

MONTGOMERY COUNTY

artreview

PANEL

POLICIES AND PROCEDURES FOR THE OPTIONAL METHOD OF DEVELOPMENT



TEMPORARY & PERMANENT
SCULPTURES



STUDIO SPACE



MURALS

WALL ART



BETHESDA OFFICE CENTER



Abstract

These updated policies and procedures establish the guidelines for the Art Review Panel. This document was adopted by the Planning Board in January 2018, and supersedes any guidelines specifically pertaining to public art in private development.

Sources of Copies

The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Online at:

montgomeryplanning.org/publicart



MONTGOMERY COUNTY

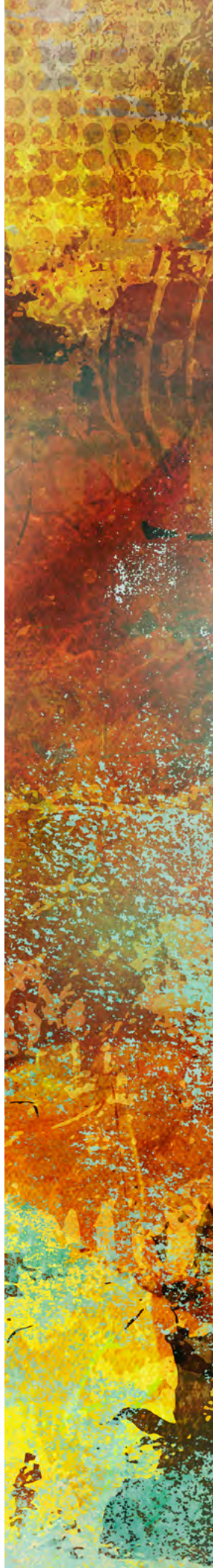
artreview

PANEL

POLICIES AND PROCEDURES FOR THE OPTIONAL METHOD OF DEVELOPMENT

Prepared by the Montgomery County Planning Department
MontgomeryPlanning.org

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



LIFE IS
ART

LIVE YOURS IN

COLOR

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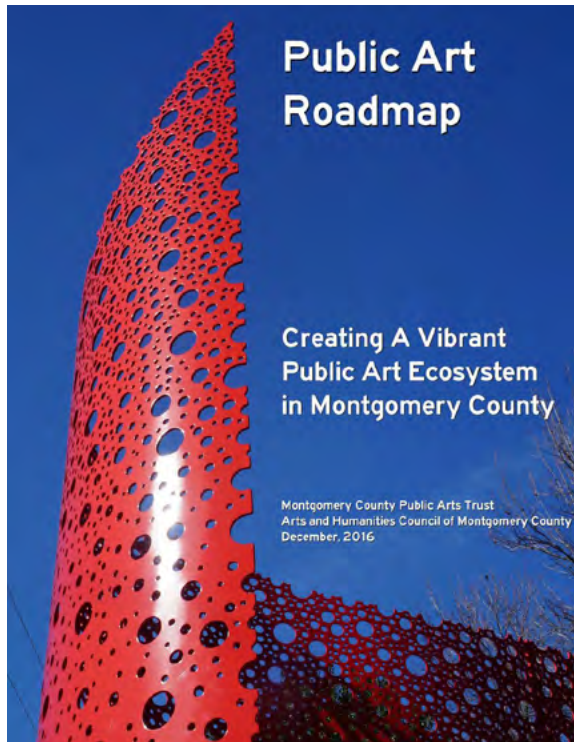


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Introduction



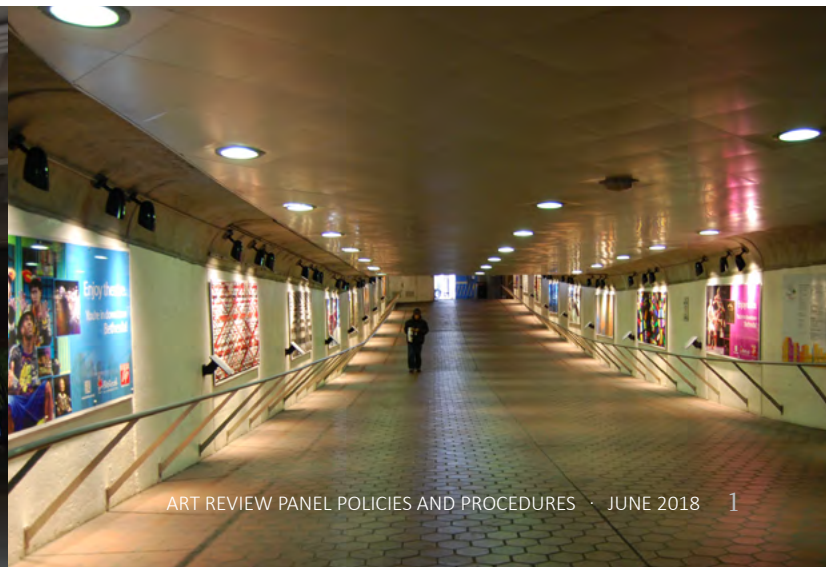
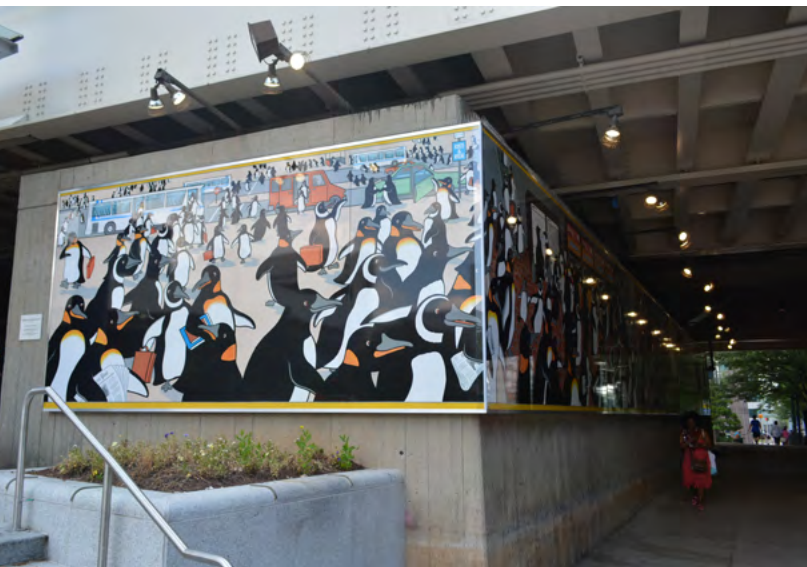
The Montgomery County Public Art Roadmap

Montgomery County receives new public art in one of two ways: 1) publicly funded public artworks are commissioned and installed on public property or 2) privately funded public artworks are commissioned by private developers through the optional method development process and installed on private property. The privately funded public artworks are approved by the Maryland National Capital Park and Planning Commission- Montgomery County (M-NCPPC-MC) Planning Board. The following policies and procedures address the process for the Art Review Panel to review proposals for public art in private development and provide recommendations to the M-NCPPC-MC Planning Board.

Public art in private development plays an important role in helping to achieve the community's goals and priorities as outlined in the Arts and Humanities Council of Montgomery County's (AHC MC) 2016 strategic plan for public art, **Public Art Roadmap: Creating A Vibrant Public Art Ecosystem in Montgomery County** (left). Community feedback indicates that the most important goals for public art are to create memorable, meaningful cultural experiences throughout the county and support the local arts community¹. In addition, the study found that people prefer to see public art in more densely populated cores, where they can engage the artworks more easily and the art enhances their experiences of the streetscape.

¹ The Montgomery County Public Art Roadmap, December 2016

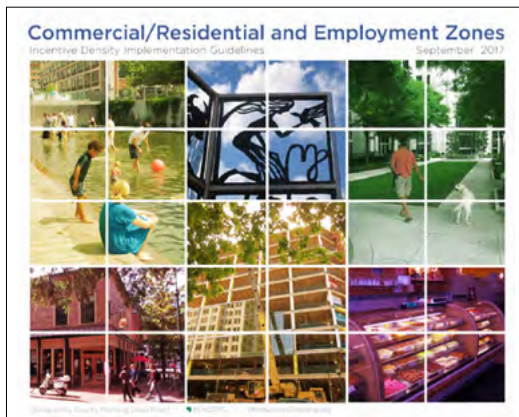
Public art at transit - Penguin Rush Hour Mural at Silver Spring Metro (left); Tunnel Vision at Bethesda Metro (right).



