City of Rockville

Implementation Manual for

Publicly Accessible Art in Private Development

ROCKVILLE'S PUBLIC ART MISSION - To preserve and enrich the visual character and environment of the city via publicly accessible works of art (visual, performing or literary) and active "arts spaces" that reflect the vitality and diversity of the residents, businesses and organizations that comprise Rockville and engage the community.

The City of Rockville values the arts as an integral element of our community. The arts reflect the spirit of the businesses and the people who make up our City.

The City welcomes each opportunity to work with developers and businesses, to complete successful publicly accessible art projects that contribute to the vitality of the Rockville community.

The arts help generate an identity that continues to make Rockville a premiere destination.

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The City of Rockville's Commitment to the Arts

The City of Rockville believes the image of the City is more than just the layout or the physical characteristics of its streets and buildings. The arts reflect the vitality and diversity of the Rockville community. Art makes a statement about who and what a city is, how it views itself and how others view it. Works of art have the power to enhance the economic vitality of a community, commemorate local values, history and progress, develop community pride and identity, improve the general welfare and quality of life in a city, as well as make the community a premiere destination.

Publicly accessible art enriches the urban landscape by engaging the eye, mind and spirit. It creates a sense of place and helps identify public spaces. Publicly accessible art is more than good citizenship—It is good business. By enhancing the overall quality of a project and giving it unique character not achievable in other ways, on-site art helps people and businesses define a space. Public art helps to ameliorate the harshness of increased urbanization and to foster the economic vitality of the community to the benefit of all.

Having sustained its own public arts programs for decades, the City fully appreciates what it takes to implement a publicly accessible art project and the benefits that come from the presence of art. Planning for a publicly accessible arts project at the very beginning of your development project affords the greatest range of possibilities and places you in the strongest position to coordinate and maximize the available fiscal, material and service resources.

The City of Rockville welcomes the opportunity to share with you its experience in conducting successful processes for installations and presentations of publicly accessible art. With great pride, the City administers and/or directly supports the following arts- and humanities-based projects:

- **City of Rockville Cultural Arts Commission** - An advisory board to the Mayor and Council serving as a public arts advocate to increase awareness of and support to all the arts in Rockville.
- **City of Rockville Art in Public Places Program** - Since 1978. Requires one percent of construction costs of all City construction projects to be spent on public art, supplemented by a $1 per capita fund. To date, 36 permanent works of art have been installed along with annual temporary projects through this program.
- **City of Rockville Arts Programs** - Rockville Concert Band, Rockville Civic Ballet, Rockville Chorus and Rockville Regional Youth Orchestra programs, as well as other concert and entertainment series, are offered throughout the year.
- **City of Rockville Special Events** - Produces numerous concerts, festivals, etc. that are held throughout the City.
- **Operation of the F. Scott Fitzgerald Theatre** - A 500-seat facility with more than 150 performances annually.
- **Operation of the Glenview Mansion Art Gallery** - Operation includes monthly exhibits. Annual attendance exceeds 6,000.
- **Financial and in-kind support to a variety of arts and humanities organizations in Rockville -** Support to organizations including Rockville Arts Place, National Philharmonic, Rockville Little Theatre, Rockville Musical Theatre, Victorian Lyric Opera Company, Peerless Rockville Historic Preservation, Ltd., F. Scott Fitzgerald Literary Conference, Inc., Rockville Art League, Montgomery County Historical Society and others.

Publicly Accessible Art in Private Development Ordinance Requirements

Chapter 4 "Arts and Cultural Affairs", Article IV of the Rockville City Code (ordinance 3-04) requires most private development projects within the City to include an expenditure for a publicly accessible art project. The City's Zoning and Planning ordinance (TXT 4-40) requires the implementation of the publicly accessible art requirement to be submitted in connection with applications for land use approvals.

Per the "Arts and Cultural Affairs" text:

> *Art* means the application of skill and taste by an artist, according to aesthetic principles, to an original creation in the visual, performing or literary arts.
>
> - "Art" does not include fixtures or features such as grates, streetlights, benches, signs, the choice or use of materials in architecture or other design enhancements—unless designed by an artist as a unique feature for the project.
> - Landscaping does not qualify as art.
>
> *Artist* means a person who employs skill, talent and creativity in an artistic medium or discipline.
>
> - This would include, but is not limited to, the visual, performing and/or literary arts.
> - An artist is defined as someone meeting one or more of the following criteria: Realizes income through the sale, performance, publication, or commission of works of art; has previously exhibited, presented, performed or published works of art in museums, galleries or other recognized art venues; has formal training or education in a field of art; has received awards or other forms of recognition from recognized arts organizations for his/her artistic accomplishments.

Applicants have six art options from which to choose to satisfy their obligations under Chapter 4.

The final selection of the particular art option and *what type* of art project is implemented is the sole responsibility of the applicant.

Types of Development and Construction Projects Subject to the Ordinance

The following development projects are required to implement a publicly accessible art project.

All construction projects that require:

- A use permit
- A detailed application approval
- Subdivision approval (for a residential development not requiring a use permit or detailed application)
- An amendment of any such existing permit or approval
- Applications for new building permits for interior and/or exterior modifications, renovations or additions to multifamily residential, commercial or industrial development for which a use permit is not required

The following projects are exempt from the publicly accessible art expenditure requirement:

- New residential construction projects consisting of less than ten (10) dwelling units
- Construction of moderately priced dwelling units as defined in Chapter 13.5 of the City of Rockville Code, or other comparable housing projects designated for households with incomes at or below the MPDU income limits; and/or residential projects for which prices are set at or below the maximum MPDU sales or rent price levels. These projects must have long-term controls over sales and/or rent prices that are deemed acceptable to the City Manager
- Construction of places of worship and their accessory uses located on the same site
- Construction projects in which a social service agency is the owner of the project and an occupant of at least 50 percent of the premises
- Renovations or reconstruction to repair damage or deterioration caused by fire, flood, explosion, earthquake, weather-related event, vandalism, act of war or civil disturbance
- Parking structures that are accessory to another primary use on the site
- The following renovations to existing buildings:

a. Government-mandated code compliance construction projects. This includes projects exclusively designed for compliance with the Americans with Disabilities Act ("ADA"), the Maryland Accessibility Code, the National Fire Protection Association (NFPA) Life Safety Code and/or fire sprinkler retrofits required by the City

b. Renovations to a building for which a publicly accessible art expenditure has previously been made pursuant to this article within the previous ten (10) years. This exception does not apply to any renovation that increases the building envelope of the existing building

c. Renovations in which less than 50 percent of the gross floor area is disturbed

Options for Publicly Accessible Art Projects

Developers may choose from a broad range of art-related options in order to meet the publicly accessible art expenditure requirements.

