

Arts & Culture Commission – Public Art Ordinance Checklist for Private Development

Project Title: _____

Developer/Applicant: _____

Artist (if identified): _____

Review Date: _____

Section 1 – Ordinance Compliance (Objective Standards)

(Per Town of Los Gatos Public Art Fund Ordinance, Chapter 25.70, objective standards must be met for approval)

1.1 **Applicability** – Project meets threshold requiring public art or in-lieu contribution.

1.2 **Compliance Path** – Developer has chosen:

- On-site art (\geq 1% of building valuation), OR
- In-lieu fee (paid or scheduled).

1.3 **Documentation Provided** – Final submittal includes:

- Artist identity/credentials.
- Visual materials (sketches, renderings, models).
- Location and site plan within the project.
- Appraisal/cost evidence confirming \geq 1% valuation requirement.
- Maintenance plan with responsible party and budget.

1.4 **Financial Verification** – Value of art acquisition + installation documented; shortfall (if any) directed to Public Art Fund.

1.5 **Timing** – Installation scheduled before Certificate of Occupancy.

1.6 **Meets Definition of Artwork** – Meets an objective definition of an original artwork regardless of subjective opinion of artistic taste. The artwork is NOT mass produced or of standard design; NOT a reproduction of original works of art except as a derivative work as approved by the Arts and Culture Commission; NOT landscape architecture or gardening, except where these elements are designed by the artist as an integral part of a work of art; NOT decorative elements of the development that would reasonably be considered architectural design or architectural style elements.

- 1.7 Public Accessibility & Visibility** – Artwork is sited in a location clearly accessible and visible to the public, not hidden or inaccessible. Access is defined as a minimum of 40 hours per week, except for light-based artwork which will be considered on reasonable and seasonally contextual activation of the artwork during evening hours in compliance with Town development standards and guidelines regarding lighting.
- 1.8 Durability & Safety** – Artwork uses materials and methods appropriate for long-term display, weather, and public interaction; free of hazards.
- 1.9 Maintenance Feasibility** – Developer’s maintenance plan is realistic, funded, and identifies a responsible party for upkeep.
- 1.10 Artist Selection Integrity** – The artist is recognized as a professional practitioner of the creative arts. The selected artist is NOT a professional working in architecture, engineering, design, or landscaping; NOT an employee or relative of the developer, architect, or project manager; NOT a person, or a relative of a person, with a business for financial interest in the development project.
- 1.11 Plaque and Identification** – The artwork incorporates a publicly accessible plaque or marker that identifies the date, title, artist, and medium.

Section 2 – Public Art Best Practices (Supplemental Review Criteria)

(General standards to support quality and community value, these are NOT objective standards, and are NOT criteria for the Commission to deny a proposal. They serve only as guidance and suggestion from the Commission for the developer’s consideration.)

- 2.1 Artist Locality Consideration** – The developer considered, in order of preference: a) artists located in the Bay Area, b) artists located in California, c) artists of renown located elsewhere but with a historic or cultural connection to the area, d) artists of renown regardless of location or connection.
- 2.2 Artist Duplication** – The artist does not already have work on display as public art within the Town of Los Gatos boundaries.
- 2.3 Artistic Quality** – Work demonstrates originality, professional execution, and artistic merit.
- 2.4 Site Responsiveness** – Artwork is appropriate for the location, integrates with site architecture and landscape, and enhances the character of the development and surroundings.

2.5 Community Benefit – Artwork contributes positively to the cultural, aesthetic, or social identity of Los Gatos and its residents.

Section 3 – Commission Decision

- Approved as Submitted
- Approved with Conditions (list below)
- Not Approved (reasons below)

Notes / Conditions:
