

## RESOLUTION NO. 5118

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE PUBLIC ART GUIDELINES AND PUBLIC ART DONATION PROGRAM**

**WHEREAS**, in 2002 the City Council approved measures to promote art in the community, establish a uniform process for the review and selection of public art on public and private property that would be reflective of the community but limit City Government involvement, and identify general guidelines and selection criteria to promote creativity and freedom of expression, but also compatibility with the character design and environment of the surrounding area; and

**WHEREAS**, in 2004 the City Council adopted a Resolution approving Public Art Guidelines and an Ordinance incorporating them by reference into the Municipal Code as part of the Design Guidelines and Standards for Mixed Use Districts; and

**WHEREAS**, in 2011 the City Council amended the Design Guidelines and Standards for Mixed Use Districts to establish standalone Public Art Guidelines and a Public Art Donation Program; and

**WHEREAS**, the City Council considered substantive and clerical amendments to the Public Art Guidelines and Public Art Donation Program on October 12, 2021; and

**WHEREAS**, the City Council finds that this project is consistent with the City's General Plan, Development Code, and the environmental documents associated therewith, and that the project is exempt under per Sections 15061(b)(3) and 15378 of the California Environmental Quality Act (CEQA) Guidelines.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Arroyo Grande that the Public Art Guidelines and Public Art Donation Program are hereby amended as shown in Exhibit A, attached hereto and incorporated herein by this reference.


On motion of Council Member Storton, seconded by Council Member George, and by the following roll call vote, to wit:

**AYES:** Council Members Storton, George, Barneich, Paulding, and Mayor Ray Russom

**NOES:** None

**ABSENT:** None

The foregoing Resolution was approved this 12<sup>th</sup> day of October, 2021.



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CAREN RAY RUSSOM, MAYOR

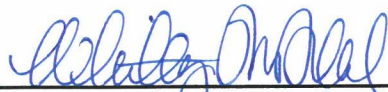
ATTEST:



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JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:



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WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:



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TIMOTHY J. CARMEL, CITY ATTORNEY

**EXHIBIT “A”**

**Public Art Guidelines  
And  
Public Art Donation Program**

Adopted by City Council  
Resolution No. 3787  
October 12, 2004

Ordinance No. 557  
October 26, 2004

Amended by City Council  
Resolution No. 4411  
November 8, 2011

Amended by City Council  
Resolution No. \_\_\_\_\_  
\_\_\_\_\_, 2021

## PUBLIC ART GUIDELINES

### **Purpose**

The purpose of these Guidelines is to create a framework to facilitate and encourage property owners to provide outdoor public art on their property, or, if approved by the Director of Community Development, in the adjacent public right-of-way. For purposes of these Guidelines “Public Art” shall mean art located on non-residentially zoned private property that is displayed in an open area that is freely available to the general public or public accessibility is provided based upon the characteristics of the artwork or its placement on the site. Artwork may include free-standing pieces (e.g., a sculpture or water fountain) or may be integrated into its surroundings as an architectural element (e.g., relief sculpture embedded in pavement or a wall, a mosaic or mural on a wall, decorative railings or lighting).

These Guidelines are intended to assist artists, citizens and City officials and staff to understand the City's goals regarding art that is displayed in a manner that is available and accessible to the general public. The City recognizes that art and artistic expression is a protected activity and these Guidelines are not intended to unduly restrict creative expression or limit the types of public art possible. Rather, they are intended to facilitate and encourage the best possible combination of sites and artwork, and help to guide what is essentially a form of communication between the artist and the community.

### **Process**

These Guidelines are applicable to public art projects proposed to be located on non-residentially zoned private property or by a private owner in the adjacent public right of way. The guidelines and criteria contained herein shall also apply to public art projects on City property. All Public Art shall be considered and approved by the City Council, in consultation with Arroyo Grande Public Art, and with the recommendation of the Recreation Department Director if the art is proposed to be placed on park property, and is subject to the Public Art Donation Program to the extent applicable.