The list that follows highlights the key differences between the six public art options. More detailed information on each option follows later in this document.

When selecting and implementing any of the publicly accessible art project options that remain directly within your development site, consideration should be given to:

- What is the greatest benefit desired by the applicant from an art project: Identity of place, icon for business, historical statement to the location, visual connection to the passing community members, etc.?
- Can the art help solve a problem within the overall construction project?
- Artistic excellence – quality matters. The art will be associated with the owner of the property where the art is located.
- Aesthetic appropriateness for site and type of land use.

These guidelines encourage developers to focus on art early in the design of the project. A conceptual collaboration between the developer/builder, architect and artist during development of a project's design will help to ensure the creation of a public art project that is integral to the architecture, landscape, environment, and use of the site.

ART OPTION No. 1 - Permanent Visual Art

Permanent installation of a publicly accessible work of visual art in any of the following locations:

- On the construction project site
- On private property other than the construction site, but within the same planning area
- On City property or other public property within the same planning area as the construction project site, subject to the approval of the City or other owner of the proposed public property

Visual art must be located where the public has ready access, such as lobbies, plazas, green areas, etc. Art on a publicly viewable building facade also is acceptable. Visual art must meet criteria for safety, durability of design and materials, and suitability for the intended location. Visual art also should be simple to maintain in its original and intended state.

ART OPTION No. 2 – Temporary or Limited-Time Art Presentations

Presentation within the City of Rockville of publicly accessible art offerings (visual, literary or performing) within a temporary or limited time frame.

- This option includes presentation of temporary art projects such as concert series, literary readings, a series of temporary art exhibits, etc.

Art presentations should be planned and implemented in a manner that coordinates the activity with the location of the venue and its use, ensures appropriate and sufficient promotion of the art offering, and provides professional-level administration and on-site management.

ART OPTION No. 3 – Monetary Contribution

Monetary contribution to any of the following:

- *City of Rockville Art in Public Places Project*. This project must be located in the same planning area in which the construction project is located. The City has identified many opportunities for public art projects within the City limits. Staff welcomes the opportunity to provide more information on opportunities appropriate to the scope of your project.
- *Eligible Arts Organization*. The organization must have met the following criteria for the prior twenty-four (24) consecutive months:
    - Primary mission – exhibition, presentation, production or performance of and/or education in the arts

- Holds current 501(c)(3) status
- Primary office is in the City of Rockville
- Governed by a Board of Directors operating under a mission statement for the organization and via an operating budget specific to the organization
- Offers more than half of its programs and services in the City of Rockville and these programs and services are open to the public, with or without charge

- *City of Rockville Friends of the Arts.* This unique fund supports City-sponsored art projects and allows the City to pursue special projects. The intent is to facilitate quality arts events/offerings that reflect the interests of the community while maintaining optimum flexibility in showcasing a variety of art disciplines or media. Promoting strong public-private partnerships is a key goal of the *Friends of the Arts Fund.*

ART OPTION No. 4 – Provision of Arts Space

Provide space in the City for use by the City of Rockville or a Rockville-based eligible arts organization.

- The proposed space must be suitable to the needs and purposes of the intended user and approved by the intended user.
- This option must obtain approval by the City to ensure that there is an interest and need for the proposed arts space concept.
- There are many different arts-related uses, such as offices; rehearsal, performance, exhibition, and/or educational spaces.
- Other possibilities that could apply are ones that would help create a win-win use of space within a development.

ART OPTION No. 5 – Provision of Arts-Based Infrastructure

Provide arts-based infrastructure in the City for use by the City of Rockville and/or an eligible arts organization. This infrastructure would be suitable to the needs and purposes of the intended user and subject to the approval of the intended user.

- The Applicant must obtain approval by the City to ensure that there is an interest and need within the community for the proposed concept.
- Examples of acceptable infrastructure could include expansion of stage equipment in a lecture hall to support the range of technical needs for performances in non-business hours; provision of physical improvements that would support or enhance the ongoing use of an area such as a plaza through appropriate design and construction of infrastructure to support arts-related uses.
- The arts-based infrastructure option affords a greater opportunity to establish a relationship with one or more adjacent property owners to enhance a functional arts-based use. (see Option 6).

ART OPTION No. 6 – Combined Effort

Combine the art expenditure requirements of two or more development projects within the same planning area to provide publicly accessible art, arts space or an art-based infrastructure.

- The intent of this option is to allow for partnerships and combined resources to generate the needed support to ensure success for a mutually beneficial arts-based project.

Required Expenditures for Publicly Accessible Art in Private Development

The required publicly accessible art expenditure is calculated in accordance with the following schedule (effective February 2020-February 2021):

(1) **Single-family detached and townhouse construction**:

a. $475.37 per dwelling unit for the first 100 dwelling units

b. $356.49 per dwelling unit for the second 100 dwelling units

c. $237.66 per dwelling unit in excess of 200 dwelling units

(2) **Multi-family residential construction**:

a. $713.09 per dwelling unit for the first 100 dwelling units

b. $534.83 per dwelling unit for the second 100 dwelling units

c. $356.49 per dwelling unit in excess of 200 dwelling units

(3) **Commercial construction**:

a. $0.42 per square foot for the first 100,000 square feet of gross floor area

b. $0.33 per square foot for the second 100,00 square feet of gross floor area.

c. $0.20 per square foot exceeding 200,000 square feet of gross floor area

(4) **New industrial construction**: $0.10 per gross square foot of gross floor area

(5) **Expansion of an existing residential project**:

a. The required expenditure is calculated based on the number of additional dwelling units (not including approved accessory apartments).

b. If the additional dwelling units increase the number of dwelling units in the residential project by 100 percent or more, the required expenditure is calculated based on the total number of dwelling units in the project.

(6) **Expansion of an existing commercial or industrial building, or a non-accessory parking structure**:

a. The required expenditure is calculated based on the amount of additional gross floor area.

b. If the additional gross floor area increases the size of the existing building in the commercial or industrial project or non-accessory parking structure by 100 percent or more, the required expenditure is calculated based on the total gross floor area of the project.

