



# Public Art Program

Policies and Procedures Manual



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PUBLIC

art

**POLICIES & PROCEDURES MANUAL**

## Table of Contents

<b>INTRODUCTION.....</b>	<b>4</b>
What is Public Art? .....	4
Definitions.....	5
<b>CITY-FUNDED PUBLIC ART .....</b>	<b>7</b>
Summary of the Process .....	7
Funding Policies .....	8
Funding Procedures.....	8
Public Art Manager’s Role .....	9
Generating Ideas for Public Art in Capital Projects.....	10
Methods of Selecting Public Art .....	12
Evaluating and Selecting Public Art .....	13
Design Review/Public Hearings .....	14
Artist Compensation.....	15
Public Art Installation .....	16
Maintenance and Repair .....	16
Legal Issues.....	17
Dedication of Artwork.....	19
<b>CITY PUBLIC ART PROGRAMS.....</b>	<b>19</b>
Temporary Public Art and Pilot Programs.....	20
Developing Temporary Public Art Program Parameters .....	20
Evaluation of a Pilot Program .....	20
<b>UTILITY BOX ART PROGRAM .....</b>	<b>21</b>
Background .....	21
Program Details .....	21
<b>PRIVATELY FUNDED ART IN PUBLIC PLACES.....</b>	<b>26</b>
Submittal of a Proposal .....	26
Evaluation of a Proposal .....	26

Approval of a Proposal.....	26
Contract Preparation.....	27
Issuing of Permits.....	27
Labeling of Artwork .....	27
Final Acceptance .....	28
Dedication of Artwork.....	28
<b>MATCHING GRANTS FOR PUBLIC ART .....</b>	<b>29</b>
Grant Criteria .....	29
Summary of the Process .....	29
<b>PUBLIC ART IN PRIVATE DEVELOPMENT .....</b>	<b>31</b>
Placement of Public Art In Private Development .....	31
Public Art Donated to the City by a Private Developer.....	32
Payment of Art In-Lieu Fee .....	33
Certificate of Occupancy .....	33
Ownership of Public Art .....	33
Removal or Alteration of Public Art .....	34
Use of Public Art In-Lieu Funds.....	34
<b>APPENDICES A - P .....</b>	<b>34</b>
A. Resolution 6811 – Adopting Visual Arts Program	
B. Resolution 11081 – Amending the Public Art Policies and Procedures Manual	
C. City Funded Public Art Process Flow Chart	
D. Guidelines for Public Art	
E. Sample Artist Contract	
F. Public Art Final Acceptance Letter	
G. Application to Donate Art to the City	
H. Privately Funded Art Process Flow Chart	
I. Privately Funded Public Art Application and Waiver	
J. Resolution 9659 – Adopting Matching Grants for Public Art Program	
K. Matching Grants for Public Art Flow Chart	
L. Ordinance 1372 – Adopting Public Art in Private Development Program	
M. Planning Application Checklist & Planning Application for Private Development	
N. Privately Funded Public Art Process Flow Chart	
O. Public Art Maintenance Record & Public Art Maintenance Covenant	
P. Box Art Program Exhibits A-D (Glossary, Box Art Map, Downtown Boundary Map, Box Art Media & Materials)	

## INTRODUCTION

The City is driven to encourage Public Art that respects our past and embraces the future; supporting all members and facets of the community and the pursuit of sustainability, diversity, and inclusivity. The City of San Luis Obispo strives to incorporate these values into public spaces through the proliferation of public art.

### What is Public Art?

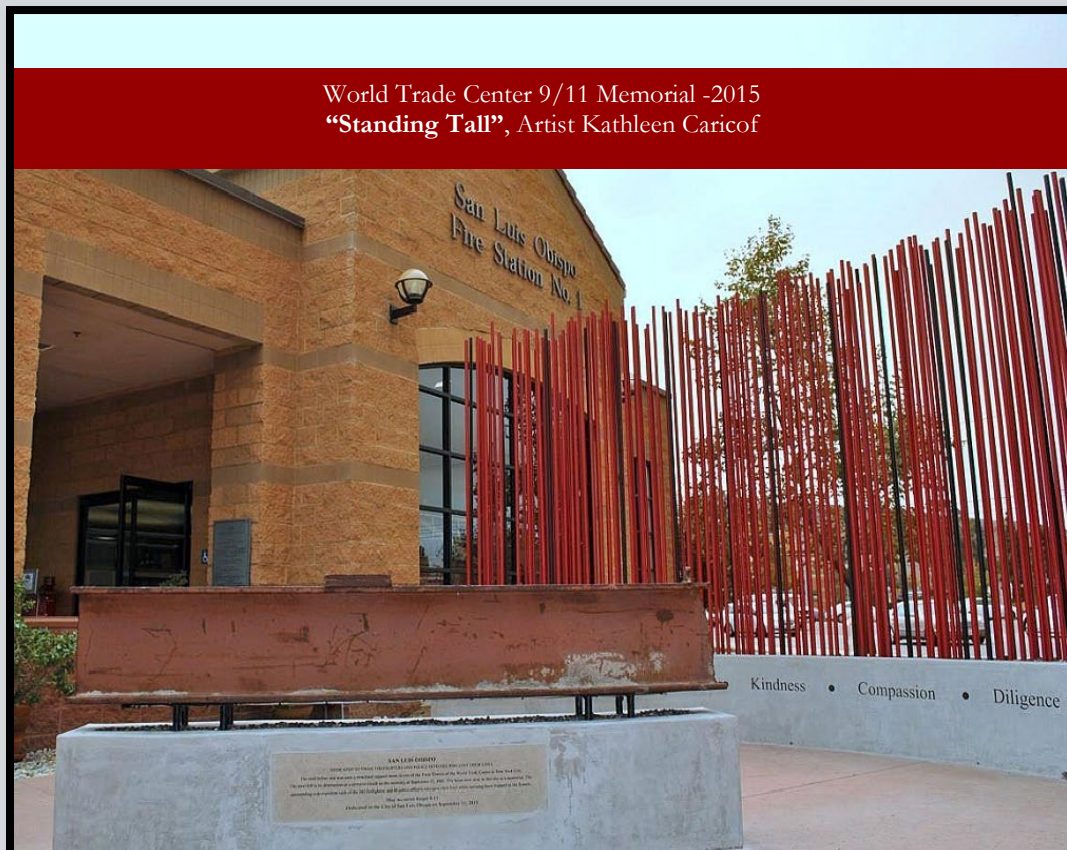
Public Art develops from the engagement of an artist with public space. Within the realm of creating public art, artists encounter people, history, and process. The resulting artwork represents the diverse response to those factors by individual artists, leaving the question, “what is public art?”

It's easier to describe what public art isn't. Fancy "off-the-shelf" benches, fountains, and trash receptacles; upgraded tile, paving, or other conventional architectural finishes and ornamentation; standard landscaping; architectural lighting; and other similar treatments which **do not involve original, creative work by an individual or group** are not normally considered public art.

For example, purchasing a pre-fabricated fountain and installing it in a park would be landscaping but **not** public art, since the piece is a stock item and its design does not necessarily involve an original or creative effort. However, if the fountain included an original ceramic or bronze sculpture, tile mosaic, or other original or creative feature it could be considered public art. The artwork doesn't necessarily have to be one-of-a-kind, or designed only for that location -- it could be one of a limited series of castings (in the case of sculpture) that has been thoughtfully integrated with a project.

The boundary between architectural ornamentation and art is not always clear. For example, in decorating a blank wall of a parking garage with a series of metal screeds and painted wall panels, the architect's effort might be considered public "art" if it were an original work, went beyond typical or stock architectural treatment, and met the city's public art guidelines.

The City Council of San Luis Obispo may accept submissions of public art on a “case by case” basis. Submissions are encouraged to provide sufficient plans for how their work of art is funded and the impacts of proposed placement and maintenance.



## Definitions

1. "Visual Art in Public Places" or "Public Art" means any visual work of art displayed in a publicly visible location: (a) in a City-owned area, (b) on the exterior of any city-owned facility, (c) within any city-owned facility in areas designated as public area, lobbies, or public assembly areas, or (d) on non-city-owned property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the City; and if on private property, secured by a public art agreement between the City and the landowner.
2. "Work of Art" includes, but is not limited to, sculpture, monument, mural, fresco, bas-relief, mobiles, photography, drawing, handcrafts, painting, fountain, landscape composition, banners, mosaic, ceramic, weaving, carving, and stained glass. "Work of art" is the creative result of individual or group effort and is either unique or of limited-issue nature, and is normally not mass-produced or intended primarily for a commercial market. "Work of art" does not normally include landscaping, paving, architectural ornamentation, or signs as defined by Chapter 15.40 of the Municipal Code.
3. "Capital Construction Project" means any project listed in the City's Financial Plan Capital Improvement Program and paid for wholly or in part by the City of San Luis Obispo for public benefit. "Capital construction project" includes, but is not limited to building construction, addition, and remodel; parks; plazas; creek improvements and flood protection projects; bridges; streets, sidewalks, bikeways, trails other public transportation improvements; parking facilities, and similar public facilities as determined by the Community Development Director.
4. Construction Cost means the cost in dollars, as approved by the City Council or the City Manager, to construct a project. "Construction Cost" shall not include land acquisition, design, operation, or maintenance costs.
5. Eligible Project means a capital construction project which is not exempt under the provisions of this resolution, or by City Council or City Manager action.



**"Olas Portola" 2017**

Artists Jeffrey Laudenslager and Deanne Sabeck  
Located at S. Higuera and Marsh - Portola Fountain

Funding for public art can come about in a number of different ways and currently includes the following three options:

1. ***City Funded Public Art.*** Each year the City of San Luis Obispo sets aside one percent (1%) of the estimated cost of eligible projects in its Capital Improvement Plan for public art.
2. ***Privately Funded Art in Public Places.*** Private Citizens may donate public art to the City for personal reasons. (application for donation of art to the City is provided as Appendix F)
3. ***Public Art in Private Development.*** The City requires private developers to include public art in their projects valued at one-half of one percent (.5%) of the cost of construction over \$100,000. Optionally, developers may contribute an amount equal to the value of the required art to the City's art-in-lieu account or donate a comparably valued piece of art to the City.
4. ***Matching Grants for Public Art.*** The City has established a matching grant program to encourage public art. Public art projects receiving matching funds should provide a clear public benefit and advance the City's public art goals. For every request, the Council will determine an appropriate level of match, not to exceed 50% of the cost of the project.

