Attachment A

City of Coral Gables **Planning and Zoning Staff Recommendation**	
Applicant:	**City of Coral Gables**
Application:	**Zoning Code Text Amendments - Article 3, Division 20, "Art in Public Places" and Article 8, "Definitions"**
Public Hearing - Dates/Time/ Location:	**Planning and Zoning Board** **February 13, 2013, 6:00 – 9:00 p.m.,** **City Commission Chambers, City Hall,** **405 Biltmore Way, Coral Gables, Florida, 33134**

Application Request.

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review", Division 20, "Art in Public Places", amending the Art in Public Places Code provisions and Article 8, "Definitions", amending and creating new definitions; and providing for severability, repealer, codification, and an effective date.

Background Information.

In 2010, the City retained public art consultants to review the Art in Public Places Ordinance adopted in 2007 to recommended revisions. The amendments proposed here include the clarifications and changes recommended by the consultant. Background information regarding the proposed amendments is summarized in a memorandum prepared by the Economic Sustainability Department provided as Attachment A.

Proposed Zoning Code Amendments.

A Draft Ordinance in ~~strike-through~~/underline format and a clean version are provided as Attachments B and C.

The Economic Sustainability Department will present the proposed amendments to the Planning and Zoning Board and will secure input and testimony.

Public Hearing Timetable.

Consideration of the proposed Zoning Code amendments by the City Commission has been tentatively scheduled for Tuesday, March 12, 2013.

Public Notification.

The following has been completed to provide notice of the request:

Public Notice

Type	Date
Legal advertisement	01.31.13
Posted agenda on City web page/City Hall	02.01.13
Posted Staff report on City web page	02.08.13

Staff Recommendation.

The Planning Division in association with the Economic Sustainability Department recommends approval of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review", Division 20, "Art in Public Places", amending the Art in Public Places Code provisions and Article 8, "Definitions", amending and creating new definitions; and providing for severability, repealer, codification, and an effective date.

Attachments.

A. Background information package provided by the Economic Sustainability Department.
B. Draft Ordinance in ~~strike-through~~/underline format.
C. Draft Ordinance in clean version.

Please visit the City's webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,

Eric Riel, Jr.
City Planner
City of Coral Gables, Florida

Attachment A

CITY OF CORAL GABLES

- MEMORANDUM -

TO: RAMON TRIAS
PLANNING & ZONING DIRECTOR

DATE: January 29, 2013

FROM: CYNTHIA S. BIRDSILL
ECONOMIC SUSTAINABILITY DIRECTOR

SUBJECT: Revision of Art in Public Places Ordinance

In 2010, the City hired professional public art consultants, VIA Partnership and Todd Bressi (collectively the "Consultant"), to assist with creation of a Public Art Master Plan and Guidelines for the City's Art in Public Places program. The City Commission adopted the Master Plan and Guidelines on September 14, 2010, through resolution No.2010-199. As part of their scope of work, the Consultant provided us with detailed input on suggested revisions to the Art in Public Places Ordinance set forth in the City Zoning Code as Article 3, Division 20. In addition, we have now been administering the Art in Public Places Program for about two years, and find that the clarifications and changes noted in the attached mark-up would be beneficial.

The proposed changes have been reviewed by staff, and were presented to the Cultural Development Board on April 25, 2012. The Cultural Development Board recommended approval unanimously with certain changes that have been incorporated. The proposed changes were also presented to the Historic Preservation Board on December 20, 2012, and the Board unanimously recommended the changes.

We now request that the Planning & Zoning Board review the proposed changes to the Ordinance.

Attached for review are: 1) The original ordinance; 2) the proposed amendments (clean copy and comparison); 3) the adopted Guidelines.

CSB

ORIGINAL ORDINANCE

Division 20. Art in Public Places

Section 3-2001. Purpose.

It is the purpose of this Division to establish a formal policy for the City pertaining to the funding, acquisition, placement and maintenance of public art and the maintenance of historic public art. The policy is outlined in *The City of Coral Gables Art in Public Places Program: Funding Goals and Implementation Guidelines,* which may be revised and clarified from time to time upon the recommendation of the Cultural Development Board and final approval by Resolution of the City Commission. It is the intention of this program to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to public spaces and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas.

Section 3-2002. Definitions.

For the purpose of this Division, the following terms are defined:

Aggregate project value means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the project, or whether it is a phased project.

Arts advisory panel means a panel composed of art experts, appointed by the Cultural Development Board, who along with the City Architect shall make recommendations to the Cultural Development Board on acquisitions for individual artwork projects. Arts Advisory Panel members are professionals in the field of art, art history, architecture or architectural history.

Art acquisition fund means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which non-City contributions (those from developers, individuals, foundations, business, etc.) are collected and deposited for the purposes of supporting the City's public art program, including but not limited to, acquiring, installing, maintaining, and promoting world-class public art.

Art in public places or public art is defined as works of art of exceptional quality executed on an appropriate scale and for general public access, other than museums, which enrich and give diversion to the public environment.

Artist means, for the purpose of this ordinance, an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.

City Manager means the City Manager, Assistant City Manager, or any public officer designated by the City Manager.

The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines is the guiding document for the City of Coral Gables' Art in Public Places program. The document may be revised from time to time and approved by Resolution of the City Commission upon recommendation of the Cultural Development Board.

Construction cost means the total cost of the construction or renovation work, as determined by the building official in issuing a building permit for construction or renovation. Construction costs include all labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work and other costs in order to maintain the art as approved by the City. All construction and renovation costs shall be calculated as of the date the building permit is issued.

Extraordinary maintenance means any non-routine repair or restoration to sound condition of Public Art that requires specialized professional services.

Historic public art Fund means a separate, dedicated, interest bearing and revolving fund established in the City Budget into which Municipal Project Construction contributions are collected and deposited.

Municipal construction project(s) means any project to be paid for wholly or in part by the City, regardless of the source of the monies, to construct or renovate any public buildings, decorative or commemorative structures, parking facilities and parks, or any portion of any such buildings, structures, facilities or parks belonging to the City or where construction occurs on City-owned land where the City is a party to a public private joint venture agreement on City owned land.

Non-municipal construction project(s) is defined as any non-City construction or renovation in Coral Gables in excess of one million dollars ($1,000,000.00), excluding single-family homes.

1. Developers may petition to have the public art acquisition incorporated within their project provided there is regular public access at no charge to the public.

2. If the developer seeks to incorporate the art within his/her project, the artwork shall be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, or approve with conditions the selection and location of the artwork.

3. The art acquisition to be incorporated within the project shall have a minimum appraised value of one (1.0%) percent of the construction costs. The value of the artwork shall be confirmed by a certified art appraiser (or a person with professional arts credentials) as determined by the City whose evaluation fee shall be paid by the developer and reviewed by the City. If the appraised value of the artwork is less than one (1.0%) percent of the construction costs of the project, the difference in the value of the artwork and the one (1.0%) percent shall be contributed to the Art Acquisition Fund.

4. Instead of providing credentialed artwork on the project site, the developer may choose to contribute one (1.0%) percent of the aggregate project value as the required art fee.

5. In Lieu of providing artwork on the project site or contributing a one (1%) percent art fee, the developer may choose to donate artwork to the City. The artwork shall be valued at one (1%) percent of the aggregate project value inclusive of the cost of maintenance, insurance, lighting and signage. The artwork shall be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, or approve with conditions the selection and location of the artwork.

6. The Non-Municipal Construction Project one million dollar ($1,000,000.00) threshold shall be adjusted annually based upon the consumer price index.

Prior to City Commission approval of the Public Art Master Plan, items 1., 2., 3., and 5. will be deferred so that developers during that period shall donate to the art acquisition fund in accordance with item 4., but may elect to proceed pursuant to items 1., 2., 3., and/or 5. within thirty (30) days after the City Commission approval of the Public Art Master Plan, in which case, the previously paid funds will be returned upon City Commission approval of artwork pursuant to items 1., 2., 3., and/or 5. above.

Ordinary maintenance means any routine maintenance necessary to maintain the public art which is undertaken on a regular basis.

Public art collection means the works of public art owned by the City.

Public art in-lieu fee means a fee paid to the City pursuant to this Division equal to one (1.0%) percent of construction costs as defined herein for those non-municipal projects with an aggregate project value of one million dollars ($1,000,000.00) or more.

Public art master art plan means a five-year plan developed to further define the City of Coral Gables as a unique city of artistry and beauty while insuring open access to public art. The

document at a minimum will identify locational placement priorities, standards for installation, detailed criteria for artist and artwork selection, and a conservation/maintenance protocol.

Publicly accessible means locations that are highly visible and accessible in areas where people congregate at no charge to public.

Works of art is defined as tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescos, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments, and fountains or combinations thereof. Appropriate expenditures may also include the repair and maintenance of works of art acquired under this ordinance. For the purposes of this ordinance, Historic Public Art consists of plazas, entrances, fountains, murals, sculptures, and other decorative features that have been designated as local historic landmarks and represent the original civic art designed by the founders of the City. In the Historic Public Art Fund, appropriate expenditures may include the acquisition of historic public art or the repair, maintenance, signage, lighting or reinstallation of the art subject to the City Commission's approval upon recommendation of the Historic Preservation Board.

Section 3-2003. Art funds.

A. General. Two funds will be established for the Art in Public Places Program. The first fund will be entitled Historic Public Art Fund and will be funded through Municipal Construction Projects. The second fund will be entitled Art Acquisition Fund and will be funded through Non-Municipal Construction Projects over one million dollars ($1,000,000.00), excluding single family homes. Each of these funds will be interest bearing and revolving and may only be used for the purposes outlined in *The City of Coral Gables Art In Public Places Program: Funding, Goals, and Implementation Guidelines.*

1. Historic Public Art Fund. One (1.0%) percent of the aggregate project value for City of Coral Gables municipal projects shall be transferred to an account entitled historic Public Art Fund which will be used on the restoration, maintenance and acquisition of Historic Public Art as recommended by the Historic Preservation Board and approved by the City Commission.

2. Art Acquisition Fund. One (1.0%) percent of the aggregate project value of non-Municipal projects of one million dollars ($1,000,000.00) or more (excluding single family homes) shall be contributed to an account designated as the Art in Public Places Trust Fund established by the City for use only on Art in Public Places as defined by the Guidelines and managed by the Cultural Development Board when the developer does not petition to place the artwork within their project. This one (1.0%) percent fee is in-lieu of the art being placed within the developer's project and shall be used to support public art in other locations within the City.

B. Waiver of requirements. A developer may seek a reduction, adjustment or complete waiver of the requirements of this ordinance. The reduction, adjustment or complete waiver shall be made by Resolution of the City Commission. Before considering any request for waiver of the art allocation, the City Commission will seek a recommendation of the appropriate Board and City Manager. The following waivers may be considered by the City Commission:

1. Projects that cause the purchase, designation, restoration, or perpetual maintenance of historically significant buildings equal to or greater than the calculated dollar contribution otherwise required for the Art in Public Places Fund.

2. Projects that cause the purchase of parcels identified in the City's Parks and Open Space Inventory Analysis that are equal to or greater than one (1.0%) percent of the construction costs of the project and donated to the City. The value of the donation shall be confirmed by MIA appraisals, which will be paid by the developer, reviewed, and approved by the City.

C. Exemptions. The following are exempt from the requirements of this Division:

1. Single-family homes.

2. Construction projects, which are required to pay a public art fee under other applicable Miami-Dade County regulations, provided payment has been documented and approved to the City's satisfaction.

3. Non-municipal projects whose aggregate project value is less than one million dollars ($1,000,000.00).

4. An accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) sculptures and/or other public art in accordance with a Campus Art Master Plan. In order to maintain this exempt status, all of the following criteria will be satisfied:

a. A Campus Art Master Plan describing the selection criteria, placement, and maintenance of the permanent collection and future sculptures and other public art, and describing plans for the evolution and growth of such public art collection over time, shall initially be submitted for review by the City Commission to confirm the sufficiency of the Campus Art Master Plan; and

b. A report of the campus art master plan, demonstrating changes to the collection of art on the campus during the previous three year interval, shall be made to the City Commission during the anniversary month of the effective date of this ordinance.

Section 3-2004. Policy.

It is the intent of this policy to capture municipal and non-municipal construction related contributions through existing building permit processes so as to be implemented and monitored without adding significant time or expense, beyond the required contribution, to the pertinent selection and contract procedures.

Section 3-2005. Administration.

A. Annual priorities and Inventories. The Historic Preservation Board or their designee as determined by the City Manager shall submit to the City Commission an annual inventory and recommended priority for the disbursement of Historic Public Art Fund as they become available.

B. Master art plan and written guidelines. The Cultural Development Board shall develop a Public Art Master Art Plan, which shall be reviewed by the Board of Architects for the placement of artwork. The recommendation of each Board shall be subject to final review and approval by the City Commission. If approved, the Plan will govern location and selection criteria for art work. The Master Art Plan and written guidelines shall govern the manner and method of submission of proposed works of art to the Arts Advisory Panel, the process by which the Arts Advisory Panel shall make recommendations to the Cultural Development Board, and the process by which the Cultural Development Board shall recommend to the Coral Gables City Commission.

C. Accounting. The Historic Preservation Board and the Cultural Development Board shall submit an annual report, detailed accounting of monies spent or earmarked for future expenditures to the City Manager.

