

Art in Private Development

Guidelines

2009

The Tempe Municipal Arts Commission
and the city of Tempe Cultural Services Division staff
look forward to helping you complete
a successful art project
for your development.

<http://www.tempe.gov/arts/publicart/Private.htm>
to view images of completed art projects

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The goal of the city of Tempe's Art in Private Development (AIPD) ordinance is to beautify the community with a wide variety of high-quality art projects. This program has created many successful partnerships between developers and artists. Local developments have acquired a unique sense of place and have won awards because of the art elements. The presence of artwork in developments creates a competitive edge by attracting people who are curious about the artwork. Residents and visitors may pause to enjoy the artwork's surprising and aesthetic delights, and they often return to experience it again while shopping or conducting business.

In the AIPD program, developers of large commercial or office buildings must meet a required art investment in one of four ways: artwork which is integrated into the development; the creation and maintenance of a cultural space or facility; a community arts program plan; or a contribution to the city's Municipal Arts Fund.

Tempe also has a public art program, in which one percent of the city's capital improvements budget is allocated to public art projects. The monies generated by both the Public Art and Art in Private Development programs are held in the city's Municipal Arts Fund. The Tempe Municipal Arts Commission, a 15-member resident advisory board appointed by the mayor, administers the Municipal Arts Fund.

What does the Art in Private Development ordinance require?

Tempe's Art in Private Development Ordinance in Section 4-407 requires that:

- The property owner(s) of any project that contains more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, or is a phase of a larger project approved after Feb. 24, 1990, that contains a total of more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, shall contribute to Art in Private Development. The art contribution shall take the form of either on-site installation of exterior artwork or an equivalent cash donation to the Tempe Municipal Arts Fund. *Net floor area* means the sum of all floor areas (including mezzanines, outdoor retail and dining areas) devoted to an activity, excluding exterior walkways and the thickness of exterior walls.
- The developer's investment in artwork is based on the amount of square footage of the *net floor area* dedicated to commercial or office use, and is adjusted on Feb. 1 of each year based on the Consumer Price Index for All Urban Consumers (CPI-U) of the previous year. *The 2009 value: \$0.41 per square foot.*
- Before a Certificate of Occupancy is issued, the developer must meet the requirements of this ordinance. The developer's required contribution may be in any of the following forms:
 1. **Art Project:** Artwork which is integrated on the site of the development. Artwork completed in compliance with this ordinance shall be located on an exterior site visible and accessible at all times to the public.
 2. **Community Arts Program:** Arts projects and programs that involve the public in Tempe. The program must be approved by both the developer and the Tempe Municipal Arts Commission.
 3. **Cultural Space/Facility:** A visual or performing arts space or facility.
 4. **Arts Fund Contribution:** In-lieu cash contribution to the Tempe Municipal Arts Fund, used to fund art projects administered by the Tempe Municipal Arts Commission.

What types of art projects are eligible?

Examples of art projects to consider are:

- One-of-a-kind building features and enhancements designed by artists such as gates, benches and fountains.
- Artist-designed landscape art enhancements such as walkways, bridges or art features within a garden.
- Sculpture -- freestanding, wall-supported or suspended, kinetic -- in durable materials suitable for the site.

To view images of completed artwork, visit www.tempe.gov/arts/publicart/private.htm .

What types of art projects are not eligible?

- Business logos or art that incorporates a logo.
 - Directional or wayfinding elements such as supergraphics and signage.
 - Mass-produced "art objects" such as fountains, statuary or playground equipment.
 - Standard landscape or hardscape elements which would normally be associated with the project.
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What are the eligible costs for art projects?

When preparing a budget for the artwork, certain costs may be included to meet the developer's required art investment:

- Professional artist's budget, including artist fees, materials, assistants' labor costs, insurance, permits, taxes, business and legal expenses, operating costs and art dealer's fees if these are necessary and reasonable.
- Fabrication and installation of the artwork.
- Site preparation
- Structures enabling the artist to display the artwork.
- Acknowledgment plaque identifying the artist, artwork and development.
- *Costs for maintaining and operating artwork are not eligible.*

What is the process for completing an art project? A Checklist

The following checklist will help a developer create a successful AIPD project:

- Staff Contact:** Call the city of Tempe Cultural Services staff to discuss:
 - what the developer wants the project to accomplish;
 - the required art investment and
 - the type of professional artist needed for this project.
- Artist Slidebank:** View the slides from the Artist Slide Bank. Cultural Services staff will assist the developer in viewing the slides and will provide contact information on the artists the developer wants to consider. The developer may also choose a professional artist who is not in the Tempe Slide Bank.
- Professional Artist Selection:** Contact the artists being considered and decide which artist(s) will be hired by the developer.
- Preliminary Approval:** *The Preliminary Art Project Plan is required before a building permit is issued.* Request a meeting with the Arts Commission's Art In Private Development (AIPD) Subcommittee and staff to discuss:
 - Concepts and budget for the proposed artwork.
 - Location and visibility of proposed artwork.
 - Name and resume of selected artist.