There are different procedures to be followed for each source of public art. Accordingly, this manual is divided into separate sections that cover each of these processes.



**"Bee Bee Works His Magic" 2008**

Artists Carol Paulsen and Stephen Plowman

Located in front of SLO Little Theater

A Sculptural presentation that embraces the spirit of Bill Beeson's life and his boundless energy and advocate and mentor for the arts in all forms.

## CITY-FUNDED PUBLIC ART

In May 1990, the City Council established and funded a public art program. The Council determined that one percent (1%) of the estimated construction cost of eligible projects in the Capital Improvement Plan should be set aside for public art. (See enabling legislation, Appendix A) As a budget balancing strategy, the City Council could (through the city budget process) specify a differing amount for the public art allocation.

### Summary of the Process

1. The Finance Department includes an art funding component in each Financial Plan budget request equal to 1% of the construction component for all eligible projects.
2. A committee comprised of City staff, currently the Capital Improvement Plan Committee, determines which capital projects will be recommended for public art, based on available funding and suitability of project. The committee also recommends funding levels for each project.
3. Council approves committee's recommendations for public art in certain capital projects.
4. Art is incorporated into preliminary project studies and design for recommended projects.
5. Public Art Manager solicits artist's qualifications and/or proposals.
6. Public Art Manager appoints an art jury.
7. Artist/artwork is selected by jury.
8. Proposed artwork is reviewed by Public Works staff, as appropriate.
9. Proposed artwork is reviewed by the Cultural Heritage Committee, the Parks and Recreation Commission and/or the Mass Transportation Committee, as appropriate.
10. Architectural Review Commission (ARC) approves artwork and forwards recommendation to City Council.
11. City Council approves artwork.
12. Public Art Manager prepares public art contract.
13. Public Art Manager secures planning/construction permits and works with artist to fabricate artwork.
14. Artwork is installed.
15. Public Art Manager inspects the artwork and compiles the maintenance information.

\*See Appendix B for a flow chart of the process



"The American Spirit" 2003  
Artists: Will Carlson, Jim Jacobson, Erick Wand

## Funding Policies

The following administrative policies have been developed to effectively manage the City-funded public art program:

1. **Eligible Projects.** All Capital Improvement Plan projects are considered eligible for public art, and are expected to contribute to the City's public art fund in an amount equal to one percent (1%) of the project's construction cost, unless the project is exempt. Exemptions include:
  - Utility projects, such as sewer or water system improvements.
  - Underground projects, such as new storm drains, storage tanks and similar items.
  - Public art projects themselves.
  - The portion of any project funded by grants from outside agencies.
2. **Public Art Account.** A Public Art Account is maintained by the Department of Finance to fund public art projects. As part of the Financial Plan process, every two years, an amount equal to one percent (1%) of the construction component of all eligible projects is placed in this account. Funding is then transferred by Finance staff to either a public art phase of a capital project account or to a specific public art project account once the Council determines appropriate public art projects for the two-year financial plan.

## Funding Procedures

The following procedures are followed by City staff to set up funding for public art projects.

1. **Identify Capital Projects.** Departments normally submit Capital Improvement Plan Requests for the construction of projects during the regular budget cycle. As part of those submittals, the Finance Department includes a public art funding component equal to 1% of all eligible projects' construction costs.
2. **Public Art Account.** Public Art funds identified in a Capital Improvement Plan and approved by Council are then set aside in a "Public Art Account".
3. **Allocation of Public Art Funds to Projects.** Following approval of the two-year Financial Plan, the City's Capital Improvement Plan (CIP) Review Committee meets to determine which capital projects are most appropriate for the inclusion of public art, as well as an appropriate level of funding for each project. The CIP committee may also recommend other public art projects that are not tied to a CIP. The following criterion is used to identify projects suitable for public art:
  - a) Project should have high public visibility and use.
  - b) Project should lend itself to the inclusion of public art.
  - c) Project should be public art ready, meaning the project should be nearing the design phase or near or under construction and will be completed within the two-year CIP.
  - d) The number of projects should be limited in order to focus staff efforts and result in meaningful pieces of public art.

The Public Art Manager forwards the Committee's recommendations to the Council for approval.

4. **Transfer of Funds to Project Budgets.** Upon Council approval of recommended public art allocations, the Finance Department transfers funding from the Public Art Account to the public art line item in the designated project budget.
5. **Staff Reports to City Council.** Staff reports submitted to the City Council or to the City Manager to request approval to solicit bids or proposals for capital projects state whether public art has been designated as part of the project scope. If the project has been approved for public art, the discussion includes a suggested art theme, how proposals will be

solicited, and the estimated cost of the public art project. This information is included in the staff report under a separate sub-heading at the end of the "DISCUSSION" section entitled "Public Art".

## Public Art Manager's Role

The Public Art Program is managed by the Parks and Recreation Department. A Parks and Recreation staff member is assigned this role and shall be responsible for the following:

1. **Eligibility and funding.** Making sure that for each capital project answers to the following:
  - a. Is the project designated for public art?
  - b. If so, has the funding been transferred to the project budget?
  - c. Has sufficient funding been set aside from the allocation for artist pre-selection stipends (\$3,500), plaques (\$500), and dedication ceremonies (\$300)?
2. **Planning and design.** Although the Public Art Manager does not design the artwork, they are expected to recognize and plan for the possibilities. Steps would typically include:
  - a. Identifying possible locations in a capital project for public art. The project designer, an artist or representatives from local arts organizations may help suggest artwork sites.
  - b. Possibly suggesting the general type of public art possible, for example, ground- or wall-mounted sculptures, murals, landscape art, special architectural features, such as windows, benches or railings, or other possibilities.
  - c. Determining whether the approved budget is adequate for the proposed art concept. Some projects may warrant larger public art expenditures. For example, important public buildings like a performing arts center or City Hall expansion may offer special opportunities for public art and a decision may be made to request Council augmentation of the approved budget.
  - d. Designing the capital project to accommodate public art. The location of the artwork should enhance the project's overall appearance, and be publicly visible or accessible. Whenever possible, the artwork should be a part of the actual project itself.
3. **Selection of Artist and Artwork.** Like other consultants or contractors who work on capital projects, artists work under contract with the City. The Public Art Manager administers the selection and contracting process. Tasks include:
  - a. Determining the best method for selecting an artist (See *Methods of Selecting Public Art*).
  - b. Arranging for the RFP/RFQ to be evaluated by a selection committee or "jury".
  - c. Providing the Public Works Director or his/her designee the opportunity to review the RFP/RFQ for impacts of proposed placement or maintenance.
  - d. After jury acceptance of a proposal, assuring that the Architectural Review Commission (ARC) and other appropriate advisory body review has occurred regarding whether the proposed art piece is consistent with the City's Guidelines for Public Art (Appendix C).
  - e. Preparing an agenda report and taking the selected artist's design to the Council for approval.
  - f. Preparing contract documents.
4. **On-going review.** The Public Art Manager takes steps to insure a smooth construction process by:

- a. Processing invoices and other pay requests.
- b. Monitoring and inspecting work progress to insure a quality project.
- c. Following up to ensure that the artwork meets all code requirements and permit conditions.

5. ***Final Inspection and Acceptance.*** The final steps for the Public Art Manager include:

- a. Arranging for final inspection of artwork by appropriate City staff.
- b. Verifying in writing that the artwork has been completed per contract.
- c. Arranging for a plaque acknowledging the artwork and artist.
- d. Arranging for City Council and/or public reception/dedication for the project and the artwork.

### Generating Ideas for Public Art in Capital Projects

The Public Art Manager is not expected to be an artist or to single-handedly create public art. S/he is expected, however, to be the catalyst, and to take the necessary steps to make it happen. Again, consulting with local artists or representatives from the local arts organizations may be helpful.

1. ***Getting Started.*** The Public Art Manager's key role is to define the possibilities for art. To do this, s/he should:
  - a. **Know the site.** Contact the County Historical Museum, Cultural Heritage Committee, the San Luis Obispo County Arts Council, local historians or other City staff to understand the site's background. For example, what is the site's cultural or historic significance? How is it (or how could it be) related to other public spaces or facilities? How has it changed over time? Does it have environmental features that might be repeated in the artwork? Could the art become a part of the architectural fabric of the building?
  - b. **Be aware of site context.** A historic neighborhood or building, natural feature, or cultural pattern (e.g. Chinatown, Government Center, Mission Plaza, etc.) can strongly influence the type of art selected.
  - c. **Look for design opportunities.** Most projects will not automatically present locations for art -- the opportunities usually have to be created. This means thinking about how art could be included early in the project study and design phases, not after the construction drawings are done. Some creative approaches to incorporating art in project designs include:
    - A city building that incorporates bas-relief sculpture or mosaic tile into its exterior design, and changeable exhibit space inside.
    - A parking lot that includes a unique seating area or sculpture.
    - A bikeway with a series of decorative panels inset into the paving.
    - A bridge with a gateway arch, mural, or water feature.