D. Selection of works of art. The selection of works of art, under the Art Acquisition Fund, shall be by Resolution of the Coral Gables City Commission upon recommendation by the Cultural Development Board with the assistance of the Arts Advisory Panel. In the selection process, all of the following principles shall be observed:

1. Works of art shall be publicly accessible.

2. The Cultural Development Board shall consider the inherently intrusive nature of Public Art on the lives of those frequenting public places. Artworks reflecting enduring artistic concepts, not transitory ones should be sought.

3. The Cultural Development Board's recommendations should reflect the cultural and ethnic diversity of the City without deviation from a standard of excellence.

4. Final selection shall also take into account appropriateness to the site, permanence of the work in light of environmental conditions at the site, maintenance requirements, quality of the work, likelihood the artist can successfully complete the work within the available funding, and diversity of the artist.

5. Ownership and maintenance.

a. The City shall be deemed the owner of and shall retain title to each work of Public Art acquired under the provisions of this Division. The City is charged with the custody, supervision, and preservation of such works of art.

b. Ownership of all works of art incorporated into private construction projects shall be vested in the property owner who shall retain title to each work of art. If the property is sold, the seller may either include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property, transfer ownership of the artwork to the City of Coral Gables to be maintained as a public artwork, or remove the artwork and make a contribution to the Art Acquisition Fund equal to one (1.0%) percent of the initial Aggregate Project Value. If the title is passed to a subsequent owner and, as a result, a deed restriction exists as to the artwork, the subsequent owner shall maintain the artwork in accordance with established guidelines. Property owners will be required to maintain the work of art in good condition in the approved location, as required by law or other applicable guidelines including but not limited to code enforcement rules, to ensure that proper maintenance is provided.

c. All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed and approved by the City Attorney's Office.

d. Artists, as part of any contractual agreement with the City for the provision of a work of art, shall be required to submit to the Cultural Development Board a "Maintenance and Inventory Sheet", including the annual cost projections, which details the maintenance and ongoing care of the work and signage/credit recommendations.

E. Enforcement. The City shall not issue a building permit for a qualified Municipal or Non-Municipal Construction project (where the developer has chosen to pay the in-lieu fee) until the required contribution has been deposited in the appropriate fund as described in *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines.*

~~ORIGINAL ORDINANCE~~

Division 20. Art in Public Places Program

Section 3-2001. Purpose.

The City of Coral Gables has adopted a municipal program providing for the acquisition and maintenance of art in public places, as contemplated by, and consistent with, Section 2-11.15 of the Miami-Dade County Code of Ordinances entitled "Works of Art in Public Places," as it shall be amended from time to time. It is the purpose of this Division to establish a formal ~~policy~~requirement for the City pertaining to the funding, acquisition, placement and maintenance of ~~public art~~Public Art and Historic Public Art. This requirement, and the ~~maintenance of historic public art. The policy is outlined in *The*~~policies and procedures that implement it, are referred to as the City of Coral Gables Art in Public Places Program~~: *Funding Goals and Implementation*~~.

The policies and procedures for this program are outlined in the Guidelines, which may be revised and clarified from time to time upon the recommendation of the Cultural Development Board and final approval by Resolution of the City Commission. It is the intention of this program to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to spaces visible to the public ~~spaces~~ and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas.

Section 3-2002. Applicability.

The Art in Public Places Program applies to Municipal and Non-Municipal Construction Projects. The minimum requirements for new governmental buildings are governed by the Miami-Dade County Code as amended, namely Ordinance No. 94-12, which requires not less than one and one-half percent (1½%) of the construction cost of new governmental buildings be devoted towards the acquisition, repair, and maintenance of public art. The provisions in this Division are supplemental to and generally more restrictive than Miami-Dade County Code provisions. If the Miami-Dade County Code provisions relating to new governmental buildings are not enforced by the City, Miami-Dade County may enforce the same. Should a conflict arise between these provisions and Miami-Dade County provisions, the more restrictive shall apply. A commercial property owner who is not subject to the Art in Public Places Program may opt into the Program by submitting proposed Public Art to the review process outlined in Section 3-2003, as such section applies to the acquisition or commissioning of Public Art; provided, however, the requirements regarding value shall not apply.

Definitions. [Definitions will be moved to Article 8]

For the purpose of this Division, the following terms are defined:

Aggregate ~~*project value*~~*Project Value* means the total of all hard and soft construction and design costs associated with a particular ~~site plan~~construction or renovation project regardless of the number of permits associated with the project, or whether it is a phased project.

Arts ~~*advisory panel*~~ *Advisory Panel* means a panel composed of art experts~~, appointed by the Cultural Development Board, who along with the City Architect~~ who shall make recommendations

to the Cultural Development Board on commissions and acquisitions ~~for of~~ individual artwork projects. Arts Advisory Panel members are professionals in the ~~field of art~~visual arts, art history, design, architecture, landscape architecture or ~~architectural history~~urban design.

Art ~~*acquisition fund*~~*Acquisition Fund* means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which ~~non-City contributions (those from developers, individuals, foundations, business, etc.) are collected and deposited for the purposes of supporting the City's public art program, including but not limited to, acquiring, installing, maintaining, and promoting world-class public art.~~Art in Public Places Fees are collected and deposited for acquisition, commissioning, exhibition, Extraordinary Maintenance and Conservation of Public Art.

~~*Art in public places or public art* is defined as works of art of exceptional quality executed on an appropriate scale and for general public access, other than museums, which enrich and give diversion to the public environment.~~

~~*Artist* means, for the purpose of this ordinance,~~*Art in Public Places or Public Art* means tangible creations by artists that exhibit the highest quality of skill and aesthetic principles, including but not limited to the following: paintings, sculptures, stained glass, projections, light pieces, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains or combinations thereof, and that are one-of-a-kind or part of an original, numbered series. The artwork must be created for placement in a public place or publicly accessible private space, or integrated into the underlying architecture, landscape design or site. 'Art in Public Places" and "Public Art" do not include items manufactured in large quantities by the means of industrial machines, reproductions or architectural elements unless designed by a professional Artist. Works of art may be permanent, temporary or functional, and can encompass the broadest range of expression, media and materials.

Art in Public Places Fee means the amount paid by a Developer for a non-exempt Non-Municipal Construction Project to the City in fulfillment of the Art in Public Places Program requirements, as set forth in Section 3-2003.

Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.

~~*City Manager* means the City Manager, Assistant City Manager, or any public officer designated by the City Manager.~~

Campus Art Master Plan means a plan prepared by an accredited college or university in the City that outlines the selection, criteria, placement and maintenance of a permanent collection and future sculptures and other Public Art on the campus, and describes plans for the evolution and growth of such Public Art collection over time.

Developer means the person or entity undertaking a Non-Municipal Construction Project or Public-Private Joint Venture Project that is subject to the Art in Public Places Fee.

Guidelines means *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines*, which is ~~the guiding document~~a guide that outlines policies and procedures for the ~~City of Coral Gables'~~ Art in Public Places program. The ~~document~~Guidelines

may be revised from time to time and may be approved by Resolution of the City Commission upon recommendation of the Cultural Development Board.

Construction ~~cost~~Cost means the total cost of ~~the~~a construction or renovation ~~work~~project, as determined by the ~~building official~~Building Official in issuing a building permit for construction or renovation. The Construction ~~costs include~~Cost includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, ~~maintenance, insurance~~ design, permitting, architecture, engineering, lighting, signage, site work, architectural design, engineering, financing, legal fees prior to permitting and other costs ~~in order to maintain the art as approved by the City.~~. All construction and renovation costs shall be calculated based on good faith projections for the whole project, and paid as of the date the building permit is issued. This definition is not intended to include the Florida Building Code definition for Construction Cost.

Extraordinary ~~maintenance~~Maintenance means any non-routine repair or restoration to sound condition of Public Art or Historic Public Art that requires specialized professional services.

~~*Historic public art*~~

Historic Public Art means plazas, entrances, fountains, murals, sculptures and other decorative features that have been designated as local historic landmarks or fine arts such as paintings and ceramics that represent the original civic art of the City or this history of the City. Murals, sculptures and decorative features must be an integral component of the original architecture, landscape design or urban design of the designated landmark feature. Appropriate historical furniture may be considered Historic Public Art.

Historic Public Art Fund means a separate, dedicated, interest bearing and revolving fund established in the City ~~Budget~~Treasury into which Public Art payments generated by Municipal Project Construction ~~contributions~~Projects are collected and deposited, and will be used for the restoration, maintenance and acquisition of Historic Public Art.

~~*Municipal*~~

Municipal Construction Project(s) means any remodel project over $100,000 or new construction project~~(s) means any project~~ to ~~be~~ the extent paid for wholly or in part by the City or other governmental entity, regardless of the source of the monies, ~~to construct or renovate~~ for any public buildings, decorative ~~or commemorative~~ structures, public parking facilities and parks~~, or~~ or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project. Notwithstanding the foregoing, "Municipal Construction Projects" do not include projects to the extent funded from the Historic Public Art Fund or historic related grant funding or projects that solely consist of historic restoration, utility, drainage or roadway work.

Non-Municipal Construction Project(s) means as any construction or renovation project to the extent not paid wholly or in part by the City of one million dollars ($1,000,000.00) or more, excluding single-family homes. "Non-Municipal Construction Projects" includes the private portion of any ~~such buildings, structures, facilities or parks belonging to the City or~~ Public-Private Joint Venture Project.

Ordinary Maintenance means any routine maintenance necessary to maintain the Public Art or Historic Public Art that is undertaken on a regular basis.

Public Art Collection means the works of Public Art that are commissioned, acquired, or accepted by the City pursuant to the requirements of this Ordinance, or when Public Art is expressly accepted into the collection using the City's Donation Policy.

Public-Private Joint Venture Project means a project where a construction or renovation project undertaken by a private entity occurs on City-owned land, or where the City is a party to a public-private joint venture agreement on City-owned land. To the extent a Public-Private Joint Venture Project can be divided into public and private portions, the public portions shall be considered a Municipal Construction Project and the private portions shall be considered a Non-Municipal Construction Project, the percentage of each to be determined by the City. It is acknowledged that Miami-Dade County's Art in Public Place Ordinance may apply to public portions of the Public-Private Joint Venture Projects.

~~*Non-municipal construction project(s)* is defined as any non-City construction or renovation in Coral Gables in excess of one million dollars ($1,000,000.00), excluding single-family homes.~~

~~1. Developers may petition to have the public art acquisition incorporated within their project provided there is regular public access at no charge to the public.~~

~~2. If the developer seeks to incorporate the art within his/her project, the artwork shall be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, or approve with conditions the selection and location of the artwork.~~

~~3. The art acquisition to be incorporated within the project shall have a minimum appraised value of one (1.0%) percent of the construction costs. The value of the artwork shall be confirmed by a certified art appraiser (or a person with professional arts credentials) as determined by the City whose evaluation fee shall be paid by the developer and reviewed by the City. If the appraised value of the artwork is less than one (1.0%) percent of the construction costs of the project, the difference in the value of the artwork and the one (1.0%) percent shall be contributed to the Art Acquisition Fund.~~

~~4. Instead of providing credentialed artwork on the project site, the developer may choose to contribute one (1.0%) percent of the aggregate project value as the required art fee.~~

~~5. In Lieu of providing artwork on the project site or contributing a one (1%) percent art fee, the developer may choose to donate artwork to the City. The artwork shall be valued at one (1%) percent of the aggregate project value inclusive of the cost of maintenance, insurance, lighting and signage. The artwork shall be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, or approve with conditions the selection and location of the artwork.~~

~~6. The Non-Municipal Construction Project one million dollar ($1,000,000.00) threshold shall be adjusted annually based upon the consumer price index.~~

~~Prior to City Commission approval of the~~

Public Art Master Art Plan, ~~items 1., 2., 3., and 5. will be deferred so that developers during that period shall donate to the art acquisition fund in accordance with item 4., but may elect to proceed pursuant to items 1., 2., 3., and/or 5. within thirty (30) days after the City Commission approval of the Public Art~~ *or Master Art Plan*, ~~in which case, the previously paid funds will be returned upon City Commission approval of artwork pursuant to items 1., 2., 3., and/or 5. above.~~

~~*Ordinary maintenance* means any routine maintenance necessary to maintain the public art which is undertaken on a regular basis.~~

~~*Public art collection* means the works of public art owned by the City.~~

~~*Public art in-lieu fee* means a fee paid to the City pursuant to this Division equal to one (1.0%) percent of construction costs as defined herein for those non-municipal projects with an aggregate project value of one million dollars ($1,000,000.00) or more.~~

~~Public art master art plan~~ means a five-year plan developed to further define the City ~~of Coral Gables~~ as a unique city of artistry and beauty while ~~insuring~~ensuring open access to ~~public art.~~

~~The document at a minimum will identify~~Public Art. The Master Art Plan identifies locational placement priorities, standards for installation, detailed criteria for ~~artist~~Artist and artwork selection, and a ~~conservation/maintenance~~Conservation/Extraordinary and Ordinary Maintenance protocol.

Publicly ~~accessible~~Accessible means exterior locations that are highly visible and accessible ~~in areas where people congregate~~twenty-four hours a day, seven days a week at no charge to public.

