

Art in Private Development (AIPD)

480-350-2827

www.tempe.gov/publicart



AIPD Guidelines

Art in Private Development: The goal of the City of Tempe's *Art in Private Development Ordinance (AIPD)* is to beautify the community with a wide variety of high-quality art installations. **AIPD** enhances the identity and character of the Tempe community making it more appealing to residents and helps to further attract visitors.

Tempe Zoning and Development Code, Section 4-407 www.tempe.gov/zoning

The property owner(s) of any project (including mixed-use) that contains more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district (including a mixed-use project) or is a phase of a larger project approved after February 24, 1990, which contains a total of more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, or an expansion of the *net floor area* of commercial or office use of any project (including mixed-use) that results in the project containing a total of more than fifty thousand (50,000) square feet *net floor area* of commercial or office use within any zoning district, shall contribute to Art in Private Development.

The art contribution shall take the form of either on-site installation of exterior artwork or an equivalent cash donation to the *Tempe Municipal Arts Fund*. All art contributions shall conform to the *City of Tempe Art in Private Development Guidelines* adopted by the City Council (see *Appendix D*). The developer's investment in artwork is based on the amount of square footage of the *net floor area* dedicated to commercial and/or office uses, and is adjusted on July 1 of each year based on the *Consumer Price Index for All Urban Consumers (CPI-U)*.

Year	AIPD Assessed Value (per square foot)
2012	\$0.43
2013	\$0.44
2014	\$0.44
2015	\$0.44
2016	\$0.44
2017	\$0.44
2018	\$0.45
2019	\$0.46
2020	\$0.47
2021	\$0.48
2022	\$0.49
2023	\$0.53
2024	\$0.56
2025 (effective July 1, 2025)	\$0.58

Eligibility and Restrictions

1. Artwork:

On-site and publicly accessible installation of exterior artwork commissioned by the applicant

2. Arts Fund Contribution:

An equivalent monetary donation to the *Tempe Municipal Arts Fund*

ARTWORK ELIGIBILITY. “Artwork” or “Work of Art” is defined as an original artist designed and produced work that is imported into or set at the building site. Developers must hire a Professional Artist for the creation of the Artwork. The Artist is defined as a professional based on their body of work including commissions, exhibits, publications, collections, and educational background. Exclusions include persons primarily working the professional fields of architecture, engineering, design, or landscape who do not have a record of art-based accomplishments as described; persons with a business interest in the development project outside of the creation of the Artwork; and relatives of anyone with a financial interest with respect to the project at-large.

Developers opting to commission a Work of Art to fulfill the Art in Private Development requirement must ensure the Artwork shall be publicly visible and accessible at all times. If Artwork is placed in the interior of a building, the location cannot require payment for entry to view and experience the Artwork, and the Artwork must be in an area that invites the public to loiter as appropriate. Public Art is typically large-scale and may include sculpture, murals, mosaic, ceramic, installation, video, photography, works of light, integrated artist designed land works, and other works determined by the Tempe Arts and Culture Department which will satisfy the requirement.

Each proposed Artwork will require the following for review by the City:

- **Artist Credentials:** Including resume, examples of past work, and any other appropriate materials that speak to the artist’s professional history.
- **Budget:** Itemized budget that meets the required art investment for the development which may include the artist’s budget (fees, materials, assistants labor costs, insurance, permits, taxes, legal and business expenses), fabrication and installation of the Artwork, site preparation for the Artwork, structures enabling the artist to display the Artwork, acknowledgement plaque identifying the artist, Artwork, and the development, and any subcontractor fees that relate to the Artwork (engineering, graphic design, welders, etc.)
- **Materials:** Materials used for the Artwork must be reviewed by City of Tempe Public Art Staff with regards to viability and budget constraints.
- **Maintenance Plan:** All proposed Artworks should include a plan for future maintenance and cleaning schedule where appropriate.
NOTE: Costs for maintaining and operating Artwork shall *not* be included in the budget.
- **Artist Agreement with Owner:** Any agreement whether conceptual or complete between the owner and the artist for work to be addressed must be provided in the submittal package.