2. **Generating ideas.** The possibilities are numerous. They grow out of the site's characteristics, context, functional needs, and the project's design. It starts when the Public Art Manager (in collaboration with artists, arts organizations or other staff) generates some ideas -- keeping them loose and very open-ended at first. For example:

a. **Public Buildings:**

- Provide interior wall space or display cases in prominent interior locations for the changeable display of public art, possibly from school or community groups; or works on loan from artists or arts organizations.
- Emphasize permanent artwork at building entries, exterior patios or courtyards, or any visually prominent location used by the public. Consider using rich, architectural materials that integrate art with the building, such as the tile mosaic of Old Mission life at the rear entrance to City Hall.

b. **Parks, plazas, playgrounds:**

- Sculpture, entry gates, specially designed walkways, murals, landscape art, fountains, and artfully designed street furniture, signage, trash receptacles, bike lockers, bike racks and bandstands are just a few possibilities.

c. **Streets, alleys, median planters, sidewalks, trails, bikeways, public transportation and parking facilities:**

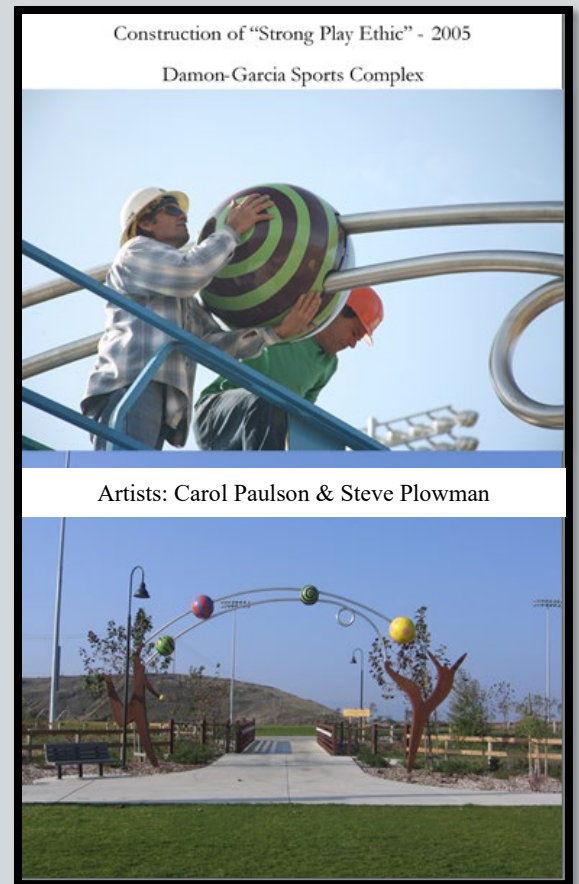
- These locations offer some of the best opportunities for public art. They are highly visible and accessible. And due to the large expanses of paving, they can often benefit from the visual interest and variety that public art can provide. Linear or repeating artworks can be used, for example, to unify a bikeway plan and provide orientation stations along routes.

d. **Miscellaneous Projects.**

- Bridges, creek improvements, above ground utility stations, and other special facilities also present public art opportunities where they have good public visibility. Creek projects, in particular, should include art that enhances the creek's natural beauty and ecological diversity.

3. **Getting Help.** Public art is one more item that the project manager for the CIP needs to consider in getting projects built. There are resources both inside and outside of the City to help with this task. For example:

- a. **The Public Art Manager** can explain the public art program requirements, will help facilitate the review of art projects through the various public approvals, including jury selection, public relations and Council approval, and will provide a list of potential artists to receive the request for proposals;
- b. **Finance staff** can advise you on funding strategies and requirements;
- c. **The San Luis Obispo County Arts Council** (Arts Obispo) assists the City by providing expert technical advice and commentary on public art, and serves as a liaison between the City and the art community;
- d. **The Arts Obispo Directory**, located on their web site ([www.artsobispo.org](http://www.artsobispo.org)), is also a good source for ideas and finding artists.



## Methods of Selecting Public Art

Since public art is often such a prominent visual feature, it is important that each artwork be thought through carefully. Early public participation is a key part of the process. Another key aspect is involving the artist in the overall project design phase early on so that the work of art is well integrated with the site and/or buildings.

1. ***Developing Artwork Parameters.*** Before hiring an artist, some general parameters should be set to help guide artist selection. Based on knowledge of the site and the project's design possibilities, a number of possible locations and general types of art that would work for the project should be identified. Feedback should be sought on these ideas from other staff, or the San Luis Obispo County Arts Council, as mentioned earlier. (See previous section, ***Generating Ideas for Public Art in Capital Projects.***)
2. ***Selection Strategies.*** Typically, an artist is selected in one of the following manners:
  - a. **Request for Qualifications.** A Request for Qualifications (RFQ) followed by a Request for Proposals (RFP) is the most common method used for selecting an artist. The Public Art Manager will notify a current list of potential artists and art organizations regarding the Call for Artists.
  - b. **Sole Source.** This approach reflects the fact that public art is fundamentally different from most other types of public works. With art, we are looking for an individual expression or unique idea -- not price comparisons for one plan or idea. In some cases, the Council or Public Art Manager may have a specific artist or type of art in mind, and may choose to request a proposal from an individual artist without going through competitive selection. **This approach requires Council approval and needs to be clearly justified as to why competitive selection is not needed or desirable, and how sole sourcing will better meet the City's objectives for the project.**
  - c. **Acquisition.** Acquisition of an art piece that has already been completed by an artist may be appropriate in some very rare circumstances. The purchase price and the cost of installation comes from the percent-for-art budget. **Council approval is required before this process may be used.**
3. ***Policy statement on artist recruitment.***

One of the City's goals is to promote the involvement of local artists and citizens in the public art program. In juried art competitions of under \$40,000 a residency requirement will mandate eligible artists reside within San Luis Obispo, Monterey and Santa Barbara counties.

## Evaluating and Selecting Public Art

In cities throughout the U.S. there has been growing support for public art. However, some projects have been widely criticized as being "plop art" -- elements simply "plopped" down without sensitivity to the site or to the people who use the space. Understanding what to look for and integrating artists in the early stages of a project can help to avoid "plop art."

1. **Public Works Department Review.** Prior to beginning the jury review, the Public Art Manager arranges for the project to be reviewed by appropriate staff in the Public Works Department. The purpose of this review is to uncover any significant engineering or maintenance issues that may arise out of the placement of art or the choice of materials for the artwork for the particular site. If the artwork is part of a larger construction project, it may be valuable to have the project contractor present, as well. This information will be presented to the jury to help guide their decisions when selecting a piece.
2. **Selecting an Art Jury.** The majority of City public art projects will use the Request for Qualifications (RFQ) selection method. Art juries help staff evaluate the qualifications received and make a final selection to proceed through the remainder of the approval process. The preferred approach is to create a five/seven-member jury for a project. In some cases, a slightly larger jury may be necessary to accommodate all the parties impacted by the artwork. Jury composition will vary depending on the type of art project but should include a selection of the following, as appropriate:
  - An Arts Council Member
  - At least two professional artists
  - A neighbor or representative of a neighborhood association when a neighborhood will be impacted by the project.
  - A for-profit or non-profit business representative, preferably one whose business will be impacted by the project
  - An educator/historian, or someone aware of the historical implications of the artwork in the community

As appropriate, a member of the Parks and Recreation Commission, Downtown Association, the Cultural Heritage Committee or the Mass Transportation Committee.

The San Luis Obispo County Arts Council can assist the Public Art Manager in contacting appropriate artists and members of the Arts Council. In addition, the Public Art Manager has a current list of prospective jurors who have indicated a desire to serve on an art jury.

### 3. *The Jury Selection Process*

**a. Stage 1.** Applications submitted in response to this RFQ will be reviewed by the Public Art Manager who will then forward all complete and eligible applications received by the deadline to the selection committee (jury) consisting of: San Luis Obispo County Arts Council member(s), local artist(s), interested community members, City staff and a neighbor(s). Upon evaluating the qualifications provided in the applications, the jury will shortlist three to five semi-finalists to be invited to participate in an RFP process as well as an interview and discussion of project concepts. **NO PROPOSAL FOR ARTWORK IS REQUIRED DURING THE STAGE 1 SELECTION PROCESS.**

**b. Stage 2.** (Only semi-finalists will be able to participate in Stage 2)

Those artists selected will each receive a \$700.00 honorarium for travel expenses and the development of specific concepts (up to three concepts per artist/team). As part of the process, prior to creating a concept design(s), each semi-finalist/team will travel to the City of San Luis Obispo for a site visit and meeting with the Jury and City staff to understand the opportunities and limitations within the site and to witness the local environment.

As a part of the Stage 2 Proposal, each semi-finalist/team shall provide a detailed, all-inclusive estimated budget including costs associated with the fabrication and installation of the work including engineering, lighting and landscaping. Semi-finalists/teams will be given four (4) weeks to adequately undertake the Concept Proposal(s) and

estimated costs. The proposals may be publicly displayed for community viewing and response.

Project concepts will be evaluated on the following criteria:

- Understanding of the work required by the City
- Evaluation of artistic excellence
- Appropriateness of scale, form, material, content and design relative to the site
- Relationship to the social, cultural and/or historical identity of the site
- Appropriateness of proposed materials in regards to structural and surface integrity, public safety and weathering and its protection against theft and vandalism
- Appropriateness of proposed method of installation of artwork, and the safety and structural factor involved in installation
- Ease of maintenance
- Evaluation of proposed budget and the artist's ability to successfully complete the project within the proposed budget
- Experience in working on comparable projects



Cheng Park  
Dedicated 2007 by Alice LohHang Zhou

- c. **Final Selection.** Following artist interviews and design review of the top proposals, the jury selects a final design that then proceeds forward for review by the appropriate Commissions/Committees, the Architectural Review Commission and final approval by the City Council.

## Design Review/Public Hearings

### Planning Review

1. **Review Steps.** It is the Public Art Manager's responsibility to initiate planning applications, submit plans, and ensure that capital projects go through the required public hearings. The standard City policies apply to legal notice requirements, appeals, and environmental review. For more information on these details, contact Community Development Department staff. Typically, public art as part of capital projects follows these public review steps:
  - a. environmental review (typically Categorically Exempt and not required if public art proposal is in the interior of a structure)
  - b. review by the Architectural Review Commission
  - c. final approval by the City Council
- In special cases, the artwork will also require review by:
  - d. Planning Commission (if the overall project requires a use permit)
  - e. Parks and Recreation Commission (if in a City park)
  - f. Cultural Heritage Committee (if in Mission Plaza or other designated historical area)
2. **Concurrent Review.** It is preferable for the artwork to be designed, reviewed, and approved concurrently with the capital project. This approach: 1) allows the artwork to be designed as an integral part of the overall project; 2) allows the design, fabrication, and installation of the artwork under a single contract; and 3) is usually easier and more efficient in terms of staff time and public review.
3. **Separate Review.** Sometimes, for reasons of design, funding or timing, it is necessary to plan the public art after the main project design is completed. Although the general location and type of artwork should be decided during the

project planning stage, the actual design and implementation is then handled separately from the main project bidding and construction. The best approach depends on the particular project, and the project manager needs to discuss alternatives with department management and the Public Art Manager.

