

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

ART IN PUBLIC PLACES PROGRAM

GUIDELINES FOR AGENCY PROJECTS

I. THE POLICY AND LAW

In 1979, the Sacramento Housing and Redevelopment Agency (Agency) enacted Resolutions #1750 and #2865 pledging itself "to promote the aesthetic improvement of the City of Sacramento to the fullest extent possible". These resolutions require that Agency building projects expend a minimum of two (2) per cent of the total construction costs on aesthetic improvements.

II. WHAT ARE AESTHETIC IMPROVEMENTS?

A. The Agency's art in public places program (Program) is receptive to the broadest definitions of art and encourages imaginative interpretations of the various media. Among the possible media and materials which will be considered are:

Paintings, prints, drawings, collages, photographs, frescoes, murals, mosaics, mobiles, fountains, sculptures, works in clay, wood, metal, paper, glass, earth, fiber, plastics.

The artwork may be:

decorative or functional;
part of a changing installation or permanently affixed;
landscape items (i.e. placement of natural materials or functional objects)

Aesthetic improvements may also include work that will facilitate public access to an arts experience.

B. Items that are not eligible for funding as "aesthetic improvements" or "works of art" under this program include:

1. Directional elements such as supergraphics, signage, or color coding except where these elements are an integral part of the original work of art.
2. "Art Objects" which are mass produced of standard design such as playground equipment or fountains.
3. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
4. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this purpose.
5. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
6. Operating costs of electrical, mechanical, plumbing or other services which are needed to operate the work of art over time.

III. WHO MAY PROVIDE AESTHETIC IMPROVEMENTS?

Subject to a few limitations specified below, any artist may be considered to create or provide aesthetic improvements. The City of Sacramento Metropolitan Arts Division (Arts Division) has files containing slides and resumes from hundreds of artists, primarily from California but also from around the country. This is presently the only public art slide registry in California.

Members of the Sacramento Metropolitan Arts Commission ("Arts Commission") and the staff of the Arts Division, and their immediate families, may not be selected to create or provide the aesthetic improvements required by the Program.

Except in connection with work which will facilitate public access to aesthetic improvements, project architects, consulting architectural firms, and members thereof, may not be selected to create or provide the aesthetic improvements required by the Program for a project which they or their firm have provided services in connection with.

IV. HOW ARTWORKS ARE SELECTED

A. Artists may be selected by any of the following methods, depending on which is most appropriate for the situation.

Open competition: The site is advertised and anyone may submit a proposal for review. This method generates a good deal of publicity, but may not be of the highest quality of artwork.

Limited competition: A few people (usually three to five) are selected and paid to develop proposals for a site. One of the proposals is selected. This method produces a number of options and often results in a higher quality of artwork than open competition.

Invitation: One person is paid to develop one or more proposals for a site(s). This method often assures close collaboration between the artist and the architect for the construction project.

Direct purchase: A completed work of art is selected for a particular site. Although administratively this process is straight forward and easy, it should be noted that one of the major goals of the program is to produce work that is appropriate for the site and that this method of selection may not result in the perfect match between artwork and site.

B. If a proposal is to be selected by means of invitation or limited competition, the artist(s) is(are) paid to develop the proposal(s). (This is standard procedure in the art world.) Sample contracts are on file with the Arts Division.

C. Two major criteria will be used in the selection of artwork: artistic excellence and appropriateness for site. Accessibility, durability, security and maintenance requirements will also be taken into consideration. The artwork must be of sound construction and comply with all applicable code requirements (including but not necessarily limited to the Sacramento City Code).

D. Artists will be given general guidelines or parameters for the desired artwork, but to the fullest extent feasible they will be left to develop creative solutions on their own.

V. THE ART BUDGET

With the exception of projects funded by the Department of Housing and Urban Development (HUD), the Agency is required to allocate and expend two per cent (2%) of the total construction costs on aesthetic improvements. With respect to projects funded by HUD, one per cent (1%) of the approved estimated Dwelling Construction and Equipment Costs will be allocated and expended on aesthetic improvements when approved by HUD.

