

TOWN OF LOS GATOS
Public Art in Private Development
Information and Process for Non-Exempt Projects

Public Art in Private Development Application Form. Submittal required with Development Review Application Package for all development projects.

For public art provided on-site:

1. **Initial review by the Arts and Culture Commission (ACC).** The ACC meets the third Wednesday of each month at 4:00 p.m. at the Los Gatos Library. Initial review shall be scheduled at least 60 days prior to the Development Project's public hearing.

One week prior to the review, please submit digital copies of a preliminary public art plan including the following materials:

- The identity of the artist or description of the process by which the artist will be selected.
- Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art.
- An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs.
- Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods.
- A detailed plan that demonstrates how the property owner or developer will maintain the artwork, including schedule, cost, and manner of maintenance.
- A narrative statement or plan that demonstrates the public art will be displayed in a publicly accessible manner.
- Any visual presentation materials for the meeting.

The ACC meeting will include time for up to a 15 minute presentation by the applicant. The ACC will then ask questions and make recommendations. This initial review is an opportunity for preliminary input from the ACC to make the final artwork more successful, and confirm that the public art plan conforms to the requirements of Town Code.

2. **Final review by the Arts and Culture Commission.** A final review meeting with the ACC shall be scheduled after building permit issuance, but prior to art installation. One week prior to the review, please submit the following materials:

- The identity of the artist/s.
- Sketches, photographs, or other documentation of the proposed public art.
- An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs.

- Plans containing such detailed information as may be required to adequately evaluate the location and compatibility of the artwork in relation to the proposed development.
- A detailed plan that demonstrates how the property owner or developer will maintain the artwork, including schedule, cost, and manner of maintenance.
- A narrative statement or plan that demonstrates the public art will be displayed in a publicly accessible manner.

The ACC meeting will include time for up to a 30 minute presentation by the applicant. ACC approval is required and must be obtained prior to installation. The ACC will render a decision within 60 days of the final review.

3. Public Art installation. Prior to issuance of the Certificate of Occupancy the following will be required:

- Documentation of the actual expenditures for provision of the public art and building valuation. If actual expenses do not utilize the entire amount provided by the one percent (1%) valuation, the additional funds are to be deposited in the Public Art Fund. If the market value of the on-site public art is greater than the one percent (1%) art contribution required, the Town shall have no obligation to refund the excess amount.
- Inspection by the Town to confirm that the public art has been installed as required by the ACC approval, to the satisfaction of the Community Development Director.

For in-lieu fee to the Public Art Fund:

1. Within 60 days of the Development Permit application approval, deposit one percent (1%) of the estimated construction valuation in the Public Art Fund.
2. If the building valuation increases from the time of the initial deposit into the Public Art Fund, additional funds are to be deposited into the Fund to meet the one percent (1%) requirement prior to issuance of a Certificate of Occupancy.

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Sections 25.70.010 through 25.70.140 of the Los Gatos Town Code require publicly accessible artwork for the following development project types:

- (a) All new commercial developments (including mixed-use projects), including new construction, and additions and remodels that add more than fifty percent (50%) square footage; and
- (b) All new residential projects of three (3) or more units, including new construction and additions and remodels that add more than fifty percent (50%) square footage.

The artwork can be provided on-site OR through payment of an in-lieu fee into the Public Art Fund. In either case the artwork or fee shall be equal to one percent (1%) of the construction value of the development project.

Development Project Address: _____

Applicant: _____

Applicant Address: _____

Phone: _____ Email: _____

Please check one of the following options:

- I will be placing public art on-site
- I will be paying an in-lieu fee to the Public Art Fund
- This project is exempt from this requirement under the following:
 - Addition or remodel of less than 50% square footage
 - Historic renovation
 - Repair or reconstruction due to natural disaster
 - Seismic retrofit project
 - Single-family or two-family residential unit
 - Accessory dwelling unit or junior accessory dwelling unit
 - Project exempt by Federal or State law
 - Municipal facility
 - Building or structure primarily used for religious worship
 - Affordable housing development (100% below market). If affordable housing is a portion of the development, the valuation of the affordable units will be subtracted from the valuation of the project.

Estimated Construction Value: _____

1% of Estimated Construction Valuation: _____

Applicant Signature: _____ Date: _____