4. ***Architectural Review Commission and Other Commission Review.*** It is important for the Public Art Manager to understand the role of the Architectural Review Commission (ARC) and other Commissions/Committees in reviewing public art. The art jury has already selected the artistic design, and future review must respect the integrity of that design. The ARC is charged with insuring that the proposed artwork meets the City's Guidelines for Public Art (See Appendix C) and that it is appropriate for the proposed location. Minor adjustments could be suggested, for example, to make the location fit better. **However, the ARC or any other City Committee or Commission should not become involved with redesigning the actual artwork.**

## Artist Compensation

1. ***Methods of Payment.*** Artists can be paid on an hourly basis, with fixed payments tied to a performance schedule, by lump sum, or on some other basis, similar to other types of consultants. Whatever the approach, payments should be tied to a clearly defined and agreed upon schedule of performance. It is also customary to pay a retainer fee of 20-25% of the total contract price upon awarding the contract. Any other terms or special conditions, such as a liquidated damages clause, unforeseen costs or delays, and other provisions are negotiated on a case-by-case basis as necessary. A modified version of the City's standard contract should be used. See Appendix D for a sample artist contract agreement.
2. ***Typical Payment Schedule.*** A typical artist's payment schedule will relate compensation to the value of work received, as in the following example:

Award of Contract	25%
Mid-point of Contract	50% **
Acceptance of Completion	25%

- \*\* Depending on the type of art involved, different milestones can be set to establish when mid-construction payments should be made, i.e., for a sculpture, when artwork goes to the foundry could be one phase, completion of foundry work could be another. If an extensive construction design plan is needed, completion of that plan could be a payment milestone.

## Public Art Installation

Like most other construction projects, public art requires plans and specifications. Although these may vary in terms of detail and complexity, even the simplest art project requires plans and specifications, either included with a larger bid document being issued for the entire capital project (if the construction contractor is responsible for installation) or a separate bid (if the artwork is a free-standing project and being installed by someone other than the artist.)

1. **Plans and Specifications - What's needed?** Plans for public art projects require much of the same information as other types of new developments. Depending on the type of public art, the following information is typical:

- Site Plan
- Grading Plan (if appropriate)
- Elevation/section drawings (if appropriate)
- Design, attachment, and/or fabrication details
- Structural Calculations
- Material and performance specifications
- Maintenance program

Each project is different, and the project manager will need to decide how much, and what type of information is needed to successfully fabricate and install the artwork.

2. **Plan Check, Permit and Inspections**

- a. **No Building Permit Required.** Most types of freestanding public art are treated as structures in the Uniform Building Code, and require a construction permit; however, the City is not legally required to get a building permit for its own capital projects.

- b. **Inspections. Any public art project that poses structural safety concerns should be reviewed by the Chief Building Official for safety.** Inspections are required to ensure that the project is built as approved.

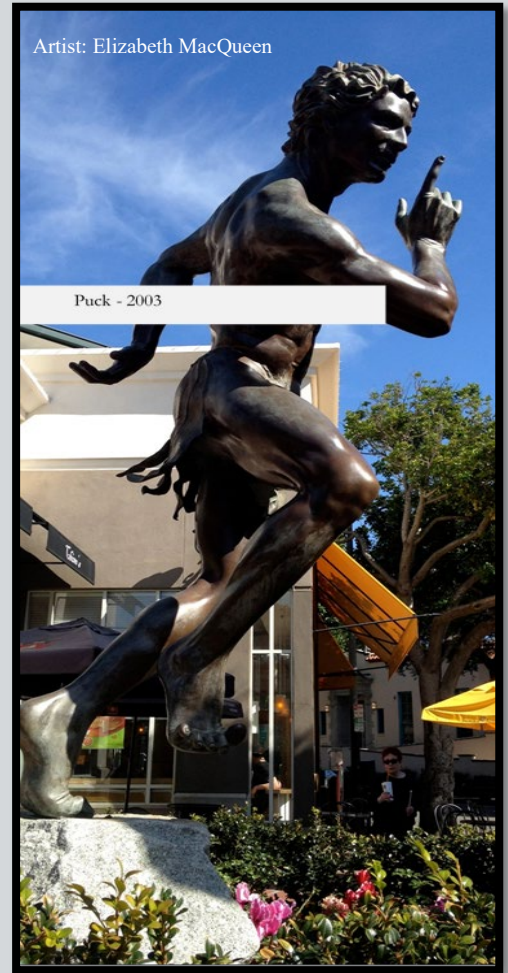
- (1) For small projects, like small sculptures, murals, or similar projects where structural safety is not a concern, one building inspection is usually sufficient upon completion. The Public Art Manager also does a final inspection when the project is complete.
- (2) For larger or more complex projects, several inspections may be needed. It is the project manager's duty to call Building and Planning staff to set up the inspections. If the inspector finds problems or changes from approved plans, s/he sends a correction list to the project manager within 48 hours of the inspection. The project manager then needs to coordinate with the artist, architect, and other staff members to resolve the "punch-list" items before the City finally "accepts" the artwork and makes final payment for the work.

3. **Final Acceptance.** All new public art projects, whether freestanding or part of a larger capital project, require a final acceptance by the Public Art Manager, acting on behalf of the City. After the art project has been signed off by all inspectors, the Public Art Manager prepares a letter formally accepting the artwork. The letter documents completion of the artwork, triggers artist and/or contractor payments, and allows the City to express thanks and congratulations to key participants. The letter is signed by the Public Art Manager and the project manager and addressed to the Community Development Director, with copies to the CM, project architect or engineer, project artist and contractor. (See Attachment E for sample acceptance letter.)

## Maintenance and Repair

Like most City facilities, public art requires maintenance and occasional repairs. Although the City's guidelines encourage artworks requiring "little or no maintenance", artworks will vary in the amount of maintenance required, resistance to vandalism, and ease of repair.

1. **Maintenance Record Form.** It is essential that the artist and the City be clear about maintenance expectations up front. Prior to final acceptance of the artwork, the Public Art Manager insures that the artist has completed a Maintenance Record Form. A sample form is provided in Attachment F. The original copy of the form is kept by the Public Art Manager and a copy is forwarded to the Public Works Department.
2. **Maintenance Responsibility.** The Public Works Department is responsible for maintaining City facilities, and this includes all City-owned or City-sponsored public art. Temporary artworks owned by others but exhibited in City buildings or on City-owned land is the responsibility of the owner, unless other arrangements are made by prior agreement with the City. A list that identifies which Public Works Department division is responsible for the maintenance of a particular piece of public art is available from the City's Public Art Manager.
3. **Maintenance Cost.** The public art maintenance fund covers the cost of all public art maintenance. For this reason, it is important that Public Works staff notify the Public Art Manager if maintenance of an artwork is needed.
4. **Types of Maintenance.** City crews are responsible for:
  - a. **Routine Maintenance.** Such maintenance includes trash and graffiti removal, cleaning, waxing, minor landscaping, replacing light bulbs, and mechanical activities like tightening, adjusting, and oiling. Frequency will vary by type of artwork, but bi-weekly or monthly checks by maintenance staff during the normal course of their rounds would be typical.
  - b. **Cyclical Maintenance.** Cyclical maintenance is done at regular, but much less frequent intervals. It involves more extensive treatment such as disassembly, inspection, and surface applications of protective coatings (e.g. repainting). Because this work could significantly affect the appearance and longevity of the artwork, it may require special knowledge or skills. Before proceeding with the work, staff should either:
    - (1) Consult the artwork's Maintenance Record Form for specific procedures, or
    - (2) Consult the artist or other competent art professional on use of cleaning compounds, paints, solvents, and surface coatings.
  - c. **Repair and Restoration.** This involves the treatment of damaged or deteriorated artworks to return them to as close to their original appearance as possible. Extreme care must be used to maintain the artistic integrity of the artwork. The repairs must preserve the artist's intent in both design and materials. In many cases, such repairs require the involvement of the original artist, or if that is not possible, an art conservator trained in art restoration. Again, the artwork's Maintenance Record Form, prepared by the artist prior to final City acceptance of the artwork, gives some guidance on this issue. The City has an ethical and legal responsibility to maintain the artistic integrity of an artwork (Calif. Art Preservation Act, Cal. Civ. Code 987 (West Supp. 1985)). Improper maintenance and repair methods can damage valuable artworks, and may trigger legal challenges by the artist.



## Legal Issues

1. **Ownership.** In most cases, the City will own public art installed in connection with capital projects -- but not always. For example:

- a. **City-funded Public Art.** Under the terms of the City's contract with the artist, all City-funded art installed on City property is owned by the City upon its completion.
- b. **Jointly Funded Public Art.** Sometimes private funding may be used to augment City funds for public art on City property. Due to the joint sponsorship, an "art agreement" is necessary between the City and other government agencies or private sponsor that clarifies mutual roles, responsibilities, funding levels, and other terms.

## 2. *Insurance Requirements*

- a. **During Fabrication of Artwork.** Because of the uniqueness of each piece of public art, the City's Risk Manager needs to be consulted to determine the appropriate type and level of insurance that must be carried by an artist during the time the artwork is being fabricated and installed. As a service to the artist, the City currently offers an insurance policy that can be purchased through the City. Cost of the insurance varies depending on the value and scope of the artwork. The artist should be directed to the Risk Manager for a cost estimate and to complete appropriate paperwork.
- b. **Upon Acceptance by City.** Once a permanent artwork is formally accepted, the City assumes responsibility and liability for the art.

## 3. *Relocation, Alteration or Removal*

- a. **Reasons for Relocation, Alteration or Removal.** From time to time, permanent City-owned artworks may need to be relocated, altered, or removed from public display. Reasons for such changes could be as follows:
  - (1) significant changes occur in the design or function of the site or facility where the artwork is located;
  - (2) to avoid damage to the artwork, e.g. during construction activities or as a result of vandalism, war or civil unrest, natural disasters, and environmental pollution;
  - (3) to allow repairs or restoration that could not be effectively done in place;
  - (4) to improve public health, safety or welfare; or
  - (5) to promote the public interest and the City's Visual Arts in Public Places program goals.
- b. **Approval of Relocation, Alteration or Removal.** As necessary as removal or relocation may seem, it should be undertaken only after careful consideration and only as a last resort. Artworks are usually created for a specific location, and changes may not be consistent with either the City's or the artist's original intent. Moreover, California, New York, and Massachusetts have enacted laws establishing artists' "moral right" to protection of their work against unauthorized alteration or destruction". **To ensure that all parties' needs and rights are considered, City Council approval must be secured for the relocation, alteration, or removal of permanent, city-owned artworks.**
- c. **Contract Language on Relocation, Alteration or Removal.** The Public Art Manager must make sure that:
  - (1) The artist's contract clearly acknowledges the City's rights to relocate, alter or remove the artwork, with or without special conditions requiring written notice to the artist, prior artist permission, arbitration in the event of a dispute, or other provisions;
  - (2) The City has the permanent addresses and phone numbers of the artist and at least one other responsible party who can be contacted regarding relocation, alteration or removal. It is the responsibility of the artist to keep this information current.