Because the artwork must be planned before construction begins on the overall project, the preliminary art budget must be based upon the estimated construction costs. However, the total amount expended on aesthetic improvements required by the Program shall be based upon total construction costs as determined upon completion of the construction project.

VI. HOW ARTISTS ARE PAID

All financial arrangements are negotiated between the Arts Division (as agent for the Agency) and the artist, and will be verified by a written agreement. The Arts Division has sample contracts on file. Invoices for payments will be submitted by the artist to the Arts Division for review and approval and, as approved, transferred by the Arts Division to the Agency for processing and payment. The Agency shall be solely responsible to pay such sums as are due the artist, and neither the City of Sacramento, the Arts Division or the Arts Commission, or their agents, officers or employees, shall be liable or responsible to pay such sums to the artist.

VII. EXEMPTIONS TO THE PROGRAM

The Agency's Program exempts the following projects from its requirements:

Properties undergoing restoration or located in Old Sacramento Historic Area;

Single family or duplex dwellings;

Publicly assisted rehabilitation of private property;

Low or moderate income housing projects when it is not economically feasible to provide the artwork, or not approved by HUD, subject to the review of the Sacramento Metropolitan Arts Commission; and

Projects consisting entirely of on or off site improvements that are not buildings.

In addition, Agency projects funded by HUD, while not exempted, are subject to the limitation that only one per cent (1%) of the approved estimated Dwelling Construction and Equipment Costs are to be expended for aesthetic improvements pursuant to the Agency's Program.

VIII. PROCEDURE

1. Within thirty (30) days after schematic designs are begun for any Agency project subject to the program, the Agency shall transfer twenty per cent (20%) of the total Art Budget to the City to offset the City's costs associated with administering the Agency's program. Upon the receipt thereof the Arts Division will begin the process of administering the program with respect to the project for which the funds were received.

2. The Arts Division shall consult with the Agency staff, the project architect and the community. Thereafter, an art program shall be developed for the particular project, consisting of the designation of a proposed site, the media of artwork to be used, the selection process to be used, and an estimated schedule for the selection and fabrication and installation of the artwork. This program is subject to the review and approval of the Arts Commission.

3. The Arts Division shall then convene a panel to select an artist by one of the methods set forth in Part IV hereinabove. The Arts Division will provide assistance to artists in developing proposals.

Before a proposal is finally approved it shall be submitted to the following persons or groups for review and approval: the panel convened to select an artist, a committee of the Arts Commission appointed for this purpose, the Project Area Committee (if within a redevelopment area), the City Engineer, the Arts Commission, the City Manager (if the proposal is for less than \$10,000) or the City Council (if for \$10,000 or above), and the Agency.

4. After an artist is selected and a proposal approved, the Arts Division, on behalf of the Agency, negotiates and executes a contract between the artist and the Agency. Thereafter, the Arts Division monitors the contract performance and coordinates the fabrication and installation of the artwork with the project architects and contractors. When appropriate the Arts Division will also develop a suitable public education program in connection with the artwork.

IX. MISCELLANEOUS

1. The staff of the Arts Division is experienced in public art projects and is available for consultation and advice.

2. Notwithstanding the provisions of section III, above, collaboration between artists and architects, engineers, and/or designers is encouraged. In exceptional circumstances, funds may be allocated for the architect's fee or a portion of the costs of the architecture if it is determined that the work for which the funds are proposed to be so allocated is an integral part of the artwork required pursuant to the Agency's Program and would not have been done otherwise. (For example, an artist and a landscape architect might collaborate to design a plaza that includes paving, fountains and trees. The design and construction of the area may not be charged entirely to the art budget, because some landscaping would have been done anyway. However, approval might be given to allocate from the art budget the costs over and above the "standard" landscaping).

However, no such collaboration should be undertaken, and no such allocation will be approved, unless the plans therefor are presented to and approved by the responsible agency(ies) before the costs are incurred.

3. In developing these guidelines the Agency, the Arts Commission and the Arts Division have tried to allow for a flexible series of public art possibilities while still attempting to maintain a high artistic standard.