(7) **Renovations to an existing commercial or industrial building or non-accessory parking structure**:

a. Renovations disturbing 50 percent or more of the gross floor area of the building: The required expenditure shall be calculated based on the gross floor area of the entire building at the rate applicable to construction of the same type.

b. Any renovation that, when considered together with all renovations to the same building occurring within the preceding twenty-four (24) months, disturbs 50 percent or more of the gross floor area of the building, subjects the entire building to the publicly accessible art requirements of this Section at the rate applicable to construction of the same type.

NOTE: *The publicly accessible art expenditure will be adjusted annually to reflect the increase or decrease in the Builder's Cost Index (BCI), as stated in the Engineering News Record, published by the McGraw Hill Companies.*

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Factors to Consider in Selecting Public Art Options Numbers 1-6

NOTE: *Refer to "Process for Completing a Publicly Accessible Art Project in Rockville" on pages 24-26 in this document for more detailed information on conceptual and final plans as well as a project completion report. See the Appendix for City of Rockville forms to support these responsibilities.*

ART OPTION No. 1 – Permanent Visual Art

Permanent installation of a publicly accessible work of visual art.

To determine scope of project, consider the following:

- Physical location(s) with maximum access to the public within the overall construction project (such as interior or exterior)
- Does interest exist in a theme? (Themes may include history of the location or institution, reflection of activity/use of the building/space, specific interest within community, etc.) Or can this be left open to an artist?
- Should the original art go beyond providing simply an aesthetic element, to providing an additional function such as a gate/entrance way, seating, lighting, etc.?
- What, if any, specific media is desired? Examples include mosaic, stained glass, steel sculpture, painted mural, specific flooring materials, exterior faÁade materials, etc. Or can this be left open to artist's suggestions?
- How will the art project be identified on the site to recognize the artist and those funding the project?
- What is the budget for the art project?
- Can the established publicly accessible art project budget be augmented within the scope of work for the construction project – foundation work, electrical needs, wall preparation, etc.?
- What is the calendar/schedule for the art project in relation to the overall development/construction project?
- Who will provide administration for the art project?
- What type of selection process best serves the art project?
  - Direct invitation – A known single artist is contracted
  - Limited, invitational – A few artists are interviewed, one selected and contracted

– Open competition – There is a public call for entries/advertisement issued for artists to respond to. Finalists are selected to prepare site-specific proposals, based on art concepts. One or more artists selected and contracted

What costs can be applied to the required public art expenditure?

When preparing a budget for a public art project, the following costs may be included:

- Professional artist's budget, including artist fees, materials, assistants' labor costs, insurance, permits, taxes, business and legal expenses.
- Art consultant's fees. (If an art consultant is contracted, the cost for this service must not exceed 10 percent of the total art project budget. The intent is to prioritize funding for the work by the selected artist of the actual work of art.)
- Fabrication and installation of visual art.
- Project elements specifically required to support the installation of the work of art(s), including site preparation, foundation upgrades (to support weight of artwork), electrical, lighting, sub-floor/wall preparation (Note: Coordination of the art project plans with the scope of the larger construction project will ensure the most cost-effective provision of services and/or materials.)
- Permanent acknowledgement (e.g. a plaque or sign) to identify the artist, art project and funding sources.

Note: Costs for maintenance or general operating expenses are not eligible.

What visual elements are not eligible to meet the art requirements?

The intent is to showcase/incorporate within a development unique works of art designed by artists for a specific site. Hence, the following elements are *not eligible* to meet the required art project requirement:

- Business logos
- Directional or wayfinding elements such as super-graphics and signage
- Mass-produced "art objects" such as grates, streetlights, benches, fountains, statuary, playground equipment, etc.
- Landscape elements
- Hardscape elements not designed and installed by the artist
- Architectural design as well as the specific selection of construction materials by the architect that are applied to the facility/project's design

What resources are available from the City of Rockville for a visual art project?

- **Staff** – information and advice upon request
- **City of Rockville Reference materials** - *Copies of these plans are available on-line at* www.rockvillemd.gov *or from City staff upon request.*
  - City of Rockville Code – Chapter 4 "Arts and Cultural Affairs" Article IV (ordinance 3-04) Publicly Accessible Art in Private Development projects.
  - City of Rockville Zoning and Planning ordinance (TXT 4-40) regarding Publicly Accessible Art in Private Development projects.
  - City of Rockville Comprehensive Master Plan
  - Neighborhood Plans
  - Art in Public Places Master Plan
  - Master Plan for the Arts, City of Rockville Department of Recreation and Parks

  Rockville Town Center Recommendations for the Arts and Arts Related Activities
- Public artists mailing list - Available from Arts Division staff
  - Approximately 1,500 names of artists across the country – with a focus on mid-Atlantic artists.
- **Sample call for entries –** *Available from Arts Division staff*
- **Sample artist contract –** *Available from Arts Division staff*
- **List of professional visual art consultants –** *see Appendix*
- **Cultural Arts Commission** – This 11-member volunteer commission appointed by the City of Rockville's Mayor and Council serves in an advisory role to the Mayor and Council regarding arts-related matters. Commission members serve on all artist-selection panels for City public art projects. This commission, as a whole, reviews and makes recommendations on all public art projects. The commissioners are willing to assist other organizations, and are available upon request to serve in an advisory capacity.

Visual art maintenance and ownership

- **Ownership -** All works of visual art will become the property of the owner of the land where it is located
- **Maintenance -** Publicly accessible visual art must be installed and maintained so as not to fall into a state of disrepair or become a nuisance. All maintenance and conservation of the works of art will be the responsibility of the property's owners. These responsibilities shall run with the land and transfer from owner to owner. Works of publicly accessible art must remain on public display under the optimum conditions in which they were originally installed.
  - Owners are strongly encouraged to include a maintenance provision in the artist's contract. This contract should stipulate the length of time the artist will be responsible for the repair of the work of art (i.e. warranty/two-year guarantee from date of completion), as well as include a short-range and long-range maintenance program. The artist may also recommend a particular professional conservator to be consulted for the long-term maintenance and conservation of the work of art.
  - Failure of the applicant to install or the property owner to maintain publicly accessible tangible art in an acceptable state of repair shall constitute a violation of the Rockville City Code and shall be treated in the same manner as a property code violation.

Sale, Relocation, Alteration, Disposal or Withdrawal of Existing Works of Public Art

The acquisition of works of public art entails a commitment on the part of the property owner to preserve, protect and permanently display the work of art in the space for which it was originally created and intended. The original conceptual intent of the artist, in creating the work of art, must be respected and maintained in all matters relating to the sale, relocation, alteration or disposal of the work of art.

