



Regional Arts & Culture Council

FLOOR AREA RATIO (FAR) BONUS PROGRAM CITY OF PORTLAND

Procedures and Guidelines for Private Developers

Public art has contributed to Portland's character and vitality since the turn of the century when the first statues and fountains were donated to the city by private citizens. Since the inception of the Percent for Public Art program in 1980 the city has received international recognition for such impressive works as "Portlandia," and the "Spectral Light Dome" in the Performing Arts Center. Recent well-received additions include Larry Kirkland's "Garden Stair" and its companion pieces at the Central Library, and Don Merkt's "Water, Please" at Portland's Water Pollution Control Lab. In recent years, public art has been populating neighborhoods outside the city center, in parks, community centers, and policing facilities, to name a few. Public Art enriches our urban landscape by engaging the eye, mind and spirit. It creates a sense of place and identifies public spaces, drawing citizens into them and provoking dialogue about what our City should look and feel like. A city rich in public art is a museum without walls because the artworks are so accessible to citizens. Public art also helps to create high aesthetic and design standards for all types of building projects.

Around the country, private developers are finding that commissioning art is more than good citizenship. It's good business. By enhancing the overall quality of a project and giving it a unique character, not achievable in other ways, onsite art helps make space more rentable at higher rates. Public art often becomes a "landmark" itself, helping a building to stand out from the crowd.

Commissioning art needn't be mysterious. It can be a revealing and engaging process. Steven Knapp, in an article, "Working With Artists: A Developer's Guide," (*UrbanLand*, September 1987) points out that "choosing and working with an artist is much the same as selecting an architect or an advertising agency. A good track record, a feeling that the chemistry is right, and a stringent review process are elements that make the choice work." Bringing an artist into the working team can add a fresh and exciting aspect to the project.

Portland offers specific incentives for private developers who incorporate public art into their projects. These guidelines were developed by the Regional Arts & Culture Council, RACC, to describe the City's Percent for Art Bonus Program and its approval procedures. It is hoped that these guidelines will encourage developers to include artists in building design teams and will demystify the process of selecting and installing project-enhancing art. Works commissioned under this program will be a great source of pride for building owners and the community.

SUMMARY

The Portland City Council adopted the Percent for Art Bonus Program on March 24, 1988, as part of the Central City Plan, Section 33.702.060.4. It is one of several programs which provide bonus floor area ratio as an incentive to develop the facilities and the urban amenities specified in the Plan.

DESCRIPTION

Development projects which commit one percent of their total construction cost to public art may receive floor area ratio bonus of 1:1. Projects committing more than one percent to public art receive additional bonus floor area ratio of 0.1:1 for each additional 0.1 percent of the project's total construction cost devoted to public art, up to a maximum floor area ratio bonus of 2:1. Total construction costs are the sum of all construction costs shown on all building permits associated with the project. For projects involving the expansion of buildings, the allocation for public art will be a percentage of the combined costs of new construction and the value of improvements to the property, as listed in the County Tax Assessor's records, at the time of application for Design Review.

Projects utilizing this bonus provision must place at least 25 percent of the project's public art budget into a Central City Public Art Trust Fund, maintained by the Regional Arts & Culture Council. Should a project's developer(s) choose to, the entire amount of percent for art funds may be placed in the Public Art Trust Fund. The Public Art Trust Fund is used primarily to purchase and install public art at other desirable sites in the Central City.

RACC approves the process and budget for selecting the artist(s), the artwork, and the location of the artwork. The public art provided will not satisfy any other provision of the City Code, State or Federal law.

In brief, there are three options for gaining the F.A.R. bonus.

- Allocate and spend 75% of 1%-2% of construction costs on a work(s) of art and contribute the remaining 25% directly to the Public Art Trust Fund.
- Contribute the full 1%-2% of construction costs to the Public Art Trust Fund.
- Contribute an amount greater than 25% of 1%-2% of construction costs to the Public Art Trust Fund, and dedicate the balance to on-site artworks.

STEPS IN THE PROCESS OF GAINING INCREASED F.A.R.

Program Procedures

These program procedures have been developed by RACC in conjunction with the Planning Bureau and review groups of developers, architects and artists experienced in public art. The process for gaining approval of F.A.R. bonuses parallels the regular steps necessary for approval of building projects by the City of Portland and is designed to fit within the usual timeline. Quick turn-around time on decisions is a high priority for RACC. In most cases this will be less than thirty days.