For further information, please contact:

Coordinator, Art in Public Places Program
City of Sacramento Arts Division
1221 J Street
Sacramento, California
(916) 449-5558

ART IN PUBLIC PLACES PROGRAM

GUIDELINES FOR PRIVATE DEVELOPERS

I. THE POLICY AND LAWS

In 1979, the Sacramento Housing and Redevelopment Agency (Agency) enacted Resolutions #1750 and #2865 pledging itself to "promote the aesthetic improvement of the City of Sacramento to the fullest extent possible." These resolutions require "developers to expend a minimum of two (2) per cent of total construction costs of buildings on aesthetic improvements."

II. WHAT ARE AESTHETIC IMPROVEMENTS?

A. The Agency's art in public places program (Program) is receptive to the broadest definitions of art and encourages imaginative interpretations of the various media. Among the possible media and materials which might be used are:

Paintings, prints, drawings, collages, photographs, frescoes, murals, mosaics, mobiles, fountains, sculptures, works in clay, wood, metal, paper, glass, earth, fiber, plastics.

The artwork may be:

decorative or functional;
part of a changing installation or permanently affixed;
landscape items (i.e. placement of natural materials or functional objects)

Aesthetic improvements may also include work that will facilitate public access to an arts experience.

B. Items that are not eligible for funding as "aesthetic improvements" or "works of art" under this program include:

1. Directional elements such as supergraphics, signage, or color coding except where these elements are an integral part of the work of art.
2. Art objects which are mass produced in a standard design, such as playground equipment or fountains.
3. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print-making or other media arts.
4. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of providing artwork.
5. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art.
6. Operating costs of electrical, mechanical, plumbing or other services which are needed to operate the work of art over time.
7. Other items as determined by the Sacramento Metropolitan Arts Commission ("Arts Commission") on a project by project basis.

III. WHO MAY PROVIDE AESTHETIC IMPROVEMENTS?

Subject to a few limitations specified below, any artist may be considered to create or provide aesthetic improvements. (As used herein "artist" means a professional who is engaged in the creation of artworks). The City of Sacramento Metropolitan Arts Division (Arts Division) has files containing slides and resumes from hundreds of artists, primarily from California but also from around the country. This is presently the only public art slide registry in California. Though not a requirement, developers are encouraged to use this Slide Bank as a resource for selecting artists.

Members of the Sacramento Metropolitan Arts Commission and the staff of the Arts Division, and their immediate families, may not be selected to create or provide the aesthetic improvements required by the Program.

Except in connection with work which will facilitate public access to aesthetic improvements, project architects, consulting architectural firms, and members thereof, may not be selected to provide artwork for a project that they or their firm have provided other services in connection with.

IV. HOW ARTWORKS ARE SELECTED

A. The developer is free to use any of the following methods of selecting artists, depending on which is most appropriate for the situation.

Open competition: The site is advertised and any artist may submit a proposal for review. This method generates a good deal of publicity, but may not yield the highest quality of artwork.

Limited competition: A few artists (usually three to five) are selected and paid to develop proposals for a site. One of the proposals is selected. This method produces a number of options for the developer and often results in a higher quality of artwork than open competition.

Invitation: One artist is paid to develop one or more proposals for a site(s). This method often assures close collaboration between the artist and the architect for the construction project.

Direct purchase: A completed work of art is selected for a particular site. Although administratively this process is straight forward and easy, it should be noted that one of the major goals of the program is to produce work that is appropriate for the site and that this method of selection may not result in the perfect match between artwork and site.

If a proposal is to be selected by means of invitation or limited competition, the artist(s) is(are) paid to develop the proposal(s). (This is standard procedure in the art world). Sample contracts are available from the Arts Division.

B. 1. Two major criteria should be used in the selection of artwork: artistic excellence and appropriateness for site. The Agency encourages artwork that is integrated into the overall environment.

2. Artists can be given general guidelines or parameters for the desired artwork, but to the fullest extent feasible they should be left to develop creative solutions on their own.

3. The selection of a site is as important as the selection of the artist. Often works of high quality fail in public situations because they are out of scale in their location, hidden by an architectural feature, situated in an unused site, or improperly lit. Artists should be consulted in the selection of sites for their artwork and in arranging for proper lighting at the site.