The following circumstances may warrant a change in the status of a work of art:

- There is a safety hazard to the public in the artwork's present condition
- The restoration of the work's structural or aesthetic integrity is technically not feasible, or the expense of restoring is disproportionate to the value of the work
- The architectural support (building, wall, patio) is to be destroyed
- The use of this particular space may have changed, and/or the work may have lost its contextual meaning

Note: The artist or the artist's estate should be given the right of first refusal to purchase the work of art if it is determined to need to be removed for any of the above reasons.

Publicly accessible visual artworks, if the necessity arises, may be relocated or replaced on-site provided that the relocated and/or replaced art is located in an area accessible to the public. Respect to the original site-specificity of the work by the artist should be considered in any relocation.

Publicly accessible visual art may not be removed from the construction project site within five (5) years from its installation unless it is replaced on-site with other publicly accessible art that satisfies all requirements of the ordinance, or payment of a contribution is made to the City for use in providing publicly accessible art. Said payment shall be made in accordance with the appropriate art fee schedule.

On land where a publicly accessible visual art project has been located, if the landowner removes the work of art any time prior to five years from its installation date, the landowner shall be responsible for the following payment to the City:

- Removal prior to 1 year on site – 100% of original art expenditure
- Removal prior to 2 years on site – 95% of original art expenditure
- Removal prior to 3 years on site – 90% of original art expenditure
- Removal prior to 4 years on site – 90% of original art expenditure
- Removal prior to 5 years on site – 85% of original art expenditure

Factors to Consider in Selecting Public Art Options

ART OPTION No. 2 – Temporary or Limited-Time Art Presentations.

Presentation within the City of Rockville of publicly accessible arts offerings (visual, literary or performing) featured within a temporary or limited time frame.

- Will presentations of temporary art projects (such as a concert series, literary readings, or a series of temporary art exhibits) attract public interest and visitation to the development location?
- What art form most interests you to present and why?
- Audience size is dictated by the hosting space.
- The success of outdoor offerings will be weather-dependent.
- Success is critically connected to a commitment to advertise/promote the offering. A series format may build on itself more than a one-time event.
- The event will be more successful with careful attention to details:
  - All needs of the contracted performer are met
  - Appropriate physical set-up for stage, electrical support, lighting, etc.
  - Skilled support staff: on-site management (for public and presenter needs), support technicians, etc.
  - Public amenities – access to restrooms, etc.
  - For an outdoor event: what is the "inclement weather plan"?
  - Established emergency plan for weather-related issues, potential health/safety emergencies, fire, etc.
  - Clean up after the event
- The art budget must be used to support the actual presenter/performer and special on-site physical and equipment needs to support the presentation. Costs for general operating support for the event, such as promotion and staff administration, may not be counted as part of the cost included in the art expenditure requirement.
- Who is going to administer the planning and on-site needs of the temporary "presentation?" Do you have in-house staff or do you need to hire an outside consultant?
- Are there other individuals or entities with whom you want to partner to strengthen your arts offering – neighboring business, Rockville-based arts-organizations, the City of Rockville Special Events or Arts Division, etc.?

Factors to Consider in Selecting Public Art Options

ART OPTION No. 3 – Monetary Contribution

Monetary contribution to one of the three City of Rockville-based options:

1. *Specific City of Rockville Art in Public Places* project located in the same planning area in which the construction project is located
2. *Eligible Rockville-based Arts Organization*
3. *City of Rockville Friends of the Arts* - Fund to support community sponsored art projects.

- Administratively, this is the simplest option to satisfy the public art requirements of the ordinance.
- Sponsorship opportunities exist that may receive broad public recognition of your contribution.
- Choosing this option directly supports the interests of existing arts efforts within Rockville, but potentially lessens the opportunity to enhance your own project via on-site art.
- Within each of the three options there is a wide variety of available choices of art projects and/or organizations suitable for receiving a contribution.
- City staff can serve as a resource (upon request) to assist with an understanding of the scope of options within Rockville.
- Eligible Rockville-based arts organizations are diverse in focus – showcasing the performing, literary and visual arts. Eligibility requirements ensure that your contribution is applied to an established non-profit, arts-based organization that has the administrative means to appropriately use a financial contribution.
- The City of Rockville *Friends of the Arts* fund enables the City to pursue special projects outside the scope of general programming, to work in partnership with other entities and to sponsor quality arts events/offerings that reflect the interests of the community. No single arts discipline or media is given preference.

Examples (Note: The examples listed here are not meant to limit the scope of potential projects):

1. Outdoor temporary art projects showcased during construction periods to retain interest in the area.
2. Special projects benefiting a performing arts facility: (i.e. theatre sound or lights equipment, upgrade of theatre facilities and equipment.)
3. Presentation of traveling museum exhibits
4. Presentation of temporary "artistic light" treatments in a given area
5. Presentation of a special series – storytellers, themed concerts, film or other new media shows
6. Endowment to an arts award program
7. Sponsorships for student arts programs

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Factors to Consider in Selecting Public Art Options

ART OPTION No. 4 - Provision of Arts Space

Provide publicly accessible arts space in the City for use by the City of Rockville or a Rockville-based eligible arts organization suitable to the needs and purposes of the intended user (subject to the approval of the intended user).

- Dedicating use of space for an arts-related program/project may be the perfect solution for bringing activity to a facility or simply maximizing use of the space.
- Is the required publicly accessible art expenditure large enough to merit implementing this option?
- What the "arts space" may be is limited only by the imagination of the leadership of your project:
  - Office space for non-profit volunteer arts organizations
  - Rehearsal space in off hours
  - Performing space
  - Temporary exhibit space within a lobby or gathering area
  - Educational classrooms
  - Meeting space for the many board of directors for Rockville-based arts organizations
  - Other ideas
- Art spaces installed in satisfaction of the art expenditure requirement of this article may not be removed or relocated unless approved by the City Manager, subject to such reasonable terms and conditions as may be imposed.

Factors to Consider in Selecting Public Art Options

ART OPTION No. 5 – Provision of Arts-based Infrastructure

Provide publicly accessible arts-based infrastructure in the City of Rockville for use by the City of Rockville and/or an eligible arts organization suitable to the needs and purposes of the intended user (subject to the approval of the intended user).

