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PUBLIC ART PROGRAM GUIDELINES

Part I - Background

I. Purpose

These guidelines establish procedures for implementing the Arlington County's Public Art Policy as adopted by the Arlington County Board on September 9, 2000 and for fulfilling the goals of the Public Art Master Plan, adopted on December 11, 2004. Arlington County's Public Art Program staff implements the County's Public Art Policy with review and recommendations from the Arlington Commission for the Arts and its Public Art Committee (PAC).

Arlington Public Art supports three categories of public art: Site Plan-Initiated/Developer; County-Initiated/Business Improvement District (BID); and Community-Initiated. These guidelines direct the implementation of and are the reference documents/Guidelines for all three types of Public Art projects.

II. Public Art Policy Goals

The 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. Eligible Public Art

All public art commissioned or acquired under the Public Art Policy shall be designed, or the process facilitated, by artists. Priority is given to commissioned work -- rather than the purchase of extant works of art -- and to the inclusion of artists on a design team resulting in a design collaboration or integrated work of art. Public art may include, but is not limited to:

A. Design work provided by an artist(s) to be incorporated into a construction project, including but not limited to:

1. Interior or exterior surfaces, fixtures and functional elements;

2. Outdoor design elements in areas such as plazas, arcades, vehicular or pedestrian passageways, landscape architecture and landscape design elements;
3. Artistic design of transportation-related features, recreational trails, transit system improvements, public works facilities or other infrastructure, and sites with historic, archeological, and unique geological features.

B. Forms of visual art such as, but not limited to:

1. Sculpture in the round or in any of the following forms or types: bas-relief, mobiles, fountains, environmental, kinetic, electronic, etc., in any material or combination of materials;
2. Painting in all media, including portable and permanently affixed works such as murals and frescoes;
3. Printing and drawing, including media such as photography, film, graphic arts, any print media (e.g. lithography, etching, etc.), drawing, and calligraphy;
4. Ceramic, fiber and textiles, wood, metal, plastics, glass, stone, mosaics and other materials;
5. Technological media that may develop through artistic pursuit or adaptation of digital, audio, video or graphic media; use of lighting, the internet, and the like;
6. Mixed media, that is, any combination of forms and media.

IV. Funding

County-appropriated funds as well as monies in the Public Art Fund may be used to support temporary and permanent works of art for the following:

- A. All artists' services, including models, design fees, and sub-consultant fees, e.g., engineering or other specialty consulting;
- B. Art-related materials, fabrication, delivery and installation costs;
- C. Acquisition of works of art;
- D. Artist selection processes, including jury selection;
- E. Incremental costs of public art integrated into infrastructure elements such as sound-walls, utility structures, roadway elements, landscape architecture and landscape elements;
- F. Identifying plaques/markers;
- G. Repair, including replacement of works damaged beyond repair and not covered by insurance, maintenance, surveys, curatorial services, re-siting and

other conservation work necessary to keep all works of art in the County collection in good condition;

H. Arlington Public Art (“Program”) administration (for expenses not funded in the base budget);

I. Community education programs, publicity, dedications;

J. Public Art Collection (“Collection”) management, including software and database development, photo documentation, etc.

V. PAC, Commission, County Staff, Panels and Artist(s) Responsibilities

A. The Arlington County Board:

1. Appoints the members of the Arlington Commission for the Arts.
2. Reviews, modifies and approves changes to Arlington, Virginia’s Public Art Policy (“Policy”) and Public Art Master Plan (“Master Plan”).
3. Reviews, modifies and approves a provision for public art in the annual Capital Improvement Projects (CIP) budget.
4. Approves public art design and fabrication contract awards over \$250,000.

B. The Arlington Commission for the Arts (“Commission”):

1. Appoints PAC members.
 - a. The PAC is comprised of 5-7 members and have professional or vocational experience in one or more of the following disciplines: art, arts administration, curatorial, arts education, public art, architecture, landscape architecture, urban design, or art history.
 - b. Three of the seven members should be drawn from the ACA.
 - c. The PAC Chair must be from the ACA.
 - d. The ethnic and cultural diversity of Arlington should be reflected in the composition of the PAC membership.
 - e. PAC members may serve two consecutive three-year terms and a partial term if finishing a term for a departing member.
 - f. After serving two terms (and a partial term if applicable) PAC members must take one year away from the PAC before being considered for two additional terms.
2. Periodically reviews and recommends changes made by the PAC in the Public Art Policy and Master Plan to the County Board.