## Dedication of Artwork

Once installation of the artwork is complete, the Public Art Manager organizes a dedication ceremony that presents the piece to the community and recognizes the artistic efforts of the artist. This may occur consecutively with the dedication ceremony for the capital project or at a later date, if the artwork is completed after the capital improvement project.



"Roots of the Community" 2013  
Artist: Joshua Wiener



## CITY PUBLIC ART PROGRAMS

### Temporary Public Art and Pilot Programs

The purpose of the Temporary Public Art Pilot programs is to encourage the creative uses of public art throughout the community through the promotion of opportunities, establishment of guidelines, and minimum maintenance requirements.

#### Developing Temporary Public Art Program Parameters

1. ***Developing Pilot Program Parameters.*** Develop general pilot program parameters to help guide program location and artist(s) selection. Based on knowledge of the site and the project's design possibilities, a number of possible locations and general types of art that would work for the project should be identified. Feedback should be sought on these ideas from other staff, or the San Luis Obispo County Arts Council, as mentioned earlier. (See previous section, ***Generating Ideas for Public Art in Capital Projects.***)
2. ***Duration.*** Temporary Public Art should be limited in display for approximately five (5 years). Display of public art beyond five years should require Council's approval to convert a temporary public art to a regular ongoing program/permanent art exhibit.

#### Evaluation of a Pilot Program

1. ***Evaluation Group.*** Once the pilot program parameters have been developed, the Public Art Manager solicits evaluation from Public Works staff and local art organizations, such as Arts Obispo or the Downtown Association Design Committee, to judge the merits of the pilot program.
2. ***Evaluation Criteria.*** The evaluation group applies the standard Guidelines for Public Art (Appendix B) in making a determination that the proposed project is acceptable to the City and should move forward in the approval process.
3. ***Evaluation Criteria for Historical Locations.*** Programs proposed for areas of high historical sensitivity, such as an approved Historical neighborhoods or Mission Plaza, shall receive the review and recommendation of the Cultural Heritage Committee for consistency with historical context of the surrounding area. Projects that do not garner the support of the respective Advisory Bodies will not proceed, unless appealed to City Council pursuant to Municipal Code Section 1.20.
4. ***Evaluation Criteria for Architectural Review Commission.*** The Architectural Review Commission reviews the proposal to assure that it meets the adopted Guidelines for Public Art. (Appendix B). Projects that do not garner the support of the respective Advisory Bodies will not proceed, unless appealed to City Council pursuant to Municipal Code Section 1.20.
5. ***Council Approval.*** Staff shall present the temporary public art design, as recommended by the Art Jury and Advisory Bodies, to the City Council for final approval.

## UTILITY BOX ART PROGRAM



### Background

In 2010, as part of the City's Downtown Maintenance and Beautification project, the City Council approved funding for the Utility Box Art pilot project. This temporary public art pilot project was initiated by the City of San Luis Obispo with the support of the San Luis Obispo downtown Association and Arts Obispo. Initially conceived as a graffiti abatement measure to enhance unattractive utility/traffic control boxes at various high visibility intersections in the Downtown core, widespread popularity of the box art program quickly grew and enabled the pilot program expand.

The Utility Box Art Program was designed to use the funding for regular lifecycle maintenance of city assets in a creative way. The program allowed for these street level artworks to add vibrancy to our cityscape, while creating a sense of place and identity for our community through a resident art selection jury. These public artworks were not intended to be permanent but as a temporary canvas through which artists and community members could express themselves and their identity.

Since 2010, various painted utility/traffic control boxes have required maintenance upgrades, installation of necessary battery back-up cabinets or repairs as a result of unanticipated damages which have had an impact on the artwork. In 2015, updates to the City's Public Art policy included the adoption of the Utility Box Art program a regular, ongoing public art program. Additional program updates were identified in 2016 to clarify maintenance procedures for the artwork should the utility/traffic control boxes require repairs, removal or modification, and to address expansion of the program, the life-span of the artwork and proper archival methods for the box art murals.

The goal of the Utility Box Art Program is to encourage the creative uses of public art throughout the community through the promotion of new artist opportunities to create works of art that contribute to the vitality and attractiveness of the streetscape. Artwork on utility boxes function as a form of communication to a moving audience with the goal of creating a vibrant, inclusive and interesting urban environment.



### Program Details

1. **Mission of Box Art Program:** The primary mission of the "BOX ART" program is intended to invigorate the City of San Luis Obispo for both residents and tourists alike through the incorporation of public art on traffic signal utility boxes. The utility boxes serve as community "canvases" for original pieces of art, contribute to the vitality and attractiveness of the city while deterring vandalism and graffiti.
2. **Glossary of Terms:** A Glossary of Terms for the Utility Box Art Program is provided as Exhibit A.
3. **Box Specification:** Dimensions of the large utility boxes are generally 5'4" H X 3'3" W x 2',9" D. Dimensions of the small utility boxes are generally 3' H X 2'2" W x 1'6" D. Art should cover all exposed sides including the top.

Utility box sizes may vary; selected artists must be willing to adjust designs to the box assigned. There are a total of sixty-four (64) City-owned traffic signal boxes that are included in the Box Art Program. A map of City traffic signal box locations is provided as Exhibit B.

4. ***Maintenance of Box Art Murals:*** The Public Art Program Manager shall prioritize the box art mural maintenance needs on an annual basis. Utility Box Art murals shall be cleaned annually. Additional cleanings could be provided through volunteer and partnership opportunities as available. To help protect the utility box art murals from the environment and extend the life-span, the utility box art murals located outside of the Downtown Core (and refreshed less frequently) shall be recoated with an anti-graffiti UV protectant sealant approximately every three (3) to five (5) years as funding permits. Deaccessioned utility boxes on display as part of an archival program shall be included in the box art maintenance program, cleaned and re-coated as needed to protect the integrity of the artwork.
5. ***Duration of Box Art:*** Utility Box Art murals shall be on public display for a recommended period when the utility box would then be eligible for refreshing of the box art mural. The replacement schedule of the exterior box art murals shall be determined by both the extent of maintenance and/or repairs required and a box's location.
  - a. **Significant Repairs:** Utility box art murals that are subject to significant repairs (such as but not limited to: extensive graffiti, vandalism, damaged traffic signal casings, failure of the internal electrical components, or subject to mechanical maintenance upgrades as referenced in Exhibit A) shall be reviewed on a case-by-case basis by the Public Art Manager to determine the extent of repairs or replacement. Any boxes identified for significant repairs should be designated for a subsequent Box Art painting phase.
  - a. **Location:** The duration of display for box artwork shall be subject to the box locations as follows:
    1. ***Downtown Core*** (as defined by the SLO Downtown Association boundaries, Exhibit C): In effort to promote vibrant tourism of the downtown core, the utility box art located within this area will be refreshed approximately every three (3) to five (5) years as funding permits. The frequent rotation of artwork in the downtown promotes economic vitality by attracting new and visiting populations.
    2. ***All Other City Locations:*** The utility box art murals located outside of the Downtown Core boundaries, and in residential neighborhoods, shall be on display for an extended period of time. The utility box art located in these areas shall be refreshed approximately every 10 years as funding permits.
6. ***Utility Box Art Program Expansion:*** Program expansion shall include utility boxes that are not currently painted with art. Each expansion phase of utility box art should consist of a recommended amount of utility boxes; preferring fifteen utility box locations or less. These utility/traffic control box locations shall be determined by Public Works and Public Art program staff, with input from community organizations such as the Downtown Association, SLO Chamber of Commerce, Arts Obispo and neighborhood groups; as meeting one or more of the following criteria for program expansion.
  - a. **Criteria for Box Art Expansion:**
    - i. ***Community engagement:*** The City shall facilitate public engagement opportunities seeking the community's input and prioritization for program expansion.
    - ii. ***Exposure:*** The level of pedestrian, bicycle and vehicle traffic surrounding the potential box location shall be considered. Preference shall be given to box locations with the greatest exposure.
    - iii. ***Vandalism:*** Utility box locations that are routinely subject to vandalism and/or graffiti shall receive consideration for subsequent program expansion.
    - iv. ***Proximity to other art in public spaces:*** Proximity of the traffic signal utility box location to other community art. Preference shall be given where there is minimal public art in close proximity.
    - v. ***Ownership:*** Staff will evaluate both City-owned and privately-owned utility box locations. Preference shall be given to 64 City-owned utility locations. The City will explore partnership opportunities for program expansion to privately-owned utility box locations (such as electrical, television and phone utilities).
7. ***Artist Eligibility:*** The Box Art program shall be open to individual artists, a team of artists or community groups

with a designated lead artist who have the vision and skills required completing the project to the highest standards of innovation and technical expertise. Qualifying applicants must reside in San Luis Obispo County. Artists should carefully read the description of the project and Request for Proposals (RFP) and decide if the project is suitable to their interests, capabilities and experience.

8. **Public Works Department Review:** The Public Works Department shall provide input in the development of the Box Art RFPs before advertising. Prior to beginning the Art Jury review, the Public Art Manager shall arrange for the proposals to be reviewed by appropriate Public Works Department staff. The purpose of this review is to identify any significant engineering or maintenance issues that may arise out of the placement of art or the choice of materials for the artwork for the particular site. If the artwork is part of a larger construction project, it may be valuable to have the project contractor present, as well. This information will be presented to the Art Jury to help guide their decisions when selecting an art design and location.

9. **Selecting an Art Jury:** Art Jurors evaluate the artist qualifications and box art proposals received and make a recommendation for selection. The preferred approach in assembling an Art Jury is to create a five/seven-member selection committee for the Box Art project. The Art Jury, consisting of volunteers from Arts Obispo, SLO Downtown Association, San Luis Obispo Chamber of Commerce, local artist(s), interested community member(s), City staff and a box art neighbor(s). A neighbor or representative for each of the affected neighborhoods for the traffic utility boxes will be selected for an Art Jury. Art Jury names shall be included in the staff reports.

10. **The Jury Evaluation Process:** Box Art proposals submitted in response to a Box Art RFP will be reviewed by the Public Art Manager who will then forward all complete and eligible applications received by the deadline to the Public Works Department for review. Following this internal review, proposals shall be provided to the Art Jury for evaluation.