- This option could facilitate ongoing use of an area such as a plaza through appropriate design and construction of infrastructure to support arts-related uses. For example, if a plaza is desired to be used as a concert venue, the architectural design can be enhanced to include elements such as staging, a band shell, electrical support, sound systems, audience seating, etc.
- Approval by the City must be obtained to ensure that there is an interest and need within the community for the proposed arts-use concept
- This option promotes the establishment of a relationship to support a functional, arts-based use with one or more adjacent areas/properties to the applicant (See Option No. 6)
- Coordination with existing arts and special events in the area must be established to avoid any conflicting interests
- The value of the additional elements of the "arts-based infrastructure" must be clearly demonstrated
- Art spaces and arts-based infrastructure installed in satisfaction of the art expenditure requirement of this article may not be removed or relocated unless approved by the City Manager, subject to such reasonable terms and conditions as may be imposed

Factors to Consider in Selecting Public Art Options

ART OPTION No. 6 – Combined Effort

Combine the art expenditure requirements of two or more development projects within the same planning area to provide publicly accessible art, arts space or an art-based infrastructure.

- The intent of this option is to allow for partnerships and combining of resources to generate a mutually beneficial arts-based project. For example, financial contributions from multiple sources could be combined to build a performing space that would bring activity to the general area to benefit all surrounding businesses. This option requires timely planning to ensure coordination.
- Approval by the City must be obtained to ensure that there is an interest and need within the community for the proposed arts-use concept.
- Coordination with existing arts activities and special events in the area must be established to avoid any conflicting interests.

Process for Completing a Publicly Accessible Art Project in Rockville

A suggested approach for planning your project

The following checklist is suggested to help the applicant create a successful public art in private development project:

❒ **Staff meeting: Arrange a meeting with City of Rockville staff to discuss:**

- What the applicant wants the art project to accomplish.
- The required expenditure to support the public art project.
- The type of professional artist(s) and administration needed for the project.
- The City of Rockville resources available to support the project of choice.
- The applicant's potential to provide in-kind contributions to the art project to maximize the arts opportunity (i.e. for a visual art project the applicant provides lighting and foundation work/surface preparation from the construction budget.)

❒ **Select a publicly accessible art option and develop a conceptual plan for that option**

❒ **Establish leadership for the art project**
Once the concept for inclusion of public art is established, the applicant will establish a process for guiding the public art element within the development. This may be implemented by staff from your firm, via a contract with a public art consultant or other appropriate specialty consultant, and (upon request) with assistance from City staff.

❒ **Submission of conceptual plan for publicly accessible art**
A conceptual plan for the provision of publicly accessible art shall be submitted with any application for a Use Permit, application for Detailed Application Approval, or application for Preliminary Subdivision Plan subject to the requirements of Chapter 4, Article 4 "Arts and Cultural Affairs." The conceptual plan shall include the location of the art, a conceptual description of the art and the qualifications of the artist. Where an art space or arts-based infrastructure will be provided, the conceptual plan shall include the location of the arts space or arts-based infrastructure, an acknowledgement from the intended users that the art space and/or the art infrastructure is suitable for their needs and purposes and will be utilized by the intended user.

❒ **Submission of final plan for publicly accessible art required**
A final plan for the provision of publicly accessible art shall be submitted with the application for a building permit and shall include:

- A detailed description of the art, the arts space, or arts-based infrastructure
- An itemization of the costs related to the arts, the arts space, or the arts-based infrastructure
- A statement of the amount of the publicly accessible art expenditure required for the construction project.

If selecting Option No. 1 (installing a permanent visual art project), the City of Rockville will work closely with you to ensure the project is implemented However, the City will not be involved in the actual selection of the artist or the work of art.

NOTES:

If selecting one of the following options:

- Option No. 2 - To implement a temporary/limited-time-based arts project (visual, literary or performance based)
- Option No. 4 - Provision of an arts space
- Option No. 5 - Provision of an arts-based infrastructure
- Option No. 6 - To combine your art project with that of another applicant

The City of Rockville must approve the concept/option selected prior to your submission of a final plan. The intent in this process is to ensure your selected option supports the interests and needs of the community and does not duplicate existing event program or project.

If selecting Option No. 3, to implement a financial contribution (to the City of Rockville or eligible arts organization), the City of Rockville will work closely with you to establish the eligibility of the proposed recipient, but the selection of who or which program/event/project that is to receive the financial contribution remains the sole decision of the Applicant.

❒ **Completion report of implementation/installation of final plan for publicly accessible art required for occupancy permit**

Option No. 1 (publicly accessible visual art), Option No. 4 (arts spaces) and Option No. 5 (arts-based infrastructure) shall be installed or presented in substantial conformance with the final plan prior to the issuance of the first occupancy permit for the construction project or in accordance with such other schedule as may be approved in connection with the approval of the construction project.

Option No. 2 (temporary or limited-time art events and/or presentations) will require implementation following occupancy. Where an art option will not be implemented in its entirety prior to occupancy, an agreement providing for the subsequent installation or presentation of the selected art option must be executed and a bond posted by the applicant, in a form approved by the City Attorney, prior to the issuance of the first occupancy permit for the construction project.

Option No. 3 (monetary contribution) must be implemented prior to occupancy.

ROCKVILLE • MARYLAND
FOUNDED UPON A ROCK

APPENDIX

City of Rockville Staff contact information

Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

- **Department of Recreation and Parks**
    - Recreation and Parks Administration Manager
      240-314-8603 or e-mail
      chenry@rockvillemd.gov
        - Art Representative at Development Review Committee meetings

- **Special Events Coordinator**

  240-314-8606 or e-mail *cmcquitty@rockvillemd.gov*
        - Concert series, festivals, city-wide special events

- **Arts Programs Supervisor**

  240-314-8661 or e-mail
  bwisda@rockvillemd.gov
        - Art in Public Places, F. Scott Fitzgerald Literary Conference, concerts/ special performances, adult concert band, ballet company

- **Arts Programs Specialist**

  240-314-8662 or e-mail *jfarrell@rockvillemd.gov*
        - Art in Public Places, gallery exhibits, temporary exhibits, concerts, annual children's performing arts series, youth orchestra, adult chorus

- **Community Planning & Department**
    - Central contact 240-314-8200
    - Staff member assigned to your project

- **Cultural Arts Commission –** This 11-member volunteer commission appointed by the City of Rockville Mayor and Council serves in an advisory role to the Mayor and Council regarding arts matters within the City. The commissioners are available upon request to assist other organizations with publicly accessible art projects.

- **Website: www.rockvillemd.gov**
  All information in this implementation manual for public art in private development is available on-line via the City of Rockville Web site under City Business.

