

**GLENDALE URBAN ART
PROGRAM GUIDELINES**

Adopted by Glendale City Council
Resolution #10-219
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I. GLENDALE URBAN ART PROGRAM

A. Intent and Purpose

Public art helps to improve the character and physical environment of Glendale. It promotes and enhances the general welfare by allowing all citizens to experience and interact with artworks in an environment that is open to all. Public art encourages community pride through its power to create distinctive places that are unique to Glendale. Placing permanent works of art in key public locations helps establish a cultural legacy for the City by allowing the shared cultural experience of art, accessible to all, to extend over many generations.

The Glendale Urban Art Program establishes the requirements and procedures for providing public art in conjunction with new developments. The program indicates the City's commitment to providing its citizens with public spaces and structures that enhance the character of the City through the inclusion of art.

B. Goals

To enhance Glendale's public spaces, architecture, and visual environment with engaging, unique, and high quality public art.

1. To celebrate and foster civic pride in Glendale's diverse history, cultural traditions, and artistic expressions.
2. To encourage public dialogue and education about art and the various roles of artists.
3. To include art and artists in the design of Glendale's public spaces and environments.
4. To encourage collaboration between the community, artists, architects, and landscape architects in Glendale.
5. To provide opportunities for artists to advance their art forms.
6. To develop a collection of artworks with strong inherent aesthetic qualities.
7. To promote Glendale's tourist and economic potential as an arts destination.

C. Glendale Urban Art Program Management

The City Council, or its designated body, is the formal body responsible for administering the Urban Art Program and reviewing all Urban Art Program applications. The Council's goal is to ensure that all applicants meet program criteria, goals, and objectives.

1. Urban Art Program. Staff is responsible for administrative processes for reviewing developer art plans; updates to the Urban Art Program and related guides; implementing the Urban Art Program policies and practices; and reviewing and preparing reports for artwork funded by the Glendale Urban Art Fund.
2. The Council may designate a body to oversee and manage the Urban Art Program, consistent with the Glendale City Charter. In addition, the Council may designate a body to serve as the recommending body before final review.

II. DEVELOPER OBLIGATION

The Glendale Urban Art Program was created to promote and provide public art within new projects. The program may be met by providing artwork on private property, or an in-lieu fee paid to the Glendale Urban Art Fund.

A. Art Requirement for Developments and Tenant Improvements

1. Projects Subject to Art Requirement. Projects subject to the Urban art Program are as stated in the Glendale Municipal Code Chapter 30.37.
2. Exemptions to the Art Requirement. Exemptions to the art requirement are stated in the Glendale Municipal Code Chapter 30.37.

B. Procedures for Providing Artwork on Private Property

1. Artist and Artwork Selection. The developer is responsible for selecting the artist(s) and artwork, provided both meet the program criteria set forth in this policy.
2. Maintenance Requirements. The developer and/or property owner is responsible for operating and maintaining artwork at all times in substantial conformity with the manner in which the artwork was originally approved by the City Council or its designee. This includes any landscaping and lighting associated with the artwork. Artwork shall be maintained as stated in the Glendale Municipal Code Chapter 30.37.

a) Maintenance of Installation Approved

- (1) Installed urban artwork shall be maintained by the owner of the site for the life of the building or structure.
- (2) Artwork that is damaged beyond repair, destroyed, or stolen shall require the approval before replacement of new artwork.
- (3) The artist shall provide maintenance instructions and specify the long-term care of the artwork.
- (4) The removal of any artwork from the site is prohibited for any reason without explicit authorization. The indefinite removal of an artwork from permanent display whether or not it is disposed, affects the artist's right, and can carry serious legal consequences for the property owner. An owner

wishing to remove, modify, destroy or in any way alter artwork must first seek legal consent and must provide a compelling reason for taking such action with the artwork. Request for removal shall be submitted to the City Council or its designee for consideration and approval, and consent from the original artist.

b) Non-maintenance of Installation

If the artwork required by this policy is altered, removed, not maintained in good condition, or not provided as required by this policy, the City of Glendale may exercise any and all remedies authorized by the Glendale Municipal Code.

c) Penalty for Non-Maintenance

If administrative remedies do not result in proper maintenance, the City may impose a fine equal to the value of the urban art as determined by the Building Official and adjusted by the CPI (Consumer Price Index) since the time of the certificate of occupancy.

3. Installation of Artwork

Artwork shall be installed prior to issuance of Certificate of Occupancy, or otherwise agreed upon and approved by the City Council or its designee. For phased developments, the artwork shall be installed in the final phase prior to issuance of the Certificate of Occupancy.