### ***Public Art Panel***

In order to solicit community input and involvement for the consideration and promotion of public art on private property in the City, a Public Art Panel has been established to review all public art. The 7 member panel is made up of the following representatives to be convened as needed (a minimum of 6 members shall be residents or business owners in Arroyo Grande):

- 2 representatives from the property owner.
- 2 representatives designated by Arroyo Grande Public Art.
- 1 representative from the Architectural Review Committee.
- 1 representative from the South County Chambers of Commerce.
- 1 representative from the Historical Society.

The Public Art Panel will convene to approve public art by a majority vote after the piece or plans are presented at a public hearing held by the City Council for the purpose of obtaining community input. Arroyo Grande Public Art shall act in an advisory capacity to the Public Art Panel.

### **Guidelines**

The following guidelines developed by the San Luis Obispo County Arts Council are intended to facilitate and encourage Public Art that is proposed to be placed on non-residentially zoned private property or by a property owner on adjacent public right of way within the City:

1. Public art shall be of high artistic quality.
2. Public art shall be compatible with the immediate site and neighborhood in terms of social and cultural characteristics, architectural scale, materials, land use and geographical and environmental context.
3. Public art shall not impede pedestrian or vehicle traffic or conflict with public or private easements.
4. Consideration shall be given to any public safety or public health concerns related to, or created by, the artwork.
5. Public art shall be constructed of durable, high-quality materials and require minimal or no maintenance.
6. Public art shall be securely installed.
7. A wide variety of artistic expression is encouraged. However, expressions of profanity or vulgarity are inappropriate.

### ***Selection Criteria***

The following are considerations for the selection of public art

1. Relationship to the social, cultural and historical identity of the area
2. Evaluation of artistic excellence;
3. Appropriateness of scale, form, material, content and design relative to the immediate neighborhood;
4. Appropriateness of proposed materials as regards to structural and surface integrity, protection against vandalism, public safety and weathering;
5. Ease of maintenance;

6. Appropriateness of proposed method of installation and artwork and safety and structural factors involved in installation;
7. Artist's experience in working on comparable projects.

The City or Public Art Panel may consider a revolving art program for a proposed location on an ongoing basis.

### ***Location***

Public art is allowed in any district and is strongly encouraged in the Village Downtown, Village Mixed Use, Gateway Mixed Use, Fair Oaks Mixed Use and Public Facility Districts. Promotion of public art visible from intersections within these districts as well as proximate to public gathering areas, plazas and public parking areas is highly recommended.

## **PUBLIC ART DONATION PROGRAM**

### **Purpose**

Public art can provide aesthetic, cultural and economic benefits to the community. The City of Arroyo Grande Public Art Donation Program is a means by which an artist, or an individual or group commissioning an artist, may donate, gift or bequeath public art to the City of Arroyo Grande for location in a City-owned public place.

### **Definition**

Public art can be defined as "The engagement of an artist with a public place involving original, creative work by an individual or a group." This includes functional and original works of art that also serve as capital improvements, such as, but not limited to seating, fountains, lighting, and free standing art forms. Pre-fabricated manufactured items such as benches, fountains etc. are not considered public art.

### **Proposal**

Proposals should include:

1. A donor application form (See Attachment 1)
2. The artist or donor's name,
3. Title of the work and artist statement
4. Description of the work (such as a photograph, artist's rendering or computer generated image)
5. The materials and size of the work
6. A preferred public location
7. A statement from the donor and artist that the art is free of encumbrances

8. The artist's resume if available
9. Estimated value of donated work
10. Recommended manner of installation
11. Estimated maintenance cost

**Process**

The following steps will result in the review and decision regarding a proposal:

- I. The proposal would be submitted to the Community Development Department to review it to:
  - a. Determine ongoing and General Plan consistency, accuracy and appropriateness.
  - b. Insure it would not create an undue risk or a safety problem.
  - c. Consider maintenance requirements
  - d. Determine durability
  - e. Identify any engineering concerns
2. The proposal will be reviewed by the Recreation Department Director if placement is proposed on a park property.
3. Recommendations will be forwarded to the City Council for review and action during a public hearing. The Council would have final approval of the donation.