- a. **Evaluation Criteria:** The criteria used to select eligible artists and designs shall be in accordance with the approved Guidelines for Public Art (Appendix B) and in meeting the criteria as follows:
1. Evaluation of artistic excellence
  2. Appropriateness of scale, form, content and design
  3. Relationship to the social, cultural and/or historical identity
  4. Experience in working on comparable projects
  5. Artists (or lead artist of a team) must reside in San Luis Obispo county

The Art Jury will evaluate all complete, eligible, Box Art proposals received by the deadline. If the number of qualifying applications does not meet the number needed; City staff and/or the Council may decide to reopen the selection process. Upon evaluating the qualifications provided in the Box Art proposals, the Art Jury will recommend to the appropriate Advisory Bodies the artist designs, totaling the amount of utility/traffic control boxes within a phase, and location.

11. **Guidelines and Review Process for Public Art:** The adopted Guidelines for Public Art (Appendix B) will apply in making a determination that the proposed project is acceptable to the City and should move forward in the selection and approval process. Box art designs and locations, as recommended by the Art Jury, shall be reviewed by the appropriate Advisory Bodies. The Cultural Heritage Committee (CHC) shall review for consistency with historical context of the surrounding area and the Architectural Review Commission (ARC) to ensure the design meets the adopted Guidelines for Public Art. Designs that do not garner the support of Advisory Bodies shall not proceed, unless appealed to City Council pursuant to Municipal Code Section 1.20. Staff shall present the final recommended

Box Artist: Colleen Gnos (Before and After)



designs and locations to the City Council for final approval.

12. **Artist Selection and Contract:** Following the City Councils' approval, the Public Art Manager shall enter into a public art contract agreement with the selected artists for the installation of utility box art. The Utility Box Art Artist Agreement is provided as Appendix O.
13. **Artists' Stipend:** Selected artists shall be compensated for the application of their artwork and designs. Stipends are based upon the size of the utility box. The stipend amount shall be all-inclusive and cover costs incurred by the artist in the course of designing and installing the artwork. In addition, artists may apply for reimbursement of materials, with original receipts. A maximum value of reimbursement shall apply. The final selected artists will also receive an honorarium upon the completion of their artwork for their conceptual renderings. The approved artist stipend amount (as referenced in Exhibit A) shall be reviewed and updated prior to each Box Art phase.
14. **Media and Materials Guidelines:** The Media and Material Guidelines is provided as Exhibit D. These guidelines identify the prerequisite materials such as paints, primers and sealants required for the exterior box art murals. The approved Media and Materials Guidelines shall be reviewed and updated prior to each box art phase.
15. **Permitting:** The selected Artists are required to obtain a no-cost Encroachment Permit through the City's Community Development Department prior to the painting of the utility box art mural.
16. **Maintenance, Repairs, Modification of Utility/Traffic Control Boxes:** The Public Works Department is responsible for maintaining City facilities, which includes all City-owned or City-sponsored public art. The City reserves the right to modify or remove artwork should a utility/traffic control box require maintenance, modifications or repairs as a result of unanticipated damages. Should this occur, the City shall provide public notification consistent with the City's adopted Public Engagement and Notification policies regarding the affected public art. The City shall notify the affected artist(s) and provide him/her the opportunity to repair the affected mural. Should the artist be unable to repair the mural, the box art would be eligible for new public art in the subsequent phase of Box Art. Should the timing of the subsequent Box Art phase be greater than one year, the utility/traffic control box shall be reverted back to the standard utility/traffic control box color until it can be incorporated into the next phase of painting.
17. **Archival and Deaccessioning of Box Art Murals:** At the end of either the pre-determined artwork lifespan, or the deaccessioning of the utility boxes as a result of maintenance/repairs/relocation, the artwork shall be archived in a way to preserve the integrity and historical context of this public art program.
  - a. **Archival:** The preservation of the box art murals shall include both print and electronic preservation that is accessible to the public. Print materials for the purpose of archival could include, but are not limited to, brochures, interactive coloring books, postcards, books, etc. Electronic archival could include, but are not limited to, digital images, virtual tours or database available via the City's website.
  - b. **Deaccessioning:** In instances where the physical utility box is decommissioned and no longer in use, the public art program shall identify and recommend options for the relocation and continued display of the public art mural. Deaccessioning of the utility boxes could include, but is not limited to, a box art memorial garden or an "adopt-a-box" program which would provide for ongoing public display of the artwork. The public art program shall incorporate the maintenance of any deaccessioned boxes on display as part of the maintenance program, unless otherwise specified.



**BOX ART PROGRAM EXHIBITS (included in Public Art Policy as Appendix O)**

Exhibit A – Glossary of Terms

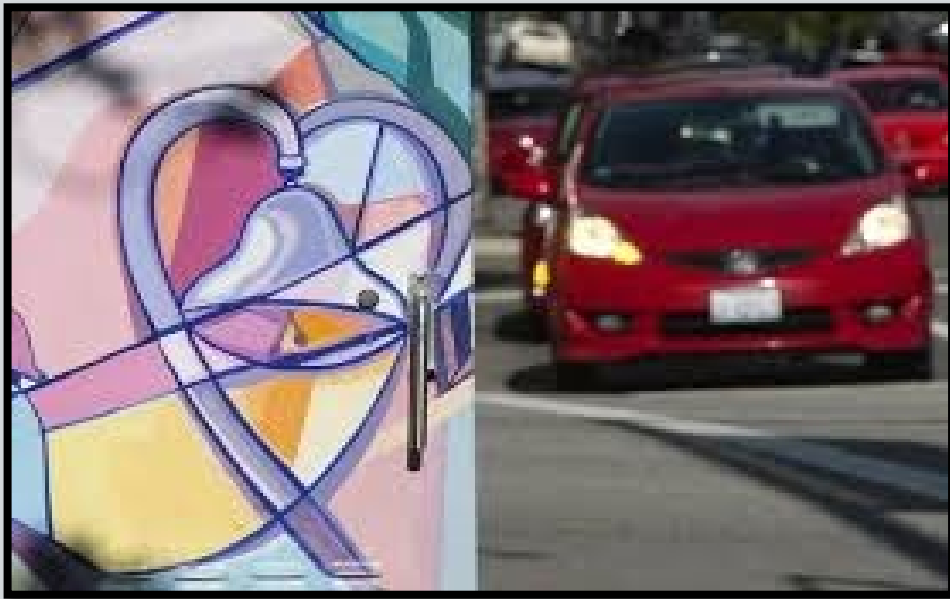
Exhibit B – City-Owned Traffic Signal Utility Box & Box Art Map

Exhibit C – Downtown Association Boundary Map

Exhibit D – Media and Materials

*Box Art Program Policies Adopted by City Council as amended on July 19, 2016*

Box Artist: Robert Maja



## PRIVATELY FUNDED ART IN PUBLIC PLACES

An important source of public art is that which is privately funded, but located in a public place. Usually, such works are commissioned by an individual, a group of individuals, a non-profit organization or a business or corporation. Whatever may be the reason for the offer of public art to be placed on City property, the offer triggers the following process.

### Submittal of a Proposal

1. **Submittal Form.** All proposals for privately funded public art placed on City property are submitted to the Public Art Manager on the *Application for Privately Funded Public Art* (Appendix H). The form must be accompanied by drawings, models, photographs or any other graphic depiction that will help to clearly define the artwork. All proposals must be for original works of art. (See Introduction – What is Public Art?)
2. **Solicitation of Competitive Proposals.** When a proposal is submitted, whether by a patron or by an artist, it is not necessary for the City to solicit additional competitive proposals for the same location from other artists.

### Evaluation of a Proposal

6. **Evaluation Jury.** Once the proposal is received by the Public Art Manager, s/he calls together a jury from a standing pool of resource individuals to judge the merits of the proposal. (See *Selecting an Art Jury*, pg. 8)
7. **Evaluation Criteria.** The jury applies the standard Guidelines for Public Art (Appendix B) in making a determination that the proposed project is acceptable to the City and should move forward in the approval process.
3. **Evaluation Criteria for Historical Locations.** Projects proposed for areas of high historical sensitivity, such as Mission Plaza and surrounding area, should be given the closest possible scrutiny to determine if the project would be an enhancement to the area. Projects which do not garner the unanimous support of the jury will not proceed.
4. **Appeal Process.** If the jury rejects a proposal, the patron has the right to appeal this decision to the City Council in accordance with the appeals procedures in Section 1.20.020 of the Municipal Code. The jury's findings and rationale for rejecting the project will be made available to the Council when considering the appeal.



### Approval of a Proposal

1. **Approval Process.** Once a privately funded project is recommended for placement on City-owned property, it will be reviewed by the following departments and City advisory bodies. The Public Art Manager acts as the project manager for all such projects and is responsible for "shepherding" them through the following approval stages. **It should be noted that, with the exception of the first step, this is the same approval process used for City-sponsored public art** (a more detailed explanation of this process can be found in Part One – Evaluating and Approving Public Art).
  - a. The Public Art Manager reviews the proposed project to assure that it complies with the City's Donation Acceptance Policy. (Appendix G).
  - b. The Public Works Director or his designee(s) reviews the proposal to insure:

- that the artwork's placement will not create undue difficulties for maintenance of the surrounding area.
- that the proposed materials are durable and will not create significant maintenance problems for the artwork itself.
- that any engineering or structural concerns are addressed
- c. The Risk Manager and the Public Works Department reviews the proposal to assess whether or not it provides undue risks or safety issues.
- d. The Architectural Review Commission reviews the proposal to assure that it meets the adopted Guidelines for Public Art. (Appendix B)
- e. In some cases, proposals may take additional review because of their nature, design or location.

2. **Council Approval.** Ultimately, the City Council provides final approval of the proposal.

\* See Appendix G for a flow chart of the process.

## Contract Preparation

Upon conceptual approval of the project by the City Council, the patron and the City sign a contract establishing the terms of the proposed installation of privately funded public art in public places. The Council should be asked to delegate authority to sign the contract to the CM as part of the conceptual approval process. Appendix C contains a sample contract that should be adapted, as necessary, and used for this purpose.

## Issuing of Permits

The donor is directed to prepare plans and specifications for the artwork or the Public Art Manager may seek approval from Council to use public art funds for plans and installation costs. See Part One - **Public Art Installations**, for the process to be followed for permitting and installation of the public art project.