3. Reviews and makes recommendations to the County Board for public art in the annual Capital Improvement Projects (CIP) budget.
4. Reviews final design proposals recommended by PAC for County-initiated public art projects over \$250,000 and recommends them to the County Board for design and fabrication contract award approval.
5. Appoints PAC members to represent public art at Site Plan Review Committee and other relevant County-wide meetings.

C. The Public Art Committee (“PAC”):

1. Guides the development and periodic review of the Public Arts Policy and Master Plan and makes recommendations to the Commission for changes in both.
2. Guides the development and periodic review of the Guidelines, in consultation with staff, and makes recommendations to the County Manager.
3. Reviews, modifies and recommends, in consultation with staff, the Projects Plan to the County Manager.
4. Guides the management of the Collection and makes recommendations, in consultation with staff, regarding proposed gifts and loans to/from the Collection and works of art proposed for deaccessioning from the Collection to the County Manager.
5. Guides the County-Initiated Public Art Process.
 - a. Recommends to staff artist selection process based upon available resources and scope of project.
 - b. Appoints, in consultation with staff, Panel members for public art projects not directly selected and chooses PAC representative to serve on the panel.
 - c. Recommends to staff a written charge to the Panel outlining objectives and parameters of the project including artist selection method, budget, timeline, and site particulars.
6. Reviews and recommends to staff artist selection.
7. Reviews and recommends to staff final design proposals for public art projects over \$10,000 and under \$250,000, and makes recommendations to the Commission regarding final design proposals for public art projects over \$250,000.

8. Ensures that capacity is built for local and regional artists to compete and be considered for public art projects.

9. Advises on interpretive and educational programming for Public Art Program.

10. Meets approximately six times a year with a majority of members constituting a quorum.

11. Advises Public Art Program Staff on artist and concept proposals for site plan-initiated projects.

D. The County Manager:

1. Makes recommendations to the County Board regarding the Commission-recommended Public Art Policy and Master Plan.

2. Reviews, modifies and approves the PAC-recommended Public Art Program Guidelines (“Guidelines”).

3. Reviews, modifies and approves the annual PAC-recommended Public Art Projects Plan (“Projects Plan”).

4. Includes in the proposed County budget up to ½ % of the County’s CIP budget from the areas of Local Parks and Recreation, Transportation and Pedestrian Initiatives, Community Conservation, Public Safety Facilities and Government Facilities each year for the funding of the annual Projects Plan.

5. Reviews, modifies and accepts recommended gifts and/or loans to/from the Collection.

6. Reviews, modifies and approves recommended works of art proposed for deaccessioning from the Collection.

7. Designates Public Art Program staff to approve artists and concept proposals for site plan-initiated projects.

E. The Public Art Program staff:

1. In consultation with PAC, drafts changes to the Public Art Policy and Master Plan for review and recommendations by the ACA.

2. In consultation with PAC, drafts changes to the Guidelines for recommendation to the County Manager.

3. In consultation with PAC, develops the Projects Plan in concert with CIP development process and Business Improvement Districts' (BID) annual work plan for recommendation to the County Manager.
4. Achieves the goals of the Public Art Policy by implementing the Projects Plan in accordance with the Master Plan and Guidelines.
5. Supports the PAC, and facilitates Panel meetings.
6. Provides administrative oversight of all public art funds.
7. Consults with the PAC on artist selection process, including possible use of technical review committee to be used based upon available resources and scope of project.
8. Leads negotiation and oversees the County's contract with artists in accord with the Visual Artists Rights Act of 1990 and the Guidelines.
9. Assures appropriate project review by County departments, including a safety review as needed.
10. Manages the Collection, including curatorial duties, educational interpretation, information management and sharing, and maintenance and conservation through the biennial Public Art Collection Assessment submitted for PAC review.
11. Approves expenditures from the Public Art Fund of \$10,000 and under.

