



REGIONAL ARTS & CULTURE COUNCIL

## ART SUBSTITUTE FOR GROUND FLOOR WINDOWS GUIDELINES: GROUND FLOOR WINDOW EXCEPTION

March 14, 1994

(budget adjusted for inflation 2007)

**Introduction:** The Zoning Code (Title 33) requires ground floor windows in all commercial zones, in the General Employment Zone (EX) and the RX and IR residential zones. In a general sense windows are required in all ground floor level walls which abut sidewalks, plazas, or other public open spaces or rights-of-way. The numerical thresholds are that each wall must have 50% of its length and 25% of its area up to 9' above grade as windows or glass doors opening to working areas, entries or display windows.

The purpose of the window requirements is to:

1. provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
2. encourage continuity of retail and service uses;
3. encourage surveillance opportunities by restricting fortress-like facades at street level; and
4. avoid a monotonous pedestrian environment.

Complete information regarding code requirements may be found in sections 33.120.248, 33.130.230, 33.140.230, and 33.510.220.

**Public Art:** Public art may be considered as an alternative to meeting the ground floor window requirements. In areas of the city subject to Design Review, this is part of the Design Review process, in other areas through the Adjustments process. In areas subject to the Design Review process, the applicant must show that the substitution of art for windows will better meet design review objectives and will, on balance, be consistent with the purpose of the window regulations (see 33.825.070 for more precise wording). In non-Design Review areas, the applicant must show that the substitution of art will equal or surpass the purposes of the window regulation. That and other adjustment criteria which must be met are in 33.805.040.

Any artwork proposed as an alternative to windows must be approved by the Public Art Advisory Committee (PAAC) of the Regional Arts & Culture Council (RACC), according to the process and criteria described below. This committee makes public art policy and approves all public artworks for the City and Multnomah County. The building occupancy permit will only be issued when the proposed artwork is approved by the PAAC, installed according to an approved plan, and provided for by an approved maintenance agreement. Covenants with the city will be required, per code section 33.700.060.

**Process:** A developer wanting to use public art as an adjustment to the ground floor window provision shall follow these steps:

108 NW 9<sup>th</sup> Avenue, Suite 300, Portland, Oregon 97209.3318

Tel: 503.823.5111 | Fax: 503.823.5432 | TDD: 503.823.6868 | Email: [info@racc.org](mailto:info@racc.org) | [www.racc.org](http://www.racc.org)

1. Applicant determines ground floor window requirement, either through a code check or with the help of Planning Bureau staff. If the applicant is unable to meet the requirement, he should review this guideline document to determine his interest in substituting art for windows. Other means of achieving the purposes of ground floor window requirements may be proposed and would be considered through the usual Design Review or Adjustment procedures and criteria.
2. Applicant contacts the Regional Arts and Culture Council's public art staff as soon as he has decided to pursue public art as an exception, **prior** to selecting a location for art, an artist and/or medium, style, etc.
3. Public art staff reviews project with applicant and initially determines appropriateness of art at the location, taking into account the scale and character of the building and area. If not suitable, applicant returns to the Planning Bureau staff to discuss other options. If art is considered a positive option, every effort will be made to place the project on the next available Public Art Advisory Committee (PAAC) agenda.
4. 1st meeting with the PAAC: Applicant presents building plans and explores with the PAAC opportunities for artwork, budget, artist selection process.
5. 2nd meeting with the PAAC: Applicant presents concept, artist selected, proposed location of work in relation to the building, budget for artwork, and maintenance plan. If PAAC approves all of the above, the owner and artist may proceed to develop final design.
6. 3rd meeting with the PAAC: Applicant and artist present final design as it will be installed on or near the building and the owner's maintenance plan. If the PAAC approves these components, the owner may proceed immediately.

The PAAC will consider art as an adjustment if it meets the following criteria:

**Artworks must be:**

1. of the highest quality, in concept, siting, and execution;
2. primarily oriented to pedestrians on the adjacent sidewalk with the intent of providing a pleasant, rich and diverse pedestrian experience;
3. of appropriate location, material and scale for the building and area.

**Budget:** The minimum art budget will be computed in the following manner.

1. Linear feet of windows required but not provided x \$ 75

Example

wall 1 : 100' length = 50 linear feet of window required less 6'

provided = 44' x \$75 = **\$3300**

wall 2 : 50' length = 25' required less 10' provided = 15' x \$75 = **\$1125**

wall 3 : 100' length = 50' required less 40' provided = 10' x \$75 = **\$750**

2. Square feet of window area required but not provided x \$75

Example

wall 1 : 100' length = 225 sq. ft. of window required less 54 sq. ft.

provided = 171 x \$75 = **\$12,825**

wall 2 : 50' length = 112.5 sq. ft. required less 80 sq. ft.

provided = 32.5 x \$75 = **\$2437.50**

wall 3 : 100' length = 225 sq. ft. required less 360 sq. ft.  
provided = **requirement met**

3. The total art budget must be the sum of the calculation in 1 and 2 or \$7,500, whichever is greater.

Example

1. \$ 4,175

2. \$15,262.50

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\$19,437.50 > \$7,500

In this case the art budget shall be no less than \$13,625

**Maintenance Plan:**

Applicant must present the PAAC a plan for long-term conservation and maintenance appropriate to the materials of the artwork, prior to final approval. A legal covenant with the city is required.

**Timeline:**

Applicant should anticipate no less than three appearances before RACC's Public Art Advisory Committee, as outlined above. The PAAC meets once per month.