~~*Works of art* is defined as tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescos, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments, and fountains or combinations thereof. Appropriate expenditures may also include the repair and maintenance of works of art acquired under this ordinance. For the purposes of this ordinance, Historic Public Art consists of plazas, entrances, fountains, murals, sculptures, and other decorative features that have been designated as local historic landmarks and represent the original civic art designed by the founders of the City. In the Historic Public Art Fund, appropriate expenditures may include the acquisition of historic public art or the repair, maintenance, signage, lighting or reinstallation of the art subject to the City Commission's approval upon recommendation of the Historic Preservation Board.~~ *Remodel* means any construction or renovation to an existing structure other than repair or maintenance.

Section 3-2003. ~~Art funds.~~Art in Public Places Fund Requirements, Waivers, and Exemptions.

A. ~~General.~~Fund Requirements. Two funds will be established for the Art in Public Places Program~~ (each a "Fund" and collectively "Funds")~~. The first fund will be entitled Historic Public Art Fund and will be funded through payments from budgets of one percent (1%) of Municipal Construction Projects. The second fund will be entitled Art Acquisition Fund and will be funded through ~~Non-~~Art in Public Places Fees as well as one-half percent (½%) of Municipal Construction Projects ~~over one million dollars ($1,000,000.00), excluding single family homes.~~ Each of these funds will be interest bearing and revolving and may only be used for the purposes outlined in ~~*The City of Coral Gables Art In Public Places Program: Funding, Goals, and Implementation Guidelines*~~the Guidelines. Persons or entities other than those required to make payments to the Funds pursuant to this Ordinance may make a voluntary donation to either of the Funds by specifying that the use of such donation shall be deposited in the expressly identified Fund.

1. Historic Public Art Fund. One (1.0%) percent of the ~~aggregate project value~~ Aggregate Project Value for City of Coral Gables ~~municipal projects~~ Municipal Construction Projects shall be transferred to an account entitled ~~historic~~Historic Public Art Fund which will be used ~~on~~ for the restoration, ~~maintenance~~ Extraordinary and Ordinary Maintenance and acquisition of Historic Public Art ~~as recommended by~~. Application of this Fund shall be approved by the City Commission with recommendations from the Historic Preservation Board and ~~approved by the City Commission.~~the Historical Resources Department.

2. Art Acquisition Fund. ~~One (1.0%) percent of the aggregate project value of non~~The Developer of any Non-Municipal ~~projects~~Construction Project with an Aggregate Project Value of one million dollars ($1,000,000.00) or more ~~(excluding single family homes) shall be contributed~~and not exempted as provided in subsection C below, shall contribute One (1.0%) percent of the Aggregate Project Value to ~~an account designated as~~ the Art ~~in Public Places Trust~~Acquisition Fund established by the City ~~for use only on~~. In addition, one-half percent (½%) of Municipal Construction Projects that fall under the Miami-Dade County Code provisions described in Section 3-2002, shall be deposited in the Art ~~in Public Places~~Acquisition Fund. A Developer may seek a waiver of the requirement of this Section A-2 as ~~defined by~~provided in subsection B below. Application of this Fund shall be in

accordance with the Guidelines and ~~managed by the Cultural Development Board when the developer does not petition to place the artwork within their project. This one (1.0%) percent fee is in-lieu of the art being placed within the developer's project and shall be used to support public art in other locations within the City.~~Master Art Plan.

~~B. Waiver of requirements. A developer may seek a reduction, adjustment or complete waiver of the requirements of this ordinance. The reduction, adjustment or complete waiver shall be made by Resolution of the City Commission. Before considering any request for waiver of the art allocation, the City Commission will seek a recommendation of the appropriate Board and City Manager. The following waivers may be considered by the City Commission:~~

~~1. Projects that cause~~B. Waiver of the Art in Public Places Fee. A Developer of a Non-Municipal Construction Project that is not exempt as set forth in subsection C below may petition to waive the Art in Public Places Fee requirement by one or more of the following:

1. Acquiring or commissioning artwork, which has an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, with such artwork to be incorporated within the Developer's project; or

2. Donating and installing artwork to the City with an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, and providing for the perpetual maintenance of such artwork; or

3. Causing the purchase, designation, restoration, or perpetual maintenance of historically significant buildings in an amount equal to or greater than the ~~calculated dollar contribution otherwise required for~~amount of the Art in Public Places ~~Fund.~~Fee that otherwise would be required; or

~~2. Projects that cause~~4. Causing the purchase of parcels identified in the City's Parks and Open Space Inventory Analysis ~~that are~~ in an amount equal to or greater than ~~one (1.0%) percent of~~ the ~~construction costs of the project~~ amount of the Art in Public Places Fee that otherwise would be required and ~~donated~~ donating such parcels to the City.

A Developer seeking a waiver pursuant to subsections B1 or B2 herein shall submit the proposed Artist and artwork concept to the Cultural Development Board for review, with assistance of the Arts Advisory Panel, in accordance with the Guidelines. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, request further information or approve with conditions, the selection and location of artwork, and the City Commission shall have final approval of the concept (if work is to be commissioned) or the artwork (if the artwork is extant). The value of ~~the donation~~donated or acquired artwork shall be confirmed by ~~MIA appraisals, which will be paid~~a certified art appraiser (or person with professional arts credentials otherwise acceptable to the City), with the cost of such appraisal to be borne by the ~~developer.~~Developer and which shall not be included in the 1% budget for art. The value of commissioned work will be determined by the value of the contract for such commission, including construction, design, engineering, permitting, legal, and installation costs. Landscaping and lighting, unless integral to the art piece structure, are not part of the value of the commissioned work. Ownership and title of works incorporated into private construction shall remain with the property owner, who will be required to maintain the artwork in good condition. The property owner's obligations regarding maintenance and access for such artwork shall be set forth in a recorded restrictive covenant acceptable to the City Attorney's Office, which obligations shall run with the land. Removal or alteration of artwork incorporated into private property shall only be permitted with City approval in accordance with the Guidelines, and shall require payment to the Art Acquisition Fund of the Art in Public Places Fee that otherwise would have been originally required. Ownership of works donated to the City and placed on City property shall be owned by the City. Any Public Art created or installed through a partnership between a Developer and the City to place free-standing Public Art on City property to satisfy all or part of that Developer's Art in Public Places Fee requirement may be presented to the City Commission for review and approval without any prior board review. All contracts for artwork that will be

acquired or accepted for ownership by the City must be reviewed, and approved as to form and legal sufficiency by the City. Attorney's Office.

A Developer seeking waiver pursuant to subsections B3 or B4 herein shall submit the request to the City Commission for approval with a recommendation of the Historic Preservation Board for B3 and Parks and Recreation Advisory Board for B4, as well as staff. The value of donations shall be determined by a qualified appraiser acceptable to the City, which in the case of real estate shall be by an appraiser who is an Appraisal Institute member holding the MAI designation and the cost of such appraisal will be borne by the Developer.

No other waivers of the Art in Public Places Fee shall be permitted.

C. Exemptions. from the City of Coral Gables Art in Public Places Program. The following are exempt from the requirements of this Division: and are not required to pay into a Fund or seek a waiver from paying into a Fund:

1. Single-family homes.New construction, additions and modifications to single-family residences;

2. Construction projects, which are required to pay a public art fee underpursuant to other applicable Miami-Dade County regulations, provided payment has been paid, documented and approved to the City's satisfaction.;

3. Non-municipal projects whose aggregate project value isMunicipal Construction Projects with an Aggregate Project Value of less than one million dollars ($1,000,000.00).); and

4. An4. Construction Projects at an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) sculptures and/or other public art Public Art in accordance with a Campus Art Master Plan. In order to maintain this exempt status, the accredited college and/or university must satisfy all of the following criteria will be satisfied:

a. A Campus Art Master Plan describing the selection criteria, placement, and maintenance of the permanent collection and future sculptures and other public art, and describing plans for the evolution and growth of such public art collection over time, shall initially be submitted for review and approval by the City Commission to confirm the sufficiency of the Campus Art Master Plan; and

b. A report of the campus art master plan, Campus Art Master Plan, demonstrating changes to the collection of art Public Art on the campus during the previous three year interval, shall be made to the City Commission during the anniversary monthin December 2010, and every third (3rd) year thereafter.

D. Applicants wishing to pursue installation of the effective date of this ordinance.Art in Public Places must meet the special design and administrative considerations discussed below in Section 3-2004. After submission to and review by the applicable boards, the City Commission, in its sole and absolute discretion, may approve the submitted concept for Public Art. It is the intention and direction of the City that Public Art approved through the City's Art in Public Places Program shall be permitted with regard to aesthetic characteristics after a review is conducted and a determination is made that the Public Art is appropriate in design and proposed construction.

Section 3-2004. Policy.

It is the intent of this policy to capture municipal and non-municipal construction related

~~contributions through existing building permit processes so as to be implemented and monitored without adding significant time or expense, beyond the required contribution, to the pertinent selection and contract procedures.~~

Section 3-~~2005.~~2004. Administration.

A. Annual ~~priorities and Inventories.~~Inventory Priorities. The Historic Preservation Board or ~~their~~its designee, as determined by the City Manager, shall submit to the City Commission an annual ~~inventory and recommended priority~~report that recommends priorities for the disbursement of Historic Public Art ~~Fund~~Funds as they become available.

B. Master ~~art plan~~Art Plan and ~~written guidelines.~~Guidelines. The Cultural Development Board shall ~~develop~~recommend a Public Art Master Art Plan, which shall be reviewed and recommended by the Board of Architects ~~for the~~specifically to consider locations recommended for future placement of artwork. The recommendation of each Board shall be subject to final review and approval by the City Commission. If approved, the Master Art Plan will govern location and selection criteria for art work. ~~The Master Art Plan Written Guidelines shall include policies and written guidelines~~procedures for managing City-initiated public art projects, guiding Developers who have an Art in Public Places requirement, and managing the Art Acquisition Fund and Historic Public Art Fund. The Guidelines shall govern the manner and method of submission of proposed works of art to the ~~Arts Advisory Panel,~~Cultural Development Board, the process by which the Arts Advisory Panel shall make recommendations to the Cultural Development Board, and the process by which the Cultural Development Board shall recommend to the Coral Gables City Commission.

C. Accounting. The Historic Preservation Board and the Cultural Development Board, or their designees as determined by the City Manager, shall each submit an annual report, providing a detailed accounting of monies spent or earmarked for future expenditures from the Funds to the City Manager.

D. Selection of ~~works of art.~~Public Art by the City Using the Art Acquisition Fund. The selection of ~~works of art, under~~Public Art using the Art Acquisition Fund, shall be by Resolution of the Coral Gables City Commission upon recommendation by the Economic Sustainability Department and Cultural Development Board with the assistance of the Arts Advisory Panel~~. In the selection process,~~, as needed. The principles governing selection criteria for Public Art are more fully set forth in the Guidelines and Master Art Plan, but at a minimum shall require that works of art satisfy all of the following ~~principles shall be observed~~:;

1. ~~Works of art shall be~~Are publicly accessible.

2. ~~The Cultural Development Board shall consider the inherently intrusive nature of Public Art on the lives of those frequenting public places. Artworks reflecting enduring artistic concepts, not transitory ones should be sought.~~ Are created by an Artist.

3. ~~The Cultural Development Board's recommendations should reflect the cultural and ethnic diversity of the City without deviation from a standard of~~ Demonstrate excellence~~.~~

~~4. Final selection shall also take into account appropriateness to the site, permanence of the work~~ in ~~light of environmental conditions at the site, maintenance requirements,~~aesthetic quality ~~of the work, likelihood the artist can successfully complete the work within the available funding, and diversity of the artist.~~, workmanship, innovation and creativity;

~~5.~~ 4. Are appropriate in scale, form, content and of materials/media suitable for the site;

5. Demonstrate feasibility in terms of budget, timeline, safety, durability, operation, maintenance, conservation, security and/or storage and siting; and

6. Bring diversity to the City's public art collection in terms of media, artistic discipline and/or artistic approach.

E. Ownership and ~~maintenance~~Maintenance.

a.1. The City shall be deemed the owner of and shall retain title to each work of Public Art acquired under the provisions of this Division using either of the Funds. The City is charged with the custody, supervision, and preservation of such works of art.

b. Ownership of all works of art incorporated into private construction projects shall be vested in the property owner who shall retain title to each work of art. If the property is sold, the seller may either include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property, transfer ownership of the artwork to the City of Coral Gables to be maintained as a public artwork, or remove the artwork and make a contribution to the Art Acquisition Fund equal to one (1.0%) percent of the initial Aggregate Project Value. If the title is passed to a subsequent owner and, as a result, a deed restriction exists as to the artwork, the subsequent owner shall maintain the artwork in accordance with established guidelines. Property owners will be required to maintain the work of art in good condition in the approved location, as required by law or other applicable guidelines including but not limited to code enforcement rules, to ensure that proper maintenance is provided.

c. All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed and approved by the City Attorney's Office.

d2. Artists, as part of any contractual agreement with the City for the provision of a work of art, shall be required to submit to the Cultural Development Board a "Maintenance and Inventory Sheet", including the annual cost projections, which details the maintenance and ongoing care of the work and signage/credit recommendations. The City may require an assessment by a professional conservator.

E.

Section 3-2005. Enforcement.