BACKGROUND

The optional method of development is a review process that allows property owner(s) to gain approval from the Montgomery County Planning Board to build more than the standard method of development in exchange for public benefits. When a private developer or property owner(s) elects to submit an optional method development application, they are required to provide public benefits, which may include public artworks. The Montgomery County Planning Department proposed the optional method in 1974 as a means of acquiring public facilities and amenities in the intensively developed central business districts of Bethesda, Silver Spring, Wheaton, and Friendship Heights. In February 1988, a committee was formed to study issues relating to the approval, installation and maintenance of public artwork received through this development process.

The Montgomery County Planning Board approved the policies and procedures, goals and objectives for selecting public artworks recommended by the study committee, and established the Art Review Panel. The Art Review Panel serves in an advisory role to Montgomery County Planning staff and the Planning Board in determining the appropriateness of public art proposed as part of fulfilling the optional method requirements.



Commercial/Residential Zone Guidelines

This document updates the 1988 study committee's Recommended Policies and Procedures for Artwork in the Optional Method of Development. These guidelines reflect revisions to the optional method process in the Montgomery County Zoning Ordinance adopted in 2014 and outlined in the 2016 Public Art Roadmap.

*Top right: Light fixture and sculpture by Kent Bloomer (2013);
Site Plan No. 820060360 in Bethesda MD
Bottom right: Lotus Columns by Mary Ann E. Mears (2009);
Site Plan No. 820060280 in Silver Spring*



PURPOSE

Private developers may provide public art, as one of many public benefits, in exchange for increased density through the county's optional method of development process. If the developer chooses to provide public art, the artwork may be provided on the subject property. Or the developer may pay into the Montgomery County Public Art Fund instead of erecting the artwork on the property. Although the artworks approved through the optional method program are public in nature, they are privately owned and maintained.

The purpose of the following policies and procedures is to establish a reasonable and consistent process for the Art Review Panel to consider public art proposals in private development, plan for long-term maintenance and provide clear direction for the relocation or removal of privately funded artworks.

APPLICABILITY

The Art Review Panel's policies and procedures apply to optional method applications for development on properties zoned Commercial Residential (CR), Commercial Residential Town (CRT), Employment Office

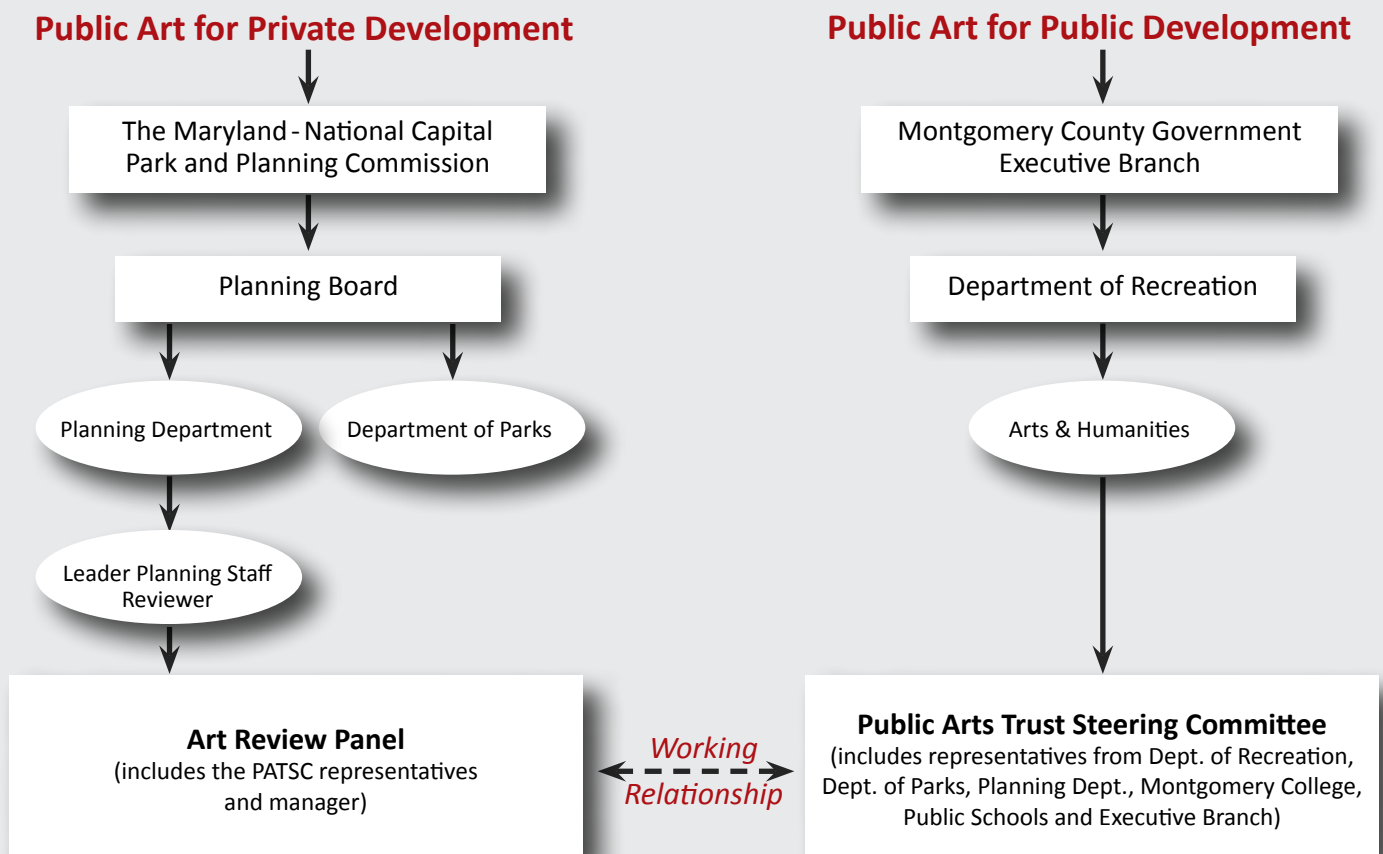
(EOF), Life Sciences Center (LSC) or any other optional method projects proposed by developers seeking incentive density for providing public art as a public benefit.

PARTNERSHIPS

The Arts and Humanities Council of Montgomery County (AHC MC), Montgomery County's designated local arts agency, administers the Montgomery County Public Arts Trust – the county's central program for managing and commissioning all public art on county-owned property. AHC MC works closely with the Montgomery County Planning Department to assist efforts in managing public artworks provided through private development.

The Public Arts Trust Steering Committee (PATSC) serves as an advisory body to AHC MC in managing the Public Arts Trust. AHC MC's Public Arts Trust staff and representatives from the PATSC participate in the Art Review Panel, and a staff representative of the Montgomery County Planning Department also participates on the PATSC to ensure regular coordination and communication with the Planning Board (reference Figure 1 below).

Figure 1: Public Art Coordination & Partnership Diagram



Rules of Procedure

PANEL COMPOSITION AND TERMS

The Art Review Panel comprises no less than five voting members appointed by the Planning Board, and includes at least two Public Arts Trust Steering Committee (PATSC) representatives. Ex-officio members include the Public Arts Trust Manager and a representative from the Arts and Humanities Council of Montgomery County (AHC MC). The voting members are solicited through a public application process and required to submit background information. Standing members of the Montgomery County Art Review Panel may recommend potential candidates for the panel to the Montgomery County Planning Board.

Upon official acceptance of an appointment, each voting member serves two consecutive three-year terms. After serving for six years, panelists must take a one-year absence at a minimum from service before being considered for an additional term. AHC MC and PATSC representatives are considered non-voting members and their main function on the Art Review Panel is to 1) provide a direct connection and coordination of Public Art Fund; 2) share insight on how the county maintains its public artworks; 3) identify areas of potential collaboration or improvement; and 4) provide comments and recommendations to Montgomery County Planning staff on review, relocation and removal of optional method projects in accordance with the guidelines for Commercial Residential zones.

Representation of diverse interests on the Art Review Panel is achieved by selecting members with, at a minimum, the following expertise:

- One business/development representative (including but not limited to a land use attorney or a real estate developer).
- One community representative.
- Three arts professionals who are recognized and respected in their fields and may include artists, architects, landscape architects, art critics, curators and historians/ educators. At least one of the arts professionals must be a representative of the PATSC.

Panelists are selected based on the following criteria: (a) knowledge of current best practices in public art; (b) willingness to fully participate in a review process; and (c) knowledge of or involvement with the resident community. It is expected that the Art Review Panel will act in a professional manner when providing comments to staff, the developer or property owner, and/or the Planning Board.

Panelists will be mindful of any conflicts of interest from associations with development teams, property owners or associations. They will disclose any actual, apparent or potential conflicts of interest pertaining to any application or alleged violation that is subject to the jurisdiction of the Montgomery County Planning Board. If conflicts of interest arise, the specific panelist will be recused from the discussion and recommendations.

