



## Cultural Improvements Program/Art in Private Development (AIPD) Guidelines and Procedures for Meeting Ordinance Requirements

**Contact:** Kim Boganey at kimce@scottsdalearts.org or 480.874-4670

### **Authority:**

Ordinance 2018, as codified in the City of Scottsdale zoning ordinance 5.3083, established a Cultural Improvements Program for Art in Private Development.

Section 1.902 of the Scottsdale City Code regarding the authority of the Development Review Board.

City of Scottsdale master agreement #970044 with the Scottsdale Cultural Council regarding the administration of the city's public art program.

### **Definitions:**

Artist: A practitioner in the visual arts or other artistic discipline, generally recognized by his or her critics and peers as a professional possessing serious artistic intent and ability.

Project Artist: A practitioner in the arts commissioned to participate with a design team for the purpose of integrating artwork into the project and site.

Project Coordinator: City of Scottsdale planning staff and principal contact for the project for the City.

Public Art staff (Scottsdale Arts): Public art professionals who have been charged, by contract with the City of Scottsdale, with administering the City's public art program, including the Art in Private Development ordinance and Cultural Improvements Program.

Public Art Board (Scottsdale Arts): The governing body of volunteers that provides oversight to Scottsdale Public Art.

Development Review Board (City of Scottsdale): A body of volunteers appointed by the Scottsdale City Council to review all aspects of a proposed development. (Sec. 1.901)

Contract Administrator: City of Scottsdale administrator of the contract between the City of Scottsdale and Scottsdale Arts (Scottsdale Cultural Council).

Public Art Consultant: An advisor who is recognized within his or her field and peers as being knowledgeable in the area of public art.

**Eligible Art:**

Public Art: All forms of limited edition or one-of-a-kind original creations of visual art, or other artistic media, created by an artist and located in a space readily accessible by the general public. Such creations may take the form of sculpture or artwork integrated into architecture or landscape.

Signature Artwork. Work of art of significant acclaim, perceived social or cultural value, and/or appraised value, symbolic as a community cultural icon, which leaves a lasting impression on those who experience it.

Elevated Design. An artist may contribute distinguishable design details and features such as: functional elements/fixtures including but not limited to seating, walls, landscape, hardscape, ground plane, site amenities, streetscape, lighting, building design, shade canopies, and character of interior spaces.

**Exclusions:**

An original work of art shall not include the following, unless specifically allowed by the Scottsdale Public Art:

- Directional elements such as super-graphics, signage or color coding except where these elements are integral parts of the original works of art;
- Standard design objects which are mass produced such as decorative pavers or fountains;
- Reproductions of artwork by mechanical means;
- Decorative, ornamental or functional elements created by professionals other than an artist commissioned for this purpose;
- Landscape architecture or gardening except for elements designed by artists as an integral part of the artwork;
- Electrical, water or mechanical service for activation of the works of art;
- Art exhibitions and educational activities;
- Security and publicity concerning works of art;
- Architect fees and land costs.

**Responsibilities:**

Project Applicant:

The Project Applicant is responsible for meeting the requirements of Ordinance 2018 as codified in the City of Scottsdale zoning ordinance 5.3083, including timely submittal and securing appropriate reviews of preliminary and final public art plans. With assistance from the Project Coordinator, Project Applicant initiates contact with Public Art staff to discuss and understand ordinance requirements, calculates preliminary and final public art commitments to be validated by One Stop Shop staff.

Project Coordinator:

Notifies Project Applicant of AIPD requirements and incorporates appropriate public art stipulations into the authorizing documents for a development. Coordinates with the Project Applicant and Public Art staff to ensure that submittals receive appropriate reviews on a timely basis.

Scottsdale Public Art staff:

Works with the Project Applicant as outlined in Section 5.3083. Provides guidance to the project applicant in the development of preliminary and final public art plan submittals. Coordinates review and recommendation of the proposed public art plan by the Public Art Board. Conveys written recommendations from staff (Preliminary Public Art Plan) and the Scottsdale Public Art Board (Final Public Art Plan) to the City.

Public Art Board:

Reviews applicant's preliminary and final public art submittals for compliance with the Public Art Master plan. Makes written, non-binding recommendations to the Development Review Board and copies the Project Applicant. Certifies that the requirements of the ordinance have been met. (Section 5.3083F)

Development Review Board:

Reviews public art submittals with regards to the overall site plan and setting as it pertains to existing ordinances and compatibility with the overall design theme of the project. (Section 1.905C)

City Contract Administrator:

Serves as liaison between the City of Scottsdale and Scottsdale Arts. Tracks activity in the Downtown Cultural Trust, a special revenue fund for public art in-lieu fees paid by Project Applicants. Funds from this account are used for the accession/commission of artwork to be placed in public spaces.