F. The Sponsoring County Department:

1. In consultation with the Public Art Program staff and using the guidance in the Master Plan, determines at the earliest possible stage the Capital Improvement or Public Private Partnership Projects that should incorporate public art. Appropriate budget and funding sources must be identified to cover costs associated with the artist selection process and be sufficient to create a work of art in scale appropriate to the size of the overall project. In general, .5 to 2% of a total project budget is a reasonable range for funding a public art project, with a minimum threshold amount of \$50,000. This funding may be drawn from the budget for architectural features, aesthetic enhancements, or landscaping, etc., as well as other funding sources, such as the Public Art Fund.
2. Designates a staff member to work with Public Art Program staff to integrate the public art planning and implementation into the project schedule. Staff designee participates in the artist selection process.

3. Ensures that the design team understands the artist's involvement at the outset and participates in the artist selection process.

4. Reviews and plans for the maintenance needs of the work of art, is responsible for general maintenance of the work of art and the area in which it is located, and notifies the Public Art Program staff when a work of art requires attention.

G. The Art Advisory Panel ("Panel"):

1. Is composed of 5-7 voting members from a combination of the following categories:

- a. One or two representatives from the community.
- b. Two artists, or one artist and an arts professional (designer, curator, collector, public art administrator, etc.).
- c. One project design professional, if applicable.
- d. The project manager from the Sponsoring County Department.
- e. One or two representatives, if needed, from the project/building user group.
- f. One representative from the PAC.

2. Non-Voting Advisors may include Public Art Program staff, design team members, and others as appropriate.

3. Meets in closed session two to three times: during artist selection; upon artist's presentation of concept plan; and, if needed, upon artist's presentation of revised proposal.

4. Reviews the scope of the project based on the charge from the PAC including site, medium/media, budget, scope of project, educational outreach, and other relevant considerations and employs it as a guide in the artist selection process.

5. Reviews credentials, proposals, and /or materials submitted by artist(s.)

6. Recommends to the PAC and staff the artist(s) to be commissioned for the project or the purchase of an existing work of art in coordination with Community Advisory Group, if applicable.

7. Recommends to the PAC and staff the final design proposal of the project in coordination with Community Advisory Group, if applicable.

8. Reviews project as needed during design development process.

H. The Artist:

1. Completes and installs the work of art as approved.
2. Supplies documentation of the work on-site, including digital photographs with attributions, 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, contact person in case of any future questions about the work of art.
3. Guarantees and/or secures manufacturers' warranties for the work of art against all defects of material or workmanship for a period of two years following installation.
4. Provides Public Art Program staff with drawings of the installation and with detailed instructions regarding routine maintenance of the work of art, which shall become part of the Collection archives.
5. Is given the opportunity to accomplish necessary repairs and preservation, as appropriate.
6. Shares expertise with the Arlington and regional community in creative ways.

VI. Definitions

ACA Spotlight Grant: Annual grant opportunity sponsored by the Arlington Commission for the Arts to support individual artists who live or work in Arlington.

Acquisition: The addition of a work of art for Arlington, Virginia's Public Art Collection, whether by commissioning, purchase, gift, or other means.

Arlington Commission for the Arts (ACA): A Commission appointed by the Arlington County Board to oversee the arts in Arlington, comprised of 15 members who live in Arlington and have a broad knowledge of and interest in the arts;

Art Advisory Panel ("Panel"): The Panel convened to review a project and select an artist(s) to be commissioned or work(s) of art to be purchased. If a new work is being commissioned, the Panel will review the artist's concept proposal and recommend the final proposal to the Public Art Committee and staff.

Artist: A person who derives her/his livelihood in full or part from the creation of art, i.e. a professional artist, craftsperson or artisan. **(For Community-Initiated Projects only:** A person with a record of accomplishment as a practicing artist.)

Business Improvement District (BID): Business Improvement Districts are special tax districts where additional tax on property owners funds improvements

for the benefit of the district.

Community-Initiated Public Art: Public art proposed, funded and implemented by community entity on public property.

Community Group: People gathered in Arlington County to pursue civic objectives.

County-Initiated Public Art: Public art projects funded and implemented by the County.

Deaccessioning: The removal of a work of art from the Public Art Collection.

Design Collaboration: Creative process that occurs when artists work with the design team, particularly at an early stage in the concept development.

Design Team: A group of design professionals (artists, architects, engineers, landscape architects, lighting designers, graphic designers, etc.) working together on a specific project.

Permanent: Intended to endure in perpetuity.