A staff member from the Montgomery County Planning Department serves as the Public Art Coordinator to support the work of the panel. The coordinator's main function is to act in the best interests of the Planning Department and Planning Board, and will have significant expertise in the arts, design, and managing the

Lyrical Lady by Mark Kramer (1980); Site Plan No. 820090150 in Bethesda.



Takoma Trees by Judy Sutton Moore (2011); Takoma Piney Branch Park



regulatory review process. The coordinator will also aid in communicating with the Art Review Panel and other related groups, such as the Design Advisory Panel (DAP), PATSC and boards of the Arts and Entertainment Districts in Montgomery County.

APPLICATION PROCESS

The Art Review Panel review process is generally summarized in the steps listed below, and as illustrated in Figure 2 (on page 7), for public art projects proposed for the optional method of development. All phases should be integrated into the current regulatory review time frame for Sketch Plans and Site Plans without extending the timelines set forth by the county zoning ordinance and development application schedules. Reference the Public Art in Private Development – Review Chart in the Appendix of this document for more specific details related to a detailed review process.

STEP 1: Concept Discussions

Each new development proposal will be discussed with the respective planning team prior to the submission of an optional method of development application to the Planning Department. The Public Art Coordinator will be invited to the concept meeting if the developer is planning to provide public art in exchange for public benefit points.

During the concept meeting, the developer introduces their public art concept(s) for the first time. The Public Art Coordinator explains the county's public art goals and objectives with respect to this proposal and summarizes the typical review processes and timeline for the Art Review Panel. The Public Art in Private Development – Review Chart (located in the Appendix of this document) outlines a more detailed comparison between the development review process and the public art review process.

STEP 2: First Review – Development Application

Once the development application is officially accepted by the Planning Department, a Development Review Committee (DRC) date is set. Within one to two weeks after meeting with the DRC, the developer presents the initial design concept(s) to the Art Review Panel. At the first meeting with the Art Review Panel, the developer does not need to have an artist selected or commissioned, but should come prepared to discuss the initial concept(s) and be receptive to hearing substantive comments from the Art Review Panel about the proposal.

The developer submits an application to the Public Art Coordinator at least two weeks prior to the Art Review Panel meeting date. The application will include, at a minimum, the following information in preparation of the first review meeting with the Art Review Panel. A sample application is provided in the Appendix of this document.

- Contact information (telephone number and email address) for each member of the development team.
- A description of the initial concept, including the goal of the public artwork, and how the design meets or exceeds the goals of the applicable master plan, sector plan, Public Art Roadmap and approved guidelines.
- A site plan, a diagram or an illustrative sketch showing where the buildings, artwork, roads, green spaces and other features will be located.
- Identification of a public art consultant, if any.
- Cross-sections, elevations and/or perspective views of the proposed location for the public art.
- A proposed list of artists to be considered.

STEP 3: Second Review – Final Recommendations

Once a Planning Board hearing date for the proposal is established, the developer will meet with the Art Review Panel to discuss the final design concept. This second review will occur at least five weeks prior to the Planning Board Public Hearing.

At least two weeks prior to the Art Review Panel meeting date, the developer will submit, at a minimum, the following information in preparation for their second review meeting with the Art Review Panel.

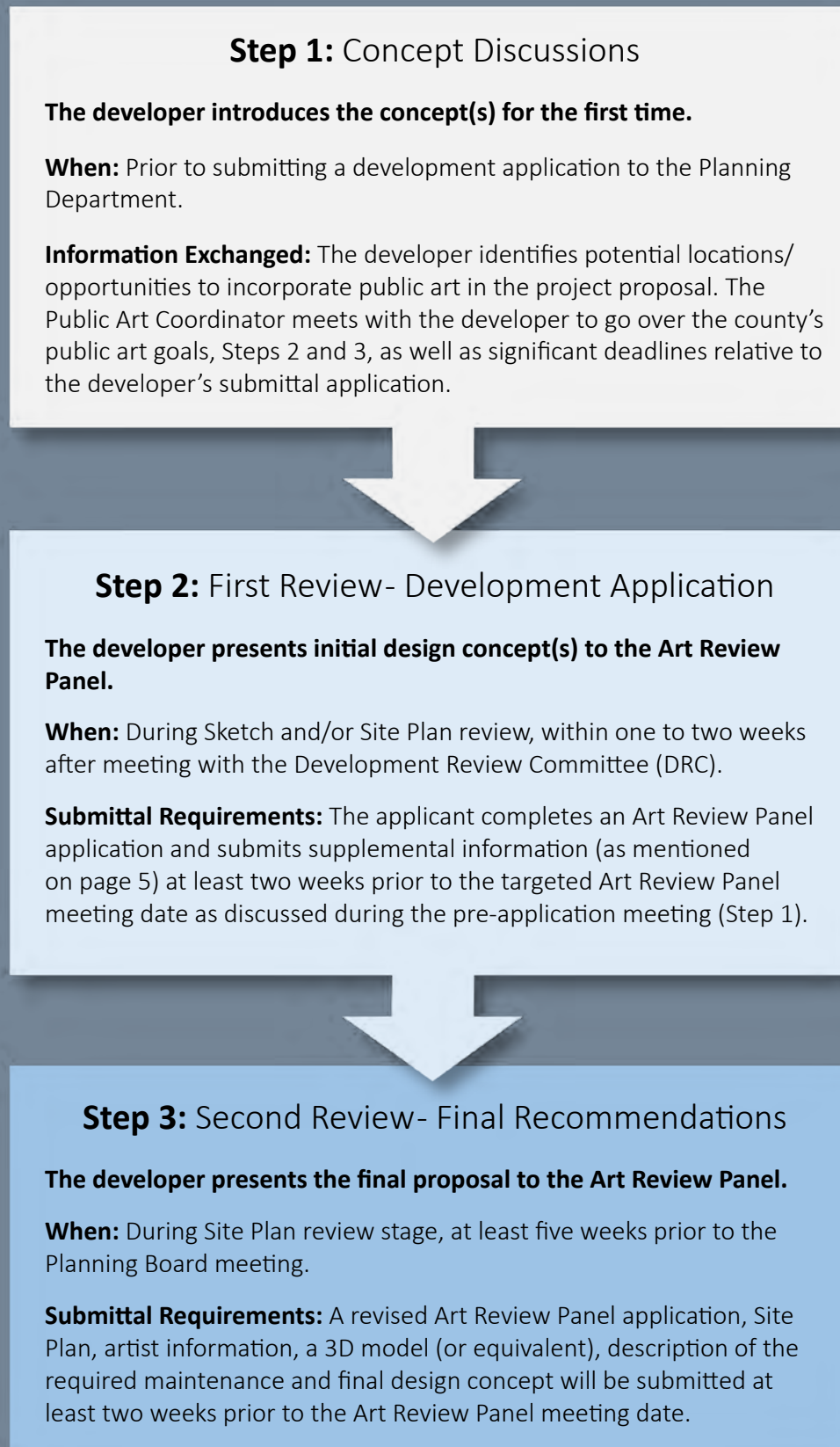
- A revised Art Review Panel application.
- Any updates to the contact information of the development team.
- Site plan drawings (to scale).
- Identification of the artist and the artist's credentials.
- A three-dimensional model of the proposed artwork (physical or digital representation).
- A description of the proposed artwork's materials and required maintenance.
- A description of how the final design meets or exceeds the goals of the applicable master plan, sector plan, Public Art Roadmap and approved guidelines, and addresses the expectations of the Art Review Panel outlined during the first review meeting.

The Art Review Panelists will vote at this meeting to approve the proposed design and artwork concepts. The Art Review Panel's final recommendations and respective conditions of approval will be incorporated into the final staff report (prepared by Planning Department staff and drafted by the lead reviewer) and presented to the Montgomery Planning Board during the public hearing. The public will be notified and granted access to the revised drawings, and the final staff report 10 days before the public hearing. The Planning Board will accept testimony from citizens about the design and artwork concepts at the public hearing.

*Strut Yer Stuff by Paul Steinkoenig;
Site Plan No. 820080070 Rotational
Student Artwork in Silver Spring.*



Figure 2: Art Review Panel Application Process



PANEL RECOMMENDATIONS

After the first review meeting, the Art Review Panel formalizes its initial recommendations and comments into a memorandum. This memorandum is referenced in the developer's revised Art Review Panel application, as it provides guidance for the second review meeting. A minimum of two weeks is required for the Art Review Panel and Public Art Coordinator to finalize their initial recommendations and comments. Upon completion of this task, the Public Art Coordinator sends the initial recommendations and comments to the lead reviewer and the developer. The initial comments are attached to the Sketch Plan staff report and posted on the Montgomery County Planning Board agenda website for public review.