1. Initial Contacts with the Planning Commission and Regional Arts & Culture Council
Project developers are informed of the percent for art bonus and are referred to the RACC for further assistance. Developers are encouraged to contact RACC as soon as they are interested in this program. FAR Bonus Program 3

The Public Art Program staff will advise the developer in applying these procedures to the specific project and will provide up to two hours of free consultation in the early stages of the project. RACC can advise the developer on the process for integrating artwork with projects, how to select and work with artists, and how to select an art consultant. A Public Art Manager will be responsible for tracking progress and insuring compliance with program guidelines through all stages of the project.

2. Pre-Application Conference with RACC

Development of the Art Plan

Developers who are applying for the Percent for Art Bonus Floor Area Ratio shall develop an Art Plan for discussion at a pre-application conference with RACC representatives. If project artist(s) have been selected by the time of this meeting, they are encouraged to attend. The Art Plan will:

- Specify the proposed split of funds between the Public Art Trust Fund and on-site art, and present a budget for the selection process and artwork(s);
- Describe in detail the developer's process for selection of artist(s) and artwork and how that process will foster collaboration among artist(s) and other building design team members;
- Identify the intended site(s), media, and materials of artwork(s)
- Describe the qualifying artwork, including artist concept drawings, if artwork has been selected
- Detail the schedule for the selection, fabrication and installation of the artwork.
- Describe the plans for maintenance of the artwork(s).

3. Design Review Hearing

The Public Art Advisory Committee is authorized to grant formal approval of Art Plans submitted in applications for F.A.R. bonuses. If possible, the Committee will make its decision prior to the Design Review Hearing. RACC findings in regard to the Art Plan will be incorporated into the Planning Bureau's conditions for approval, which are to be accepted and recorded by the developer through a Covenant with the City.

4. Application for Building Permit

At the time of the application for a Building Permit the project developer must make the full contribution to the Public Art Trust Fund and submit a progress report on the art project to RACC. This report will serve as the basis for RACC's submission of a letter of approval, which the developer must include, with the application for a Building Permit. The Planning Bureau will not sign off on the Building Permit without assurance from RACC that it has received the Public Art Trust Fund contribution and approves the progress report.

5. Application for Building Occupancy Permit

The installation of artwork should be completed before a Certificate of Occupancy is granted. At the time of application a final written report, including visual documentation (slides, photos) and a detailed statement of project expenses must be submitted to RACC. Copies of contracts with art consultant(s) and artist(s) must be attached.

In some cases it may be impossible to complete installation of artwork prior to granting the Certificate of Occupancy. In this case, RACC has the authority to recommend to the Bureau of Buildings that the Certificate of Occupancy be granted upon posting of a performance bond in the full amount dedicated for the artwork. RACC must approve a timeline for completion of the art project.

COLLABORATION & INTEGRATION

Collaboration among artists, architects, landscape architects and engineers is encouraged so that artworks may be fully integrated into building designs. It is important that artists be brought into the design process as early as possible. In some cases, Art Plans may be approved which allocate funds for a portion of the architectural fees if it is determined that such work is an integral part of the proposed artwork and would not have been done otherwise.

WORKING WITH ARTS CONSULTANTS AND ARTS ADVISORY COMMITTEES

Project developers should work with an art consultant and/or art advisory selection committee in the selection of an artist(s) and artwork. The art consultant and advisory committees can give expert assistance on selection procedures, technical concerns, and on the uses, appropriateness, quality, and variety of art options. An art consultant can oversee the collaborative process from the initial stages of developing an Art Plan through installation of the art, and may even provide assistance with public relations and educational outreach in conjunction with dedication of the project. The ability to “troubleshoot” throughout the process can be crucial.

Up to 10% of the on-site art budget can be used toward an art consultant’s fees based upon an hourly or daily rate, which is agreed upon in advance. However, RACC encourages paying the art consultant from other elements of the construction budget. If an advisory committee is used to guide the selection process its makeup should reflect the breadth of involvement in the project. Participants may include the developer, project architect, landscape architect, neighborhood representative, and one or more artists or art professionals knowledgeable in the area of public art.

SELECTION OF ARTIST(S)

An artist is considered to be a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art and is not a member of the project architectural firm. Any of the following methods of selecting an artist(s) are possible:

- **Open competition.** A request for proposals is widely distributed inviting artists to submit resumes, slides, and a short proposal. When the selection is narrowed to a few

finalists, it is desirable to commission the artists to produce models or working drawings which specifically address suggested materials, construction of the artwork and placement at the site. A final decision is made after review of the models and drawings.