City of Rockville
Department of Recreation & Parks
111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8603
www.rockvillemd.gov • chenry@rockvillemd.gov

Art in Private Development Application

Date: _____

Building Permit Application #: _____

Property Owner/Developer's Name: _____

Owner/Developer Address: _____

Contact Person: _____

Telephone Number: _____

Fax Number: _____

Email Address: _____

Project Name: _____

Project Address: _____

Architect Name, Phone Number and Email Address: _____

Residential units (Single family/townhouse) _____ # Residential units (Multi-family) _____

Commercial sq. ft. _____ Industrial sq. ft. _____

AIPD Total expenditure $_____

Projects Completion Date: (estimated) _____

Please indicate which option you have chosen:

- ❑ Option 1 - Permanent Visual Art
- ❑ Option 2 - Temporary/Limited Time Art Presentations
- ❑ Option 3 - Monetary Contribution
- ❑ Option 4 - Provision of Art Space
- ❑ Option 5 - Provision of Arts Based Infrastructure
- ❑ Option 6 - Combined Effort

If Option 1 - Permanent Visual Art or Option 2 - Temporary/Limited Time Art Presention are chosen:

Artwork Proposal and Specifications

Describe the artwork or presentation, its location, materials, installation requirements, and maintenance needs as fully as possible.

1. Artwork Description _____
2. Site location _____

Artist Name: _____

Artwork Title: _____

Total Project Budget $: _____

Signature of Respoinsible Party: _____

Required Attachments:

- Concept plan shall include the location of the art, a description of the art, and the qualifications of the artist.
- Final plan shall include a detailed description of the art, the art space, or arts-based infrastructure; an itemization of the cost related to the option chosen; and a statement of the amount required for the project.
- A report verifying completion of your commitment must be submitted prior to the issuance of the first occupancy permit for the construction project or in accordance with such other schedule as may be approved in connection with the approval of the construction project. Evidence of the value of the proposed artwork - contract draft showing contract value and payment schedule will be sufficient.

Note: An agreement shall be executed and a bond posted by the applicant, in a form approved by the City Attorney, prior to the issuance of the first occupancy permit for the construction project for any art presentation project subsequent to the issuance of the first occupancy permit for the construction project.

If Option 3 - Monetary Contribution is chosen payment must be made before occupancy permit will be issued.

If Option 4 - Provision of Arts Space is chosen an agreement shall be executed and a bond posted by the applicant, in a form approved by the City Attorney, prior to the issuance of the first occupancy permit for the construction project for any art space project subsequent to the issuance of the first occupancy permit for the construction project.

If Option 5 or 6 - Provision of Arts Based Infrastructure or Combined Effort is chosen approval by the City must be obtained prior building permit to ensure that there is an interest and need within the community for the proposed arts-int concept. Once the City approves the concept for the infrastructure must be constructed before an occupancy permit will be issued or an agreement shall be executed and a bond posted by the applicant, in a form approved by the City Attorney, prior to the issuance of the first occupancy permit for the construction project for the art infrastructure subsequent to the issuance of the first occupancy permit for the construction project.

Reference Materials for Visual Arts Projects

Additional Resources

Rockville City Code Chapter 4 "Arts and Cultural Affairs," Article IV (ordinance 3-04)
Publicly Accessible Art in Private Development

City of Rockville Zoning and Planning ordinance (TXT 4-40) – establishing publicly accessible art requirement project plans must be submitted in connection with applicants for land use approvals.

City of Rockville Comprehensive Master Plan

Neighborhood Plans: Town Center Master Plan

East Rockville Neighborhood Plan

Lincoln Park Neighborhood Plan

Twinbrook Neighborhood Plan

Art in Public Places Master Plan

Master Plan for the Arts, City of Rockville Department of Recreation and Parks

Guidelines/Recommendations for the Arts in Rockville Town Center (Lee & Associates)

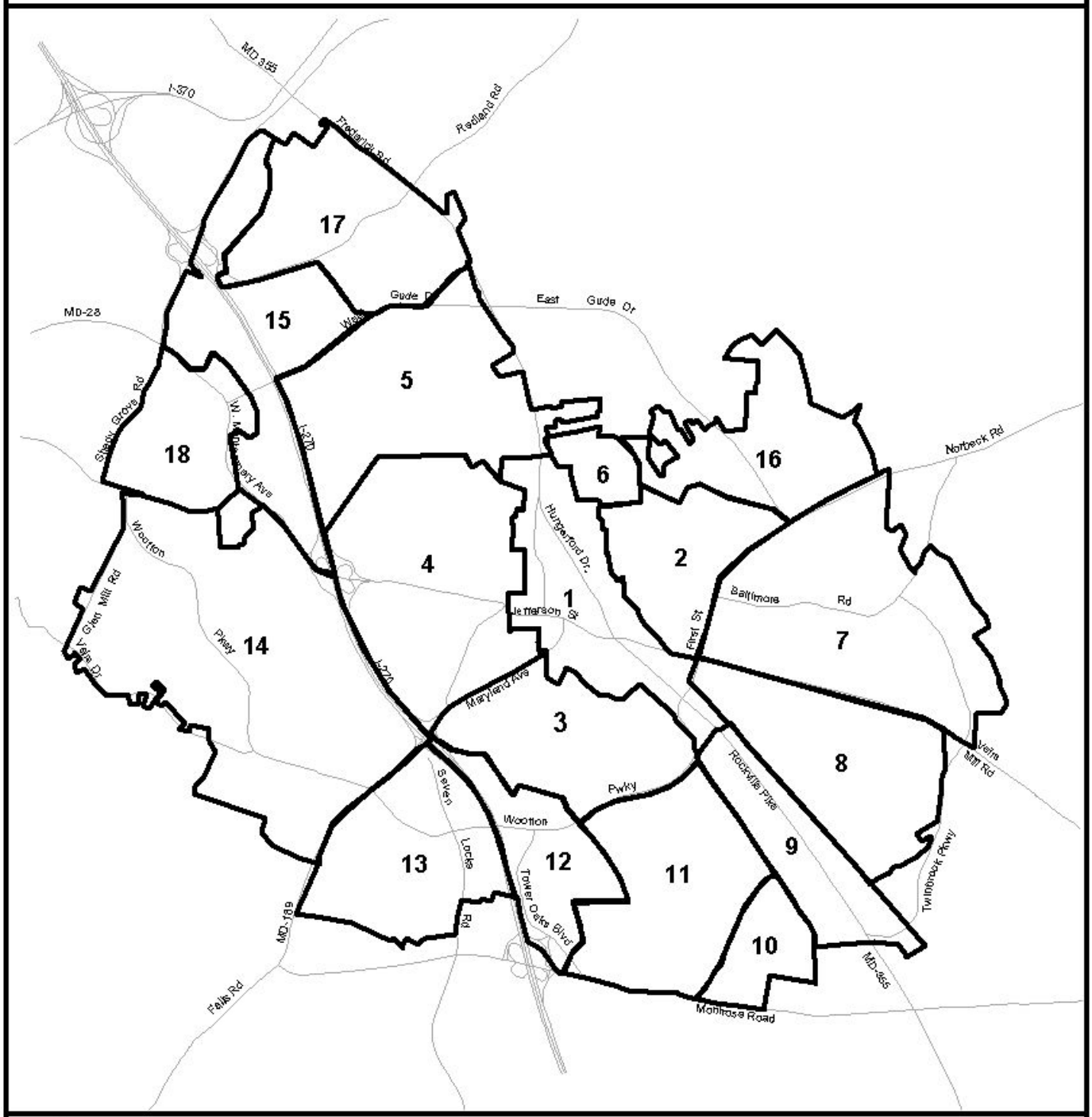
NOTE: Many of these documents are available on line at the City's Web site
www.rockvillemd.gov

