.

VI. Commissioning Public Art On-Site

If the developer agrees to a condition that requires a public art commission, then the developer will follow the ***Process for Commissioning Public Art On-Site*** outlined below. Commissioning

public art in Arlington County is a rigorous process involving professional *artists* integrating their work into features of a site plan. Early coordination with Public Art Program staff leads to efficient integration of art with the construction plans, saving money and time, and yielding a more valuable community benefit. Alternately, a developer may propose to site an existing *work of art*, through a similar review process (see step I. below).

Process for Commissioning Public Art

- A. The **developer designates an art consultant** to manage the selection process, draft a contract with the *artist*, coordinate the approval process, and may coordinate fulfillment of the artist’s contract. The art consultant surveys and prioritizes the requirements of all parties and identifies no fewer than three artists who work in a variety of styles and media. Artist selection may occur based on past work, or on a paid proposal process. For more information, please contact Public Art Program staff. While the costs of a professional art consultant are not allowable as part of the public art contribution, use of a proven public art consultant generally leads to a much more successful public art project. Public Art Program staff may offer this service for a fee.

- B. The developer, guided by the art consultant, **selects an artist**, and reviews the selection and runner-ups with Public Art Program staff.

- C. **Prior to the issuance of the Clearing, Grading and Demolition Permit, the developer/consultant proposes the artist** to the Arlington Commission for the Arts (ACA), *Public Art Committee (PAC)* and obtains the approval of the artist from the County Manager’s designee based on the PAC’s recommendation. The consultant contacts the Public Art Program staff to be placed on the agenda for a regularly scheduled PAC meeting. The art consultant and the developer (not artist) present:
 - 1. A synopsis of the site plan project to orient the PAC members and establish the rationale for the artist’s work;
 - 2. A summary of experience and images of the artist’s previous work to establish the artist’s credibility and appropriateness for the project;
 - 3. Letter of interest from the artist.

- D. **The PAC discusses and votes whether to recommend County Manager approval of the proposed artist.** The PAC will evaluate proposed artists based upon the following criteria:
 - 1. The artist’s body of previous work demonstrates creative and innovative approaches to aesthetic challenges and illustrates an understanding of materials and the technical ability to carry out art concepts.
 - 2. The artist’s media and approach suits the specific site and intent.
 - 3. The style, media, and scale of the artist’s work enhances and diversifies Arlington’s *Public Art Collection*.

4. The artist demonstrates an understanding of the characteristics, history, identity, geography, and cultures of the communities in which s/he has worked.
 5. The artist demonstrates the ability to collaborate with the development *design team* and respond well to program parameters, including public safety and public interest.
- E. Staff transmits the County Manager’s decision to the developer.
- F. After receiving artist approval, the **developer contracts with the artist**, in accord with the *Visual Artists Rights Act of 1990*.
- G. The **artist develops concepts** as a member of the project *design team*.
1. Artists should be given maximum latitude to define the aspect of the site plan they will create;
 2. The work of art must be physically and visually accessible to the public at all times.
 3. Prior to approval, the Final Engineering Plan and Landscape Plan must show the location of public art to prevent construction conflicts.
- H. The **developer/consultant reviews concepts, selects a preferred option** and reviews the preferred concept with Public Art Program staff
- I. **Prior to issuance of the Excavation/Sheeting and Shoring permit, the developer and artist present the artist’s concept** to the PAC and obtain concept approval from the County Manager’s designee based upon the PAC/ACA recommendation. When the value of the public art project exceeds \$250,000, the ACA will hear the recommendation of the PAC and forward a recommendation to the County manager’s designee. The consultant contacts the Public Art Program staff to be placed on the agenda at a regularly scheduled PAC meeting. The art consultant and the artist present:
1. A written description of the work of art, including intent, materials, scale, process of fabrication, installation, and timeline for development;
 2. Concept drawings illustrating the integration of the proposed work of art into the architecture and landscape architecture on-site, from the major public accesses, day and night with proposed lighting;
 3. A projected budget for artist fee, materials/purchase of work of art, plus installation and maintenance
 4. A proposed location for an interpretive sign; see Guidelines for Development of Public Art Signs.
 5. A proposal for how the artist will share information about this project, and their work, with the Arlington public. This might include giving a talk, tour, hosting information on a website, or a myriad of more creative options.

