



VISUAL ARTS IN PUBLIC PLACES (VAPP)
PUBLIC ART REVIEW GUIDELINES FOR
CITY OF SANTA BARBARA

March 25, 2003

VISUAL ARTS IN PUBLIC PLACES (VAPP) PUBLIC ART REVIEW GUIDELINES

March 25, 2003

I. INTRODUCTION

A. OVERVIEW

The City of Santa Barbara is committed to supporting and promoting the arts as an essential component of the quality of life in our community. To this end, the City Council established the Arts Advisory Committee by resolution in 1985. The Visual Art in Public Places Committee (VAPP), a subcommittee of the Arts Advisory Committee, was established as part of this resolution. All art installations on publicly owned land and, whether permanent or temporary, must go through the review process described herein.

All public art projects proposed within the City of Santa Barbara must be reviewed and approved by VAPP. VAPP's purpose is to make recommendations to the Arts Advisory Committee, which in turn advises the City Council, concerning the acquisition, placement and presentation of high quality visual art on public property throughout the City of Santa Barbara.

Recommendations will also be made to other review boards including the Historic Landmarks Commission, the Architectural Board of Review, and the Parks and Recreation Commissions. These recommendations include initiation of the design-review process, implementation, facilitation, technical assistance and maintenance for proposed projects.

Generally, VAPP staff will review proposals to ensure they are ready for: pre-review, preliminary, and final approval. The purpose of the pre-review is to review the application for feasibility and completeness.

The applicant is to return to VAPP for review and approval should any significant change occur in the scope, materials, design, or siting of the artwork after the design has been approved. VAPP staff and the applicable department staff will make the determination of the need for additional review.

Note: The VAPP art review process does not apply to privately owned art placed or displayed on private property. However, the Architectural Board of Review or Historic Landmarks Commission may request that applicants obtain a VAPP committee review when highly visible art elements are proposed as part of a private development project. The purpose of the possible referral to VAPP would be to obtain a recommendation on the artistic merit and compatibility of the art for the site based on the VAPP subcommittee's professional expertise in the area.

B. GENERAL INFORMATION

1. Definitions

- a. A **permanent architectural installation** is defined as an artwork that is permanently installed as part of the architecture on publicly owned property within the legal limits of the City of Santa Barbara.
- b. **Temporary installations** may be:
 1. Long Term (31-365 days) or

2. Short Term (up to 30 days).

2. Criteria for Review

- a. **Visual Art in Public Places** - VAPP will review the application and evaluate it with attention to the following:
 1. artistic merit (inherent quality of the work itself);
 2. compatibility in scale, material, form and content of the work with the surrounding area;
 3. relationship within the City's collection (which strives for diversity in style, scale, media and artists); all forms of visual art may be considered;
 4. structural and surface soundness, including inherent resistance to theft, vandalism, weathering, excessive maintenance or repair costs, and safety considerations or factors that may bear on public liability;
 5. feasibility, professional experience and likelihood of artist's ability to complete the proposed work; and
 6. proposed plan and schedule for short- and long-term maintenance that would also address the fiscal impact, including staffing.
- c. **Architectural Board of Review, Historic Landmarks Commission and Parks and Recreation Commission Reviews**

All public art projects proposed within the City of Santa Barbara must be reviewed by and approved by Visual Art in Public Places (VAPP). Additionally, all such projects must be reviewed and approved by either:

1. The Architectural Board of Review (ABR) for project locations outside the El Pueblo Viejo Landmark District, or;
2. The Historic Landmarks Commission (HLC) for project locations inside the El Pueblo Viejo Landmark District or on a City Landmark.
3. Parks and Recreation Commission for projects within the City Parks and City Parks Facilities.

Applicants wishing to pursue projects within the Historic Landmark District must meet special design considerations. The publication, *Guidelines for El Pueblo Viejo Landmark District*, addresses these considerations and describes the area included in the El Pueblo Viejo District. It is available at the cashier's desk of the Community Development Building, located at 630 Garden Street.

The Architectural Board of Review or the Historic Landmarks Commission will not be reviewing artwork, *per se*. It will review the appropriateness of the art work's presentation as it relates to its setting, and with adopted design guidelines.

