

**ART SUBSTITUTE FOR
GROUND FLOOR WINDOWS GUIDELINES:
Ground Floor Window Exception
(revised 2018)**

INTRODUCTION

The Zoning Code (Title 33) requires ground floor windows in all commercial zones, in the General Employment Zone (EX) and the RX and IR residential zones. In a general sense windows are required in all ground floor level walls which abut sidewalks, plazas, or other public open spaces or rights-of-way. Public art can only be used for up to ½ of the required window coverage.

The purpose of the window requirements is to:

1. provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
2. encourage continuity of retail and service uses;
3. encourage surveillance opportunities by restricting fortress-like facades at street level; and
4. avoid a monotonous pedestrian environment.

Windows must cover at least 40 percent of the ground floor wall area of street facing facades that are 20-ft or closer to a street lot line or a publicly accessible plaza. For the purposes of the standard, ground floor wall area include all exterior wall areas from 2-ft to 10-ft above the finished grade, and include openings in the walls of structured parking.

Complete information regarding code requirements may be found in sections

- 33.130.230 Commercial Zones
- 33.140.230 Employment and Industrial Zones
- 33.150.250 Campus Institutional Zones *to be adopted May 24, 2018*
- 33.415.340 Centers and Main Streets *to be adopted May 24, 2018*
- 33.510.220 Central City Plan District

For clarification of code requirements, interested parties should call the Planning and Zoning Hotline at 503.823.7526.

PUBLIC ART

In areas subject to the Design Review process, the applicant must show that the substitution of proposed art project approved by the Regional Arts & Culture Council (RACC) for windows will better meet design review objectives and will, on balance, be consistent with the purpose of the window regulations

Outside the Central City, public art may be used to meet up to one-half of the required window coverage of the ground floor window provision.

Covenants for the public art are required to ensure the installation, preservation, maintenance, and replacement of the public art and following the regulations of Section 33.700.060 *Covenants with the City*. To qualify for this exception, documentation of approval by RACC's Public Art Committee must be provided prior to approval of the building permit. This committee makes public art policy and approves all public artworks for the City of Portland and Multnomah County. The building occupancy permit will only be issued when the proposed artwork is approved by the PAC, installed according to an approved plan, and provided for by an approved maintenance agreement.

PUBLIC ART APPROVAL PROCESS

To use public art as an adjustment to the ground floor window provision the following steps are required:

1. Applicant determines ground floor window requirement, either through a code check or with the help of Planning Bureau staff. If the applicant is unable to meet the requirement, they should review this guideline document to determine interest in substituting art for windows. Other means of achieving the purposes of ground floor window requirements may be proposed and would be considered through the usual Design Review or Adjustment procedures and criteria.
2. Applicant contacts RACC's public art staff once it has been decided to pursue public art as an exception and **prior** to selecting a location for art, an artist and/or medium, style, etc.
3. Public art staff reviews project with applicant and initially determines appropriateness of art at the location, taking into account the scale and character of the building and area. If not suitable, applicant returns to the Planning Bureau staff to discuss other options. If art is considered a positive option, every effort will be made to place the project on the next available PAC agenda.
4. 1st meeting with the PAC: Applicant presents building plans and explores with the PAC opportunities for artwork, budget, artist selection process.
5. 2nd meeting with the PAC: Applicant presents concept, artist selected, proposed location of work in relation to the building, budget for artwork, and maintenance plan. If PAC approves all of the above, the owner and artist may proceed to develop final design.
6. 3rd meeting with the PAC: Applicant and artist present final design as it will be installed on or near the building and the owner's maintenance plan. If the PAC approves these components, the owner may proceed immediately.

The PAC will consider art as an adjustment if it meets the following criteria:

Artworks must be:

1. of the highest quality, in concept, siting, and execution;
2. oriented to pedestrians with the intent of providing a pleasant, rich and diverse pedestrian experience;
3. of appropriate location, material and scale for the building and area.

Budget

The minimum art budget of \$30,000 or (area of the ground floor [measured between 2-10 ft of height] + (square feet require but not provided x \$150) = total. Whichever budget is greater shall be the minimum budget for the project, unless the Public Art Committee recommends differently in their initial review of the project. *[Please note: New general regulations for ground floor windows will take effect May 24, 2018. To obtain current requirements for your project, please contact either the city planner you are working with or call the Planning and Zoning hotline at 503.823.7526.]*

Maintenance Plan

Applicant must present the PAC a plan for long-term conservation and maintenance appropriate to the materials of the artwork, prior to final approval.

Timeline

Applicant should anticipate no less than three appearances before RACC's Public Art Committee, as outlined above. The PAC meets once per month.

INCLUSIONS AND EXCLUSIONS FOR ART BUDGET

Artwork Acquisition funds may be spent for:

1. Semi-finalist proposals and travel expenses
2. Selected artist's fees for design team work, including travel expenses, conceptual development, and proposals
3. Creation of a work of art, including:
 - a. artist's design fee
 - b. city required permits
 - c. labor and materials
 - d. operating costs
 - e. insurance
 - f. project related travel
 - g. transportation of the work to the site
 - h. installation
 - i. documentation
4. Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation and/or security of the work

Art funds may *not* be spent for:

- A. Reproductions of original artworks
- B. Decorative or functional elements designed by the project architects, landscape architects or their consultants, without artist collaboration
- C. Art objects which are mass-produced of standard design, such as playground equipment or fountains
- D. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist
- E. Architect's fees