4. All permanent installations of artwork should have a plaque of durable material adjacent to the artwork listing the title of the artwork, the artist's name and the date completed.

5. It is the intention of the Program that the developer use two per cent (2%) of the total construction costs to provide aesthetic improvements of reasonably permanent nature. If, over time, it is desired to change portions of these improvements, this should be done only if the changes and/or replacements are consistent with the intentions of the Program and these guidelines.

V. THE ART BUDGET

The developer is required to allocate and expend two per cent (2%) of the total construction costs on aesthetic improvements. However, the artwork must be planned before construction begins on the overall project. Therefore, the preliminary art budget must be based upon the estimated construction costs.

However, the total amount expended on aesthetic improvements required by the Program, shall not be less than two per cent (2%) of the total construction costs, as determined upon completion of the construction project. If such total cost of construction is more than \$50,000 higher than the figure (estimated cost of construction) used to calculate the art budget in the Preliminary or Final Arts Plan, the art budget must be increased as necessary to equal or exceed 2% of the total construction costs.

The developer may allocate and expend a portion of the art budget for administrative costs incurred in complying with the Agency's Program; however, in no event shall more than ten per cent (10%) of the art budget be allocated or expended for such costs, and in no event shall such costs include overhead.

VI. HOW ARTISTS ARE PAID

All financial arrangements are negotiated between the developer and the artist and should be verified in a written agreement. Copies of the executed contracts between the developer and the artist(s) shall be submitted to the Arts Division within 30 days of their execution. The Arts Division has sample contracts that can be used as models and is also willing to assist in the negotiations between the artist and developer.

VII. EXEMPTIONS TO THE PROGRAM

The Agency's Program exempts the following projects from its requirements:

Properties undergoing restoration or located in Old Sacramento Historic Area;

Single family or duplex dwellings;

Publicly assisted rehabilitation of private property;

Low or moderate income housing projects when it is not economically feasible to provide the artwork, or not approved by HUD, subject to the review of the Sacramento Metropolitan Arts Commission and

Projects consisting entirely of on or off site improvements that are not buildings.

VIII. PROCEDURE

1. When any development proposal (for a project subject to the Agency's Program) is submitted to the Agency, the developer shall include a completed art information sheet in the form attached hereto as Form #1.

2. Within fifteen (15) days after the Agency resolves to tentatively select a developer on the basis of such a development proposal, the developer shall contact the Arts Division and invite the Arts Division staff to make a presentation regarding the Agency's Program to the developer and project architects.

3. Within thirty (30) days after the Agency resolves to finally select a developer, the developer shall submit a Preliminary Arts Plan, in the form attached hereto as Form #2, to the Arts Division. Within sixty (60) days after submission of the Preliminary Arts Plan the developer and the Arts Commission shall meet, at which time the developer shall present the Preliminary Arts Plan to the Commission.

4. The Arts Division and the Arts Commission will review the developer's Preliminary Arts Plan. The Arts Commission shall recommend approval, revision or other action on said Plan based upon the Agency's Program; these recommendations may include a request that the developer make a second presentation to the Arts Commission. If any recommendations other than approval are to be made, these must be transmitted to the developer within thirty (30) days after the developer's latest presentation to the Arts Commission; if no such recommendations are transmitted within said thirty day period, the Arts Commission shall approve the Preliminary Arts Plan as presented.

The Arts Commission's approval of the Preliminary Arts Plan must be received before the Agency will approve the Developer's Preliminary Plan for the development project.

5. The developer shall submit a Final Arts Plan, in the form attached hereto as Form #3, to the Arts Division not later than sixty (60) days before submission to the Agency of the Developer's Final Plan for the development project. Within sixty (60) days after submission of the Final Arts Plan the developer and the Arts Commission shall meet, at which time the developer shall present the Final Arts Plan to the Commission.

6. The Arts Division and Arts Commission shall review the Final Arts Plan. The Arts Commission shall recommend approval, revision or other action on said Plan based upon the Agency's Program and the previously approved Preliminary Arts Plan.