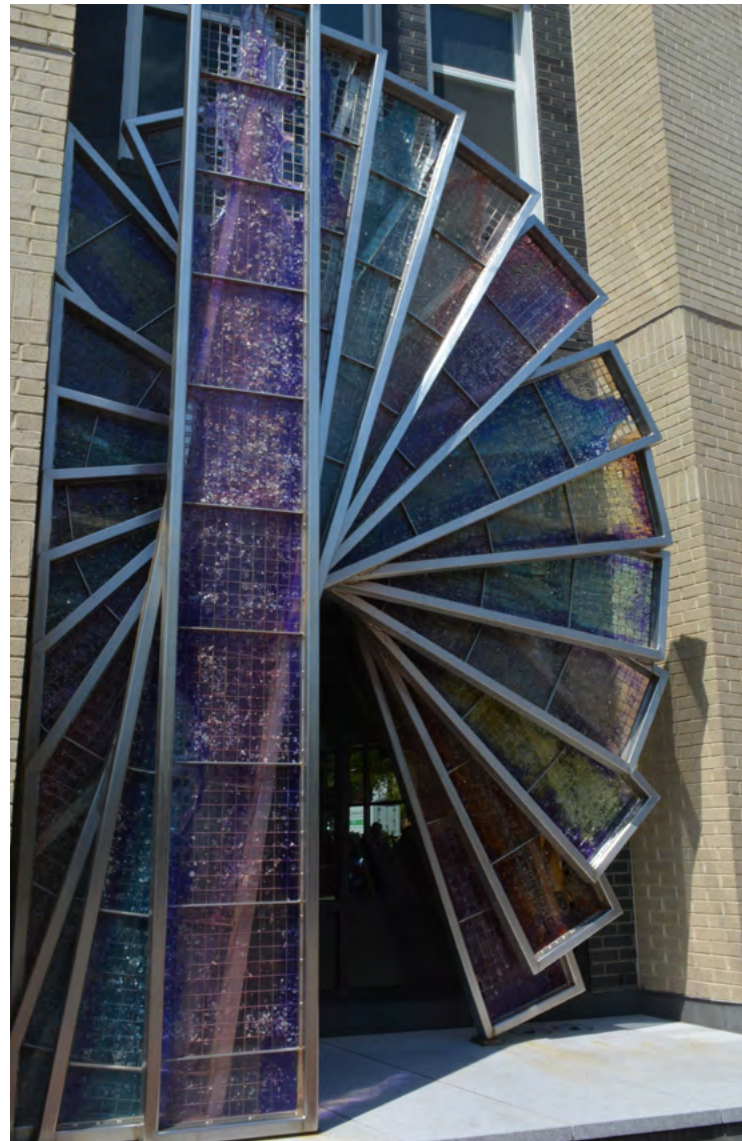
After the second review meeting, the Art Review Panel provides professional guidance to the Montgomery County Planning Board through final comments and recommendations incorporated into the final staff report. The panel typically comments on the 1) strength and impact of the public art concept as it relates to the specific neighborhood and benefits received 2) accessibility of the artwork; 3) scale of the artwork as it relates to the surrounding uses; and 4) challenges or issues that could potentially become problematic.

This feedback ensures that the Montgomery County Planning Board has all the necessary information to make a decision regarding the public benefits provided in exchange for increased density. A minimum of two weeks is required for the Art Review Panel and Public Art Coordinator to finalize their concluding recommendations and comments. Upon completion of this task, the Public Art Coordinator sends the final recommendations and comments to the lead reviewer and developer. The comments are attached to the Site Plan staff report and posted on the Montgomery County Planning Board agenda website for public review.

The following standard conditions of approval should be incorporated into the staff report:

- The certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, structural supports and fasteners to ensure adequate safety and proper inspection of the artworks by M-NCPPC and Montgomery County Department of Permitting Services (DPS). The detailed information will be indicated in engineering drawings certified by a structural engineer.

- The developer and artist(s) will execute a maintenance agreement for the public artwork, and will present the signed document to the DPS and Montgomery County Planning Department prior to the issuance of the first building permit.
- The appropriate signage should be clearly visible, specifically identifying the title of the artwork, artist's name, materials, completion date and overall dimensions.
- Prior to final inspection of the public artwork, the developer must submit to the Public Art Coordinator with the Montgomery County Planning Department at least three images of the artwork on-site and information regarding the 1) associated project number; 2) title of the piece; 3) date of completion; 4) description of materials used; 5) maintenance and conservation needs and schedule; 6) street address; and 7) artist agreement. This information will be added to the existing inventories of the public artworks throughout Montgomery County that are maintained simultaneously by the Montgomery County Planning Department and Arts and Humanities Council of Montgomery County (AHCMC).



- The developer is required comply with the implementation section of the Art Review Panel Policies and Procedures.

The Art Review Panel's recommendations and proposed conditions are subject to modifications or rejection by the Montgomery County Planning Board in its review of the overall project in accordance with standards and findings set forth in the county's 2014 zoning ordinance.

MEETING PROCEDURES

The Art Review Panel meets every two months subject to the acceptance of public art applications and the panel's personal schedules. Meeting dates and times for the year are updated on the Art Review Panel website. The Art Review Panel meeting dates are subject to change and are typically facilitated for the developers and their development teams.

Each Art Review Panel member is permitted to miss no more than two Art Review Panel meetings within a calendar year, and must attend a mandatory retreat held every August for Art Review Panel members. A minimum of three or more members of the Art Review Panel must be present for a quorum to proceed with project review. Additional members may participate via teleconference or conference call.

All meetings are held at the headquarters of the Montgomery County Planning Department and are by invitation only. Meeting notes are available to the public as an attachment to the final staff report on the Montgomery County Planning Board agenda website. The Planning Department has access to presentation and teleconference technology, and developers may bring digital presentation materials on a flash drive or a laptop computer to the Art Review Panel meetings. Prior to the Art Review Panel meeting, each project team will indicate to the Planning Department's Public Art Coordinator the necessary technology for presentations and the total number of team members who will be in attendance.

*Bottom right on pages 8 and 9:
Dance by Alan Binstock;
Site Plan No. 820130230
in Bethesda.*





Art Review Criteria

INCENTIVE DENSITY IMPLEMENTATION GUIDELINES

The Commercial/Residential and Employment Zone Incentive Density Implementation Guidelines (last updated in 2018) provide criteria for the allocation of incentive density points for public art projects in private development and the amount of in-lieu fee that should be paid to the Public Arts Fund as an alternative to providing public art. This document should be used as a guide for Art Review Panel discussions.

GOALS FOR PUBLIC ART

In addition to considering the incentive density guideline criteria, the Art Review Panel should evaluate how the artwork meets the following goals and achieves the highest quality in private development.

- Public artwork is well integrated into the site in terms of scale, material and relationships to neighborhood context.
- Public artwork demonstrates a clear vision or a consistent theme shared by the artist(s) and other designers early in the design process and development phasing.
- Public artwork is publicly accessible and invites participation for multiple uses, both special events and everyday activities.
- Public artwork engages multiple senses (e.g. sight, sound, smell and touch).
- Public artwork supports the cultivation of new types of artworks by a diverse array of artists.
- Public artwork fosters an enriched community identity and a memorable design aesthetic, such that the artwork increases the public's understanding and enjoyment of a specific place.
- Public artwork provides a thoughtful approach to the long-term maintenance and durability of permanent installations, revolving temporary works and event programming.



Opposite page and top: Alluvium by Jim Sanborn;
Site Plan No. 820120040 in White Flint.

Bottom: Sewing the Fabric of Our Community by
Kate Decicco and Rose Jaffe (Summer 2015) in
Long Branch.

REVIEW CRITERIA

The Art Review Panel should apply consistent review criteria in its evaluations to provide developers and the community with a greater understanding of the Art Review Panel's expectations. The following criteria should be used by the Art Review Panel to guide their evaluations:

- Public art should prioritize projects that 1) help create distinct gathering places around Montgomery County; 2) relate to environmental issues and stormwater management systems; 3) promote experimentation with temporary projects; 4) intersect with infrastructure projects and opportunities; 5) incorporate social practices; and 6) integrate science and technology into its design (as outlined in the Public Art Roadmap).
- The artwork must be located on site in a publicly accessible and visible location. Off-site locations can be considered if the location is related to the development, such as adjacent sidewalks and adjoining parks and plazas; or located in a priority public space designated in the applicable master plan, sector plan or design guidelines. Sites within private spaces, such as office lobbies, are not eligible for location of an artwork as a public amenity, due to the limitation of public access throughout an entire day.
- The artist and other design professionals will demonstrate how the artwork effectively interacts with the specific site and public users of the space, and respond to the urban design relationships of the surrounding area.