A. The City shall not issue a building permit for a qualified Municipal or Non-Municipal Construction project (Project where the developerDeveloper has chosen to pay the in-lieu fee)Art in Public Places Fee until the required contribution has been deposited in the appropriate fundFund as described herein and in *The City* the Guidelines and Master Art Plan. There shall be no reimbursements of *Coral Gables* Art in Public Places *Program: Funding, Goals, and Implementation Guidelines.*Fees once deposited in the appropriate Fund.

B. The City shall not issue a building permit for a Non-Municipal Construction Project where the Developer has chosen to obtain a waiver of the Art in Public Places Fee payment until the City Commission has by Resolution approved the waiver by approving a concept plan for incorporation of Public Art into the Project, approving a concept plan and location of Public Art elsewhere in the City, or accepting a waiver for contribution to a historically significant building or purchase of a parcel of land for the City's parks and open space, as outlined above.

C. The City shall not issue a certificate of occupancy for a Non-Municipal Construction Project where the Developer has chosen to obtain a waiver of the Art in Public Places Fee payment until all approved Public Art has been installed in accordance with approved plans and/or required documentation regarding the waiver and/or Public Artwork has been provided to the City.

Division 20. Art in Public Places Program

Section 3-2001. Purpose.

The City of Coral Gables has adopted a municipal program providing for the acquisition and maintenance of art in public places, as contemplated by, and consistent with, Section 2-11.15 of the Miami-Dade County Code of Ordinances entitled "Works of Art in Public Places," as it shall be amended from time to time. It is the purpose of this Division to establish a formal requirement for the City pertaining to the funding, acquisition, placement and maintenance of Public Art and Historic Public Art. This requirement, and the policies and procedures that implement it, are referred to as the City of Coral Gables Art in Public Places Program.

The policies and procedures for this program are outlined in the Guidelines, which may be revised and clarified from time to time upon the recommendation of the Cultural Development Board and final approval by Resolution of the City Commission. It is the intention of this program to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to spaces visible to the public and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas.

Section 3-2002. Applicability.

The Art in Public Places Program applies to Municipal and Non-Municipal Construction Projects. The minimum requirements for new governmental buildings are governed by the Miami-Dade County Code as amended, namely Ordinance No. 94-12, which requires not less than one and one-half percent (1½%) of the construction cost of new governmental buildings be devoted towards the acquisition, repair, and maintenance of public art. The provisions in this Division are supplemental to and generally more restrictive than Miami-Dade County Code provisions. If the Miami-Dade County Code provisions relating to new governmental buildings are not enforced by the City, Miami-Dade County may enforce the same. Should a conflict arise between these provisions and Miami-Dade County provisions, the more restrictive shall apply. A commercial property owner who is not subject to the Art in Public Places Program may opt into the Program by submitting proposed Public Art to the review process outlined in Section 3-2003, as such section applies to the acquisition or commissioning of Public Art; provided, however, the requirements regarding value shall not apply.

Definitions. [Definitions will be moved to Article 8]

For the purpose of this Division, the following terms are defined:

Aggregate Project Value means the total of all hard and soft construction and design costs associated with a particular construction or renovation project regardless of the number of permits associated with the project, or whether it is a phased project.

Arts Advisory Panel means a panel composed of art experts who shall make recommendations to the Cultural Development Board on commissions and acquisitions of individual artwork projects. Arts Advisory Panel members are professionals in the visual arts, art history, design, architecture, landscape architecture or urban design.

Art Acquisition Fund means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which Art in Public Places Fees are collected and deposited

for acquisition, commissioning, exhibition, Extraordinary Maintenance and Conservation of Public Art.

Art in Public Places or Public Art means tangible creations by artists that exhibit the highest quality of skill and aesthetic principles, including but not limited to the following: paintings, sculptures, stained glass, projections, light pieces, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains or combinations thereof, and that are one-of–a-kind or part of an original, numbered series. The artwork must be created for placement in a public place or publicly accessible private space, or integrated into the underlying architecture, landscape design or site. 'Art in Public Places" and "Public Art" do not include items manufactured in large quantities by the means of industrial machines, reproductions or architectural elements unless designed by a professional Artist. Works of art may be permanent, temporary or functional, and can encompass the broadest range of expression, media and materials.

Art in Public Places Fee means the amount paid by a Developer for a non-exempt Non-Municipal Construction Project to the City in fulfillment of the Art in Public Places Program requirements, as set forth in Section 3-2003.

Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.

Campus Art Master Plan means a plan prepared by an accredited college or university in the City that outlines the selection, criteria, placement and maintenance of a permanent collection and future sculptures and other Public Art on the campus, and describes plans for the evolution and growth of such Public Art collection over time.

Developer means the person or entity undertaking a Non-Municipal Construction Project or Public-Private Joint Venture Project that is subject to the Art in Public Places Fee.

Guidelines means *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines*, which is a guide that outlines policies and procedures for the Art in Public Places program. The Guidelines may be revised from time to time and may be approved by Resolution of the City Commission upon recommendation of the Cultural Development Board.

Construction Cost means the total cost of a construction or renovation project, as determined by the Building Official in issuing a building permit for construction or renovation. The Construction Cost includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, design, permitting, architecture, engineering, lighting, signage, site work, architectural design, engineering, financing, legal fees prior to permitting and other costs. All construction and renovation costs shall be calculated based on good faith projections for the whole project, and paid as of the date the building permit is issued. This definition is not intended to include the Florida Building Code definition for Construction Cost.

Extraordinary Maintenance means any non-routine repair or restoration to sound condition of Public Art or Historic Public Art that requires specialized professional services.

Historic Public Art means plazas, entrances, fountains, murals, sculptures and other decorative features that have been designated as local historic landmarks or fine arts such as paintings and ceramics that represent the original civic art of the City or this history of the City. Murals, sculptures and decorative features must be an integral component of the original architecture, landscape design or urban design of the designated landmark feature. Appropriate historical furniture may be considered Historic Public Art.

Historic Public Art Fund means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which Public Art payments generated by Municipal Project Construction Projects are collected and deposited, and will be used for the restoration, maintenance and acquisition of Historic Public Art.

Municipal Construction Project(s) means any remodel project over $100,000 or new construction project to the extent paid for wholly or in part by the City or other governmental entity, regardless of the source of the monies, for any public buildings, decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project. Notwithstanding the foregoing, "Municipal Construction Projects" do not include projects to the extent funded from the Historic Public Art Fund or historic related grant funding or projects that solely consist of historic restoration, utility, drainage or roadway work.

Non-Municipal Construction Project(s) means as any construction or renovation project to the extent not paid wholly or in part by the City of one million dollars ($1,000,000.00) or more, excluding single-family homes. "Non-Municipal Construction Projects" includes the private portion of any Public-Private Joint Venture Project.

Ordinary Maintenance means any routine maintenance necessary to maintain the Public Art or Historic Public Art that is undertaken on a regular basis.

Public Art Collection means the works of Public Art that are commissioned, acquired, or accepted by the City pursuant to the requirements of this Ordinance, or when Public Art is expressly accepted into the collection using the City's Donation Policy.

Public-Private Joint Venture Project means a project where a construction or renovation project undertaken by a private entity occurs on City-owned land, or where the City is a party to a public-private joint venture agreement on City-owned land. To the extent a Public-Private Joint Venture Project can be divided into public and private portions, the public portions shall be considered a Municipal Construction Project and the private portions shall be considered a Non-Municipal Construction Project, the percentage of each to be determined by the City. It is acknowledged that Miami-Dade County's Art in Public Place Ordinance may apply to public portions of the Public-Private Joint Venture Projects.

Public Art Master Art Plan or Master Art Plan means a five-year plan developed to further define the City as a unique city of artistry and beauty while ensuring open access to Public Art. The Master Art Plan identifies locational placement priorities, standards for installation, detailed criteria for Artist and artwork selection, and a Conservation/Extraordinary and Ordinary Maintenance protocol.

Publicly Accessible means exterior locations that are highly visible and accessible twenty-four hours a day, seven days a week at no charge to public.

Remodel means any construction or renovation to an existing structure other than repair or maintenance.

Section 3-2003. Art in Public Places Fund Requirements, Waivers, and Exemptions.

A. Fund Requirements. Two funds will be established for the Art in Public Places Program (each a "Fund" and collectively "Funds"). The first fund will be entitled Historic Public Art Fund and will be funded through payments from budgets of one percent (1%) of Municipal Construction Projects. The second fund will be entitled Art Acquisition Fund and will be funded through Art in Public Places Fees as well as one-half percent (½%) of Municipal Construction Projects. Each of these funds will be interest bearing and revolving and may only be used for the purposes outlined in the Guidelines. Persons or entities other than those required to make payments to the Funds pursuant to this Ordinance may make a voluntary donation to either of the Funds by specifying that the use of such donation shall be deposited in the expressly identified Fund.

1. Historic Public Art Fund. One (1.0%) percent of the Aggregate Project Value for City of Coral Gables Municipal Construction Projects shall be transferred to an account entitled Historic Public Art Fund which will be used for the restoration, Extraordinary and Ordinary Maintenance and acquisition of Historic Public Art. Application of this Fund shall be approved by the City Commission with recommendations from the Historic Preservation Board and the Historical Resources Department.

2. Art Acquisition Fund. The Developer of any Non-Municipal Construction Project with an Aggregate Project Value of one million dollars ($1,000,000.00) or more and not exempted as provided in subsection C below, shall contribute One (1.0%) percent of the Aggregate Project Value to the Art Acquisition Fund established by the City. In addition, one-half percent (½%) of Municipal Construction Projects that fall under the Miami-Dade County Code provisions described in Section 3-2002, shall be deposited in the Art Acquisition Fund. A Developer may seek a waiver of the requirement of this Section A-2 as provided in subsection B below. Application of this Fund shall be in accordance with the Guidelines and Master Art Plan.

B. Waiver of the Art in Public Places Fee. A Developer of a Non-Municipal Construction Project that is not exempt as set forth in subsection C below may petition to waive the Art in Public Places Fee requirement by one or more of the following:

1. Acquiring or commissioning artwork, which has an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, with such artwork to be incorporated within the Developer's project; or

2. Donating and installing artwork to the City with an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, and providing for the perpetual maintenance of such artwork; or

3. Causing the purchase, designation, restoration, or perpetual maintenance of historically significant buildings in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required; or

4. Causing the purchase of parcels identified in the City's Parks and Open Space Inventory Analysis in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required and donating such parcels to the City.

A Developer seeking a waiver pursuant to subsections B1 or B2 herein shall submit the proposed Artist and artwork concept to the Cultural Development Board for review, with assistance of the Arts Advisory Panel, in accordance with the Guidelines. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, request further information or approve with conditions, the selection and location of artwork, and the City Commission shall have final approval of the concept (if work is to be commissioned) or the artwork (if the artwork is extant). The value of donated or acquired artwork shall be confirmed by a certified art appraiser (or person with professional arts credentials otherwise acceptable to the City), with the cost of

such appraisal to be borne by the Developer and which shall not be included in the 1% budget for art. The value of commissioned work will be determined by the value of the contract for such commission, including construction, design, engineering, permitting, legal, and installation costs. Landscaping and lighting, unless integral to the art piece structure, are not part of the value of the commissioned work. Ownership and title of works incorporated into private construction shall remain with the property owner, who will be required to maintain the artwork in good condition. The property owner's obligations regarding maintenance and access for such artwork shall be set forth in a recorded restrictive covenant acceptable to the City Attorney's Office, which obligations shall run with the land. Removal or alteration of artwork incorporated into private property shall only be permitted with City approval in accordance with the Guidelines, and shall require payment to the Art Acquisition Fund of the Art in Public Places Fee that otherwise would have been originally required. Ownership of works donated to the City and placed on City property shall be owned by the City. Any Public Art created or installed through a partnership between a Developer and the City to place free-standing Public Art on City property to satisfy all or part of that Developer's Art in Public Places Fee requirement may be presented to the City Commission for review and approval without any prior board review. All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed and approved as to form and legal sufficiency by the City Attorney's Office,

A Developer seeking waiver pursuant to subsections B3 or B4 herein shall submit the request to the City Commission for approval with a recommendation of the Historic Preservation Board for B3 and Parks and Recreation Advisory Board for B4, as well as staff. The value of donations shall be determined by a qualified appraiser acceptable to the City, which in the case of real estate shall be by an appraiser who is an Appraisal Institute member holding the MAI designation and the cost of such appraisal will be borne by the Developer.

No other waivers of the Art in Public Places Fee shall be permitted.

C. Exemptions from the City of Coral Gables Art in Public Places Program. The following are exempt from the requirements of this Division and are not required to pay into a Fund or seek a waiver from paying into a Fund:

1. New construction, additions and modifications to single-family residences;

2. Construction projects, which are required to pay a public art fee pursuant to other applicable Miami-Dade County regulations, provided payment has been paid, documented and approved to the City's satisfaction;

3. Non-Municipal Construction Projects with an Aggregate Project Value of less than one million dollars ($1,000,000.00); and

4. Construction Projects at an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) sculptures and/or other Public Art in accordance with a Campus Art Master Plan. In order to maintain this exempt status, the accredited college and/or university must satisfy all of the following criteria:

a. A Campus Art Master Plan shall initially be submitted for review and approval by the City Commission to confirm the sufficiency of the Campus Art Master Plan; and

b. A report of the Campus Art Master Plan, demonstrating changes to the collection of Public Art on the campus shall be made to the City Commission in December 2010, and every third (3rd) year thereafter.