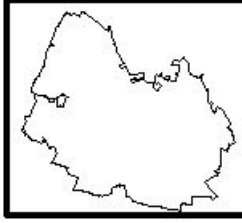
Tools to Support Permanent Visual Arts Projects

The following items are available upon request of Arts Division staff:

- *City of Rockville Public Artists Mailing List* – approximately 2,000 names of artists across the country (with a focus on mid-Atlantic artists)
- Sample City of Rockville Art in Public Places call for entries
- Sample/Boiler Plate City of Rockville Artist Contract

Planning Areas





1. Town Center
2. East Rockville
3. Hungerford, Stoneridge and New Mark Commons.
4. West End and Woodley Gardens, East West
5. Woodley Gardens and College Gardens
6. Lincoln Park
7. Twinbrook Forest and Northeast Rockville
8. Twinbrook
9. Rockville Pike
10. Montrose
11. North Farm
12. Westmont/Tower Oaks
13. Orchard Ridge, Potomac Woods, Falls Ridge
14. Rockshire and Fallsmead
15. Research/Piccard
16. Southlawn/Redgate
17. King Farm
18. Fallsgrove

N

List of Professional Visual Art Consultants

The following list of public art consultants is provided for your information as a starting point if outside professional guidance is sought. These art consultants agreed to have their contact information included in this publication. The City of Rockville will not recommend one consultant's services over another. More detailed information on each consultant is available upon request by contacting the Arts Division staff.

Information is listed in alphabetical order and does not reflect any priority or ranking.

Addison / Ripley Fine Art

Contact	Christopher Addison 1670 Wisconsin Avenue NW Washington, DC 2007
Telephone	202-338-5180
Facsimile	202-338-2341
E-mail	addisoncc@earthlink.net

Owners/founders of The Addison /Ripley Fine Art galleries, Sylvia Ripley and Christopher Addison also serve as consultants to individual collectors and institutions as well as to museums, corporations, foundation, and other art professionals. Works of art are bought and sold on the secondary market and at auction both for the gallery and as an agent for individuals Consultation includes all aspects that bear on collecting. Lighting, conservation, protection, framing and placement are elements in which the gallery has expertise.

Art in Public Places - Art Consultant

Contact:	Francoise Yohalem Art in Public Places 10834 Antigua Terrace #203 Rockville, MD 20852
Telephone	301-816-0518
Facsimile	301-816-0343
E-mail	francyo@earthlink.net

Francoise Yohalem has more than 20 years of experience as a consultant for art-in-architecture and public art projects, for the private and public sector. Yohalem has been responsible for more than 150 art commissions by artists from all over the country, with an emphasis on MD/DC/VA artists. "I work as a consultant to the client," Yohalem said. " I do not represent artists, nor act as an agent for them. My goal is to help the client select the very best artists to create a site-specific work of art for a particular project and make sure that the art is installed in due time and on budget."

ArtSeen, Inc.

Contact	June Linowitz 6521 Kenhill Road Bethesda, MD 20817-6011
Telephone	301-229-2665
Facsimile	(301) 229-2666
Website:	www.ArtSeenInc.com
Email:	June@ArtSeenInc.com

ArtSeen Inc. helps clients select, acquire and place original fine art. It represents more than 300 accomplished artists who work in a variety of media including paintings, sculpture, glass, fiber, photography and fine prints. ArtSeen'sr services include art selection, placement, framing and installation. It has more than 8,000 works in inventory, but for situations when a site-specific work of art is required, Artseen can guide the client through the commissioning process. ArtSeen offers an art leasing option.

Jean Efron Art Consultants

Contact	Jean Efron 2440 Virginia Avenue NW Washington, DC 22037
Telephone	202-223-1626
Facsimile	202-223-0275
E-mail	jefron@efronart.com

Jean Efron Art Consultants LLC was established in 1974 with the purpose of working with developers and their architects to commission artworks for public locations. The Jean Efron Art Consultants guide the client through the commissioning process:

- Facilitating siting artworks
- Identifying the appropriate size, scale, medium and subject of the artwork
- Bringing the best qualified artists to the attention of the client
- Assisting with writing and monitoring contracts
- Overseeing the production of the artwork
- Acting as liaison between artist and client and artist and architect throughout the project

Various methods of selecting artists are used to assure creative alternative solutions. In addition, the firm offers assistance with all aspects of the long-term viability of the artwork regarding maintenance and conservation concerns.

Hemphill Fine Arts

Contact	Mary Early/George Hemphill 1027 33rd Street NW Washington, DC 20007
Telephone	202-342-5610
E-mail	George@hemphillfinearts.com

Hemphill Fine Arts is a diverse art consulting firm committed to providing clients with exceptional artwork by contemporary, modern and historic artists. Hemphill believes that works of art carefully selected for the home and office enhance the quality of these environments. For the corporate collector, Hemphill's objective is to communicate the identity and ideals of the client's business through art. In addition to consultation in the acquisition of art, Hemphill offers an array of support services including frame design, installation, inventory and collection management.