Tempe Cultural Services staff will notify Development Services staff that we have received the Preliminary Art Project Plan. At this stage the key points are:

- *Is the person chosen an active professional artist?*

The AIPD Subcommittee and the Tempe Municipal Arts Commission make this determination by reviewing such items as the person's educational background in the arts, and arts accomplishments within the past five years such as gallery or museum exhibits, and completion of public art projects.

- *Is the proposed artwork visible to the public?*

The AIPD Subcommittee and the Tempe Municipal Arts Commission review the proposed artwork plans, its visibility to the public, and its context within the development. The AIPD subcommittee votes to accept or decline the proposed plans.

- ❑ **Final Approval:** *A final presentation is required before a Certificate of Occupancy is issued.* This presentation is given by the developer (or a representative) and the artist(s) and includes:
 - Narrative description of proposed artwork generally developed by the artist. Please prepare five copies.
 - Budget detailing eligible costs including artist's fees and expenses, costs for fabrication, site preparation, installation, structures to display artwork, and/or plaque (developed by the artist and the developer).
 - Letter of agreement between the developer and artist.
 - Scaled site plan and landscape plan, showing the proposed artwork in the development's context.
 - Scaled drawing(s) or model(s) of the artwork.

For the presentation, the reviewed key points are:

- *Artist's background in relation to this project*
- *Final itemized budget that meets the required art investment for the development*
- *Public visibility and availability of the artwork*

- ❑ **Tempe Municipal Arts Commission Approval:** The AIPD Subcommittee will give a summary of the proposed artwork to the Tempe Municipal Arts Commission at its next scheduled meeting. The developer and artist are not required to attend this meeting. After the AIPD Subcommittee presentation, the Tempe Municipal Arts Commission votes on the proposed artwork plans.
- ❑ **Signed Contract:** Fax or mail a copy of the signed contract between the developer and the artist(s) to Cultural Services staff for the AIPD records.
- ❑ **Certificate of Occupancy:** After the Tempe Municipal Arts Commission approves the art project plan and the contract is in place, Cultural Services staff will write a letter that releases the Certificate of Occupancy in regard to the public art component.

How is an art project selected for an Excellence Award?

To encourage and recognize high quality artwork, the Tempe Municipal Arts Commission and the Tempe Beautification Awards program review and select artworks to receive the Art in Private Development Excellence Award. Developers are honored at the Beautification Awards ceremony and their artworks are noted as award winners on the arts website, <http://www.tempe.gov/arts/publicart/Private.htm>.

The following criteria are used to guide the selection of excellent artworks completed in the past calendar year:

- **Aesthetics**
Application of artist's concept
Viewer's response to the artwork
 - **Craftsmanship**
Quality of construction
Use of materials
Quality of materials
 - **Site enhancement**
Integration of the artwork with the development
Installation of the artwork (base, landscaping, etc)
Visibility in the evening (lighting, etc.)
 - **Value to community and/or employees**
Relevance to the community and employees
Visibility to the public (walking, biking, driving)
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What are the other options to consider?

- **Creation and Maintenance of a Cultural Space/Facility:**

If a developer wants to create and sustain a visual or performing arts space, the following items should be addressed in a written proposal:

- Concept of the cultural space/facility
- Location of the proposed space/facility
- Preliminary design for the space/facility
- Facility operation plan including a budget and program goals
- Long-range plan for use of the space/facility which assures a commitment to continuing cultural use
- Timeline for designing, constructing and programming the cultural space/facility

The Tempe Municipal Arts Commission will accept or decline the Cultural Space/Facility Proposal. An approved proposal will be forwarded to the Design Review Board. Once approved by the Design Review Board, a Certificate of Occupancy will be released.

- **Community Arts Program Plan:** Special arts initiatives for the community will qualify as projects for this option. The Tempe Municipal Arts Commission will accept or decline the Community Arts Program Plan. An approved Community Arts Program Plan will release Certificate of Occupancy for the development.
 - **Arts Fund Contribution:** If a developer chooses to contribute the required art investment to the Municipal Arts Fund, monies must be deposited into the Municipal Arts Fund in order to receive approval for the Certificate of Occupancy. The Tempe Municipal Arts Commission and the Cultural Services staff will work closely with the developer to identify an appropriate use of the contribution that will benefit both the developer and the city of Tempe's AIPD program.
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