D. Applicants wishing to pursue installation of Art in Public Places must meet the special design and administrative considerations discussed below in Section 3-2004. After submission to and

review by the applicable boards, the City Commission, in its sole and absolute discretion, may approve the submitted concept for Public Art. It is the intention and direction of the City that Public Art approved through the City's Art in Public Places Program shall be permitted with regard to aesthetic characteristics after a review is conducted and a determination is made that the Public Art is appropriate in design and proposed construction.

Section 3-2004. Administration.

A. Annual Inventory Priorities. The Historic Preservation Board or its designee, as determined by the City Manager, shall submit to the City Commission an annual report that recommends priorities for the disbursement of Historic Public Art Funds as they become available.

B. Master Art Plan and Guidelines. The Cultural Development Board shall recommend a Public Art Master Art Plan, which shall be reviewed and recommended by the Board of Architects specifically to consider locations recommended for future placement of artwork. The recommendation of each Board shall be subject to final review and approval by the City Commission. If approved, the Master Art Plan will govern location and selection criteria for art work. Written Guidelines shall include policies and procedures for managing City-initiated public art projects, guiding Developers who have an Art in Public Places requirement, and managing the Art Acquisition Fund and Historic Public Art Fund. The Guidelines shall govern the manner and method of submission of proposed works of art to the Cultural Development Board, the process by which the Arts Advisory Panel shall make recommendations to the Cultural Development Board, and the process by which the Cultural Development Board shall recommend to the Coral Gables City Commission.

C. Accounting. The Historic Preservation Board and the Cultural Development Board, or their designees as determined by the City Manager, shall each submit an annual report providing a detailed accounting of monies spent or earmarked for future expenditures from the Funds to the City Manager.

D. Selection of Public Art by the City Using the Art Acquisition Fund. The selection of Public Art using the Art Acquisition Fund, shall be by Resolution of the Coral Gables City Commission upon recommendation by the Economic Sustainability Department and Cultural Development Board with the assistance of the Arts Advisory Panel, as needed. The principles governing selection criteria for Public Art are more fully set forth in the Guidelines and Master Art Plan, but at a minimum shall require that works of art satisfy all of the following:

1. Are publicly accessible.

2. Are created by an Artist.

3. Demonstrate excellence in aesthetic quality, workmanship, innovation and creativity;

4. Are appropriate in scale, form, content and of materials/media suitable for the site;

5. Demonstrate feasibility in terms of budget, timeline, safety, durability, operation, maintenance, conservation, security and/or storage and siting; and

6. Bring diversity to the City's public art collection in terms of media, artistic discipline and/or artistic approach.

E. Ownership and Maintenance.

1. The City shall be deemed the owner of and shall retain title to each work of Public Art acquired using either of the Funds. The City is charged with the custody, supervision, and preservation of such works of art.

2. Artists, as part of any contractual agreement with the City for the provision of a work of art, shall be required to submit to the Cultural Development Board a "Maintenance and Inventory Sheet", including the annual cost projections, which details the maintenance and ongoing care of the work and signage/credit

recommendations. The City may require an assessment by a professional conservator.

Section 3-2005. Enforcement.

A. The City shall not issue a building permit for a Municipal or Non-Municipal Construction Project where the Developer has chosen to pay the Art in Public Places Fee until the required contribution has been deposited in the appropriate Fund as described herein and in the Guidelines and Master Art Plan. There shall be no reimbursements of Art in Public Places Fees once deposited in the appropriate Fund.

B. The City shall not issue a building permit for a Non-Municipal Construction Project where the Developer has chosen to obtain a waiver of the Art in Public Places Fee payment until the City Commission has by Resolution approved the waiver by approving a concept plan for incorporation of Public Art into the Project, approving a concept plan and location of Public Art elsewhere in the City, or accepting a waiver for contribution to a historically significant building or purchase of a parcel of land for the City's parks and open space, as outlined above.

C. The City shall not issue a certificate of occupancy for a Non-Municipal Construction Project where the Developer has chosen to obtain a waiver of the Art in Public Places Fee payment until all approved Public Art has been installed in accordance with approved plans and/or required documentation regarding the waiver and/or Public Artwork has been provided to the City.

City of Coral Gables
Art in Public Places Program:
Funding, Goals and Implementation Guidelines

September 2, 2010

Sponsored in part by the State of Florida, Department of State, Division of Cultural Affairs, the Florida Arts Council, and the National Endowment of the Arts

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Introduction

Coral Gables' Art in Public Places Program, which was created by ordinance in 2007 and took effect in February, 2010, addresses two important goals: maintaining the City's Historic Public Art collection and commissioning, acquiring and exhibiting new public artworks. The ordinance establishes "percent for art" mechanisms that apply to certain City capital projects and certain private development projects – mechanisms that generate resources for maintaining Historic Public Art, and for commissioning new artworks in the City.

This guidelines document is one of several tools the City uses to implement the ordinance and manage the program. It is a companion document to the Art in Public Places Master Art Plan, which provides broad direction for the art program, and the Five-Year Work Plan, which identifies a dozen specific projects for the City to implement over the next five years.

These guidelines are a "how to" document. They include policies and procedures for managing City-initiated public art projects, for guiding developers who have an Art in Public Places requirement, and for managing the Art Acquisition Fund and the Historic Public Art Fund, which were established by the Art in Public Places ordinance. They describe the roles and responsibilities of the City officials, departments and boards that are involved with the program, and provide criteria for reviewing proposals for art projects. They are an important tool and reference for all involved with the Art in Public Places Program.

A Vision and Goals for Art in Public Places

When the City of Coral Gables established the Art in Public Places program, it set out the following overarching goal: "It is the intention of this program to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to public spaces and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas."[1]

The following vision and goals statements serve to expand upon this goal, and help to guide the development of the City's public art collection.

Vision for Art in Public Places

The City of Coral Gables Art in Public Places Program will commission and exhibit public artworks that give new voice to Coral Gables' unique traditions of civic design, architecture and urbanism, and strengthen Coral Gables as a place to live and do business.

Goals for Art in Public Places

Curatorial Goals

The City of Coral Gables Art in Public Places Program will commission and exhibit permanent and temporary artworks that:

- Build on Coral Gables' identity as "a unique city of artistry and beauty";
- Interpret Coral Gables' civic and architectural traditions, and its historic urbanism, with a fresh eye and contemporary voice;
- Enrich the public environments, such as civic spaces and pedestrian streetscapes, that citizens, employees and visitors experience in Coral Gables;
- Extend the tradition of creating artistically designed public monuments at key locations throughout the City;
- Facilitate the introduction of artistically-designed "civic infrastructure" that further defines with distinction the public realms of streets and squares;
- Promote the integration of artwork into the fine-grained details of public works and private development;
- Establish the City as a leader in the region's vibrant visual arts community and facilitate projects that garner national and international acclaim; and
- Reflect, with quality and sophistication, the international cultural and economic currents that are unique to the region.

Programmatic Goals

The City of Coral Gables Art in Public Places Program will develop the professional, financial and programmatic resources that will enable it to:

- Organize significant permanent commissions in locations of high visibility and civic importance;

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[1] Coral Gables Zoning Ordinance: Article 3, Development Review; Division 20, Art in Public Places; Section 3-2001, Purpose.

- Encourage developers to commission artworks that enhance the pedestrian experience of streets, sidewalks and public spaces;
- Create, when appropriate, new public art in new community facilities built and operated by the City;
- Build the necessary capacity and partnerships for mounting exhibitions and curating platforms for changing art in the pedestrian-centered downtown core;
- Establish a more predictable, dedicated stream of public art funding;
- Develop ongoing planning and creative relationships with City agencies and civic organizations that shape the public and private realm;
- In collaboration with the Historic Resources Department, support the City's goal as a steward of the City's traditional civic art and artistic heritage; and
- Promote an appreciation, understanding and awareness of visual arts in the public environment.

Sources and Uses of Funds

Art Acquisition Fund

The Art Acquisition Fund is a separate, dedicated, interest bearing and revolving account established in the City Budget into which Art in Public Places Fees paid by developers are transferred, and used for the acquisition, commissioning, exhibition and conservation of Public Art, as recommended by the Cultural Development Board and approved by the City Commission. The Art Acquisition Fund can also receive donations from individuals, businesses, developers, foundations and others, in support of the City's Art in Public Places program.

Developer Contributions to the Art Acquisition Fund

The City of Coral Gables Art in Public Places Ordinance requires a contribution to the Art Acquisition Fund equal to the value of one percent of new, non-City initiated, construction or renovation projects of one million dollars ($1,000,000) or more occurring in the City, excluding single-family homes and projects related to an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty sculptures and/or other public art in accordance with a Campus Art Master Plan.

This requirement applies to the construction or renovation of any profit or non-profit facilities, including, but not limited to, educational and/or medical facilities, non-City governmental operations that are not already obligated to participate in a public art program, commercial office and/or retail uses, hotels, mixed use or multifamily developments and other new construction not specifically delineated in these guidelines. The Art in Public Places Fee must be paid prior to the issuance of any Building Permit.

Uses of the Art Acquisition Fund

Art Acquisition Funds may be used for:

- Artist fees and artist travel and expenses that are related to the City's commission or purchase of an artwork.
- Fabrication, storage, and installation of a commissioned work of art.
- Acquisition of existing works of art.
- Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established in the *Guidelines*, but not by a member of the pre-existing design team working on the related capital project (if applicable).
- Fees associated with the lease of works of art for temporary display.
- Required permits and insurance during the fabrication and installation of the artwork per contract.
- Project consultants and contracted services.
- Curatorial services.
- Public art planning services.
- Documentation and interpretive plaques.
- Publicity for public art projects.
- Education and outreach, including symposia and special events.
- Conservation and non-routine maintenance of works in the City of Coral Gables Public Art Collection.
- Other purposes deemed necessary by the Economic Sustainability Department for the successful implementation of the Art in Public Places Program.

Art Acquisition Funds may not be used for:

- Mass produced work, with the exception of limited editions controlled by the artist.
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material for the City of Coral Gables' Art in Public Places Program.
- Routine maintenance.
- City of Coral Gables staff costs.

Management of the Art Acquisition Fund

Each year, the Economic Sustainability Department will prepare the Art in Public Places Annual Report, which presents a detailed accounting of monies spent or earmarked for future expenditure on in the Art Acquisition Fund. The Annual Report should include the public art projects, related community and educational programs, and art conservation projects that were completed in the previous year, that are ongoing, or that will be initiated during the coming fiscal year. This document is reviewed by the Cultural Development Board and submitted to the City Manager.

The Historic Public Art Fund

The Historic Public Art Fund is a separate, dedicated, interest bearing and revolving account established in the City Budget into which one percent of the aggregate project value for City of Coral Gables municipal projects are transferred, which is used for the restoration, maintenance and acquisition of Historic Public Art as recommended by the Historic Preservation Board and approved by the City Commission.

Historic Public Art consists of plazas, entrances, fountains, murals, sculptures, and other decorative features that have been designated as Historic Landmarks and represent the original civic art designed by the founders of the City. For a mural, sculpture or decorative feature to be considered Historic Public Art, it must be an integral component of the original architecture, landscape design or urban design of the designated landmark feature. Portable fine arts such as paintings, ceramics, tapestries and furniture would not be considered Historic Public Art for the purposes of these guidelines.

Collection of Historic Public Art Funds

All City-initiated construction projects are required to deposit one percent of the cost of the construction projects into the Historic Public Art Fund before commencement. This account will be interest-bearing and all interest earned will remain with the account and spent accordingly.

Uses of the Historic Public Art Fund

The Historic Public Art Fund can be spent on:

- The maintenance, restoration, conservation and acquisition of Historic Public Art.
- The acquisition of properties or features that meet all aspects of the definition of Historic Public Art, including "designated as a landmark" and "created by the founders of the City."
- The hiring of experts to recommend and oversee maintenance, repair and conservation.
- Site preparation/restoration, protection from natural disasters, attractive signage, and lighting where warranted.
- Collection management, such as developing and updating a database.

Management of the Historic Public Art Fund

Each year, the Historic Resources Department, with input from the Historical Preservation Board will prepare an inventory of Historic Public Art in need of conservation or repair and recommended priorities for the disbursement of funds in the Historic Public Art Fund. The recommendations will be submitted to the City Commission for approval.

The Historic Resources Department will maintain a master database of all Historic Public Art that qualifies under this program, including a photo-inventory and information about the history, condition and location of the projects along with history of conservation, scheduled maintenance and phasing of restoration.

Each year, the Department will prepare a detailed accounting of Historic Art Fund monies spent or earmarked for future expenditures. This report will be incorporated into the report on the uses of the Art Acquisition Fund.