RESTRICTIONS (Proposals that will *not* meet the public art requirements):

- Business logos or art that incorporates a logo or portion of a logo
- Directional or way-finding elements such as supergraphics and signage
- Mass-produced “art objects” such as fountains, statuary, or playground equipment
- Standard landscape or hardscape elements which would normally be associated with the project
- Decorative architectural elements that are designed by the building architect as opposed to an artist commissioned for this purpose

Tempe Municipal Arts Fund Contribution:

Developers have the option of paying into the *Tempe Municipal Arts Fund* in lieu of using the **AIPD** fund for the creation of a work of art on their property. When choosing this option, the City will, in its discretion, endeavor to use the contribution for a project or program near the building that is connected to the contribution. When this option is not possible, the contribution will be used to program arts throughout the City of Tempe.

To view images of completed Artwork, visit: www.tempe.gov/publicartmap

For assistance and questions, contact Rebecca Blume Rothman, Public Art Manager
(480) 350-2827 rebecca_rothman@tempe.gov

Process

1. **Site Plan Review (SPR)** – Applicant electronically submits project plans for City to review. Applicant will receive the **AIPD** Guidelines, an explanation of the **AIPD** process and **AIPD** staff contact information.
2. **Contact Public Art Office** – Discuss concepts, budget, location, and visibility of proposed Artwork as well as possible artists. Staff Contact: Rebecca Blume Rothman, Public Art Manager (480) 350-2827 rebecca_rothman@tempe.gov
3. **Select Professional Artist** – *or* – determine amount of in lieu contribution to the *Tempe Municipal Arts Fund*. If creating Artwork, Artist must show educational background in the arts, and/or arts accomplishments such as gallery or museum exhibits, and completion of public art projects. If opting for monetary contribution, alert **AIPD** staff contact of intent to contribute to the *Tempe Municipal Arts Fund*.
4. **Development Plan Review (DPR)** – Plans are submitted for formal entitlement processing of design of project. Indicate where the Artwork is proposed (generally on the site plan, landscape plan, and elevations -- if applicable). The DPR submittal should include a brief description of the art type (i.e. not a completed Artwork design -- but identify a sculpture, bridge, entry way, shade structure, mural, etc.). This explanation assists the Development Review Commission in understanding that the art is being considered as part of the overall design of the site and to ensure that there are no conflicts with retention, landscape, irrigation, public rights-of-way, etc.
5. **Submit Artwork Plans to Public Art Office** – Include the following: (1) Narrative description of proposed Artwork, (2) Scaled construction drawings or models of the Artwork including site plan and landscape plan showing the proposed Artwork in the development's context, (3) Detailed budget, (4) Artist's résumé, (5) Artist contract between the developer and artist, and (6) Maintenance plan and material specifications for the proposed Artwork.

6. **AIPD Committee Review** – Artwork plans are reviewed internally by a committee comprised of Public Art and Planning staff as well as a member of the Tempe Arts and Culture Commission (TACC). The committee reviews the proposed Artwork plan, its visibility to the public, and its context within the development. Developers may be asked to bring their art concept for review before the Tempe Arts and Culture Commission for a formal presentation prior to beginning design development. This request is typically based on the size, scale, and location of the proposed project and is determined by the internal committee review.
7. **Contract Submittal** – Developers are required to submit the final copy of the artist agreement to the Public Art staff within two (2) months of TACC review. This is to allow for scheduling and planning of the design development, fabrication, and art installation in a timely manner.
8. **Plan Check (PC)** – Building construction set reviewed for structural, mechanical, electrical, planning, etc. Artist construction documents must be sent to *Planning Review* for review and approval.
9. **Building Permit (BP)** – Released after all issues in development construction document set are resolved, which may include Artwork if Building Permit (BP) is required. In the rare event of a delay, a waiver must be approved in advance to allow a Building Permit (BP) to be issued *prior* to artist's construction documents. Artwork location should be identified on site plan and coordinated on plan set (landscape, irrigation, electrical, etc.).
10. **Inspection of Installed Artwork** – Contractor / Artist / Representative of an **AIPD** installation must schedule and pass a **Planning Final (699)** field inspection prior to *Building Final* approval (CofO).
11. **Certificate of Occupancy (CofO)** – Artwork must be installed and completed before a *Certificate of Occupancy* can be issued. If there is a need to delay due to artist / installation schedule, a *Temporary Certificate of Occupancy* (TCO) may be issued contingent upon an agreed deadline to complete and install the Artwork.
NOTE: CofO / TCO issuance are at the discretion of the field inspection team, based on approved plans and public safety requirements.
12. **Final notification to Public Art Office with high resolution images of Artwork.**
AIPD installations are published in the City of Tempe www.tempe.gov/publicartmap