All projects intended for installation within the jurisdiction of the Parks and Recreation Department, must include a conceptual review to include staff from the Park and Recreation Department as well as a Park and Recreation

Commission representative to consider possible fiscal impact to the site, including care and maintenance and staffing impacts.

3. Applicant Responsibility

- a. The applicant is responsible for monitoring the application's progress through the review process, as well as all phases of the design and execution of the work.
- b. For temporary projects, the applicant is responsible for all phases of the design and execution of the work, as noted above, as well as the installation, removal, and return of the site to its original condition, unless otherwise stipulated.

II. REVIEW PROCESS

A. PREPARATION OF APPLICATION

The applicant must first compile the application items listed below:

1. Completed **Master Application Form**, available at the Community Development Department, 630 Garden Street in Santa Barbara.
2. Photographs, drawings, models, or videos of proposed artwork.
3. Samples of actual materials to illustrate color palette.
4. Site plan with photographs of site and neighborhood, indicating artwork *in situ* and to scale.
5. Schedule, with installation dates and duration.
6. Description of construction methods and necessary equipment to be required.
7. Budget, including any costs to be incurred by the City of Santa Barbara.
8. Maintenance requirements and costs, including earth movement and restoration if applicable. (Note: an endowment fund may be required of the applicant to maintain a permanent installation.)
9. Proof of insurance sufficient to meet the requirements of the City's Risk Manager.
10. Any supporting materials requested by VAPP or by other design review bodies. (Note: If a project could have a significant environmental impact, an environmental impact assessment may be required).
11. Résumé of artist and examples (slides, photographs, models, etc.) of previous work to include sample of other public art projects if available. Applicants must exhibit potential to complete the project within the outlined budget, schedule and guidelines.

B. PRE-REVIEW MEETING

When the application is complete, the applicant must submit application materials with the appropriate fee and contact City Planning Staff to request a pre-review meeting. City Planning Staff shall arrange and schedule the pre-review meeting. The purpose of the pre-review meeting is to inform the applicant of the major issues and review process involved with the proposal. The pre-review committee will be comprised of the following:

1. VAPP representative;

2. VAPP staff person;
3. Historic Landmarks Commission (HLC) or Architectural Board of Review (ABR) representative, as appropriate;
4. City Department Commissioner, as appropriate (for example, Commissioner from applicable City Department, such as Parks and Recreation, Harbor, etc.); and
5. City Department staff, as appropriate.

Upon favorable pre-review, the VAPP coordinator will schedule the applicant to come to the next VAPP meeting for preliminary review. (Pre-reviews of artwork which has not been determined appropriate and/or feasible will be reported at this meeting and duly noted in the minutes. Applicant may appeal the review to VAPP.)

C. PRELIMINARY VAPP REVIEW FOR PRELIMINARY COMMENTS

The applicant, or a designated representative of the applicant, will personally present the proposed installation with the completed application package to VAPP. The presentation should take no longer than 15 minutes. VAPP will give general comments and guidance at this stage.

D. REVIEW BY OTHER COMMITTEES AND COMMISSIONS FOR PRELIMINARY APPROVAL

Following preliminary review and approval by VAPP, the applicant will also be required to present the proposal to other review boards such as the Historic Landmarks Commission, the Architectural Board of Review, the Parks and Recreation Commission, the Airport Commission or the Harbor Commission. A Joint Review of VAPP with Boards or Commissions may be suggested.

E. VAPP REVIEW FOR FINAL APPROVAL

After final design approval from all the committees and commissions, and submission of the completed application, the VAPP Committee will vote to approve the proposal.

F. REVIEW BY OTHER COMMITTEES AND COMMISSIONS FOR FINAL APPROVAL, AS REQUIRED

G. CITY COUNCIL APPROVAL

If the proposed project is on City-owned land, the proposal may be referred to the City Council for approval and implementation.

H. BUILDING PERMIT

After all approvals are obtained, an application for, and securing of, a building permit may be necessary.

III. REFERENCES

For the complete guidelines and policies, please request a copy of the *City of Santa Barbara Visual Arts in Public Places (VAPP) Public Art Review Guidelines*, available from the Santa Barbara County Arts Commission by mail: P.O. Box 2369, Santa Barbara, CA 93120.