Top - The Herd by Kelly Bell (2018) at Baltimore Light City Arts Festival; Bottom left - Harbor Memories by XXS Group (2018) at Baltimore Light City Arts Festival; Bottom right - Transorma / Transforma by Heidi Lippman (2005) in Silver Spring; Site Plan No.820130020



- The majority of artwork should be permanent in nature to be enjoyed on a continuous basis. Artwork will be located within the public realm and be accessible for at least eight hours of the day. Interpretive information and/or programmed events are encouraged to increase public understanding and enjoyment of the art.
- Proposals for temporary artwork should demonstrate the safety and durability of the work, and should include a written timeline to rotate artwork. Each new temporary artwork proposal for the site should be submitted to the Art Review Panel for review to ensure consistency with the original Site Plan approval of the development.
- Artwork should be a commissioned work for the specific site and should not be mass produced or standardized in its design.
- The artist should be required to submit a description of the artwork's maintenance at the time of Site Plan review to ensure the long-term durability of the artwork and the selection of work that does not require excessive maintenance.
- The developer will consider any context or recommendations in applicable master plans, sector plans and approved design guidelines.
- The developer should consider any relevant recommendations or priorities in the Public Art Road Map.
- The developer should consider any priorities, goals, or recommendations of the Arts and Entertainment District in which the project is located.

In addition, public art projects that are undertaken promote the private nature of a development, by promoting commercial expression or creating a signature marking element, should not be construed as fulfilling any optional method requirements. Public artworks intended to meet the optional method requirements should not include typography, fonts, logos, colors or any other indicators of the nature or purpose of a business located in the building or the public area where the artwork is placed.

The following criteria apply to the approval of artist selection:

- An environmental design professional who is a member of the development team cannot be considered as an artist for the purposes of approving public art proposed to meet a requirement for the optional method of development.
- A person who is related to a member of the development team cannot be considered as an artist for the purposes of approving an optional method project.

IN-LIEU ALTERNATIVE

A fee in-lieu of public art may be accepted for incentive density based on the criteria outlined in the Commercial/Residential and Employment Zone Incentive Density Implementation Guidelines. The fee is used for installation, management and maintenance of public art at the discretion of the Public Arts Trust Steering Committee, with preference given to the policy area where the development is located. Developers considering this alternative will do so based on the following reasons or others deemed acceptable by the Montgomery County Planning Board:

- The development project is located within an inappropriate context for the public enjoyment of artwork.
- The development project is located on a small or constrained site with extremely limited opportunities for the integration of public art or public access to the artwork.
- The site design and/or architectural design of the project is not conducive to the integration of public art.
- The developer identifies an opportunity to establish a partnership with the Public Arts Trust Steering Committee and Arts and Humanities Council of Montgomery County to create public artworks (such as rotating temporary works).



Galvanized steel fencing by Dan Steinhilber; Site Plan 820090110

Implementation

ARTIST CONTRACTS

The Visual Artist's Rights Act (VARA), effective June 1, 1991, offers the artist protection of his or her rights of integrity and attribution. VARA rights must be dealt with carefully in the contract. Developers will enter into an agreement/contract with artist for the creation of the artwork. Contracts between the property owner and the artist will follow the model artist contract and sample templates are made available by the Americans for the Arts and the Public Art Network. The developer will also demonstrate that the contractual agreements between the artist and other design professionals ensure that the artist is aware of and involved in any required changes in site design that may affect the artwork.

MAINTENANCE

The owner of the property is responsible for the maintenance and/or conservation of the artwork in perpetuity of the development or until the public art is relocated in accordance with the prescribed maintenance plan. Neither Montgomery County nor M-NCPPC are responsible for the conservation and maintenance of public artworks in private developments.

The property owner will record the specific location of the artwork on the Site Plan and the deed of the subject property. To ensure compliance with the original approval, the presence and nature of the public artwork, conditioned with the approval of the development, All requirements for maintaining and managing the public artwork are binding on successors, and/or future owners of the property.

The artist will provide a maintenance agreement to the owner of the property for the appropriate preservation of the artwork, including but not limited to: 1) a list of materials and products (including the projected life expectancy) used for the structure, footings and all necessary attachments; 2) a routine cleaning and inspection (maintenance and conservation) schedule; and 3) drawings that identify all the stress points on the structure and footings.

The developer will incorporate the site details of the artwork from the artist into the scope of work/development program, and the associated Site Plan or construction documents. Certified copies of the Site Plan and the maintenance agreement will be given to both the M-NCPPC and the Public Arts Trust. The provision

of these documents is a condition of approval for the development.



*Installation of a mural at Pike & Rose loading dock;
Site Plan No. 820120020*

RELOCATION OR REMOVAL OF ARTWORK

The developer may choose to relocate the public artwork elsewhere on the site or remove the public artwork from the property. This modification should occur in the context of an amendment to the certified Site Plan in which the public artwork was originally approved under the optional method of development. The developer should strongly consider replacing any public artwork that is removed with a new public artwork or a public amenity that will be of equal or greater benefit as a defined by the Commercial/Residential and Employment Zone Incentive Density Implementation Guidelines. If the developer elects not to replace the existing public art with new public art (a one-to-one exchange), adequate justification will be summarized in the project's description.

The following guidelines apply to the relocation or removal of public art in private development.

Criteria for Relocation or Removal

Public artworks shall be recommended for relocation or removal only in unusual circumstances and only if reasonable cause has been established by one or more of the following:

- Architectural support (building, wall or plaza) will be destroyed in construction.
- Use of the public space may have changed, and/or the artwork may have lost its original contextual meaning.



Fission 99 (recycled traffic signs on parking garage) in Gaithersburg; Site Plan No. 820000180

- Present condition of the artwork may pose a safety hazard to the public.
- Excessive conservation or maintenance of the artwork is required or the artwork has inherent faults of design or workmanship.
- Condition or security of the artwork cannot be reasonably guaranteed in its present location.
- Relocation has been requested by the artist.

Relocation and Removal Procedures

Proposals for relocating or removing of public art in optional method projects will be managed by the Public Art Coordinator. Decisions about the relocation or removal of public art in optional method projects will be made by the Planning Board, based on recommendations from the Art Review Panel, Public Arts Trust Steering Committee and affected Arts and Entertainment District, if any.

Should the owner of a property where an optional method public art project is located wish to relocate or remove an artwork, the owner must complete a pre-application meeting with the appropriate staff from the Montgomery County Planning Department and the Public Art Coordinator, apply for a Limited Site Plan amendment and schedule a follow-up meeting with the Art Review Panel. The Limited Site Plan Amendment application will be reviewed by the Montgomery County Planning Department staff, while the modifications to the public artwork will be reviewed by the Art Review Panel. The justification for removal or relocation will address how the property owner will compensate for the loss of the artwork and still provide a public benefit on the site.

The request for a Site Plan Amendment must include:

- 1) justification based on the criteria under which the owner is proposing to relocate or remove the artwork;

- 2) a report of contact with the artist who created the artwork;
- 3) an appraisal demonstrating the value of the artwork;
- and 4) a plan for what will happen to the artwork. The request will also address how the public benefit that was originally provided by the artwork will be impacted, through either the relocation of the artwork or the provision of new artwork of equal or greater value to the development.

Following the same steps outlined in the Art Review Panel's review process (pages 5 to 7 of this document), the panel will discuss the proposal for removal of the public artwork and make final recommendations to the Montgomery County Planning Board. The proposal will be referred to the Public Art Coordinator and the Art Review Panel, and the Public Arts Trust Steering Committee. Additional comments may also be provided by the relevant Arts and Entertainment district.

The final memorandum will consolidate the comments (received by the Panel, PATSC and respective Arts and Entertainment district) and provide a final recommendation to be incorporated into the final staff report and presented to the Montgomery County Planning Board during the public hearing. Any modifications to the Site Plan (respective site details and conditions of approval) will be included in the certified plan and are enforceable by the Montgomery County Department of Permitting Services (DPS).

Mitigation

Should the property owner wish to remove any artwork, the following steps will be followed:

- The artwork shall be offered first to the artist and then to the Public Arts Trust.
- The developer will replace the public artwork with a new public benefit (preferably public art) that will have equal or greater benefit as a public amenity than the original artwork.
- Any financial costs incurred due to the removal, loss, relocation and/or disposal of public artwork will be funded by the property owner.