E. C. May & Co. *Fine Art Consultants*

Contact:	Liza Cowan May 218 North Lee Street, 1st Floor Alexandria, VA 22314
Telephone	703-683-4170
Facsimile	703-683-4398
E-mail	ecmayfineart@erols.com

For the corporate client, E.C. May offers acquisition programs, collection management and exhibitions. For the institutional client, E.C. May offerspublic art programs, exhibitions, lectures and seminars. For the Residential client, services include consultations, acquisitions, framing and installation.

Jennifer McGregor

Contact	Jennifer McGregor 555 #2B Hastings-on-Hudson, NY 10706
Telephone	914-478-5341
E-mail	mcgregor@fss.net

Jennifer McGregor occasionally takes on projects with a focus on sculpture gardens and/or developing temporary programming. At this time, Jennifer is no longer focusing on permanent commissions or purchases of art.

Susan Perrin Art Consulting

Contact: Susan Perrin
2307 Ravenview Road
Timonium, MD 21093
Telephone 410-560-2782
Facsimile 410-560-0261
E-mail 410-493-2802

The Susan Perrin Art Consulting firm facilitates selection and placement of art for business and public sites in all media. Services include all phases of selection of artist, placement from site evaluation, selection and commission of art to installation and documentation.

Andrea Pollan Fine Arts

Contact Andrea Pollan
6033 Cobalt Road
Bethesda, MD 20816
Telephone 301-263-0345
E-mail curator999@aol.com

Andrea Pollan is an art consultant, independent curator, writer and fine arts appraiser. She offers a wide rage of professional fine arts services for corporate and private clients working directly with the client or with their architects and interior designers. With 17 years of experience in the field, Andrea Pollan is committed to providing art collections that serve the client's goals of creating a visually stimulating work environment that fosters employee creativity and projects a positive image within a reasonable budget.

Sarah Tanguy

Contact Sarah Tanguy
3103 17th Street, NW
Washington, DC 20010
Telephone 202-462-6719
Facsimile 202-797-1197
E-mail mail@sarahtanguy.com

Sarah Tanguy has participated in several jury panels for public art competitions and worked as associate curator for Washington, D.C.'s new convention center public art collection (more than 100 works). In addition, Sarah Tanguy has organized temporary outdoor and indoor exhibitions for corporate clients.

List of Sample City of Rockville Annual Arts and Special Events Offerings

Glenview Mansion Sunday Afternoon Concert Series and Monthly Gallery Exhibits

One Sunday a month from 2-3 p.m. (12 per year) free concerts held in conjunction with the 1-4 p.m. Glenview Mansion Art Gallery receptions. Concerts are held from 2-3 p.m. All events are free to public. For more information call 240-314-8682.

Kids Parks Performing Arts

Seven free performances at 7:30 p.m. on Tuesdays, July through August. Performances are held at rotating City parks in a variety of neighborhoods. Each weekly performance offers a different type of artist. Rain site provided. For more information call 240-314-8682.

Family Arts Nights

Four free performances at 7:30 p.m. on Wednesdays in July in Rockville Town Center. Rain site provided. For more information call 240-314-8681.

Out to Lunch Wednesdays – Food, Music and Farmers' Market

Weekly free concerts on Wednesdays from June throughOctober between 11 a.m. and 2 p.m. East Montgomery Avenue (in front of the Regal Theatre and the restaurant row) is closed for the stage performers, the farmers' market and other vendors who offer displays on the temporarily pedestrian street. Local restaurants all have outdoor eating areas. For more information call 240-314-8605.

Hometown Holidays

Memorial Day Weekend festival includes national headliners on main stage in Rockville's Town Center. Many activities ongoing for adults and children. Weekend concludes with Rockville's Memorial Day Ceremony and the Washington area's largest Memorial Day Parade. For more information call 240-314-8605.

F. Scott Fitzgerald Theatre- Resident Companies

Theatre Box Office 240-314-8690 Tickets*
Rockville Concert Band – 8 free theatre concerts per year plus many other venues
Rockville Chorus – 2 free theatre concerts per year plus many other venues
Rockville Civic Ballet – 3 productions per year (11 performances) in theatre *
Rockville Regional Youth Orchestra – 2 free theatre concerts per year
Rockville Little Theatre – 3 productions per year, 23 performances *
Rockville Musical Theatre – 2 productions per year, 20 performances *
Victorian Lyric Opera Company - 3 productions per year – 18 performances *
National Philharmonic - chamber concerts, piano recitals, other special concert *

F. Scott Fitzgerald Theatre Annual Offerings

Martin Luther King Celebration
African-American Heritage-production
Rockville Arts Sampler-vignettes
The Musical Theater Center productions
Other theater renters often present public performances

Other Ongoing Visual Arts Offerings

Rockville Art League-programs, meetings, exhibitions
Rockville Arts Place-gallery exhibits, educational program, resident artist studios
Art in Public Places temporary "Sculpture on the Grounds" Exhibit June - October

Other Special Events with Arts Elements:

Rockville Music and Wine Festival
Antique and Classic Car Show- annual fall offering
Glenview Mansion Holiday open houses musical entertainment tradition in December
Independence Day Celebration - Main stage and fireworks

Additional Rockville Organizations with Arts & Humanities Offerings

F. Scott Fitzgerald Literary Conference

Peerless Rockville Historic Preservation, Ltd.

List of Sample Eligible Arts Organizations in the City of Rockville

F. Scott Fitzgerald Literary Conference, Inc.

111 Maryland Avenue
Rockville, MD 20850
301-309-9461
www.peerlessrockville.org/FSF/

Peerless Rockville Historic Preservation, Ltd.

29 Courthouse Square
Room 110
Rockville, MD 20850
301-762-0096
www.peerlessrockville.org

VisArts

155 Gibbs Street, Suite 300
Rockville, MD 20850
301-315-8200
www.info@visartscenter.org

Rockville Art League

P.O. Box 4026
Rockville, MD 20850
www.rockvilleartleague.org

Rockville Little Theatre

P.O. Box 4466
Rockville, MD 20850
301-340-1417
www.rlt-online.org

Rockville Musical Theatre

P.O. Box 1423
Rockville, MD 20849
301-530-6477
www.r-m-t.org

The Musical Theatre Center

837-D Rockville Pike
Wintergreen Plaza
Rockville, MD 20852
301-251-5766
www.musicaltheatercenter.org

Victorian Lyric Opera Company

P.O. Box 10391
Rockville, MD 20849-0391
301-879-0220
www.vloc.org