Projects Plan: A written document developed with guidance from the Public Art Master Plan and in coordination with annual Capital Improvement Program development which outlines the work plan for Public Art Program staff each calendar year.

Public Art: A temporary or permanent work of art that is paid for with County funds, or located on publicly-owned property or negotiated as part of a special exception project, is indoors or outdoors, and is accessible to the public at least 8 hours per day. Artist-designed functional elements are included in this definition.

Public Art Collection (“Collection”): All public art either owned by the County or negotiated as part of a special exception or site plan project.

Public Art Collection Assessment: A biennial physical inspection and written report with recommendations for conservation or removal of Works of Art in the Public Art Collection

Public Art Committee (PAC): A committee appointed by the Arlington Commission for the Arts to oversee the Public Art Program, comprised of members of the Arlington Commission for the Arts and members from the community who live or work in the County, and have professional art or design experience.

Public Art Fund: A Trust in Agency account established by the County and

administered by the Public Art Program to receive all private contributions for the Public Art Program.

Public Art Master Plan: A written document that identifies appropriate and desirable sites for the location of public art throughout Arlington County. The Master Plan is updated every five years or as needed and is used as the basis for the annual Public Art Projects Plan.

Public Art Program (“Program”): The ongoing implementation of the Arlington County Public Art Policy.

Public Art Survey: An evaluation to establish conservation needs and make maintenance and repair recommendations as prioritized by Public Art Program staff and the Public Art Committee.

Public Property: Public property in Arlington County includes any land owned by the County, state, or federal government, as well as any space where one of these entities holds an easement for public access or use.

Site Plan-Initiated Public Art: The public art resulting from negotiated conditions in the Special Exception or “Site Plan” projects.

Special Exception Projects: Distinguished in the County’s Zoning Ordinance from projects permitted “by right”. Site plan approval and use permits are two forms of special exception that require public review and include specific conditions of approval imposed by the County Board. A special exception project might include a provision for public art.

Temporary: Having an intended end point.

Work of Art: An original creation by an artist. May be one-of-a-kind or from a limited edition, functional or purely aesthetic, exterior or interior, temporary or permanent.

VII. Guidelines for Public Art Signs

A. Purpose

The purpose of Arlington County’s public art signs is to provide the basic and interpretive information about public art projects under the County’s purview and to enhance the public’s experience of Arlington’s Public Art Collection. Such projects include: County-initiated projects, site Plan/developer projects and community-initiated projects that occur on County property or are funded in part or in full by the County.

B. Types of Public Art Projects Eligible for Public Art Signs

- *Arlington County*
Projects fully funded by Arlington County
- *Public-Private Partnerships*
Projects partially funded by Arlington County (i.e. public-private partnerships)
- *Private Developer/Site Plan*
Projects funded by private developers through Arlington County's site plan process

C. Content

Public art signs text will include the following information:

- Artist Name(s)
- Project Title
- Project Year of Completion
- Materials
- Interpretive text
- Funding source
- Arlington County logo (a possible second logo in the case of public-private partnerships)
- Arlington County Cultural Affairs website

D. Logos

- Projects fully-funded by Arlington County will include only Arlington County's logo
- Projects partially funded by Arlington County (i.e. public-private partnerships) may also include a second logo from the private funding entity
- Site plan projects will include only the Arlington County logo

E. Specifications

1. Materials

Public art signs will be made of either embedded fiberglass or stainless steel. Arlington County owned projects will generally be made of embedded fiberglass. Site plan/developer projects will be embedded fiberglass unless the private developer/building owner requests the fabrication of a stainless steel sign. The private developer/building owner will be responsible for covering the cost difference between embedded fiberglass and stainless steel.

2. Mounting Style

Signs can be fabricated to be either wall-mounted or pedestal-mounted.

3. Pedestal Specifications

Pedestals should measure 5' tall and be 3" x 3" square metal posts. Upon

installation, 2' of the post shall be sunk into the ground, leaving the post at 3' above grade. Signs attached to pedestal shall be at a 30 degree angle.

4. Size

All signs should be made to 12" x 12". There will be some exceptions for projects that have a lengthy history and require more in-depth interpretation. Generally, if more space is needed to accommodate images or more lengthy text (for example, if two artists projects are described in a single sign), then the sign will maintain a 12" width, but can be lengthened to provide additional space.