MAINTENANCE

Public artworks in private development will be inspected by Montgomery County Planning Department staff on an annual basis. The purpose of these inspections is to verify the proper installation of the artwork, update the public art inventory website and assess any potential hazards or maintenance issues. The property owners will be notified of any violations to the certified Site Plan promptly. A sample inspection questionnaire is provided in the Appendix of this document.

Definitions

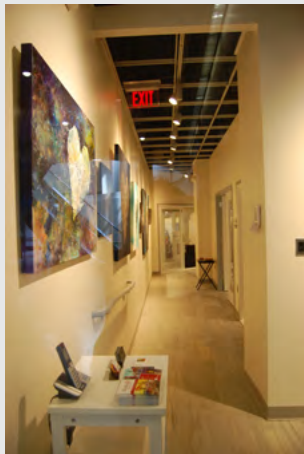


For the purposes of this document, the following terms are defined:

Artist²: An individual who meets one or more of the following criteria:

- Realizes income through the sale, performance, publication or commission of original works of art.
- Has previously exhibited, presented, performed or published original works of art in museums, galleries or other recognized art venues and publications.
- Has formal training or education in a field of art.
- Has received awards or other forms of recognition from arts juries, arts grant panels, and similar entities for his/her artistic abilities or accomplishments.

Art Review Panel: A panel appointed by the Montgomery County Planning Board that serves in an advisory role to the Montgomery County Planning Board and Planning Department staff regarding the appropriateness of public art proposed in fulfillment of the optional method development requirements.



Artwork: An original creation by an artist. May be one-of-a-kind or from a limited edition, functional or purely aesthetic, exterior or interior, integrated or stand-alone, temporary, semi-permanent or permanent. Artworks do not include landscaping, fixtures or features such as grates, streetlights, benches, signs, architectural materials or other design

enhancements, unless designed by an artist as a unique feature for the project. (See the Montgomery County Code, Sec. 8-43 for the definition of work of art.) The display of artwork in artist studio space located at 7475 Wisconsin Avenue in Bethesda MD; conditioned under Site Plan No. 81984005A.

Arts and Humanities Council of Montgomery County (AHCMC): The designated local arts agency representing the Montgomery County Department of Recreation as the Public Arts Trust administrative contractor. Provides day-to-day management and oversight of the Public Arts Trust.

County: Montgomery County, Maryland.

Design Advisory Panel: A panel required by the Bethesda Overlay Zone as part of the Bethesda Downtown Sector Plan and appointed by the Montgomery County Planning Board. This group serves in an advisory role to the Montgomery County Board and Planning Department in reviewing and making recommendations about the architecture, urban design and landscape architecture of development proposals in downtown Bethesda.

Developer: The entire development team including, but not limited to, the developer, artist, architect, landscape architect and engineers applying for public benefits for the provision of public art in private development.

Lead Reviewer: Staff member of the Montgomery County Planning Department assigned to manage the regulatory review of a development application, including Sketch Plans and Site Plans.

Optional Method: The development process allowing additional incentive density in exchange for public benefits, such as public art, as outlined in the county zoning ordinance.



Public Art: An artwork located indoors or outdoors that is visually and/or physically accessible to the public at least eight hours per day. Typologies include site-specific, site-

integrated and site-sensitive works. The timeframe for the artworks can be temporary, semi-permanent or permanent. "The Bicyclist", by Larry Morris (completed in 1988); Site Plan No. 819850700.

Public Art Coordinator: A staff member from the Montgomery County Planning Department who supports the work of the Art Review Panel.

Public Art Fund: Money used to support the long-term maintenance and conservation of public art that is publicly funded and managed by the Arts and Humanities Council of Montgomery County.

² Environmental design professionals, such as architects or landscape architects, can be considered artists if they otherwise meet the criteria in this definition.

Public Art Road Map: A strategic plan for public art throughout Montgomery County. This plan assists the Public Arts Trust and Planning Board in guiding the selection process for privately and publicly funded public art projects.

Public Art in Private Development: Artworks approved through the optional method development program that are public in nature, but are privately-owned and maintained.

Public Art in Public Projects: County-initiated public art projects on sites funded by county departments or agencies, including Montgomery County government, Montgomery County Public Schools, Montgomery County Planning and Parks Departments, and Montgomery College.

Public Arts Trust: The Public Arts Trust is Montgomery County's public art program designed to receive, hold and pay public and private funds to buy, display, relocate and conserve public artworks on county property.

Public Arts Trust Steering Committee (PATSC): A committee convened by the Arts and Humanities Council of Montgomery County (AHCMC) that serves as an advisory board to the AHCMC's chief executive officer and director in implementing Montgomery County's public art program. The PATSC includes representatives from the Montgomery County Department of Recreation, Department of Parks, Department of Transportation, Department of General Services, Department of Housing and Urban Development, Montgomery County Public Schools, Montgomery College and various communities from Montgomery County.

Site Plan: A development proposal that provides a detailed overview of the applicant's development. Site plan review determines if the proposed development satisfies current laws and regulations, and substantially conforms to the recommendations of the applicable master plan and approved guidelines.

Sketch Plan: A development proposal that describes a project at an early stage to provide the public and Planning Board the chance to review a proposed development for general design, density, circulation, public benefits and relationship to the master plan before a developer is required to expend significant resources on design and engineering of the proposed development.

Temporary Artwork: An artwork presented for a fixed period of time, usually less than a year.

Appendix: Supplemental Information



Bethesda Metro Station

APPENDIX A: Sample Application



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING DEPARTMENT

Art Review Panel Submission Form

Project Data

Date	
Project Number	Zone
Project Name	Master Plan

	Name	Phone	Email
Applicant			
Artist			
Landscape Architect			
Architect			
Engineer			
Attorney			

Site Context & Data

Location	
Land Use Context	
Proposed Uses	
Proposed Density	
Public Use Space %	on-site/off-site
Other Public Amenities Proposed	

Please attach relevant vicinity maps, site/landscape plans, and illustrative drawings or renderings as 11"x17" reductions or as pdf files.

Artwork Details

Location on Site	
Approx. Size/Dimensions	
Materials & Estimated Budget	
Concept Statement	

Please attach material samples, cut sheets, sketches, similar work/techniques, renderings, etc.

Montgomery County Planning Department, 8787 Georgia Avenue, Silver Spring, Maryland 20910
www.mc-mncppc.org

APPENDIX B: Sample of Review Panel Meeting Notes



MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FROM: Molline Jackson,
Public Art Coordinator

PROJECT: PROJECT NAME
_____ PLAN No.

DATE: DATE

The (PROJECT NAME) project was reviewed by the Art Review Panel on (DATE). The following meeting minutes summarize the applicant's presentation, the discussion during the meeting, and recommendations regarding the public art for the public benefits package. The panel's final recommendations will be incorporated into the staff report and strongly considered by the Planning Board prior to the certification of the site plan and/or prior to the release of the first building permit. Should you have any additional questions and/or comments please feel to contact the public art coordinator.

Attendance:

_____ (Lead Plan Reviewer)
_____ (Area Supervisor)
_____ (Applicant)
_____ (Artist)
_____ (Applicant's Architect)
_____ (Applicant's Landscape Architect)
_____ (Applicant's Engineer)

_____ (PATSC Manager)

Christopher Anderson (Panelist and PATSC Representative)
Claudia Rousseau (Panelist and PATSC Representative)
Damon Orobona (Panelist)
Germano Gomez (Panelist)
Judy Sutton Moore (Panelist)
Mark Kramer (Panelist)
Molline Jackson (Public Art Coordinator)
Ralph Bennett (Panelist)

Summary of the Applicant's Presentation:

- Description of the subject property and proposal
- Description of the public benefits received
- Description of the public artwork(s)

301-495-4573 (office), 301-495-1306 (fax)
molline.jackson@MontgomeryPlanning.org
www.montgomeryplanning.org

Discussion Points:

- Where is this project in terms of the review process?
- What was the panel's initial reaction to the public artwork(s)?
- What were the major items that were emphasized during this meeting?

Panel Recommendations:

The following recommendations should be incorporated into the staff report as conditions of approval.

(standard conditions)

1. The certified site plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners to ensure adequate safety and proper inspection of the artworks by the AHCMC and the Montgomery County Department of Permitting Services (DPS). This information will come from engineered drawings certified by a structural engineer.
2. The developer and artist(s) will execute a maintenance agreement for the public artwork, and will present the signed document to the DPS and Montgomery County Planning Department prior to the issuance of the first building permit.
3. The appropriate signage should be clearly visible, specifically identifying the title of the piece, artist name, materials, completion date, and overall dimensions.
4. Prior to final inspection of the public artwork, the developer must submit to the public art coordinator with the Montgomery County Planning Department at least three images of the artwork on-site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks throughout the county (mcatlas.org/art).
5. The developer must comply with the implementation section of the Art Review Panel's policies and procedures.