6. An annual maintenance plan developed in consultation with the artist.

J. **The PAC/ACA discusses and votes whether to recommend the proposed concept.** The PAC and ACA will evaluate concept proposals using the following criteria:

1. Quality/originality:

- The work of art demonstrates high aesthetic standards, the creative and technical capabilities of the artist(s), and is of original design.
- The thematic content engages the general public, expands the realm of ideas, perceptions or points of view, encourages civic dialogue, and illustrates robust thinking.

2. Suitability:

- The project broadly meets the goals outlined in the Public Art Policy and the objectives described in the *Public Art Master Plan*.
- The proposed work is appropriate in scale, material, form, and content for the community and physical environment and honors Arlington County's commitment to sustainability in use of resources.
- The proposed work enhances the urban environment by establishing focal points, defining spaces, or reinforcing cultural identity.
- The proposed public outreach is effective and appropriate to the project.

3. Durability:

- The quality of materials and craftsmanship promote the concept and protect against unintended theft, vandalism, weathering, excessive maintenance and repair costs.

4. Safety/Public Liability:

- The work of art has been reviewed by appropriate departments or offices (such as Risk Management, Parks Maintenance, Police, Transportation Planning, etc.) to ensure that it does not present a safety hazard.
- The project is technically feasible and achievable.

K. Staff transmits the decision to the developer, including recommendations for consideration and conditions of approval, which may necessitate concept improvement and require another presentation to the Public Art Program staff or PAC. **Prior to the issuance of the Footing to Grade Permit, the developer must satisfy the conditions of concept approval.**

L. **Prior to the issuance of the Partial Certificate of Occupancy for the top floor, the approved public art must be installed.** The developer is responsible for ensuring that all preparation, including structural enhancements and utility needs, are made at the proposed location as construction work proceeds. Upon installation, the developer submits to the Public Art Program staff:

1. Documentation of the work on-site, including digital photographs with attributions, diagrams of any structural support systems (in case the piece must be moved), artist, title, medium, dimensions, year of completion, brief description of the work of art, ownership and funders, address of building with which the work of art is associated, and contact person in case of any future questions about the work of art;
 2. Maintenance plan including the artist's recommendations/requirements for regular maintenance (e.g., bronzes need annual waxing), and exceptional maintenance if the piece is damaged. **NOTE: The site owner retains ownership of the work of art and is responsible for its maintenance as a perpetual community benefit;**
 3. Final cost of the integrated art, above the construction budget;
 4. Copyright agreement with the artist allowing reproduction rights to Arlington County for promotional and educational purposes.
 5. Documentation of public educational outreach program (See VI.I.6.)
 6. Proof of Insurance noting Arlington County as an additional insured and access to approved public art on site in perpetuity.
 7. Agreement on placement of a County supplied public art sign.
- M. The Public Art Program staff verifies that the work has been built as approved, **registers the work of art** in the permanent public art collection, adds it to the Public Art layer in the County's Geographic Information System layer, creates a sign per the Guidelines for Development of Public Art Signs and notifies the Zoning office that the site plan condition is satisfied.
- N. The developer is responsible for maintaining the work of art in perpetuity. Should the work of art be destroyed or substantially altered in condition or location, the County may deaccession the work (see *County-Initiated Guidelines – Collection Management – Deaccessioning*) and the developer will be responsible for replacing the public art community benefit at the value of the cited in the public art site plan condition, adjusted by the Consumer Price Index – All Urban Areas from the date of County Board approval to the date of replacement. Replacement may be made on-site following the *Process for Commissioning Public Art Onsite* or as a contribution to the *Public Art Fund*.
- O. At a PAC meeting following the installation, Public Art Program staff and the PAC **evaluate** the work of art and consider improvements in the process.

VII. Timeline

The following table lists milestones in the planning and permitting process by which public art requirements must be met. While the content of public art is not germane to the Site Plan Review process, early contracting with an approved artist promotes collaboration with the design team, and often yields the best integrated public art.