4. Project and Art Valuation

The minimum art allocation for each project/development is equal to two percent (2%) of the total building valuation and computed at the time of issuance of construction permit using the current building valuation data set forth by the International Code Council (ICC) (formerly International Conference of Building Officials (ICBO)). The valuation of the project is determined by the Building Official. Value of the art shall be verified by a public art consultant, chosen from the City's pre-selected public art consultant list.

The two percent (2%) art requirement shall include, in addition to the direct cost of the artwork, direct expenses, including:

- a) Art valuation by public art consultant.
- b) Consultation and direct administration of art selection and purchase, not to exceed ten percent (10%) of the art requirement.
- c) Insuring the art, up to the time of installation.
- d) Shipping or storage of the art, up to the time of installation.
- e) Preparation of the site, and actual installation.
- f) Other expenses including waterproofing, lighting, structural engineering, and additional structural support.

g) Expenses shall not include maintenance of the installed artwork and indirect administrative costs.

C. Application Procedures for Urban Art Plan

An application for the Urban Art Plan (placement of artwork on private property) shall be submitted to the Urban Art Program staff and shall include:

1. Meeting with staff to review Program guidelines, requirements, and approval process;
2. Completed application, budget breakdown, and other necessary forms;
3. A narrative description of the art plan with design concepts, public spaces, urban design, exterior materials and finishes and project landscaping. The narrative shall demonstrate that the artwork will be displayed in a public place as defined in this policy;
4. Preliminary sketches, photographs, or other documentation with sufficient descriptive clarity to indicate the nature of the proposed artwork and art plan;
5. A résumé and portfolio from the artist who will create the artwork;
6. An appraisal or other evidence of the value of the proposed artwork including acquisition and installation costs;
7. Preliminary plans containing such detailed information as may be required by the reviewing entity to adequately evaluate the location of the artwork proposed, its compatibility with the proposed development project, and its relationship to the goals and objectives of the General Plan and/or Downtown Specific Plan (the City reserves the right to discuss placement of artwork with any appropriate City Department);
8. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws;
9. A written statement executed by the property owner and approved by the City Attorney that requires the landowner of his or her successors and assigns to defend, indemnify and hold the city harmless against any liability, loss, damage, costs or expenses arising from any claim, action or liability related to the artwork; and
10. A covenant stating that the property owner shall be responsible for maintaining the artwork in the condition in which it was approved.

D. Review and Approval of Urban Art Plan

The Developer is responsible for meeting with staff to ensure Glendale Urban Art Program requirements are met and the application is complete. Staff will serve as

the initial reviewer and will prepare a report for the consideration by the City Council or its designated body to review.

1. Completed application and budget breakdown shall be submitted for consideration and approval of the artwork including consideration of the artwork's conformity to the definition of artwork, its aesthetic quality and harmony with the proposed project, location, and public accessibility.
2. The value of the proposed art shall be determined by a public art consultant, that is on the pre-selected list provided to the developer;
3. The urban artwork approved with the Urban Art Plan shall be installed in compliance with the Urban Art Plan before issuance of final building permits.

E. Procedures for Paying the In Lieu Fee to the Glendale Urban Art Fund

As an alternative to the art plan and installation requirements of the Urban Art Program, a developer may choose to make a contribution to the Glendale Urban Art Fund in an amount equivalent to one percent (1%) of the value of the project as determined by the Building Official. All fees must be paid to the Glendale Urban Art Fund before the issuance of final building permits.

If the valuation of the project changes during construction, the fee shall be adjusted accordingly. The balance of the fee, if any, shall be paid prior to final building inspection.

III. ART PROGRAM FUND

A. Urban Art Fund

As an alternative to the art plan and installation requirements of the Urban Art Program, a developer may choose to make a contribution to the Glendale Urban Art Fund in an amount equivalent to one percent (1%) of the value of the project. These funds are kept in the Glendale Urban Art Fund, administered by the City Council or its designee.

B. Urban Art Fund Programming

The Urban Art Fund shall be managed and maintained for the sole purposes of:

1. Design, acquisition, commission, installation, improvement, maintenance and insurance of artwork and Art Plan. Design Fees may include fees paid to an appropriate party for development of a design concept and the preparation of construction drawings, which are separate and apart from the cost of the fabrication and installation of an artwork;
2. Sponsoring or supporting performing arts; and
3. Acquisition and improvement of real property for the purpose of displaying Art Work, or for the purposes of a cultural facility.