APPENDIX C: Sample Inspection Questionnaire

Application Number _____
Interior ☐ Exterior ☐

Public Art Survey Questionnaire For Site Inspections on Private Property

Directions:

- Read the entire public art survey questionnaire carefully before beginning the site inspection.
- Review all available information identified by the certified plan number, public art inventory website and available images prior to visiting the site.
- Complete this questionnaire and save it to the respective public art database as a PDF file.
- For sculptures with several separate sculptural components, complete one survey questionnaire for each artwork. If necessary, complete relevant sections of the survey questionnaire for each component and staple them together.
- Contact the Montgomery County Planning Department if you have any questions about how to use this questionnaire.

Date of Inspection: _____ Name of Inspector: _____

Part 1: Basic Descriptive Information

Title of the Work (If this is not provided, use title found on signage near site and note accordingly)

Primary Artist (Last name, First name—use information provided or note accordingly)

Other Collaborators

- ☐ Carvers _____
- ☐ Designers _____
- ☐ Architects _____
- ☐ Other (designate role, e.g., landscape architect, engineer) _____

Execution Date (Use date inscribed on work if different from date provided. If approximate date, precede with circa, or c. _____)

Other Dates (check as many as apply)

☐ Cast _____ ☐ Installation _____ ☐ Dedication _____

Markings/Inscriptions (check as many as apply)

Is the artist's signature visible on the piece?

- ☐ Yes, I examined and found signature
- ☐ No, I examined artwork and frame/base but did not see signature
- ☐ Unable to determine, couldn't get close enough to check

If signature is visible, record here: _____

Does the work have foundry/fabricator marks?

- ☐ Yes, I examined and found foundry or fabricator's marks
☐ No, I examined artwork, frame, and/or base and did not locate
☐ Unable to determine, couldn't get close enough to check

If foundry mark or fabricator marks are visible, record here:

Please record any inscriptions/markings that appear on the sculpture, indicating location and style (e.g., Roman script, capital or lowercase characters). Use slashes between separate lines of inscription. (e.g. ALEXANDERCALDER/1967/New York City).

Record the text of any associated nearby identification or commemorative plaques.

Media (Material(s) of artwork. Circle all that apply. Bring a magnet to test for iron.)

Artwork: Bronze Ceramic Concrete Fiberglass
Metal Mosaic Plastic Stone
Wood Acrylic Fiber Mixed media
Pastel Undetermined

Other (specify) _____

If known, name specific medium (e.g., bronze, stained glass, Cor-Ten steel, oak)

Frame/Base: Bronze Ceramic Concrete Fiberglass
Metal Mosaic Plastic Stone
Wood Acrylic Mixed media Undetermined
Other (specify) _____

If known, name specific medium (e.g., bronze, stained glass, Cor-Ten steel, oak)

If two-dimensional, is artwork glazed? Yes ☐ No ☐ Note if plexi or glass. What is the condition of the protective glazing? _____

Was information regarding media obtained by direct observation? Yes ☐ No ☐

Obtained from information provided? Yes ☐ No ☐

Obtained from information found at site? Yes ☐ No ☐

Approximate Dimensions (indicate unit of measure)

Always measure height from the tallest points and width from the widest points.

Artwork: Height _____ Width _____ Depth _____ Diam _____
Frame/Base: Height _____ Width _____ Depth _____ Diam _____

Description of Artwork and Condition (These notes supplement images.)

Briefly describe the sculpture, its subject/theme and its overall condition. Use the following description key when appropriate: PR= proper right; PL= proper left. Use PR and PL for figurative works to indicate the direction or side from the perspective of the statue. (i.e., as if you were positioned on the base exactly as is the sculpture). For abstract works, describe the predominant forms, colors, shapes, and textures. For descriptions of either abstract or figurative pieces, avoid judgmental language. For condition, indicate any broken or missing parts and describe evidence of cracks, graffiti, etc. Look for rust and failing welds on metal pieces.

Part II: Location/Jurisdiction

Property Owner/Project Manager (name of agency, institution, or individual that currently owns or administers the artwork and is responsible for its long-term care.)

Name _____
Department/Division _____
Street Address _____
City _____ Zip code _____
Contact email _____ Contact phone number _____

If the artwork has been moved, please list former location(s) or owner(s)

Environmental Setting

(The general vicinity and immediate locale surrounding a sculpture play a major role in its overall condition.)

Location Type (circle as many as apply to artwork's immediate surroundings)

Plaza	Park/Open Space	School	Library	Rec./Community Center
Courthouse	Sports Facility	Garage	Post Office	Transit Facility

Other (please specify) _____

Specific location information: (e.g. main entrance, office, media center, hallway, nearest room number)

General vicinity (check as many as apply)

- ☐ Rural (low population, open land)
- ☐ Town Urban/metropolitan
- ☐ Suburban (residential setting outlying a major city)
- ☐ Street/Roadside
- ☐ Near trees or overhanging branches

Is the artwork in a protective setting? (check if applicable)

- ☐ Protected from the elements (e.g., niche, canopy)
- ☐ Protected from the public (e.g., fenced)
- ☐ Strong or direct sunlight
- ☐ High humidity
- ☐ Near vents or heating elements
- ☐ Near swinging doors

Describe any other significant environmental factor (e.g. near an airport or subway)

Part III: Condition Information

Structural condition (check as many as apply)

Instability in the sculpture and its base can be detected by a number of factors. Indicators may be obvious or subtle. Visually examine the sculpture and its base.

	Artwork	Frame/Base	No
Is the armature/internal support unstable or exposed? (look for signs of exterior rust)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any evidence of structural instability? (look for cracked joints, missing mortar, caulking, or plant growth)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any broken or missing parts? (look for elements that are missing due to vandalism, fluctuating weather conditions, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any cracks, splits, breaks or holes? (look for fractures, straight-line or branching, which could indicate uneven stress or weakness in the material)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Surface Appearance

Residue (e.g. bird droppings, other animal/insect remains)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Graffiti (note type: pen, spray paint, marker)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Black crusts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
White crusts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Streaking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Etched/pitted or otherwise corroded (usually applies to metal)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metallic staining (e.g. runoff from copper, iron, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organic growth (e.g., moss, algae, lichen or vines)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chalky or powdery (applies to stone only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Granular, sugary or eroding (applies to stone only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spalling or sloughing (applies to stone only) (parallel splitting off of the surfaces)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (e.g. applied adhesives, gouges). Specify type and location of damage.

Does water collect in recessed areas of the sculpture and/or base?

☐ Yes ☐ No ☐ Unable to determine

Surface coating

Does there appear to be a coating? ☐ Yes ☐ No ☐ Unable to determine

If known, circle type of coating: Gilded Painted Varnished Waxed Other _____

Is the coating in good condition? ☐ Yes ☐ No ☐ Unable to determine

Condition Assessment (check one)

In your opinion, what is the overall general appearance or condition of the sculpture?

- ☐ In urgent need of treatment
☐ Well-maintained
☐ Would benefit from treatment
☐ Unable to determine

Photographic documentation should include:

- Descriptive labels for digital images, such as detail of corrosion, graffiti, broken part, chipping, etc. All images need to be labeled with inventory number followed by a dash. For example, PA1001-1, PA1001-2.
- Overview of piece from a minimum of four angles if three-dimensional
- Details of important parts of imagery
- Details of condition problems
- Details of signature
- Details of foundry and or fabricator markings
- Details of signage found on site
- One image with a person in photo to establish scale

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

I. Development Team Assembly			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
<p>The applicant identifies the subject property, hires a land use attorney, and begins to assemble their development team. The development team may consist of an architect, a landscape architect, an engineer, and a land use attorney. The design professionals begin to conceptualize the highest and best use for the property. Based on the initial findings, the applicant will strategize with the land use attorney regarding the most efficient regulatory timeline and approval process. Depending on the size of the property and the level of complexity (i.e., themes), this stage may take a long time.</p>	<p>Public use space(s)/publicly accessible open space(s) are identified on-site and off-site. Referencing the county's vision for public art (identified in the Montgomery County Public Art Roadmap), the applicant will determine whether the project will include public art on private property.</p> <p>The typical timeframe for identifying potential locations for public art can vary depending on the complexity (i.e., themes) of the project.</p>	<p>Determine the feasibility of the development based on the existing conditions, future opportunities, and potential challenges. Identify master/sector plan conformance goals and objectives.</p> <p>A public benefits package is required if the optional method of development is used. The applicant will evaluate whether the optional method of development yields the highest returns for the development.</p>	<p>Determine the purpose and value added to the subject property based on the goals of the public benefits package.</p> <p>Determine the feasibility of the project, identify opportunities, and potential challenges.</p> <p>Public art may be identified on-site as a branding tool that attracts the public to the subject property. Or a fee-in-lieu could be sought that can be applied to a local public facility. Ultimately, the public benefits package should directly relate to the needs of the community.</p>