Permits & Public Art Process

Permit/Milestone	Public Art Requirement	Reference
4.1 Acceptance	Meet with Public Art Program Staff	IV
County Board Approval		
Clearing, Grading & Demolition	Artist approved	VI - C
Excavation/Sheeting and Shoring	Art proposal approved	VI - I
Footing to Grade	Satisfy conditions of approval	VI - K
Final Building Permit	PAF contribution due, if applicable	V
Partial Certificate of Occupancy-top floor	Art installed, verified, and documentation provided	VI - L

Recommended to the County Manager's Office
by the Arlington Commission for the Arts
on _____

Approved by _____, County Manager

Date _____

PUBLIC ART SITE PLAN CONDITIONS

When a developer agrees to a site plan condition for public art, one of the following conditions will be used, as per Administrative Regulation 4.1. signed by the County Manager, June 26, 2018:

17. Public Art (Demolition and Land Disturbance Permits)

The Developer agrees to either commission public art or provide a public art fund contribution as set forth below.

A. Commissioning Public Art (Demolition and Land Disturbance Permits)

Commission Professional Artist. The Developer agrees to follow the *Public Art Program Guidelines for Site Plan/Developer Projects* for commissioning art on-site. The Developer agrees to commission a professional artist to create public art for a minimum cost of \$_____, inclusive of artist fees, artist travel/expenses, fabrication, transportation, and installation, but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. If the commission is made more than 12 months after Site Plan approval, the minimum cost will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the Site Plan to the first day of the month on which the contribution is made. The public art shall support the themes and priorities discussed in the Public Art Master Plan (adopted December 2004) and the goals of the Public Art Policy (adopted September 2000). The developer retains ownership of the work of art and is responsible for its maintenance in perpetuity. The developer agrees that the artwork cannot be relocated or removed without approval by the County Manager. Should the owner desire to permanently remove the artwork from the site, the removal must go through a formal de-accessioning process, per the *Public Art Program Guidelines*, as may be amended from time to time. Should an artwork be permanently removed from the site, it should be replaced by (a) a new artwork of equivalent or greater cost increased by the same percentage as the percentage change in the CPI-U since issuance of the Partial Certificate of occupancy for any part of the top floor of the building, and, approved through the standard approval process for site plan negotiated on site public art projects, or; (b) a contribution to the Public Art Fund of \$75,000 or the original required contribution amount in Condition #17.B., increased by the same percentage as the percentage change in the CPI-U since issuance of the Partial Certificate of occupancy for any part of the top floor of the building.

The Developer agrees to complete the following Public Art Requirements before the issuance of the indicated permit/milestone:

- 1) Artist Approval (Demolition and Land Disturbance Permits)** The Developer agrees to obtain approval of its choice of artist from the Arlington Commission

for the Arts/Public Art Committee (ACA/PAC) prior to issuance of the Demolition and Land Disturbance Permits.

- 2) **Art Proposal Approval (Excavation, Sheeting and Shoring)** The Developer agrees to obtain approval of the art proposal from the ACA/PAC prior to issuance of the Excavation, Sheeting and Shoring Permit.
- 3) **Re-submit Art Proposal if necessary (Footing to Grade)** The Developer agrees to resubmit to the County Manager if necessary, the art proposal, which shall reflect any revisions made in response to recommendations made by ACA/PAC, prior to issuance of the Footing to Grade Permit.
- 4) **Installation (Partial Certificate of Occupancy for top floor of building)** The Developer agrees that installation of the public art shall be completed prior to the issuance of the Partial Certificate of Occupancy that permits occupancy of any part of the top floor of the building.

In order to promote integration of the public art with other elements of the Site Plan, and to enable the County to review plans for the location of the art, the Developer agrees to represent the public art on the Final Landscape Plan, building elevation or other plan that includes the site of the art, in the normal course of submission of such plans as provided for in these Site Plan conditions. The plan(s) on which the art is represented will be determined based upon the art's chosen location within the Site Plan.

B. Public Art Fund Contribution (Final Building Permit)

If the Developer chooses to make a contribution of \$_____ to the Public Art Fund to fund County-initiated public art projects in the _____ metro/or other specified area in lieu of commissioning public art through the process set forth above, then the Developer agrees to notify the County Manager in writing, and make the total financial contribution, prior to issuance of the Final Building Permit. If the contribution is made more than 12 months after Site Plan approval, the contribution amount shall be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U), from the date of the initial County Board approval of the Site Plan to the first day of the month on which the contribution is made.