Miami-Dade AIPP Funds

When the City of Coral Gables receives funding from Miami-Dade County to construct a new governmental building, the City must comply with the County ordinance: The City must allocate no less than 1.5% of those funds to public art, with 1% to be allocated to the Historic Public Art Fund to the extent permitted by the County.[2]

[2] Miami-Dade County Ordinance No. 94-12

Public Art Commissions and Acquisitions Under the Art Acquisition Fund

Project Plans

Once the funding is available, and the Economic Sustainability Department determines that the timing is right to move forward with a project, the first step is to develop a Project Plan. This Plan will outline the full details of the project: a description of the opportunity and an outline of the goals, budget, artist identification, stakeholders to invite as ad hoc members of the Arts Advisory Panel (when applicable), timing and any special issues related to coordination with other City departments or initiatives.

Project Plans are prepared by the Economic Sustainability Department and reviewed by the Cultural Development Board.

Arts Advisory Panel

The Arts Advisory Panel can be called upon by the Cultural Development Board to act as an artist selection committee for City-sponsored projects funded through the Art Acquisition Fund, and to provide other artistic guidance as the Cultural Development Board determines is necessary.

In acting as an artist selection committee, the Panel can make recommendations regarding (a) purchases of public art, (b) the selection of artists and approval of concepts for public art commissions, and (c) the selection of artists, artworks and/or curators for temporary exhibitions.

In addition, the Panel can make recommendations regarding (a) proposed donations of public artworks to the City, (b) Project Plans created to guide City acquisitions and commissions and (c) the selection of artists and approval of concepts for artworks commissioned by developers to meet their Art in Public Places requirement.

For any particular project, the Cultural Development Board may supplement the Arts Advisory Panel's expertise with ad hoc voting members who have an intimate knowledge or connection to the site or who represent a specific discipline or expertise. These individuals will be designated in the Project Plan.

Process for Commissioning Artworks

1. ***Artist Identification***

   Whenever possible, artists should be chosen through a competitive process. The Economic Sustainability Department will recommend the method that will be used to identify the artists who will be considered for a new commission in the Project Plan that it develops. Those methods can include:

   - An open competition, allowing any artist who meets the eligibility requirements to apply for consideration.
   - A limited competition, contacting a short list of qualified artists developed by the Economic Sustainability Department, often with input from the Cultural Development Board, the Arts Advisory Panel and/or a consultant or curator.
   - Direct selection of an artist.
   - Developing a pre-qualified roster of artists to be utilized for a limited competition or direct selection.

2. ***Review of Qualifications***

The Cultural Development Board should delegate the responsibility for reviewing artist qualifications to the Arts Advisory Panel, except in unusual circumstances, in which case the Board can conduct the review itself, or delegate the review to an ad hoc panel.

Artist qualifications shall be evaluated using basic criteria (outlined elsewhere in these guidelines) as well as goals established in the Project Plan. Typically, up to three finalists should be selected. The finalists should be invited to either interview with or present a concept proposal to the panel that is making the selection. Whenever possible, review panel should visit the site where the artwork is to be installed. The finalists should be ranked, based upon the interview or proposal. The Cultural Development Board will review the rankings and submit its final recommendation to the Economic Sustainability Department (if the selection is based on qualifications) or the City Commission (if the selection is based on a concept).

3. ***Artist Contract***

At the appropriate point in the process, the Economic Sustainability Department and City legal staff will negotiate a contract with the selected artist. Contracts of less than $100,000 will be approved by the City Manager. Contracts of $100,000 or greater will be approved by the City Commission.[3]

4. ***Concept Design Review and Approval***

The first step for the selected artist will be to develop a concept design for the project (if a concept was not developed as part of the artist selection process). The concept design will include, at a minimum, a detailed narrative description of the concept, a visual representation of the concept, a preliminary cost estimate, and a preliminary timeline for final design, fabrication and installation.

The Cultural Development Board will review the concept design based on established criteria (outlined below) and, if acceptable, recommend it to the City Commission for approval. The Cultural Development Board may also ask the Arts Advisory Panel to review the concept design.

The information that is presented to the City Commission should include the approved Project Plan; a description of the selection process, the artist's qualifications and concept design; a description of how the artist concept design meets the criteria and the goals for the project; and the recommendations of the Arts Advisory Panel, Cultural Development Board and any other entities that have reviewed the design.

The City Commission will have final approval of the concept design. The Commission's primary role should be to ensure that the selection conforms to the approved criteria, goals and budget, and that the selection procedures were followed appropriately.

5. ***Final Design Development and Review***

The Economic Sustainability Department will ensure that proper project coordination occurs with City staff and other project stakeholders, and should ensure that the artist's design documentation and installation plans are subject to appropriate technical review, provided such review shall be for

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[3] This amount reflects the current threshold for contracts that must be approved by the City Commission, according to City procurement policy. This amount shall be automatically revised when the City's procurement polices are revised.

approval only, and shall not guarantee structural or other integrity, for which the artist or his or her team remains responsible.

The Economic Sustainability Department should request, when deemed necessary, that the final design documentation be reviewed by a professional conservator and that the conservator prepare a report indicating the anticipated maintenance and conservation needs for the artwork. Conservator fees should be covered in the Artist's budget.

6. ***Fabrication and Installation***

The artist will implement and carry out to completion the fabrication and installation of the artwork. The artist will work with fabricators and installers of their choosing, although the Economic Sustainability Department should review budgets and price quotes when deemed necessary. The Department should monitor fabrication to ensure that it conforms to the approved final design and coordinate with appropriate City departments and capital project contractors (if applicable) through installation.

Process for Acquiring Artworks

When the City intends to purchase an artwork from an Artist or from a gallery using the Art Acquisition Fund, rather than commissioning a work, it will follow the procedures as outlined above, with the following modifications:

1. ***Identifying Potential Artwork***

Artists and/or galleries will be asked to submit images and descriptions of existing and available artwork in addition to artist qualifications or biographies. The information should include the artist's basic qualifications (résumé or bio, portfolio), an image of the artwork, dimensions, materials, date fabricated, condition, ownership and asking price.

2. ***Review of Submittals***

The Cultural Development Board should delegate the responsibility for reviewing artworks being considered for purchase to the Arts Advisory Panel, except in unusual circumstances, in which case the Board can conduct the review itself, or delegate the review to an ad hoc panel.

When the City wishes to purchase an artwork, it should collect proposals through one of several methods: an open call, an invitational call, or the assistance of a curator or art consultant. Proposals shall be evaluated using basic criteria (outlined elsewhere in these guidelines) as well as goals established in the Project Plan. Whenever possible, review panel should visit the site where the artwork is to be installed. Typically, up to three finalists should be selected, and ranked in order of preference. The recommendation is forwarded to the Economic Sustainability Department.

3. ***Appraisal***

Prior to forwarding the recommendation to the Cultural Development Board, the Economic Sustainability Department may obtain an independent, qualified appraisal of the fair market value of the artwork and a professional art conservator's report on the condition of the artwork.

4. ***Final Approval***

The Cultural Development Board will forward its recommendation for purchasing an artwork to the City Commission for final approval. The Commission's primary role should be to ensure that the selection conforms to the approved criteria, goals and budget, and that the selection procedures were followed appropriately.

Temporary Exhibitions Process

The City of Coral Gables may choose to utilize funds from the Art Acquisition Fund to exhibit public art on a temporary basis.

Temporary exhibitions can come about in many ways, including:

- Commissioning an artist or artists to create original, site-specific temporary installations.
- Working directly with an artist or artists to exhibit existing works of art on a temporary basis.
- Commissioning or partnering with a curatorial partner (an individual curator, collector, gallery, museum or art center) to curate an exhibition of one or more artists.

Selection Methods

There are several methods for selecting artists or partners with whom to work.

Direct Selection of an Artist

The Economic Sustainability Department can work collaboratively with an invited artist to develop a proposal for a temporary exhibition. The proposal, which would include detailed information regarding siting and specific artworks or concepts would be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel, and approved by the City Commission.

Direct Selection of a Curatorial Partner

The Economic Sustainability Department can work collaboratively with an invited curatorial partner to develop a proposal for a temporary exhibition. The proposal, which would include detailed information regarding siting, artists and artist concepts would be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel, and approved by the City Commission.

Competitive Selection of Artists

The Economic Sustainability Department can initiate a competitive process to select an artist or artists to create new work or exhibit existing work. The selection of artists and review of artist concepts or artworks would be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel, and approved by the City Commission.

Competitive Selection of a Curatorial Partner

The Economic Sustainability Department can initiate a competitive process to select a curatorial partner. The Cultural Development Board, with the assistance of the Arts Advisory Panel, would review qualifications of potential partners, and solicit a proposal from one or more finalists. The Cultural Development Board would recommend the selection of a curatorial partner. The recommended curatorial partner and proposal, which would include detailed information regarding siting, artists and artist concepts would be approved by the City Commission.

Guidelines for Public Art in Private Development

Developers in Coral Gables are required to support the Art in Public Places program by paying an Art in Public Places Fee, which is placed in the Art Acquisition Fund and used to commission or exhibit artworks throughout the City, or by commissioning artwork on site, or by donating artwork to the City. This requirement applies to all non-City construction and renovation projects that have an "aggregate project value" (all hard and soft construction costs associated with a particular project, regardless of the number of permits associated with it) of $1,000,000 or more, and which receive a building permit after February 10, 2010. The requirement applies to all commercial, residential, institutional and industrial projects, except the following: projects related to single family homes, and projects related to an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) sculptures and/or other public art in accordance with a Campus Art Master Plan.

Developer Options

The Coral Gables Art in Public Places requirement for private development can be met in one of the following ways:

1. Developers can pay an Art in Public Places Fee equal to the value of one percent (1%) of the construction cost to the City's Art Acquisition Fund.[4] The use of this fund is guided by the Art in Public Places program's Master Art Plan, with oversight by the Economic Sustainability Department and Cultural Development Board (with the assistance of the Arts Advisory Panel) and final approval of all commissions and acquisitions by the City Commission.
2. The developer can apply for a waiver from this requirement by:
    a. Installing an original artwork with a value of at least one percent of the construction cost and that is incorporated into the project as public art. This artwork must be reviewed by the Cultural Development Board (with the assistance of the Arts Advisory Panel, if necessary) and approved by the City Commission.
    b. Donating to the City an artwork with a value of at least one percent of the construction cost. This donation must be consistent with the City's Art in Public Places ordinance, which requires review by the Cultural Development Board (with assistance of the Arts Advisory Panel, if necessary) and approval by the City Commission.[5] In particular, the developer will be required to identify and secure permission for a site, undertake all necessary site preparation and installation work, and contribute up to ten percent of the value of the artwork into a maintenance fund with the City.

    To apply for either of these waivers, the developer must submit proper documentation to the Building and Zoning Department at the time they are applying for a Building Permit. Such

[4] For development projects that are public–private partnerships with City participation, the required payment is 1.5 percent of the overall construction cost of the project. Of that payment, one percent would be placed in the Historic Art Fund, and one-half percent would be placed in the Art Acquisition Fund.

[5] Should a developer decide to donate a work of art to the City, or to pay an Art in Public Places Fee, the terms of the Art in Public Places Ordinance, and these guidelines, supersede the City's Donation Policy.

documentation shall include a City Commission resolution approving the artist concept or the donation, and records indicating the cost of the commissioned, acquired or donated artwork.

Should the commissioned, acquired or donated artwork have a value of less than the Art in Public Places Fee, the difference between the cost of the artwork and the fee shall be placed in the Art Acquisition Fund.[6]

3. The developer can also apply for a waiver from this requirement if the project:[7]
    a. causes the purchase, designation, restoration or perpetual maintenance of historically significant buildings equal to or greater than the calculated dollar contribution otherwise required for the Art in Public Places Fund; or
    b. causes the purchase of parcels identified in the City's Parks and Open Space Inventory Analysis whose value is equal to or greater than the calculated dollar contribution otherwise required for the Art in Public Places Fund.

    To apply for either of these waivers, the developer must submit proper documentation to the Building and Zoning Department at the time they are applying for a Building Permit. Such documentation shall include resolutions of the Historic Commission, Parks and Recreation Board, and City Commission, as applicable, as well as records indicating the cost of the historic acquisition or renovation, or open space acquisition.

Review Process for Public Art in Private Development

The Coral Gables Art in Public Places requirement for private development involves the following review process:

1. When a developer whose project is subject to the AIPP requirement submits a Development Review Committee Application to the Building and Zoning Department, they must also submit an "Art in Public Places Worksheet" as an attachment. This worksheet will indicate what public art requirement the developer anticipates, and whether the developer will pay the Art in Public Places fee or request a waiver for one of the reasons outlined above. The worksheet will be reviewed by the Economic Sustainability Department before the initial application is considered completed, and will be forwarded to the Development Review Committee.
2. If the developer is contributing to the Art Acquisition Fund, the Building and Zoning Department will bill the developer for the Art in Public Places fee, which must be paid to the City before a Building Permit can be granted.
3. If the developer is commissioning an artwork, the developer must complete all of the following steps:
    a. Submit an "Art in Public Places Project Plan." This plan, which will outline the developer's goals for the artwork and approach to commissioning it, must be reviewed by approved by the Economic Sustainability Department.

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[6] This provision is outlined in the Coral Gables Zoning Code, Article 3, Development Review, Section 3-2002, *Definitions*, "Non-Municipal Construction Projects," Section 3.