C. Artist and Art Plan Selection

The City Council or its designee shall establish procedures for selecting artists, artwork, and art plans to be purchased with the Glendale Urban Art Fund. Staff will assist in the selection of artists, artworks, and art plans for consideration and approval. The selection process may include the following means:

1. Open competition;
2. Limited competition;
3. Invitation;
4. Direct purchase;
5. Donations; and
6. Any combination of the above.

D. Approval of Art Plans

Artworks and art plans proposed and funded by the Urban Art Fund shall be managed by the City Council or its designee. Proposed art plans must qualify as artwork as defined in this policy. An application for an Art Plan shall be submitted to the City Council or its designee and shall include:

1. Preliminary sketches, photographs, or other documentation with sufficient descriptive clarity to indicate the nature of the proposed art plan.
2. A narrative description of the public art with design concepts, public spaces, urban design, exterior materials and finishes and project landscaping. The narrative shall demonstrate that the artwork will be displayed in a public place as defined in this policy.
3. An appraisal or other evidence of the value of the proposed art plan including acquisition and installation costs.
4. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the art plan proposed, its compatibility with the proposed development project, and its relationship to the goals and objectives of the General Plan and Downtown Specific Plan.
5. A résumé and portfolio from the artist who will create the artwork.
6. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws.

7. The City Council or its designee shall consider each artist and proposed art plan on a case-by-case basis, and if necessary, with a recommendation from the Principal Urban Designer.

8. For artworks donated by other jurisdictions, sister cities, or nonprofits, the formal application process is not required. These artworks shall be reviewed on a case by case basis by the City Council or its designee.

E. Approval of a Cultural Facility

City Council or its designee and program staff shall use the following additional criteria for evaluation of an Art Plan for a Cultural Facility:

1. The need for such a facility has been clearly demonstrated through an independent study.
2. The Facility meets national standards and is sited appropriately within the development project area and the redevelopment project area.
3. The managing cultural organization has demonstrated financial capability to successfully operate the Facility in the short- and long- term.
4. The parties are committed to negotiating all details regarding ownership, management, costs, rights over development, and management of the Facility.
5. Agreements will ensure that the facility will be reserved for public or non-profit cultural activity throughout the term of the commitment.

F. Obligation in Maintaining Artwork

Artwork shall be operated and maintained at all times in substantial conformity with the manner in which the artwork was originally approved by the City Council or its designee.

1. Artwork Located on City Property. City is responsible for operating and maintaining artwork at all times in substantial conformity with the manner in which the artwork was originally approved by the City Council or its designee. This includes any landscaping and lighting associated with the artwork.
2. Artwork Located in Redevelopment Project Area or owned by the Glendale Redevelopment Agency. Projects initiated by the Agency should ultimately be turned over to another entity for ownership, such as a Business Improvement District, the City, or a private owner. Such entity shall assume maintenance obligations.
3. Artwork Located on Private Property. The Property owner is responsible for operating and maintaining artwork at all times in substantial conformity with the manner in which the artwork was originally approved by the City Council or its designee. This includes any landscaping and lighting associated with the artwork. Such entity shall assume maintenance obligations.

APPENDIX I

DEFINITIONS

1. **Artist.** An individual, team of individual artists, or team composed of a lead artist and other individuals from other disciplines, whose body of work and/or professional activities demonstrate serious commitment to the fine arts.
2. **Art.** Art includes Artwork, Performing Arts, or Art Programming.
3. **Artwork.** Artwork is defined as a durable original or limited-edition creation produced by an artist that may include, but not be limited to, sculptures, murals, frescoes, paintings, drawings, mechanically-printed works, photography, mosaics, works in clay, glass, textiles, fiber, wood, metal, plastic, and like materials or combination of materials (mixed-media), light and/or sound installations, environmental works (including water features containing artwork), and/or projected imagery. Artwork as part of the Urban Art Plan also includes programming such as performing arts (see definition) in a public open space that is free of charge for the community. For the purposes of this program, the term "artwork" does not include: 1) directional signage; 2) off-site advertising; 3) landscape gardening, unless such feature includes artwork as defined in this subsection.
4. **Art Plan.** The Art Plan shall include detail of the artwork including materials, landscaping, lighting, programming, and public accessibility. In addition, the Art Plan shall include details of installing and maintaining artwork.
5. **Development Project.** Any development, including remodeling, which requires a building permit or permits as described on the precise plan submitted for approval to the city.
6. **Durable.** Lasting, enduring, and highly resistant to deterioration due to weather or the passage of time.
7. **Limited-edition artwork.** Limited-edition artwork is permissible provided that the edition consists of no more than five (5) copies of the artwork and that no other work from the same edition is located within Los Angeles County at the time of installation.
8. **Nonprofit.** An organization that is registered with the California Secretary of State as a 501(c)3 under the Internal Revenue Service tax code.
9. **Performing Arts.** Performances presented by professional or amateur performers, including theater performance (any form of dramatic presentation, spoken or silent), musical theater/opera (any dramatic performances of which music is an integral part), dance (any form of rhythmical movement), music/concert (any musical form whether classical or popular), and children's theater (any theater for young audiences, for or by children.)