5. Font and Color Specifications

Signs text font should be Trade Gothic.

Background color for embedded fiberglass signs only: PMS 428

Text color for both embedded fiberglass and stainless steel: PMS 2955

F. Suggested Fabricators

Embedded Fiberglass, www.panniergraphics.com rlh@pannier.com

Stainless Steel, www.bellco.com wowen@bellcoinc.com

G. Text Development

Public Art Program staff will coordinate and pay for the development of interpretive text for all signs. Text shall be approved by Public Art Program staff and the artist. For Site Plan/Private Developer projects, the developer or building owner will also approve text.

H. Design

Public Art Program staff will coordinate and pay for the professional design of all signs. A template has been developed for public art signs which shall be used for all signs. See end of document for template.

I. Fabrication

Public Art Program staff will coordinate and pay for embedded fiberglass signs. Should a private developer or public/private partner wish to have a stainless steel sign, then Arlington County will coordinate the fabrication, but the private developer or public/private partner must pay the difference between the cost of embedded fiberglass and stainless steel.

J. Installation

Public Art Program staff will coordinate the installation of all signs. County staff will ensure the safe installation of all signs, including reviewing placement of all pedestal signs with Miss Utility. For Site Plan/Private Developer and Public/Private projects, the developer or private partner building owner will also approve the location for the sign and will be responsible for installing the sign on their property.

K. Maintenance

Public Art Program staff will make annual site visits to all public art projects to ensure the good condition of public art signs.

SIGN TEMPLATE

Text: Trade Gothic
Background Color:
PMS 428 Text
Color: PMS 2955

ARTIST

Artist(s) Name(s)

TITLE, DATE

Artwork Title, 2022

MATERIALS

Lorem ipsum dolor sit amet, consectetur adipiscing elit

INFO

Lorem ipsum dolor sit Artist Name (Country of birth, b.19_), consectetur adipiscing elit. Donec ac egestas augue. Praesent vitae sem sagittis, convallis purus at, malesuada urna. Maecenas pellentesque leo non ultrices euismod. Aenean ante enim, convallis eu aliquam a, dignissim vitae mi. Nulla facilisi. Phasellus efficitur mollis viverra. Pellentesque libero nisi, auctor quis dui a, scelerisque faucibus mauris. Donec condimentum auctor risus, vel interdum tortor vestibulum eget. Aenean accumsan pulvinar ante et efficitur.

Duis pellentesque lobortis leo, vel auctor elit blandit. Pellentesque at eros vel tellus hendrerit sollicitudin. Sed id iaculis tortor. Phasellus sollicitudin orci laoreet arcu gravida varius. Nam vitae metus ac elit sollicitudin tincidunt id quis odio. Ut semper purus mauris, sed efficitur ex pretium ac. Nulla sem est, fermentum ultrices ligula vitae, ornare luctus urna. In ut accumsan diam. Fusce enim odio, rhoncus et pretium id, auctor vitae lorem. Vestibulum sed rhoncus tellus..



Scan the QR for more details about the artwork



Funded by the Partner Name and Arlington County Government

For additional information about Partner Name: www.partnername.org
For additional information on Arlington Public Art: www.arlingtonarts.org

PUBLIC ART PROGRAM GUIDELINES

Part II - Site Plan/Developer Projects

I. 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.

II. 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 on-site 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.

III. 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 metro or other specific area as outlined in the Public Art Master Plan. Public acknowledgement of this funding will be determined in cooperation with the developer.

IV. 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).

V. 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 Public Art Program staff and the PAC. 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 Public Art Program staff and the PAC. The developer/consultant contacts the Public Art Program staff to be placed on the agenda at a regularly scheduled PAC meeting. The developer/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.
 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, works with Public Art Program staff to create 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/BID Projects – Collection Management – Deaccessioning*) and the developer will be responsible for replacing the public art community benefit at the value of the artwork 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.

VI. 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.

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

Appendix A
PUBLIC ART SITE PLAN STANDARD CONDITION
(updated annually, current as of June 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 (Footings 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 Footings 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.

A. 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.

PUBLIC ART PROGRAM GUIDELINES
Part III - County-Initiated/Business Improvement District (BID) Projects

I. Artist or Work of Art Selection

Artists or extant works of art will be selected on the basis of qualifications or quality as demonstrated by past work, appropriateness of the proposal, to the particular project, and probability of successful completion.