[7] Coral Gables Zoning Code, Article 3, Development Review, Section 3-2003 B.

b. Select an artist. The developer can directly chose an artist or artwork, or employ the services of an art consultant. If an art consultant is chosen, up to ten percent of the developer's art requirement may be allocated to the consultant's fee, for all phases of the project through dedication. The developer and/or consultant can use any method of selecting an artist that they would like, but for larger projects, a competitive process is highly recommended.

c. Submit the credentials of the selected artist to the Cultural Development Board, which must review and approve the proposal. The Cultural Development Board can seek assistance from the Arts Advisory Panel, if necessary.

d. Contract with the artist. The developer should confer with their consultant and/or legal counsel in regard to the rights conferred on artists through the Artists Visual Rights Act, copyright and all other applicable laws, ordinances, statues, codes and treaties.

e. The artist must prepare a concept and budget, which must be reviewed by the Cultural Development Board (with assistance from the Arts Advisory Panel, if necessary), and the Board of Architects[8], and be approved by the City Commission. The Economic Sustainability Department will act as a liaison between the developer and these entities. Once the concept is approved, the artist is responsible for completing the final design documentation and supervising the fabrication of the artwork.

f. After approval by the City Commission, submit documentation to the Building and Zoning Department satisfactorily proving that an artwork is being commissioned, and that the cost of the artwork will be equal or greater to the amount of the Art in Public Places fee, before a Building Permit can be issued.

g. Install the artwork and complete any necessary site work before a Certificate of Occupancy can be issued.

h. Arrange for proper documentation and record-keeping with the Department of Economic Sustainability. This may include a recorded declaration regarding access to and maintenance of the artwork.

4. If the developer is acquiring an artwork, the developer must complete all of the following steps:

a. Select an artwork, and submit the credentials of the selected artist, and documentation of the origin and value of the artwork, for review by the Cultural Development Board (with the assistance of the Arts Advisory Panel, if necessary), and approval by the City Commission.

b. After approval by the City Commission, submit documentation to the Building and Zoning Department satisfactorily proving that an artwork is being acquired, that the cost of the artwork will be equal or greater to the amount of the Art in Public Places fee, and that the artwork has been approved by the City Commission, before a Building Permit

[8] The Board of Architects shall review the artist concept in the context of its overall review of a development proposal. The Board of Architects consideration shall be limited to the integration and/or relationship of the artwork to the site and to the broader urban context; the Board of Architects consideration shall not include the specific concept or design of the artwork.

can be issued. The City may request an appraisal by a qualified appraiser, at the developer's cost, to provide reasonable evidence of value of the artwork.

c. Acquire the artwork, install it, and complete any necessary site work before a Certificate of Occupancy can be issued.

d. Arrange for proper documentation and record-keeping with the Department of Economic Sustainability. This may include a recorded declaration regarding access to and maintenance of the artwork.

5. If the developer is donating an artwork, the developer must complete all of the following steps:

   a. Identify the artwork, obtain permission to use the location, and obtain approval for the donation, before a Building Permit can be issued. Donated artworks that fulfill the Art in Public Places requirement must be reviewed and recommended by the Cultural Development Board (with assistance from the Arts Advisory Panel, if necessary), and approved by the City Commission. The City may request an appraisal by a qualified appraiser, at the developer's cost, to provide reasonable evidence of value of the artwork.

   b. Install the artwork and complete any necessary site work before a Certificate of Occupancy can be granted.

   c. Submit documentation to the Building and Zoning Department satisfactorily proving that an artwork has been donated, and that the cost of the artwork is equal or greater to the amount of the Art in Public Places fee.

   d. Arrange for proper documentation and record-keeping with the Department of Economic Sustainability. This may include a recorded declaration regarding access to and maintenance of the artwork.

Eligible Projects

An artwork must fulfill the following criteria to meet the City's public art in private development requirements.

- The artwork must be commissioned from a professional artist, which is defined as "an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork."[9] In addition, while many architects and landscape designers characterize their work as art, the artist must be selected specifically for this project, and not be a pre-existing member of the design team or permanently affiliated with any of the firms on the team.
- Public art projects can include traditional art forms such as sculptures, functional elements such as artist-designed gates, pavilions, pergolas, and fountains; landscape elements such as walkways and gardens; and architecturally integrated features such as mosaics and metalwork.
- Public art projects may not include reproductions of original art, mass-produced art objects unless artists control the number of reproductions, and works that are part of the architectural or

[9] Coral Gables Art in Public Places Ordinance, Section 3-2002. Definitions, Artist.

landscape design except when specifically commissioned from an artist for the site.

- Design elements that are related to the visual identity of a developer or occupant of a building, such as a logo, trademark, iconography, color scheme or theme, will not be considered as fulfilling the City's public art requirements, even if they are created by an artist. The Cultural Development board shall consider whether an artwork constitutes commercial expression during its review of a project and include its findings in its recommendations to the City Commission.
- Interior galleries or exhibitions of permanent or temporary artwork, while highly encouraged, will not be considered as fulfilling the City's public art requirements except in unusual circumstances, as the priority is enhancing the publicly visible public realm.

Eligible and Ineligible Costs

Eligible costs that may be charged against the required public art expenditure include:

- Artist costs for design and/or fabrication including materials, insurance, permits, taxes, site preparation, etc;
- Pedestals, foundations or other structures to support the artwork;
- Lighting to illuminate the work;
- Delivery and installation;
- Art consultant fees, up to ten percent of the total art budget;
- An acknowledgement / identification plaque.

Costs that may not be charged against the required public art expenditure include:

- Site preparation costs, such as landscaping and hardscaping, unless the artwork is a landscape project.
- Future costs for the operation, conservation and maintenance of the artwork.

Collection Management for Public Art in Private Development

Ownership

Artworks located on the site of a private development, or integrated into a private development, in fulfillment of the AIPP requirement will be owned by the owner of the property. Artworks located on public property and donated to the City, through the AIPP ordinance, will be owned by the City.

If the property is owned as a condominium, it is required that proper acknowledgement of the ownership of the artwork and its maintenance requirements be incorporated into the recorded condominium documents.

If the property is sold, the terms of the sale must prevent the removal of the artwork from the property and transfer the maintenance responsibilities to the new owner. The City may require a recorded declaration to this effect prior to issuance of a certificate of occupancy.

If the artwork is to be removed from public view, the owner must make a contribution to the Art Acquisition Fund equal to the initial public art requirement.

Ordinary Maintenance and Conservation

Owners will be responsible for the ongoing maintenance and conservation of projects they commission on their property in fulfillment of the AIPP requirement. The City may retain a conservator to inspect the artwork from time to time and issue requests for maintenance or conservation, as recommended by the conservator. Should the artwork be in a condition that poses at threat to public safety, or to the integrity of the artwork itself, the City may initiate repairs and charge the property owner for such repairs.

Records

Developers commissioning or acquiring artwork for display on their property should provide the Economic Sustainability Department with the following materials:

- digital photographs of the finished artwork;
- approved proposal with site plan;
- artist's contact information;
- owner's contact information;
- fabricators contact information
- a copy of a Maintenance and Conservation worksheet for the artwork (see Appendix C).

The City reserves the right to include information about artworks commissioned by private developers in fulfillment of this ordinance on its web site and other marketing materials, as long as proper credit is given to the developer and the artist.

Marker

Developer-commissioned artworks will be identified on site with signage provided by the developer but based on a standard template, provided by the City, that makes it clear the artwork is a public benefit that was created under the auspices of a City policy.

Removal and Relocation of Public Art in Private Development

From time to time a property owner may wish to relocate or remove an artwork installed in fulfillment of the Art in Public Places ordinance. This may occur because of changes in the design or use of a property, because a property is being redeveloped, or because the artwork has become irreparably damaged or obsolete. Relocating an artwork or removing it from public view are actions that should only be taken in the most unusual of circumstances. Should a property owner wish to relocate or remove an artwork, the following guidelines apply.

Circumstances Permitting for Consideration of Relocation or Removal of Artwork

A property owner can petition the Director of the Economic Sustainability Department to relocate or remove an artwork in the following circumstances:

- There is a substantial physical modification of the area where the artwork is located, changing the architectural and/or visual context for the artwork.
- The use of the particular space where the artwork is located may have changed, and/or the artwork may have lost its contextual meaning or public accessibility.
- The entire property is being redeveloped.

- The artwork, in its present condition, poses a safety hazard to the public.
- The restoration of the work's structural or aesthetic integrity is technically not feasible, or the expense of restoring is disproportionate to the value or significance of the work.

Removal and Relocation Options

If the property owner and the City agree that it is appropriate to relocate or remove a piece of artwork, then the following options are available.

1. Relocate the artwork elsewhere on the property, or on a nearby property. The re-siting must meet conditions of public visibility and site appropriateness, and must be approved by the Director of Economic Sustainability, based on the recommendation of the Cultural Development Board and the advice of the Board of Architects, with regard to siting.
2. Remove the artwork temporarily, as during a construction project, and restore it to its original location once the construction is complete.
3. Remove the artwork and donate it to the City, provided the City accepts the donation through its Public Art Donation Policy,[10] and provided the property owner provides funding for removing, reinstalling and/or storing the artwork.
4. Remove the artwork and make a contribution to the Art Acquisition Fund, equal to the amount of the original public art requirement.
5. Remove the artwork and commission or acquire a new artwork with a value equal to or greater than the amount of the original public art requirement, adjusted for inflation.

It shall be the responsibility of the property owner to comply the Visual Artists Rights Act[11] and any contractual agreement with the artist.

Approval to Remove or Relocate Artwork

To initiate the relocation or removal of an artwork for any reason, the property owner must make an application to the Director of Economic Sustainability. The Director of the Department/City Manager is authorized to approve or disapprove of the application. In reviewing the application, the Economic Sustainability Department must seek the recommendation the Cultural Development Board, and the advice of the Arts Advisory Panel and Board of Architects as necessary, and may seek the guidance of independent arts professionals such as curators and conservators.

Transfer of Property Ownership

When a property owner installs an artwork in fulfillment of the Coral Gables AIPP ordinance, the property owner maintains ownership and retains the title to each work of art and is responsible for

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[10] Coral Gables City Commission, Resolution No. 2010-58, "A Resolution Amending Resolution 29040 Regarding the Donation Policy for the City of Coral Gables," March 23, 2010.

[11] Title 17 U.S.C. § 106A

maintenance and conservation of the artwork in perpetuity. Should the owner sell the property, the owner must include provisions in the deed that transfer these obligations to the new owner.

Redevelopment

If a site is redeveloped, the retention and relocation of a previous artwork, or the payment of a fee to compensate for the removal of a previous artwork, shall not count towards the fulfillment of any new public art obligations. The disposition of any existing works of art should be addressed in the Art in Public Places Project Plan the developer files to describe how the project will meet its new public art obligation.

Guidelines for the Acceptance of Donations of Public Art

Donations of artworks are a useful way of building the City of Coral Gables Public Art Collection and serving the community, if the artworks are in keeping with the City's overall goals and expectations, if they are placed in appropriate locations and integrated appropriately with their sites, and if there is proper advance planning.

The City's policy for donations is outlined in City of Coral Gables Resolution No. 2010-58. Should a developer decide to donate a work of art to the City or funds to the City in fulfillment of the Art in Public Places requirement, the terms of the Art in Public Places Ordinance, and of these guidelines, supersede the donation policy.

Review Criteria

Criteria for Evaluating Artists

The following criteria should be used to evaluate artist qualifications.

The artist:

- Meets the definition of professional artist, which is defined as "an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork."[12].
- Demonstrates artistic excellence, innovation and originality as represented in past work and supporting materials.
- Demonstrates interest in and understanding of the project.
- Demonstrates interest and capability in creating public artworks in collaboration with the design team (if applicable) and other project partners.
- Demonstrates experience in successfully completing works of similar scope, scale, budget and complexity, or ability to articulate how he or she would be able to bring the necessary artistic and technical skills to this project.
- Demonstrates ability to communicate effectively with the City of Coral Gables staff, other project partners and the community.
- Demonstrates the potential to work in a public environment and animate public space.
- Demonstrates capacity for working in media and with concepts that are appropriate to the project goals and site.
- Is available to perform the scope of the work in a timely and professional manner.

Criteria for Evaluating Artist Concepts

The following criteria should be used evaluate artist concepts.

The concept should:

- Meet the definition of a work of art, which is defined as "tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescos, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains or combinations thereof,[13]" and is one-of-a-kind or part of an original, numbered series.
- Respond to the City's vision for public art as set forth in the Master Art Plan and Guidelines.

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[12] Coral Gables Art in Public Places Ordinance, Section 3-2002. Definitions, Artist.

[13] Coral Gables Art in Public Places Ordinance, Section 3-2002. Definitions, Works of art.

- Meet the goals for the project as defined in the Project Plan.
- Demonstrate excellence in aesthetic quality, workmanship, innovation and creativity.
- Demonstrate appropriateness in scale, form, content and is of materials/media suitable for the site.
- Acknowledge and inform the specific site and is sensitive to the City's overall design traditions.
- Demonstrate feasibility in terms of budget, timeline, safety, durability, operation, maintenance, conservation, security, and/or storage and siting. Consideration is given to the City's ability to provide ongoing maintenance and repair.
- Bring diversity to the City's public art collection in terms of media, artistic discipline, and/or artistic approach.