The Arts Commission's approval of the Final Arts Plan must be received before the Agency will approve the Developer's Final Plan for the development project.

7. Before the closing of escrow for the sale of the subject parcel from the Agency to the developer, a sum equal to two per cent (2%) of the developer's art budget, or \$1,000, whichever is greater, shall be placed on deposit with the City of Sacramento as a fee to offset the costs incurred by the Arts Division and the Arts Commission in connection with the development project.

8. The artwork must be installed and completed in conformity with the approved Final Arts Plan unless modifications have been previously agreed to by the Agency. Upon such installation and completion the developer shall notify the Arts Division in writing.

Within thirty (30) days after receipt of such notification the Arts Division shall (i) inspect and review the artwork; and (ii) if the artwork conforms to the approved Final Arts Plan (including any agreed upon modifications), issue a written confirmation of such conformity to the Agency. If the artwork does not so conform the Arts Division shall notify the developer in writing of the deficiencies.

The Arts Division's confirmation that the artwork conforms to the approved Final Arts Plan (including agreed upon modifications) must be received by the Agency before the Agency will issue a Certificate of Completion to the developer.

9. Any person aggrieved by a decision or action of the Arts Commission or the Arts Division pursuant to these guidelines may appeal such decision or action to the Agency by filing a written notice of appeal, specifying the bases of the appeal, with the Executive Director of the Agency not later than fifteen (15) days after the decision or action sought to be appealed. At the hearing of the appeal the burden shall be upon the appellant to demonstrate that the decision or action being appealed is an abuse of discretion.

IX. REVIEW CRITERIA

The criteria for review of proposed improvements pursuant to the Agency's Program shall be essentially the same as the criteria utilized in reviewing public works projects subject to the City of Sacramento's Art in Public Places Policy (Sacramento City Code Section 2.60-1 et seq.) These include artistic excellence, appropriateness of the artwork for the site (in terms of scale,

material and composition, form and content, and the relationship of the work to the architectural, social and historic environment) and its availability and accessibility in sites that are frequented by the general public.

X. MISCELLANEOUS

1. The staff of the Arts Division is experienced in public art projects and is available for consultation and advice.

2. Notwithstanding the provisions of section III, above, collaboration between artists and architects, engineers and/or designers is encouraged. In exceptional circumstances, approval may be given for an art budget to allocate funds for the architect's fee or a portion of the costs of the architecture if it is determined that the work for which the funds are proposed to be so allocated is an integral part of the artwork required pursuant to the Agency's Program and would not have been done otherwise. (For example, an artist and a landscape architect might collaborate to design a plaza that includes paving, fountains and trees. The design and construction of the area may not be charged entirely to the art budget, because some landscaping would have been done anyway. However, approval might be given to allocate from the art budget the costs over and above the "standard" landscaping).

However, no such collaboration should be undertaken, and no such allocation will be approved, unless the plans therefor are presented to and approved by the responsible agency(ies) before the costs are incurred.

3. In developing these guidelines the Agency, the Arts Commission and the Arts Division have tried to allow for a flexible series of public art possibilities while still attempting to maintain a high artistic standard. If the developer wishes to pursue a direction not indicated in these guidelines, he should consult with the Arts Division.

For further information, please contact:

Coordinator, Art in Public Places Program
City of Sacramento Arts Division
1221 J Street
Sacramento, California 95814
(916) 449-5558

ART IN PUBLIC PLACES PROGRAM
SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

FORM #1

Please complete and return this form to the Sacramento Housing and Redevelopment Agency when you submit your proposal for development.

Developer _____

Contact Person _____

Address _____

Telephone # _____

Architect _____

Address _____

Telephone # _____

Property Location _____

Description and proposed use of structure _____

Estimated total construction cost _____

Estimated Art Budget - (2% of above) _____

I have read the description of the SHRA's Art in Public Places Program and agree to adhere to its terms and guidelines. I further agree to work with the City of Sacramento Arts Division and the Sacramento Metropolitan Arts Commission as necessary to fulfill those terms and guidelines applicable to the proposed development project.