- 10. Phased developments.** Any development that is completed in more than one stage or process.
- 11. Project Developer.** The owner, including its successor and assigns, of the subject property.
- 12. Project Valuation.** The total value of a development project, as indicated on the building permit or permits, and determined by the Building Official.
- 13. Public Accessibility.** Artworks must be visible from a public right-of-way, by pedestrian or motorists, twenty-four (24) hours a day. The design review authority may approve exception to the 24-hour public accessibility requirement, provided that the location is still accessible to the general public during normal business hours. Physical access to an area immediately adjacent to the artwork must be available to the public during normal business hours seven days a week at minimum.

APPENDIX II

GLENDALE URBAN ART PROGRAM APPLICATION INSTRUCTIONS/ SUBMITTAL REQUIREMENTS

Please submit the following application materials to the City of Glendale Community Development Department. Staff must receive all application materials prior to scheduling a review meeting.

1. Application – Form A
2. Artist statement, describing artist's style, artistic concept and content, relationship between proposed artwork and the project. The developer should explain to the Commission why the proposed work was chosen and how it will enhance the development, complement the existing art program, and engage public viewing and comments.
3. Current and complete curriculum vitae of artist, including slides, photographs and other collateral of past works.
4. Site plan of the development, including the following:
 - a) Proposed placement of the artwork
 - b) Distance in measurement between the artwork and public streets
5. Photographs or computer enhanced design of the site, which clearly shows the sculpture in relation to the site/building, as the public at ground level would see it. Please make to scale.
6. Landscape plan, including the locations(s) and types(s) of trees and shrubbery, in relation to the artwork.
7. Lighting plan for artwork, specifying location, number, and type of fixtures to be used.
8. Drawing or maquette(s) of the proposed artwork. The maquette may be brought to the review meeting.
9. Sample materials or finished of the proposed artwork.
10. Installation design of the proposed artwork, stamped by a licensed Structural Engineer, certifying the art as structurally sound, safe, and durable.
11. Edition number of the proposed work (if part of a limited edition series) and locations of all other pieces in the series.
12. Budget breakdown including artist fees for design concept, materials, fabrication, transportation, installation, and art consultant fees. The total budget should equal or exceed the minimum 2% art allocation.

13. The artist's maintenance instructions for routine and long-term preservation. The instruction may be amended as needed, pending the results of the final Design Review Authority meeting.
14. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws;
15. A written statement executed by the property owner and approved by the City Attorney that requires the landowner of his or her successors and assigns to defend, indemnify and hold the city harmless against any liability, loss, damage, costs or expenses arising from any claim, action or liability related to the artwork.
16. A covenant stating that the property owner shall be responsible for maintaining the artwork in the condition, which it was approved.

APPENDIX III

FORM A

GLENDALE URBAN ART PROGRAM APPLICATION

Date Submitted: _____

Project Name: _____

Development Location/Address: _____

Developer: _____ Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Property Owner: _____

Address: _____

Phone: _____ Fax: _____

Artist: _____

Address: _____

Phone: _____ Fax: _____

Title of Art Plan: _____

Minimum Art Allocation: _____

Location of Artwork: (please be specific) _____

Description of Art Plan: _____

Dimensions: _____

Media: _____

Landscape Description: _____

Lighting Description: _____

Distance between Public street and Artwork: _____

Installation Date: _____

Dedication/Unveiling Plans: _____

APPENDIX IV

FORM B

GLENDALE URBAN ART PROGRAM BUDGET BREAKDOWN

Artist/Design	\$ _____
Artwork Material	\$ _____
Art Consultant (<i>if applicable, not to exceed 10% of requirement</i>)	\$ _____
Insurance	\$ _____
Transportation of Artwork	\$ _____
Structural Engineering	\$ _____
Lighting/Electrical (<i>for artwork only</i>)	\$ _____
Water related expenses (<i>if applicable</i>)	\$ _____
Art Appraisal (<i>consultant must be selected from City list</i>)	\$ _____
Installation of Artwork (<i>include site preparation</i>)	\$ _____
Other Expenses (<i>please list</i>)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL:	\$ _____

The total should equal or exceed the minimum 2% art allocation for the project.