**General Review Criteria for Art:**

It is the goal of Scottsdale Public Art to achieve high quality art in publicly accessible places. General criteria used to review projects, artists, and artwork will include, but may not be limited to:

- Quality and artistic merit of the proposed artwork;
- Responsiveness and relevance to the site (its architecture, use, function, history, development, landscaping, and socio-cultural context.);
- Feasibility and quality of the proposed public art project or artwork including, but not limited to, public safety, durability, quality of materials, technical, operational, maintenance and long term care;
- Artist's relevant experience;

- If proposing integrated art using a project artist, the artist’s proven ability to work within the public realm and incorporate their art into a project will be taken into consideration;
- Suitability of the proposed artwork to the site, its use;
- The artwork’s compatibility with these mission ideologies:
  - Scottsdale Public Art serves as a catalyst in shaping people’s experiences of Scottsdale’s present and future places, ensuring we remain one of the country’s “most livable cities;”
  - As a central defining characteristic of our community, public art enhances Scottsdale’s unique character, image, and identity; public art contributes to a strong “sense of place,” neighborhood pride, sense of discovery, and it fosters social interaction;
  - Integrating the work and thinking of artists into the planning and design of our built environment increases the quality of our built environment by creating opportunities of engagement, memory points, and by providing functional and aesthetic continuity.

**Public Art Submittal Requirements:**

All applicants with an art obligation are advised to meet with Public Art staff for an initial briefing prior to planning submittal to review procedures and to discuss preliminary plans.

It is strongly recommended that the Project Applicant seek the advisement, review and comment of Public Art staff prior to artist/art selection. Public Art staff is available to advise on artist opportunities, artist resources, art and site compatibility, viability, installation and maintenance of the artwork. Hiring a professional consultant experienced in public art is the best assurance of choosing and executing a successful public artwork.

**The Scottsdale Public Art Board generally approves Art in Private Development projects in three stages:**

**Stage 1: Preliminary public art plan/schematic design**

**Stage 2: Final art plan/design**

**Stage 3: Certification**

Compliance notes

1- The Final art plan (Stage 2) must be approved by the Scottsdale Public Art Board **before** a building permit can be issued.

2- Certification (Stage 3) must be completed **before** a Certificate of Occupancy or other final approval can be given.

## **Description of Stages 1-3:**

### **Stage 1: Preliminary Public Art Plan/Schematic Design**

---

This stage of the art plan should be undertaken concurrently with seeking planning approval. The applicant develops the preliminary public art plan in consultation with Public Art staff to ensure that the intent of the plan is consistent with the requirements of the ordinance. The preliminary plan must be submitted to Public Art staff, with a copy to the Project Coordinator prior to the Development Review Board consideration of the project. Public Art staff shall provide a written recommendation regarding the preliminary public art plan for inclusion in the staff report for DRB.

### **Stage 2: Final Art Plan/Design**

---

The applicant must present the final comprehensive public art plan and design to the Scottsdale Public Art Board as noted below, and provide copies to the Project Coordinator. This presentation must occur after DRB approval of the project and before the Project Applicant's submission of final construction drawings.

Within 10 days following the meeting of the Scottsdale Public Art Board, the applicant shall be notified in writing of the Board's decision. Public Art staff shall also provide written notification to the City Planning Department of the Project Applicant's compliance with the ordinance.

The applicant must also submit a final estimate of its public art commitment as calculated according to Section 5.3083C, which shall be validated by the One Stop Shop. The Project Applicant may opt to pay this amount to the Downtown Cultural Trust in lieu of installing original artwork on the site. Funds from the Downtown Cultural Trust are used for the accession/commission of artwork to be located in Downtown public spaces.

#### Calculating the Public Art Commitment

The public art obligation is based upon a minimum one percent of building valuation subject to certain restrictions. The calculation of building valuation shall not include square footage associated with public improvements, nor residential uses other than hotel or hospitals as defined in Section 3.100. Cost per square foot shall be taken from the most recent publication of the International Conference of Building Officials. The derivation of the estimate and the date of the ICBO publication shall be noted on the submittal.

### **Stage 3: Certification**

---

The Project Applicant must certify that the requirements for installing artwork according to Section 5.3083 have been met (or that an in-lieu fee deposited) before the City shall issue a Final Certificate of Occupancy.