DATE _____

DEVELOPER _____

For more information, contact Art in Public Places Coordinator, City of Sacramento Arts Division, 1221 J Street, Sacramento, Ca. 59814 (916) 449-5558.

ART IN PUBLIC PLACES PROGRAM
SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

FORM #2

PRELIMINARY ARTS PLAN

Please complete this form and return it to the City of Sacramento Arts Division within 30 days after final selection by the Sacramento Housing and Redevelopment Agency. Feel free to discuss with the Arts in Public Places Coordinator any questions you may have in the development of your Preliminary Arts Plan.

Developer Information

Developer _____

Contact Person _____

Address _____

Telephone () _____

Architect _____

Address _____

Telephone () _____

Other consultants (e.g. landscape architect, arts consultant)

Name: _____ Name: _____

Address: _____ Address: _____

Telephone () _____ Telephone: () _____

Property Location _____

Description and use of structure(s) _____

Total square feet - interior _____

-exterior(e.g. landscaping, plaza, etc.) _____

Number of anticipated occupants _____

Estimated total construction cost _____

Estimated schedule:
Preliminary design _____

Estimated schedule (continued)

Working drawings _____

Construction start _____

Construction complete _____

Preliminary Arts Plan

1. Estimated Arts Budget _____ (2% of the estimated total construction budget.) (Please note that when the Final Arts Plan is submitted (Form #3) the final arts budget is 2% of the estimated total construction cost at that time.)
 2. How do you anticipate allocating the arts budget? (e.g. commissioning one or more works of art? Purchasing one or more works of art?)
 3. Where do you anticipate placing the artwork(s)? (On or around the exterior of the structure? In the entrance lobby? Distributed throughout the public spaces?)
 4. How do you want the artwork to function within the whole development? Provide a landmark? Accentuate/contrast certain design features? Serve a function? (lighting, paving, fencing, gateways, seating).
 5. How will the artwork be integrated into the structure/environment? (Will the artist/craftsperson collaborate with the architect? How will the artwork aesthetically and physically relate to the structure?)
 6. Who is the primary audience for the artwork(s)? (Pedestrian, building users, automobile traffic?)
 7. How is the audience considered in your choice of artwork?
 8. Please provide a list of the names and addresses of all persons presently under consideration as artists for the project, and briefly describe the type of work being considered for each person listed.
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9. How do you plan to select the artists/artwork? (e.g. Competition? Direct selection?)

10. Who will oversee the artist/artwork selection process and the fabrication and installation of the artwork?

Please note that it is not necessary to select only well known artists. People who are not known are equally acceptable. What is important here is a high standard of quality and the appropriateness of the particular artist's work to the project.

For more information, please contact: Art in Public Places Program Coordinator, City of Sacramento Arts Division, 1221 J Street, Sacramento, California 95814 (916) 449-5558.

ART IN PUBLIC PLACES PROGRAM

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

Form #3

FINAL ARTS PLAN

Please complete and submit this form to the City of Sacramento Arts Division at least 60 days prior to the submission of Final Plans to the Sacramento Housing and Redevelopment Agency.

Developer _____

Contact Person _____

Address _____

Telephone () _____

Project Location _____

1. Art Budget (2% of the estimated total construction costs). \$ _____
Please note: The amount actually expended on aesthetic improvements pursuant to the Agency's Program must equal or exceed two per cent (2%) of the total construction costs, as determined upon completion of the project. If such total cost of construction is more than \$50,000 higher than the figure (estimated cost of construction) used to calculate the art budget in the Preliminary or Final Arts Plan, the art budget must be increased as necessary to equal or exceed 2% of the total construction costs.

2. Please provide an outline of the allocations to be made from the arts budget, including an itemization of administrative costs (may not exceed 10% of the total arts budget), artist fees, other labor, materials, and shipping (additional sheets may be attached). If additional information or detail is necessary you will be so informed by the Arts Division.

3. Briefly describe the artwork(s) to be installed pursuant to the SHRA's program, identify the persons who will be working on each such artwork, and specify the site at which the artwork will be installed.

4. Outline the projected schedule for fabrication and/or installation of each work of art specified above.