A. Methods of selecting artist(s), existing work(s) of art, or artist's (artists') proposal(s):

1. **Open competition/Request for Qualifications or Proposals:** any artist may apply, subject to any limitations as guided by the PAC, in consultation with staff.
2. **Limited competition:** artists invited to submit proposals.
3. **Hybrid selection:** artists selected through a combination of the above.
4. **Direct selection:** artist(s) or work(s) of art chosen directly by staff with, where appropriate, invited community and departmental stakeholders based on guidance from PAC. Generally, direct selection will not be employed except on those projects where an open or limited call would be impractical.

B. Eligibility requirements for each project will be established by Public Art Program staff with guidance from PAC.

C. Evaluation

1. Artists will be evaluated based upon the following criteria:
 - a. 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.
 - b. The artist's media and approach are suitable for the specific site and intent.
 - c. The style, media, and scale of the artist's work could enhance and diversify Arlington's Public Art Collection.
 - d. The artist demonstrates an understanding of the characteristics, history, identity, geography, and cultures of the communities in which s/he has worked.
 - e. The artist demonstrates the ability to collaborate with the design team and respond well to program intent, including public safety, education, outreach, and public interest.
2. Artist's concepts and existing works of art will be evaluated based upon the following criteria and any additional criteria recommended by the PAC. (These criteria will also be used to assess the quality of the Collection, as needed.):

- a. 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.
- b. 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.
- c. Durability:
 - The quality of materials and craftsmanship promote the concept and protect against unintended theft, vandalism, weathering, excessive maintenance and repair costs.
- d. 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.

II. Collection Management

A. Gifts or loans of works of art

1. The Public Art Program staff, in consultation with the PAC, shall consider gifts or loans of works of art to the Collection based on a detailed written proposal, photographs of the work of art, and documentation of the artist's qualifications.

Criteria for accession of a gift or acceptance of a loan of a work of art to the County are as follows:

- a) Work of art must meet high aesthetic standards and be of original design;
- b) Costs of installation and maintenance of work of art are addressed at time of proposed gift or loan and do not unduly burden County;
- c) Work of art is proposed for an available site and is relevant and appropriate to that site;

d) Liability of the County based on susceptibility of the work of art to wear, vandalism, potential danger to the public, and special insurance requirements is minimal.

2. Proposed gift or loan will be reviewed by Public Art Program staff and presented to the PAC, which will review it and recommend to the County Manager to accept or decline the loan/gift.

B. Re-siting

If changes to a work of art's site or surrounding conditions significantly damage the aesthetic and conceptual intention of the project and the ability of people to experience and access the art, the work can be considered for re-siting.

1. If such changes are temporary:

- a) Storage or temporary re-siting of work of art may be considered until replacement in original site is possible;
- b) There should be a designated timeframe within which the work of art must be returned to the site.

2. If changes to the site are permanent, then re-siting may be considered.

Permanent changes include (but are not limited to):

- a) Development that eliminates or significantly impinges on the work of art's site;
- b) Persistent adverse environmental conditions at the site, such as erosion.

3. A recommendation to re-site may be made by Public Art Program staff to the PAC.

- a) If adopted, then the artist will be informed in writing of the recommendation, and their assistance in the procedure solicited if appropriate;
- b) A new site will be selected based upon availability, suitability for the work of art, agreement on the new site among interested parties (e.g. artist, staff, citizens, private developers, etc.), and with consultation to the Master Plan.

4. In some cases, if a work of art is integral to the architecture or landscape of a site, changes to the site may, in effect, destroy the work of art. If this is the case, a de-accessioning of the work of art would need to take place and procedures therein followed.

C. Deaccessioning

The County shall retain the right to remove any County-owned work of art in the Collection. It should be recognized, however, that the deaccession

of art should be a rare and unusual measure. The commissioning or acceptance of a unique work of art should also be an acknowledgement that the creative process entails a level of risk, and that responses to works of art are often varied and subjective.