Collection Management

Cataloging the Collection

The Economic Sustainability Department will work collaboratively with the Historic Resources Department to establish and maintain records and archives for all public art in the City to ensure they are managed and stored in a consistent manner. Records should include ownership records, contracts, artist biographies, descriptions of artworks, image documentation, maintenance specifications and other relevant documentation. This information should be easily accessible to and updatable by both Departments, as well as the Public Works Department, in order to properly access and update maintenance information.

Artwork Identification

The Economic Sustainability Department will work collaboratively to ensure that information about the City's Public Art Collection and Historic Public Art is easily accessible to the public. The two key tools for doing this are the City's website and the signage that is placed onsite with each artwork.

The signage that identifies each artwork in the City's collection will have consistent appearance, scale, typography and material. It will identify the project, artist, title of the artwork, date and donor (if pertinent). Additional information such as donors, a detailed description of the Artwork, biographical information about the artist or dedication information, should, if desired, be on separate signage.

Developer-commissioned artworks will also be identified, on site, with signage provided by the developer but designed based on a standard template that makes it clear the artwork is a public benefit that was created under the auspices of a City policy.

Maintenance and Conservation

Identifying Anticipated Installation, Maintenance and Conservation Needs

The Economic Sustainability Department should request, when deemed necessary, that the artist present the final design documentation to a qualified engineer, licensed by the State of Florida, to certify that the artwork will be of adequate structural integrity, is safe, and otherwise in compliance with building codes, the Americans with Disabilities Act and other applicable legal requirements. The artist should provide the City with such certification, signed and stamped by the licensed engineer. Engineer fees should be covered in the artist's budget. The Department may also review the qualifications and references of the artist's chosen fabricator and installer to ensure that they are qualified to execute and install the work, and may request that the artist seek different subcontractors should the Department feel that they are not qualified to perform the work.

For all permanent commissions, the Economic Sustainability Department will require that artists consult with a conservator during the design development phase of the project to identify the future maintenance and conservation needs of the artwork. In addition, artists or their designated fabricators will offer warranty against damage from normal weathering and "inherent vice" for a period of one year (unless otherwise stipulated by contract).

For acquisitions, the City will consult with a conservator to review the work and provide a report outlining anticipated maintenance and conservation needs.

For potential gifts, the donor will be asked to provide a conservator's report outlining anticipated maintenance and conservation needs.

Maintenance and Conservation Worksheet

The artist or, in some cases, a conservator, will be required to supply the City information to ensure the best maintenance and conservation of the artwork. This information will be submitted in a standardized *Maintenance and Conservation Worksheet* provided by the Economic Sustainability Department. The information in the worksheet will include general information about the artwork (artists, title, date, location, dimensions); a description of the artwork including artist statement/intent, materials and finished, fabrication processes, installation processes, and site/context; routine maintenance requirements and instructions, and anticipated non-routine maintenance and conservation requirements and instructions.

Ordinary Maintenance

The ordinary maintenance of public art would include any routine care that does not require specialized expertise (e.g.: dusting, washing). Ordinary maintenance is carried out by the Public Works Department. The Economic Sustainability Department should ensure that Public Works has the relevant information regarding the works for which they provide routine maintenance, and when necessary provide training on how to perform routine maintenance.

Conservation

Conservation is the regularly scheduled examination, documentation, treatment and preventative care of the public art collection conducted by a professional conservator. The Economic Sustainability will, at least once every five years, hire a professional conservator to conduct an assessment of the City of Coral Gables public art collection, subject to budgetary constraints. This assessment will identify, catalog and prioritize any conservation needs, including estimated costs. The Economic Sustainability Department will ensure all necessary repairs are conducted, subject to budgetary constraints.

Funding for Maintenance and Conservation

Ordinary maintenance will be conducted by the Public Works Department as part of its regular maintenance of the sites where the artwork is located, and thus will be subject to the regular maintenance budget for those sites.

Conservation and non-routine maintenance for works of art commissioned or purchased by the City may be funded through the Art Acquisition Fund, or through other means such as grants or contributions. To ensure there are sufficient funds for conservation, up to 10% of the budget for a new commission or purchase will be set aside in a separate conservation line-item in the Fund. These funds would roll over from year to year.

For donations of artwork to the City, the donor may be required to include a contribution of up to 10% of the value of the artwork to the Art Acquisition Fund for on-going conservation. Should the City decide to waive this requirement, then the equivalent amount should be moved from the Art Acquisition Fund into this line item.

Evaluation

Periodic Review of Guidelines

The processes outlined in *The City of Coral Gables Art in Public Places Program: Funding, Goals and Implementation Guidelines* for selecting artists and artworks and reviewing developer projects should be evaluated by the Economic Sustainability Department once staff have had experience working with them. This evaluation should consider feedback from different stakeholders – Cultural Development Board members, Arts Advisory Panel members, developers, donors, and others. This review should occur in approximately five years.

Outcome Evaluation

An outcome evaluation seeks to measure the impact of an artwork in the City. The information gathered through this type of evaluation can inform the Economic Sustainability Department about how well individual artworks meet the goals set out for the project and what unexpected outcomes might have resulted.

Learning how an artwork has been accepted and understood, how it has made an impact on the visual environment, or how it has met other goals requires engaging different audiences, potentially in many ways. The findings for an outcome evaluation may be informative, but it may be difficult to translate into actions or strategies for future projects, because each public art project is unique.

An outcome evaluation should take place after an artwork has been in place for at least a year (unless the work is temporary) because reactions to art can change over time.

The outcome evaluation should start with the goals that were originally set out for the project in the Project Plan. Other questions to consider in an evaluation might include:

- How does the artwork affect a person's perception or use of a place?
- How do people interact with the artwork?
- What do people think the artwork communicates about Coral Gables?

Appendix A – Roles and Responsibilities

City Commission

- Approves Master Art Plan.
- Approves *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines.*
- Appoints the Cultural Development Board.
- Appoints the Arts Advisory Panel.
- Approves artist concepts for projects commissioned or purchased by the City using the Art Acquisition Fund.
- Approves artist concepts for projects commissioned or purchased by developers in fulfillment of the Art in Public Places ordinance.
- Approves the acceptance of donated artworks.
- Approves artist contracts of $100,000 or greater[14].

City Manager

- Receives the Art in Public Places Annual Report.
- Approves artist contracts of less than $100,000.[15]

Economic Sustainability Department

- Oversees the Art in Public Places program on a day-to-day basis.
- Prepares the Art in Public Places Annual Report.
- Prepares Project Plans for City-initiated commissions or exhibitions.
- Manages all aspects of implementation of projects organized by the City, including developing Project Plans, management of the artist selection process, negotiation of artist contracts, project implementation, documentation and community engagement.
- Assists developers in understanding the Art in Public Places requirement and the options for fulfilling it.
- Develops collaborative relationships with project partners.
- Ensures that the City's adopted public art policies and procedures are followed.
- Ensures, along with Historic Resources, that the City's public art collection is properly documented, maintained and conserved.
- Develops materials, programs and initiatives to inform and engage the public about the City's public art collection.

City Architect

- Participates as a member of the Arts Advisory Panel.

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[14] This amount reflects the current threshold for contracts that must be approved by the City Commission, according to City procurement policy. This amount shall be automatically revised if and when the City's procurement polices are revised.

[15] This amount reflects the current threshold for contracts that can be approved by the City Manager, according to City procurement policy. This amount shall be automatically revised if and when the City's procurement polices are revised.

Cultural Development Board

- Reviews and recommends the Public Art Master Plan to the City Commission.
- Recommends policies related to Art in Public Places to the City Commission.
- Reviews and recommends *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines to the City Commission.*
- Reviews the Art in Public Places Annual Report.
- Recommends appointments to the Arts Advisory Panel.
- Reviews and recommends artist concept designs for new City-initiated public art commissions and specific artworks for acquisitions using the Art Acquisition Fund to the City Commission.

Arts Advisory Panel

- For City-initiated public art commissions, upon the request of the Cultural Development Board, reviews artist qualifications and recommends up to three finalists, ranked in order of preference, to the Cultural Development Board.
- For City-initiated acquisitions of artworks, upon the request of the Cultural Development Board, reviews proposals for artworks to be purchased and recommends up to three finalists, ranked in order of preference, to the Cultural Development Board.
- For private development projects that have an Art in Public Places requirement, upon the request of the Cultural Development Board, reviews artist selection, artist concept designs and/or specific art acquisitions and forwards recommendations to the Cultural Development Board.

Board of Architects

- Reviews and recommends project siting recommendations in the Master Art Plan.

Developers

If developing a building in Coral Gables that is subject to the Art in Public Places ordinance:

- Meet with the Economic Sustainability Department staff early in the planning and design process to discuss the requirements of the ordinance and how the developer would like to fulfill them.
- Submit an "Art in Public Places Worksheet" with the Development Review Committee Application.
- Contribute to the Art Acquisition Fund, incorporate a public artwork into the development, or donate an artwork to the City, in accordance with the Art in Public Places ordinance and the *Funding, Goals and Implementation Guidelines.*
- Submit documentation of installed artwork to the Economic Sustainability Department.
- Maintain and conserve installed artwork.
- Consult with the Economic Sustainability Department if removal or relocation of the artwork is being considered and follow the procedures outlined in the *Funding, Goals and Implementation Guidelines* and as directed by the City.

Building and Zoning Department

- For developers paying an Art in Public Places Fee to fulfill the Art in Public Places requirement, bill the developer for the fee and ensure the fee has been paid before issuing a Building Permit.
- For developers commissioning, acquiring or donating an artwork to fulfill the Art in Public Places requirement, ensure the proper approvals (City Commission resolution) have been obtained before issuing a Building Permit, and that any work to be performed by Developer pursuant to the Art in

Public Places requirement is done in accordance with approved plans before issuing a certificate of occupancy.

Historic Preservation Board

- Provide input with regard to projects to be funded with the Historic Public Art Fund.

Historic Resources Department

- Maintain a master database of Historic Public Art that qualifies for funding from the Historic Public Art Fund.
- Annually, prepare an inventory to the City Commission of projects to be funded with the Historic Public Art Fund with input from the Historic Preservation Board.
- Work with the Economic Sustainability Department to maintain records for the Historic Public Art collections and make sure they are managed and stored in a consistent manner.
- Work with the Economic Sustainability Department to make sure information about the Historic Public Art collections are accessible to the public.

Appendix B – Maintenance and Conservation Worksheet

The following form is intended as a guide for supplying the City of Coral Gables with the necessary information to insure the best maintenance and conservation of your work. Please use additional pages as needed and attach relevant technical drawings, as-builts and other documentation.

General Information:

Artist names(s):

Title of Artwork _____

Date of installation _____

Location of installation _____

Dimensions (if more than one, please describe). H W D

Contracts:

Please attach one copy of any additional contracts and warranties between the artist and any subcontractors including engineers, fabricators, suppliers and installers.

Artwork Description:

Please provide a narrative description of the artwork/artist statement.

Please list all primary and material finishes used in this work. When supplying this information, please provide the exact names of products used, including trade and common names, vendor name and address, product lot number, exact formula, etc.

Briefly describe the processes used in the creation or fabrication of this work. Please be as specific as possible listing tool types, machining specifications, casting directions, application techniques, and any similar detailed information that is available. Please provide drawings of mechanical connections, e.g. bolts or dowels and non-mechanical connections such as welds or glued joints.

Describe the installation process and list associated installation materials (e.g. composition of base or backing, location and type of hanging device, diagram of footing). Also, list any special tools needed and their use in the process.

Is the site/context/surrounding landscape an integral part of the work? Would the intended character and integrity of the work be altered if the work were relocated to another site? How?

Maintenance Requirements and Instructions:

Describe the ordinary or routine maintenance you recommend to keep the work in good condition (e.g. lubrication of moving parts, reapplication of surface coatings, dusting, washing, waxing, and/or regular component rotation or replacement). List the brand name of any products that should be used (if applicable) and the technique for proper application. Please include the frequency anticipated for these procedures.

Indicate anticipated conservation of the work beyond ordinary or routine maintenance.

Do you intend your artwork to age and/or deteriorate through time? How?

Contact Information

Please list the name and contact information for yourself and persons or firms involved in the production of your work as well as the contact information for persons recommended to be contacted in the event that conservation becomes necessary.

Completed by:

Name Date

Appendix C – Art in Public Places Worksheet and Work Plan

Art in Public Places Worksheet

The developer must submit an "Art in Public Places Worksheet" at the time they submit their preliminary application to the Building and Zoning Department. This worksheet should include the following information:

- Indication of whether the developer intends to contribute to the Art Acquisition Fund, commission an artwork, donate an artwork to the City, or some combination of these options.
- An estimate of the total project budget and the value of the Art in Public Places requirement.

Art in Public Places Work Plan

The developer must submit an "Art in Public Places Work Plan," preferably by the time they are seeking Board of Architects approval for their projects. This work plan should include the following information:

- A description of the proposed development.
- An artist scope of work and a site plan showing the location or locations being considered for placing or integrating the artwork.
- A statement of how the proposed artwork addresses broader City urban design goals.
- Specific goals for the artwork against which the artist's concept proposal can be evaluated.
- The process to be used for selection of the artist or artwork.
- The budget, including any set-aside for project management.
- A schedule for the development and commissioning of the artwork.
- The intended method for identifying an artist.
- The intended approach to managing the project.
- Credentials of any consultants who will facilitate the process.