Other pertinent offices include:

The Redevelopment Agency of the City of Santa Barbara (RDA), 564-5461
Community Development Department, 630 Garden Street

The Historic Landmarks Commission, and the Architectural Board of Review, 564-5470
Community Development Department, 630 Garden Street

Airport Department, 967-7111 x202
601 Firestone Road
City of Santa Barbara Airport

Harbor/Waterfront Department, 564-5519
321 E. Cabrillo Blvd.

Parks and Recreation Department, 564-5430
620 Laguna Street

IV. *DEACCESSION POLICY FOR THE PUBLIC ART PROGRAM OF THE CITY OF SANTA BARBARA*

A. Overview

Deaccession is the process by which the **Visual Art in Public Places Committee** (VAPP) recommends the disposal of artworks in the City's collection or removal from a public place. Any member of the public may attempt to establish cause for review. Either VAPP, a subcommittee of the Arts Advisory Committee, and/or the Arts Advisory Committee can initiate the deaccessioning process by a majority vote of its members, based on the expressed concerns.

When an agency undertakes a public art project, part of the intention is to begin a dialogue with the public. Often this leads to controversy. Public art, historically, has a long tradition of controversy. No artwork will be revered by all; however, by establishing a process whereby many representatives of the public are involved, it is hoped that the public will develop a sense of ownership of the work.

The criteria for reviewing public art should not be the currency or fashion of a particular style, but the quality of the work itself and its relationship to the public context. A responsible review for the disposition of artwork must proceed according to carefully developed policies and procedures, just as the commissioning process does. A decision to deaccession may imply basic questions of public trust, freedom of artistic expression, censorship, contractual obligations, copyright, the integrity of the artwork, and the credibility of the commissioning body.

These guidelines are intended to establish a process whereby public artwork can be reviewed and to establish a procedure for removal or relocation of public art. Removal or relocation of permanent installations will only be considered after a piece has been installed for at least three years, provided no threat to public safety exists. In the case of temporary work, the artwork must be in place for at least 60% of the contractual loan period. The deaccession process will be carried out in a reasonable and expedient manner.

B. Criteria for Review

Cause for review must be based on valid criteria, such as safety, condition of artwork, need for excessive maintenance or compelling community concerns.

C. Review Process

Prior to implementation of the deaccessioning process, staff will do the following:

1. Submit a request for deaccession to VAPP explaining the reasons for the request.
2. Review the file; particularly the selection process, artist's contract, maintenance specifications and records, records of public meetings, and any other pertinent information.
3. Consult with at least one independent professional qualified to recommend on the issue prompting the review. Professionals may include but are not limited to conservators, engineers, critics, safety experts, artists, and architects.
4. Review any written correspondence, press and any other evidence of public debate.

Staff will report findings to VAPP. If VAPP feels the issues in question cannot be resolved, they will recommend to the Arts Advisory Committee that the deaccession process be initiated. This process will be conducted by VAPP, or, if so determined by the Arts Advisory Committee, by a jury of arts professionals appointed by VAPP, subject to the Arts Advisory Committee's approval. Such process will be carried out in a reasonable and expedient manner.

D. The Deaccession Process

The body empowered to conduct the deaccession process will do the following:

1. Determine if deaccession or relocation is in order.
2. If this body recommends specific measures to resolve concerns, the Arts Advisory Committee will be given a reasonable time to carry out the recommendation.
3. If the work is to be deaccessed, the body will either:
 - a. Find a suitable site for relocation. An attempt will be made to consult with the artist about the proposed new site.
 - b. Remove the artwork from the collection by sale, extended loan, trade, or gift. If feasible, the artist will be given first option to purchase the artwork at the current appraised value. Sale may be through auction, gallery resale **or** direct bidding. Trade may be through artist, gallery, museum, or other institution. According to the California Resale Royalties Act, Civil Code Section 986, upon the sale of artwork by the City, five (5) percent of the amount of such sale will be paid to the artist who created the artwork, provided conditions of the Civil Code are met. All other proceeds will be deposited into the Arts Advisory Committee Trust Fund, designated for the Visual Art Program.
 - c. Remove the work of art from display and store it. An alternative would be to loan the work to a business or non-profit organization for public display.
 - d. An estimate for the cost of restoring the site to its original or functional condition must also be included as part of this process.

All recommendations for deaccession are subject to the approval by the Arts Advisory Committee.

**VAPP PUBLIC ART REVIEW PROCESS
FLOW CHART**