1. Deaccessioning or relocation of a work of art may be considered if reasonable cause is identified, which reasons may include one or more of the following conditions:

- a) Work of art does not meet the standards of the Collection;
- b) The site no longer is accessible to the public or the physical setting is to be destroyed;
- c) The work of art has received recurrent significant adverse public reaction expressed by multiple individuals and groups for more than five years from date of dedication;
- d) Removal has been requested by the organization displaying the work or by the artist;
- e) It is found to be fraudulent or not authentic;
- f) It requires excessive maintenance or is damaged beyond repair;
- g) It represents a physical threat to public safety.

2. Deaccessioning process

- a) Requests for deaccessioning must be submitted in writing to or by Public Art Program staff.
 - (1) All requests must address the above criteria. Public Art Program staff will review the request and submit it to the PAC.
 - (2) The PAC can either recommend or not recommend deaccessioning to the County Manager.
- b) In the event that a recommendation to deaccession is made by the PAC and staff and approved by the County Manager:
 - (1) The artist should be informed in writing of this decision and a plan made for either return of the deaccessioned work, including title, to the artist, or for appropriate disposal/destruction of the work of art;
 - (2) If the work of art was a donated gift, the donor should be contacted in writing of the intent to deaccession, and similar courtesies followed.

III. Review of Public Art Projects Initiated by Business Improvement Districts (BIDs)

Public art projects advance the mission of the BIDs and the goals of the Public Art Policy. Further, Public Art staff possess valuable knowledge and expertise in the field of Public Art practice that could benefit the BIDs in their art projects in the public realm. Therefore, BID and Public Art Program staff shall communicate regularly (at the minimum, prior to each regularly scheduled bi monthly PAC meeting) to:

- 1) review upcoming projects
- 2) identify areas for collaboration
- 3) identify funding efficiencies

If areas for collaboration are identified by the BID and Public Art Program staff, Public Art Program staff should be informed at the beginning of the art project planning process. When Public Art Program staff become aware of art projects in the public realm, they will be reported to the PAC as informational items.

IV. Review of Public Art Projects in Historic Districts

Through the County's Certificate of Appropriateness (CoA) process, the Historical Affairs and Landmark Review Board (HALRB) reviews and approves all exterior changes within Arlington's locally designated historic districts, save for routine maintenance projects.

As public art projects are proposed within the County's historic districts, the following process will be followed:

- A. Public Art Program and Historic Preservation Program staff will confer concerning the scope of the project, proposed placement, scale of work of art, and impact to the character of the surrounding historic district;
- B. As the proposed art project advances beyond the preliminary conceptual stage, a presentation on the proposed project by the Historic Preservation Program, Public Art Program, and the sponsoring organization staff will be given to the HALRB at one of its regular monthly meetings for initial comments and recommendations;
- C. As the proposed project enters a design development phase in which overall design including material selection, siting, physical dimensions, etc. are determined, Arlington Public Art and sponsoring organization for the public art will complete a CoA application and submit it, together with or as part of the CoA application for the (capital) project of which the art is a component, for formal review and approval by the HALRB.

PUBLIC ART PROGRAM GUIDELINES

Part IV - Community-Initiated Projects

I. Process for Commissioning Public Art

The Public Art Committee (PAC) of the Arlington Commission for the Arts (ACA) is charged with ensuring that public art using County resources meets the objectives of the Public Art Policy and the Public Art Master Plan. To promote project success, the PAC reviews public art in a two stage process: first advising on artist selection and, secondly, advising on final concept or work of art acceptance during regularly scheduled meetings. For ACA Spotlight Grants, PAC review will precede ACA review.

A. Pre-proposal Requirements

1. Contact Public Art Program staff as soon as you contemplate a public art project. Staff can provide information regarding artist selection processes, community involvement, budget development, funding sources, and maintenance and provide assistance throughout the commissioning process, as time permits.
2. If the proposal is coming directly from an artist, skip to B. Proposal Process.
3. If a proposal is not coming directly from an artist, but from a community group, the community group decides how to select the artist and/or work of art. If a community has not identified a specific Work of Art to purchase, then an artist should be selected to develop a concept and subsequently fabricate the work of art. Typical artist selection processes include direct selection, open competition, and limited competition. At least three artists should be considered. Once a top choice is identified, contact the Public Art Program staff to reserve time on the agenda of a regularly scheduled PAC meeting to seek approval of the selected artist. The artist should not attend this meeting.