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

II. Conceptual Discussions			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
<p>After the highest and best use is determined, the applicant and the development team will meet with planning staff to discuss their initial design concepts and determine the necessary review process.</p> <p>The applicant and planning staff will review the respective master/sector plan and Montgomery County zoning ordinance requirements.</p> <p>The approximate timeframe for meeting with staff is two weeks.</p>	<p>The applicant and design professional meet with the planning staff to discuss their initial design concept for public art and preliminary options (location, approach, and goals). This meeting is typically referred to as a “pre-application meeting”, which means a meeting that occurs prior to filing the development application.</p> <p>The applicant may also schedule secondary design meetings to go over their initial public art concepts with the public art coordinator.</p> <p>The approximate timeframe for meeting with planning staff is two weeks.</p>	<p>Gain clear direction from planning staff and narrow down the design concepts. Meet with M-NCPPC staff to discuss the sketch and/or new site plan applications.</p> <p>The applicant is also required to host a community meeting before filing their initial development application.</p>	<p>Identify and justify the need for public art as a “public benefit”. Meet with the public art coordinator prior to hosting a community meeting and before filing a new development application.</p> <p>The feedback gained at the community meeting will reinforce the justification for the public artwork.</p>

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

III. 1 st Review – Development Application Filing			
<p>Once the new development application is officially accepted by the Montgomery County Planning Department, a Development Review Committee (DRC) date is set. Within one to two weeks after meeting with the DRC, the developer will present their initial design concept(s) to the Art Review Panel. At the first meeting with the Art Review Panel, the developer does not need to have an artist selected or commissioned, but should come prepared to discuss the initial concept(s) and be receptive to hearing substantive comments from the Art Review Panel.</p>			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
<p>The applicant files the development application, the application is officially accepted, and the Development Application Review (DRC) date is set.</p> <p>The approximate timeframe for appearing at the DRC meeting is four weeks after the development application acceptance date.</p>	<p>After DRC, the applicant will meet with the Art Review Panel to discuss the public art opportunity and initial design concept. The public art coordinator will generate meeting notes that will be sent to the applicant and lead reviewer.</p> <p>The approximate timeframe to schedule a meeting with the Art Review Panel and compile the meeting notes is two to three weeks.</p>	<p>Gather feedback from other public agencies and determine the limitations of the subject property.</p>	<p>Gather feedback from the Art Review Panel and begin to think critically about the purpose, goals, and objectives of the public art/public benefits package.</p>

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

IV. Refinement of the Initial Development Application			
<p>After completing the DRC meeting, the developer will submit an online Art Review Panel application at least two weeks prior to the Art Review Panel target meeting date. The online application should include, at minimum, the following information in preparation for the first review meeting with the Art Review Panel.</p> <ul style="list-style-type: none"> • Contact information for each member of the development team • A description of the initial concept including the goal of the public artwork, and how the design meets or exceeds the goals of the applicable master plan, sector plan, Public Art Roadmap and approved guidelines • A site plan or diagram (an illustrative sketch showing where the buildings, roads, green space, SWM, etc., will be located) • Identification of a public art consultant, if any. 			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
<p>The applicant will refine the initial development application based on the feedback received from the DRC meeting.</p> <p>Depending on the complexity of the proposal, the applicant may need to resubmit revised plans a few times to gain the support of the lead reviewers/agencies.</p>	<p>The artist is selected and becomes a part of the development team. The artist works very closely with the architect, landscape architect, and engineer to support the seamless integration of public art into the final design concept.</p> <p>The approximate timeframe for selecting an artist can vary depending on the restrictions placed on the property, the total budget for public benefits, and the willingness of the design team to work closely with the selected artist.</p>	<p>Address the concerns received at the DRC committee meeting and reasonably justify unresolved comments.</p>	<p>Address the initial comments while refining the initial concepts with the creative expertise of the selected artist.</p> <p>The artist becomes a part of the development team and not just an “after-thought” as it relates to the overall project. The goal is not to provide “plop art”. The artwork should fit the context of the surrounding community and satisfy specific needs.</p>

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

V. 2nd Review – Development Application Final Approvals			
<p>Once the applicant and lead reviewer reach consensus on the refined development application, a Planning Board hearing date is established. The developer will meet with the Art Review Panel to review the final design concept. This second review will occur at least five weeks prior to the Planning Board public hearing.</p> <p>At least two weeks prior to the Art Review Panel meeting date, the developer will submit, at minimum, the following information in preparation for their second review.</p> <ul style="list-style-type: none"> • A revised Art Review Panel Application • Any updates to the contact information of the development team • Site plan drawings (to scale) • Identification of the artist and the artist's credentials • 3D model of the proposed artwork (physical or digital representation) • A description of the proposed artwork's materials and required maintenance • A description of how the final design meets or exceeds the goals of the applicable master plan, sector plan, <i>Public Art Roadmap</i> and approved guidelines; and addresses the expectations of the Art Review Panel outlined during the first review meeting 			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
<p>The lead reviewer summarizes the necessary findings and provides final recommendations to the Planning Board. The final staff report will also include conditions of approval.</p> <p>The timeframe on completing the staff report is typically four weeks. Public notification is sent regarding the public hearing date and the posting of the final staff report.</p> <p>The public sends its comments to the lead review and/or testifies at the public hearing.</p>	<p>The applicant and selected artist meet with the Art Review Panel to present their final public art proposal. The Art Review Panel takes a final vote on the applicant's proposal.</p> <p>The public art coordinator generates final meeting notes, which are included in the final staff report. Members of the public are welcome to review the final staff report and revised drawings online and/or they may also testify at the public hearing.</p> <p>The timeframe for meeting with the Art Review Panel and generating final meeting notes (including the Art Review Panel's vote) is approximately two weeks.</p>	<p>Finalize the development application and gain the necessary approvals from the Planning Board.</p> <p>The Planning Board will hear testimony during the public hearing; however, the Planning Board has the ultimate authority to approve or modify the development application.</p>	<p>Finalize recommendations from the Art Review Panel and discussion notes will be provided incorporated into the final Staff Report.</p> <p>The final staff report is posted online where the public can view the applicant's public art proposal.</p>

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

VI. Initial Construction Meeting			
The development application will be approved by the Planning Board before the initial pre-construction meeting can be set.			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
<p>Prior to starting the construction of their development proposal, the applicant will meet with M-NCPPC and the Department of Permitting Services (DPS) to go over the requirements of the certified plan and associated conditions of approval.</p> <p>The timeframe for getting the development plans certified and establishing an establishing a date for a pre-construction meeting date varies. Before construction and after the developer has received the necessary entitlements, adequate financing is secured and the construction team is assembled.</p>	<p>The public art coordinator will be invited to the construction meeting to review the public art site details with the selected artist, the applicant's project manager, and DPS.</p> <p>The timeframe to establish this meeting is two weeks.</p>	<p>Review the certified plan and associated conditions of approval and anticipate any potential problems and/or discrepancies. The goal will be to streamline the inspections process moving forward.</p>	<p>Review the certified plan and associated public art site details and maintenance agreement.</p> <p>Gain a clear understanding of the construction schedule as it specifically relates to the public benefits.</p>

APPENDIX D: Public Art in Private Development - Review Chart

Public Art in Private Development – Review Chart

VII. Inspection Period			
The development application will be certified prior to beginning any inspections. Per the conditions of approval, the applicant will need to finalize any associated agreements and bonds prior to starting construction.			
Development Review Process	Process for Commissioning Public Art on Private Property	Development Review Process Goals and Objectives	Public Art Goals and Objectives
In accordance with the conditions of approval, M-NCPPC and DPS will inspect the development throughout the construction process and upon requests from the public.	M-NCPPC will inspect the public artwork annually to update the public art inventory and assess the condition of the artwork in the public realm.	Clear lines of communication as it relates to the construction schedule and foreseen challenges will be established.	Establish clear lines of communication as it relates to public benefits and foreseen challenges. Anticipate potential maintenance issues and drafting errors.

MONTGOMERY COUNTY

artreview

PANEL

POLICIES AND PROCEDURES FOR THE OPTIONAL METHOD OF DEVELOPMENT

M-NCPPC
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

MontgomeryPlanning.org