- **Invitation.** One or more artists are invited to submit proposals. If finalists are chosen, it is desirable to commission them to produce models or working drawings, which specifically address suggested materials, construction of the artwork and placement at the site.
- **Direct purchase.** A completed work of art is selected for the site.

The developer shall enter into a written contract with the final selected artist(s). RACC can provide sample contracts.

SELECTION OF ART

RACC encourages the selection of works of art which show:

- Strong artistic excellence
- Appropriateness to the site (working well within the scale and nature of the site)
- Integration into the design of the building
- Recognition of accessibility, durability, security, maintenance and safety requirements.

All forms of original creations of visual art are eligible, including but not limited to:

- Paintings of all media, including both portable and permanently affixed works
- Sculpture which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, architectural, etc., in any material or combination of materials
- Other visual media including, but not limited to prints, drawings, stained glass, lighting, calligraphy, mosaics, photography, moving image art, ceramics, fiber and textiles, wood, metals, paving, plant materials, plastics, crafts, artifacts, reliefs, mobiles, fountains, kinetic or electronic artworks, or other materials or combination of materials.

The following items do not meet the intent of this program:

- Reproductions, by mechanical or other means, of original works of art
- Decorative, ornamental, or functional elements designed by the architect or consultants engaged by the architect, as opposed to an artist commissioned for this purpose
- Those elements generally considered to be components of a landscape architectural design, except where these elements are designed by the artist and are an integral part of the project artwork
- Art objects which are mass-produced of standard design, such as playground equipment or fountains
- Directional or other functional elements, such as supergraphics, signs, color coding, maps, unless designed and/ or executed by an artist
- Modifications in or improvements to building surfaces or structural elements of the building.

THE PERCENT FOR ART BUDGET

The percent for art budget applies to “hard” construction costs. The following are subtracted from the estimated project construction costs before making the percent for art allocation:

- Engineering and administrative costs
- Costs for fees and permits
- Loan fees and interest during construction
- Insurance
- Environmental compliance costs
- Real estate commissions and taxes
- Legal fees
- Advertising fees
- Architect’s fees
- Land costs

Eligible art expenditures include:

- The work of art
- Design fees for artists invited to submit proposals
- Selected artist(s)’ operating costs
- Travel related to the integration of the art with the project
- Transportation of the work to the site
- Installation of the artwork
- Identification plaques and labels
- Frames, mats, mountings, anchors, containments, pedestals, or materials necessary for the installation, location, or security of the artwork(s)
- Photographs of completed works
- Expenses for special advisors or consultants, not to exceed 10% of the total

Ineligible art expenditures include:

- Art exhibitions and educational activities
- Architect’s fees
- Land costs
- Utility fee associated with electrical, water, or mechanical services used to activate the work(s) of art
- Registration, dedication, unveiling, security and publicity connected with work(s) of art after selection.

LOCATION OF ART

Maximum visibility of the art is of primary concern. Art must be sited on the exterior of the building and/or at location(s) clearly visible and freely accessible by the public from the sidewalk during daylight hours. The developer will guarantee public access to the artwork(s). The art is a permanent part of the development and must remain in place for the life of the building. Works may be portable, as well as fixed, as long as the art is always at or adjacent to the site and accessible to the public.

LIGHTING

Exterior artwork(s) will be adequately lit so as to be clearly visible from sidewalks during evening hours. Interior artworks will be adequately lit during all hours of public access.

OWNERSHIP AND MAINTENANCE

All art included in a specific project belongs to the project owner. The artist retains copyright of the art. The artist, project developer and architect (if appropriate) should be credited for their roles in the art project through a plaque located near the artwork.

Art must be maintained and repaired as necessary in accordance with accepted curatorial standards set by RACC. Stolen or vandalized art must be replaced or repaired as close as possible to its original form. So far as practical, in the event repair of a work is required; the responsible artist(s) shall be notified and given the opportunity to complete the repair for a reasonable fee. If the original artist is not available, a qualified professional, such as an art conservator, shall conduct any necessary repairs.

Installation, future preservation, maintenance, and replacement if necessary, of the public art provided within this bonus program is assured for the life of the development project by the property owner executing a covenant with the City in conformance with the requirements of section 33.702.090 of the Portland Zoning Code, Covenants with the City. The public art provided may not also satisfy other provisions of the City Code, State or Federal law.

In developing these guidelines, the Regional Arts & Culture Council has tried to allow for a flexible approval process which will result in exciting, high quality art. If developers wish to pursue a direction not indicated in the guidelines, they should contact the Council.