## Labeling of Artwork

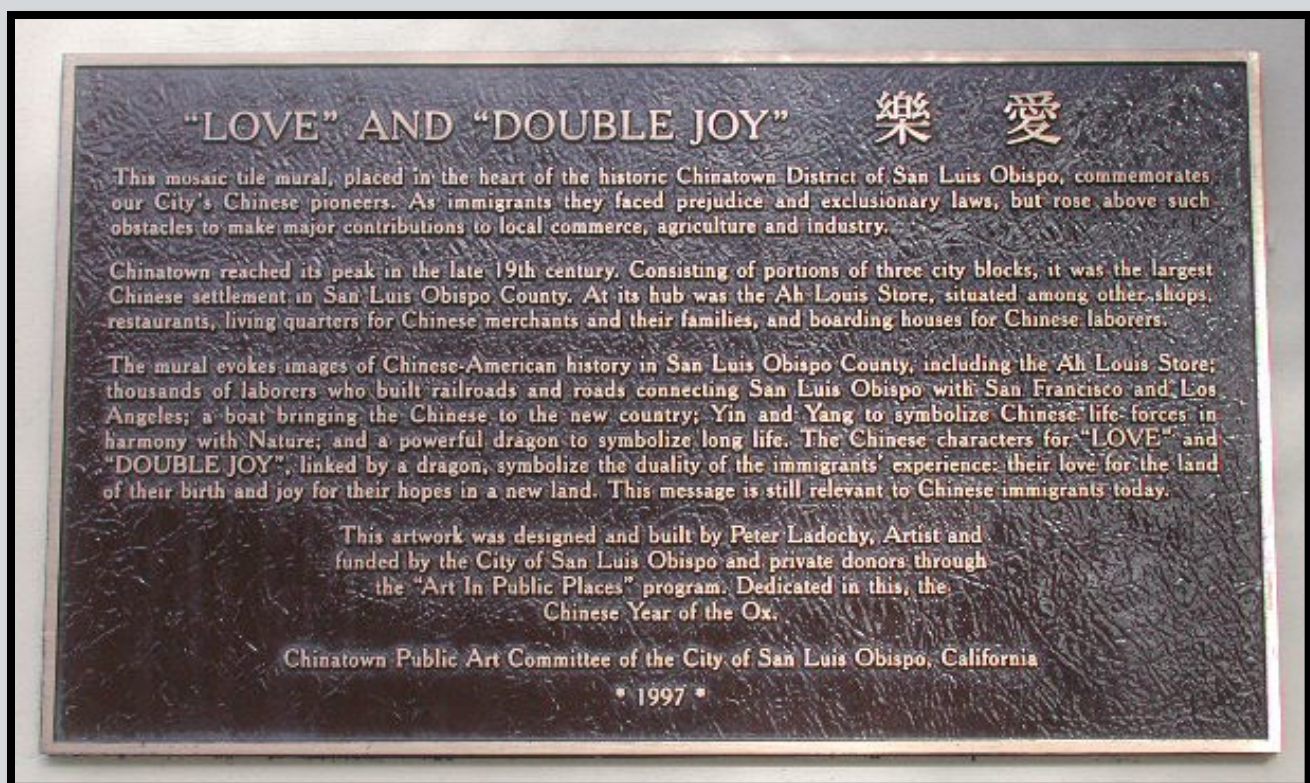
1. **Plaque.** The donor is directed to purchase and install a plaque for the artwork or the Public Art Manager may seek approval from Council to use public art funds for the plaque. If the donor wishes to purchase and install the plaque, the following standard format must use in order to avoid the use of donated public art for advertising purposes.
  - title of artwork
  - artist's name
  - patron's name
  - date of completion
  - material(s) used (optional)
  - short explanation of work (optional)
2. **Deviation from Standard Plaque.** All requests to deviate from the standard plaque are made to the City Manager or their designee. Should the City Manager or his/her designee deny the proposed deviation, the patron may appeal this decision to the City Council in accordance with the appeals procedures in Section 1.20.020 of the Municipal Code.

## Final Acceptance

1. **Maintenance.** The Public Art Manager provides the Public Works Department with a City's Public Art Maintenance Record Form (Appendix N). See Part One - **Maintenance and Repair**, for additional information.
2. **Inspection and Acceptance.** All donated projects on public property must have final inspection approval by the City's Building Division and by the Public Art Manager. See Appendix E – **Final Acceptance**.
3. **Ownership.** Upon completion, the artwork becomes the property of the City.

## Dedication of Artwork

Once installation of the artwork is complete, the Public Art Manager organizes a dedication ceremony that presents the piece to the community and recognizes the artistic efforts of the artist.



## MATCHING GRANTS FOR PUBLIC ART

When the Visual Arts in Public Places program was adopted in 1990, it included a section which established a matching grant fund to encourage the inclusion of public art in *private* construction projects. The program was seldom used and in 2000, with the passage of Ordinance No .1372 requiring public art in privately-funded, non-residential projects, the matching grant program was rescinded.

In 2005, with receipt of the two requests for matching funds, and recognizing the benefits of leveraging public and private dollars, staff felt a matching fund component to the public art program might be an excellent way to expand public art opportunities within the City, especially during a time of limited fiscal resources.

According to the Resolution No. 9656 (see Appendix I), projects seeking matching grant funds will require City Council approval, consistent with the City's Donation Acceptance Policy. Furthermore, projects eligible for matching grant funds should provide a clear public benefit and advance the City's public art goals. The resolution requires that Council determine the appropriate level of matching funds up to a dollar-for-dollar level for each request.

### Grant Criteria

The council will use the following criteria in evaluating funding requests:

- a. Artwork shall be located 1) on publicly owned property or right-of-way, or 2) on private property if the artwork is secured through a public art easement,
- b. Artwork should promote the City's Goals and Objectives of the Public Art Program
- c. The applicant has demonstrated sufficient experience and ability to successfully complete the public art project.
- d. Projects which make creative and efficient use of resources will be given preference
- e. Artwork shall be consistent with the City's Public Art Guidelines
- f. Artwork designed and/or sponsored by a San Luis Obispo resident, business or organization will be given preference.
- g. The City shall be named as an additional insured and indemnified during construction and installation of the public artwork.
- h. Permanent artwork receiving City funds shall become City property.

### Summary of the Process

**It should be noted that, with a few exceptions, this is the same approval process used for City-sponsored public art** (a more detailed explanation of this processes can be found in the section titled *City Funded Public Art*).

1. A proposal for matching grant funds is submitted to the Public Art Manager. The proposal must include: description of proposed work, materials/size, location and requested dollar amount of grant. All proposals must be for original works of art.
2. Council approves recommendation for matching grant request.
3. Public Art Manager solicits artist's qualifications and/or proposals.
4. Public Art Manger appoints an art jury.
5. Artist/artwork is selected by jury.
6. Proposed artwork is reviewed by Public Works staff, as appropriate.
7. Proposed artwork is reviewed by the Cultural Heritage Committee (CHC), the Parks and Recreation Commission (PRC) and/or the Mass Transportation Committee (MTC), as appropriate.
8. Architectural Review Commission (ARC) approves artwork and forwards recommendation to City Council.

9. City Council approves artwork.
10. Public Art Manager prepares public art contract.
11. Public Art Manager receives matching dollars from applicant.
12. Public Art Manager secures planning/construction permits and works with artist to fabricate artwork.
13. Artwork is installed.
14. Public Art Manager inspects the artwork and compiles the maintenance information.
15. Final inspection approval by the City's Building Division
16. Upon completion, the artwork becomes the property of the City.
17. Once installation of the artwork is complete, the Public Art Manager organizes a dedication ceremony that presents the piece to the community and recognizes the artistic efforts of the artist.

\* See Appendix J for a flow chart of the process.

## PUBLIC ART IN PRIVATE DEVELOPMENT

On August 15, 2000, the City Council passed an Ordinance Relating to Public Art in Private Development. The ordinance is designed to further enhance the aesthetic environment of the City by requiring private property owners and developers to incorporate a piece(s) of art in new developments or substantially improved developments in the City, or voluntarily elect to purchase a piece of art and donate it to the City or pay a public art in-lieu fee. (See Appendix K for enabling legislation.) The Public Art in Private Development program is designed to allow the applicant some flexibility in meeting the requirements of the ordinance.

If the applicant chooses to incorporate a piece of public art into the project, s/he may choose to send out a Request for Proposals (RFP), a Request for Qualifications (RFQ), or purchase an already existing piece of art. While this is the sole responsibility of the developer, the Community Development Department assists by informing the applicant of options and opportunities, providing a packet of resources and the name and phone number for the Art Council's Art in Public Places committee chair, who will guide the applicant through the RFP/RFQ process, if so desired.

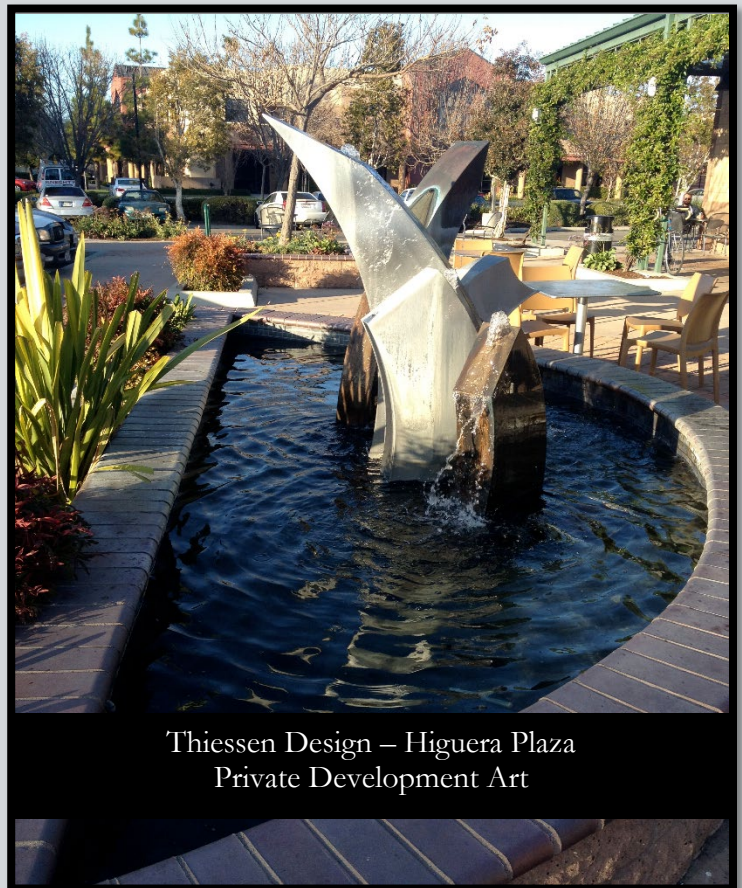
The following sections provide details for processing public art in private development, including 1) placement of public art on private property, 2) accepting public art donated to the City by a private developer, and 3) payment of the art in-lieu fee.