The community's presentation to the PAC should include:

- a. A synopsis of the site, budget, schedule and project intent to orient the PAC members and establish the rationale for the artist's work;
- b. A summary of experience and images of the artist's previous work to establish the artist's credibility and appropriateness for the project (up to ten images with descriptions of artist's past work);
- c. Summaries of two additional artists considered.
- d. Letter of interest and CV from the artist.

The PAC will evaluate the proposed artist on the following criteria:

- a. 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.

- b. The artist's media and approach suits the specific site and intent.
 - c. The style, media, and scale of the artist's work enhance and diversify Arlington's Public Art Collection.
 - d. The artist demonstrates an understanding of the characteristics, history, identity, geography, and cultures of the communities in which s/he has worked.
 - e. The artist demonstrates the ability to collaborate with the design team and respond well to program intent, including public safety, education, outreach, and public interest.
4. After artist approval, contract with the artist in accord with the Visual Artists Rights Act of 1990, (if not purchasing extant work of art) and coordinate concept development. PAC review of extant work of art can take place at a single meeting. Presentation should combine relevant elements listed above.

B. Proposal Process

1. Proposal Requirements

- a. Up to two page written description of the work of art, including intent, materials, scale, process of fabrication, installation, deinstallation, and timeline for development and public display;
- b. Concept drawings illustrating the integration or siting of the proposed work of art within the architecture and landscape architecture on-site from the major public accesses, day and night views (include site plan and up to two images of the proposed site from different perspectives and up to five in-situ artist renderings depicting the proposed project at several view points);
- c. Project budget, including artist fee, materials/purchase of work of art, plus installation and maintenance (including any request for supplementary funding from the Public Art Fund, if available); the artist or community is expected to raise the funds for the public art project it wishes to pursue.

Illustrate consideration of these funding sources in a submitted budget:

- i. Community/individual donations
- ii. Business donations
- iii. Civic association fundraisers

- iv. ACA Spotlight Grant (artist must apply)
 - v. Neighborhood Conservation funding
 - vi. Park Enhancement Grants
 - vii. Business Improvement District funding
- d. A proposed location for an interpretive sign; see *Guidelines for Development of Public Art Signs*;
 - e. Documentation from appropriate departments or offices (such as Risk Management, Parks and Facility Maintenance, Police, Transportation Planning and Operations, Historic Preservation, etc.) to ensure that the work of art does not present a safety hazard. A certificate of liability insurance may be required. The need for such documentation will be determined in consultation with the Public Art Program staff.
 - f. Up to one page description of how the artist or community group, working with the artist, will share information about this project with the Arlington public. This might include giving a talk, tour, hosting information on a website, blog, or a myriad of more creative options.
 - g. Documentation of permissions to install the work of art from responsible department/agency of the County, state, or federal government and copies of easements for public accessibility, installation and maintenance of the work of art filed with the County (or County's service district in the case of a Business Improvement District).
 - h. Maintenance or removal plan developed in consultation with the artist.
 - i. Documentation of Artist recommendation by the PAC, if proposal is from a community group.
2. The PAC/ACA will review submittals based on the following criteria:
 - a. 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.
 - b. 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.

c. Durability:

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

d. Safety/Public Liability:

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

C. Notify the Public Art Program staff of any changes to the endorsed plan.

Such changes include additions or deletions to the composition and alterations to the size, placement or materials originally proposed. Public Art Program staff will determine whether changes are within the scope of the PAC review and whether the PAC must review and approve proposed changes.

II. Collection Management

Community-Initiated works of art recommended by the PAC will enter the County Public Art Collection and be subject to the Collection Management procedures set forth in the Public Art Guidelines for County-Initiated/Business Improvement District Projects. The artist or commissioning community shall assume the responsibility for general maintenance of the work of art and the area in which it is located in consultation with the Public Art Program staff. Arlington County reserves the right to remove, or otherwise eliminate a work of art located on public property that is not repaired, restored or a written plan for repair submitted, within 90 days of written request to correct a deficiency.

PUBLIC ART PROGRAM GUIDELINES
Part V - Provisions for Review and Amendment

These guidelines are subject to periodic review and revision by the PAC and/or Public Art Program staff, recommended to and approved by the County Manager. They create no legally binding requirements or any rights for any person or entity.

Recommended to the County Manager's Office
by the PAC and/or Public Art Program staff

Date _____

Approved by _____, County Manager

Date _____