**Guidelines for Review of the Proposal**

The following guidelines would be used for review of art donations:

1. Public art shall be of high artistic quality.
2. Public art shall be compatible with the immediate site and neighborhood in terms of social and cultural/historical characteristics, architectural scale, materials, land use and geographical and environmental context.
3. Public art shall not impede pedestrian or vehicle traffic or conflict with public or private easements.
4. Consideration shall be given to any public safety or public health concerns related to or created by the artwork.
5. Public art shall be constructed of durable, high-quality materials and require minimal or no maintenance.

6. Public art shall be securely installed.
7. A wide variety of artistic expression is encouraged. However, expressions of profanity or vulgarity are inappropriate.

#### **Display of Public Art**

1. A contract shall be executed between the artist and the City establishing the terms of the proposed installation.
2. Artwork shall be displayed to include the artwork title, artist's name, patron's name if applicable and date of completion. The materials used and a short explanation of the work could be included as an option. Plaques will not be used for advertising purposes.
3. Prior to accepting the project, the Community Development Department shall receive from the artist or donor a set of plans, specifications, and a copy of a maintenance record, which identifies maintenance, installation and removal instructions. The transportation, installation and adjunct costs (such as engineering, a base for the artwork or other installation elements) related to artwork are the responsibility of the donor.
4. Once the art piece is installed (by the donor under the supervision of City staff with the artist's installation direction and donor installation funding), it will require inspection and sign off by a City Building Inspector.
5. Following inspection, the artwork shall become the property of the City. A publicized dedication ceremony shall be held to present the art piece to the community.



## PUBLIC ART DONATION APPLICATION FORM

The Donor/owner must complete and sign this application form. If the Donor/owner is not the artist who created the artwork, the artist must also sign this application.

Artist/Donor (Name, address and phone #)

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Title of Work:

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Description of Work (attach drawings or photographs or other graphic depiction):

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Materials/Size:

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Proposed location (inside or outside, location should be specific, for example, "at the entry of xyz park, or on the northwest corner of x street and y street)

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Maintenance Requirements:

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An appraisal or other evidence of the Value of the proposed public artwork:

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By signing this application below and in consideration for participating in the City's Public art program, the artist/owner hereby acknowledges and assigns the right to the City to collect any royalty payment provided by Civil Code section 986. Except as provided above, the artist/owner further acknowledges and waives, for himself and his successors in interest, to the greatest extent allowed by law, any rights the artist/owner may have under California Civil Code sections 986, 987, 988 and 989, or other applicable law.

The artist/owner further acknowledges and understands that upon completion and installation of artwork, and upon its acceptance by the City Council, the work shall become the property of the City without any right of reversion in the artist/owner. The City retains the right to remove or relocate the artwork in its sole discretion, as the interest of the public welfare, health and safety may be required.

If the artwork is damaged, defaced, altered or destroyed by human acts, by acts of nature or otherwise, the City retains the right to remove, restore, repair or replace the artwork at any time in keeping with the artist's original design intent, without consulting the artist, or his or her heirs or assigns. The City will make reasonable efforts to contact the artist, or if unavailable, another design professional, to advise or assist in any restoration work.

The artist/owner agrees to an alternate site should the City Council determine a more appropriate location.

I have read, understood and accept the terms of this Application and represent that I am the \_\_\_\_\_ of the artwork, which is the subject of this application.

Owner, artist, or owner and artist:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Date: \_\_\_\_\_

I have read, understood and accept the terms of this Application and represent that I am the \_\_\_\_\_ of the artwork, which is the subject of this application.

Owner, artist, or owner and artist:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**OFFICIAL CERTIFICATION**

**I, JESSICA MATSON**, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Resolution No. 5118 was passed and adopted at a regular meeting of the City Council of the City of Arroyo Grande on the 12<sup>th</sup> day of October, 2021.

**WITNESS** my hand and the Seal of the City of Arroyo Grande affixed this 15<sup>th</sup> day of October, 2021.

  
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**JESSICA MATSON, CITY CLERK**