### Placement of Public Art In Private Development

#### 1. *Application Process*

An application for placement of public art on private property is submitted to the Community Development Director and must include the following (see Appendix L, section A):

- a. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art, including an accurate description of the colors and materials to be used.
- b. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs.
- c. A site plan clearly showing the location of the public art and its relation to pedestrian paths of travel on the site and in the vicinity, including adjacent rights-of-way.
- d. An elevation or perspective rendering showing the streetscape view of the public art, including the street elevations of adjacent properties.
- e. A narrative statement to demonstrate that the public art will be displayed in an area open and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site.
- f. Draft covenants, conditions and restrictions (CC&Rs) (see Appendix N), to be recorded with the County



Thiessen Design – Higuera Plaza  
Private Development Art

Recorder, which require the property owner, successor in interest, and assigns to:

- (1) Maintain the public art in good condition as required by the City's Guidelines for Public Art.
- (2) Indemnify, defend and hold the City and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the City Attorney.
- (3) Maintain liability insurance, including coverage and limits as may be specified by the City's Risk Manager.

\* See Appendix M for flow chart of the process.

## **2. *Approval for Placement of Public Art on Private Property***

- a. The Community Development Director forwards the completed application to the Public Art Manager who convenes a public art jury to review the proposed art using the adopted Guidelines for public art and selection criteria. (Appendix B)
- b. Upon recommendation of the public art jury, the public art application is forwarded to the Architectural Review Commission for review as to consistency with the Guidelines for public art. (Appendix B)
- c. All approvals for placement of public art on private property will be obtained prior to issuance of a building permit.

## **Public Art Donated to the City by a Private Developer**

### **1. *Application Process***

An application for public art donated to the City by a private developer is submitted to the Community Development Director and must include the following (see Appendix I, section 3):

- a. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art, including an accurate description of the colors and materials to be used.
- b. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs.
- c. A written agreement executed by or on behalf of the artist who created the public art that expressly waives his or her rights under the California Art Preservation Act or other applicable law. (See Appendix H)

### **2. *Approval of Public Art Donated to the City by a Private Developer***

- a. Prior to the issuance of grading and building permits, the applicant presents the application for acceptance of public art donated to the City to the Community Development Director for review.
- b. The Community Development Director forwards the completed application to the Public Art Manager who then convenes a public art jury to review the proposed public art using adopted Guidelines and public art selection criteria. (Appendix B)
- c. Upon recommendation of the public art jury, the public art application is forwarded to the Architectural Review Commission for review as to consistency with the adopted Guidelines for Public Art. (Appendix B)
- d. Upon the recommendation of the Architectural Review Commission, the application is forwarded to the City Council, which has the sole authority to accept, reject or conditionally accept the donation.

## **Payment of Art In-Lieu Fee**

If the payment of an art in-lieu fee is voluntarily elected, the minimum cost of the public art, including installation, is determined by the amount equal to one-half of one percent (.5%) of that portion of the total construction costs in excess of \$100,000, not to exceed \$50,000 for each building permit. (See ordinance, Appendix K)

## **Certificate of Occupancy**

1. A Certificate of Occupancy requires full compliance with one of the following:
  - a. The approved public art has been placed on the site of the approved project, in a manner n satisfactory to the Chief Building Official and the Public Art Manager.
  - b. Donation of the approved public art has been accepted by the City Council.
  - c. Public art in-lieu fees have been paid.
2. If public art has been placed on the site of the approved project, the applicant must execute and record with the County Recorder covenants, conditions and restrictions (CC&Rs), which require the property owner to adhere to the following guidelines. (Appendix N)
  - a. Maintain the public art in good condition as required by the City's Public Art Guidelines.
  - b. Defend and hold the City and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the City Attorney.
  - c. Maintain liability insurance, including coverage and limits as may be specified by the City's Risk Manager.

## **Ownership of Public Art**

1. All public art placed on the site of an applicant's project remains the property of the applicant, as does the obligation to provide all maintenance necessary to preserve the public art in good condition.
2. Maintenance of public art includes preservation of the artwork in good condition to the satisfaction of the City, protection of the public art against physical defacement, mutilation or alteration and securing and maintaining fire and extended coverage of insurance and vandalism coverage in an amount to be determined by City's Risk Manager. Failure to maintain the public art will be declared to be a public nuisance.
3. If the owner fails to maintain the public art or fails to meet appropriate insurance requirements, upon reasonable notice, the City may perform all necessary repairs and maintenance or purchase insurance, and the associated costs become a lien against the real property.
4. All artwork donated to the City becomes the property and responsibility of the City upon acceptance by the City Council.

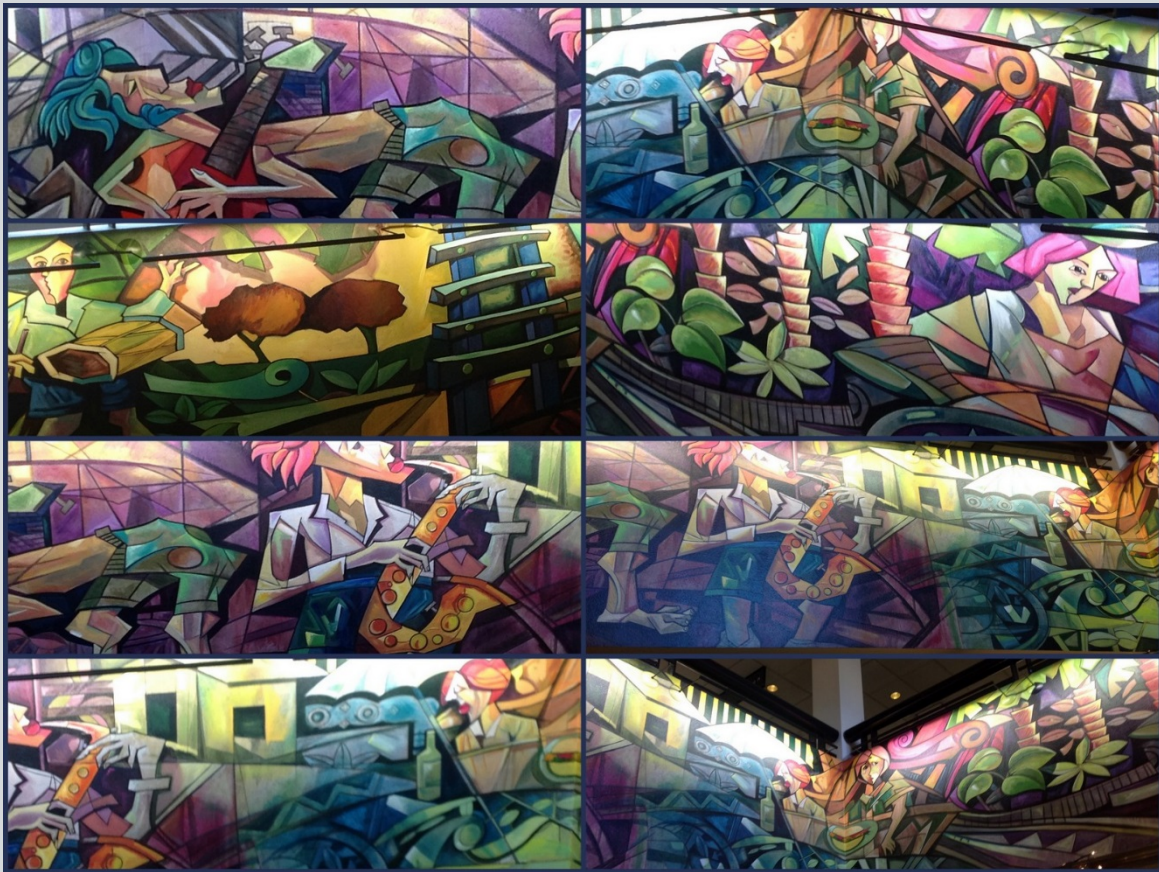
## Removal or Alteration of Public Art

1. Public art installed on or integrated into a construction project cannot be removed or altered without the approval of the City Council.
2. If any public art provided on a development project is knowingly removed by the property owner without prior approval, the property owner will be required to contribute funds equal to the development project's original public art requirement to the City's Public Art In-Lieu account, or replace the removed artwork with one that is of comparable value and approved by the City Council. The City may, in addition, pursue any other available civil or criminal remedies or penalties.

## Use of Public Art In-Lieu Funds

Per the Ordinance relating to public art in private development, in-lieu fees are deposited in an account maintained by the City Finance Director and with Council approval may be used for acquisition, installation, and improvement of public art as well as equipment and supplies that support the program.

Movimiento Mundial (World Movement) – 2012  
Muralist Robert Maja  
SLO City/County Public Library Grant Partnership



## APPENDICES A - O

- A. Resolution 6811 – Adopting Visual Arts Program
- B. Resolution 11081 – Amending the Public Art Policies and Procedures Manual
- C. City Funded Public Art Process Flow Chart
- D. Guidelines for Public Art
- E. Sample Artist Contract
- F. Public Art Final Acceptance Letter
- G. Application to Donate Art to the City
- H. Privately Funded Art Process Flow Chart
- I. Privately Funded Public Art Application and Waiver
- J. Resolution 9659 – Adopting Matching Grants for Public Art Program
- K. Matching Grants for Public Art Flow Chart
- L. Ordinance 1372 – Adopting Public Art in Private Development Program
- M. Planning Application Checklist & Planning Application for Private Development
- N. Privately Funded Public Art Process Flow Chart
- O. Public Art Maintenance Record & Public Art Maintenance Covenant
- P. Box Art Program Exhibits A-D (Glossary, Box Art Map, Downtown Boundary Map, Box Art Media & Materials)