

RESOLUTION NO. 6811 (1990 Series)

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN LUIS OBISPO
ADOPTING A VISUAL ARTS IN PUBLIC PLACES PROGRAM

BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Title and Content. The City Council hereby adopts the "Visual Arts in Public Places" program as described in Exhibits "A" and "B" of the Community Development Department staff report dated May 1, 1990.

SECTION 2. Definitions. For the purposes of this resolution, the following terms are defined as follows:

(1) **"Visual Art in Public Places" or "Public Art"** means any visual work of art displayed in a publically 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 Administrative Officer, 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 Administrative Officer action.

SECTION 3. Environmental Determination. After City Council review and consideration, the Community Development Director's decision to grant a negative declaration pursuant to the City Environmental Procedures and the California Environmental Quality Act is hereby affirmed.

SECTION 4. Percent For Art. One percent (1%) of the total approved construction cost of eligible capital construction projects shall be expended for the design and installation of public art.

SECTION 5. Responsibility For Implementation. The Community Development Director is responsible for administering the program. City departments responsible for the planning, design, and construction of eligible capital construction projects shall include public art in their projects, or shall otherwise meet the requirement through allocation of funds to the Public Art Program as described in Section 6.

SECTION 6. Public Art Program. (1) Small capital construction projects, or projects in which the City Council or City Administrative Officer determines that it is not feasible or desirable to include public art due to site limitations or the project's location or design, may meet this requirement through allocation of one percent (1%) of their construction cost as an in-lieu contribution for citywide public art; (2) The Finance Director shall establish and maintain a Public Art Program in the Capital Improvement Plan for such a purpose; and (3) Program funds shall be used for the design, fabrication, and installation of public art, pursuant to the Visual Arts in Public Places Program, Exhibits "A" and "B".

SECTION 7. Exempt Projects. The following types of projects are exempt from this percent for art requirement: (1) Utility projects, such as public water or sewer system improvements, pumps, and wells; (2) Underground projects, such as storage tanks and storm drains and similar items; (3) The City Council or the City Administrative Officer may exempt other projects from this requirement upon finding that: (a) installation of public art would be detrimental to public health, safety, or welfare; (b) the project is not suitable for the inclusion of public art; or is not visible by, used by, or accessible to the public; or (c) The project is itself a public art project.

SECTION 8. San Luis Obispo County Arts Council. The San Luis Obispo County Arts Council shall assist the City by evaluating the technical and artistic merit of proposed public art projects by forwarding its comments to the Community Development Director or Architectural Review Commission. This is recognized as an appropriate function for the Arts Council, a non-profit agency, and no City funding is allocated for this advisory service.

SECTION 9. Program Evaluation. The City Clerk shall schedule the public art program for Council review within one year of the date of this resolution. At such review, the Council may modify or suspend the program.

On motion of Councilman Roalman, seconded by
Councilwoman Pinard, and on the following

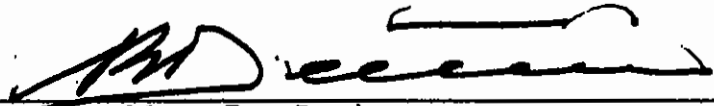
roll call vote:

AYES: Councilmembers Roalman, Pinard, Rappa, Reiss, and Mayor Dunin

NOES: None


ABSENT: None

the foregoing resolution was passed and adopted this 15th day of
May, 1990.

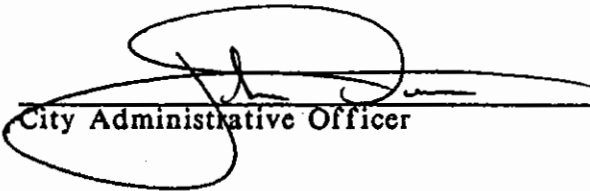


Mayor Ron Dunin

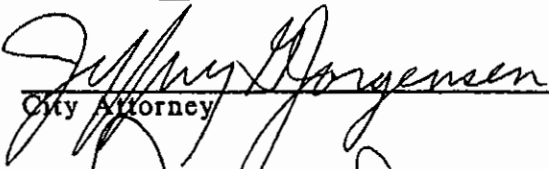
ATTEST:



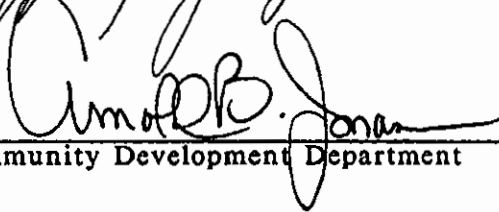
City Clerk Pam Voges



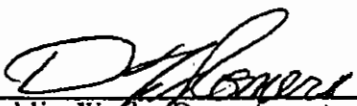
City Administrative Officer



City Attorney



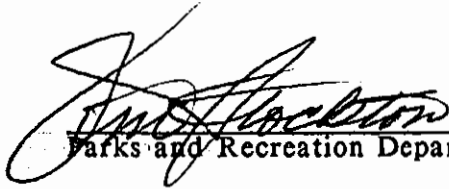
Community Development Department



Public Works Department



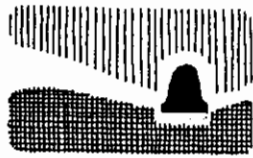
Fire Department



Parks and Recreation Department



Finance Director



city of san luis obispo

VISUAL ARTS IN PUBLIC PLACES PROGRAM

I. PROGRAM GOALS AND OBJECTIVES

A. Goals

The City of San Luis Obispo Shall:

1. Preserve and enrich the community's environmental quality by encouraging visual arts in public places for both public and private development.
2. Foster public art to enhance San Luis Obispo's character.
3. Promote opportunities for public participation in and interaction with public artworks and artists.
4. Expand access to the arts for residents and visitors, with special attention to the needs of under-served audiences, such as children, low-income families, senior citizens, and disabled persons.
5. Support a diversity of public art styles, media, programs, and artists through its matching grants program for public art.
6. Encourage public artworks which celebrate and reaffirm the community's historical, socio-cultural, and aesthetic values, and which provide a sense of continuity for future generations.
7. Expand citizen awareness and appreciation of the visual arts as a key part of the community's identity and quality of life.

B. Objectives

To achieve these goals, the city will:

1. Strongly encourage the inclusion of visual arts in new public and private development projects in the PF, O, C-C, C-R and C-T zones through its development review process.
2. Evaluate, and where appropriate, revise its General Plan, Zoning and Subdivision Regulations and other pertinent policies and standards to provide incentives for and remove obstacles to public art.

3. Develop and implement, in conjunction with San Luis Obispo County Arts Council, administrative policies for public art acquisition, administration, funding and long-range planning.
4. Expand the range and depth of financial support sources for the visual arts, including the possibility of using a portion of an increase in transient occupancy tax or sales tax to support "public arts programs".
5. Include funding for public art planning and development in the city's Capital Improvement and Capital Reinvestment Programs where feasible, including an on-going matching grant fund for public art.
6. Include public art in new capital projects such as parks, city buildings, public plazas and major street projects; and allocate at least 1 percent of total capital construction costs for the installation of public art.

II. GUIDELINES FOR PUBLIC ART

Art eludes precise definition or regulation. Art in public context, unlike art in private collections or museums, is linked to the community in complex ways. It both shapes and reflects the community's perception of itself -- its character and its values. And it must address and respond to a wider audience than art in museums or private collections. Recognizing this difference, cities and counties have developed various guidelines to encourage the widest possible range of artistic expression, while ensuring that artworks express the community character and values, and meet reasonable criteria applicable to other types of "development projects".

The following guidelines will help artists, citizens, commission and council members and staff understand the city's expectations for public art. They are not intended to unduly restrict creative expression, or limit the types of public art possible. Rather, they are intended to achieve the best possible mating of site and artwork, and guide what is essentially a form of communication between the artist and the community. They are interpreted by the City Council and the Architectural Review Commission, with technical and procedural assistance from the San Luis Obispo County Arts Council.

1. Public art shall be located within the public right-of-way, or shall otherwise be easily visible or accessible from a public right-of-way.
2. The design and placement of public art shall not impede pedestrian or vehicle traffic, or conflict with public or private easements.
3. Public art shall be compatible with the immediate site and neighborhood in terms of architectural scale, materials, land use and the site's historical and environmental context.

4. Public art shall be integrated with the site, and include landscaping, lighting, interpretive information, and other amenities where appropriate.
5. Permanent public art shall be constructed of durable, high-quality materials and require minimal or no maintenance. Temporary public art shall be constructed of materials appropriate to its duration of public display.
6. A wide variety of artistic expression is encouraged. Expressions of profanity, vulgarity, or obvious poor taste are inappropriate.
7. Artwork shall reflect a high level of artistic excellence.
8. Public art shall not directly or indirectly cause adverse environmental effects, or otherwise jeopardize public health, safety or welfare.

III. CRITERIA FOR MATCHING GRANT FUNDING

The city has established a matching grant fund to encourage public art. For every dollar of private investment, the City Council may match the expenditure on a dollar-for-dollar basis. Public art projects receiving matching funds should provide a clear public benefit and advance the city's public art goals. To achieve this, the city has developed special review criteria.

Projects seeking matching grant funds will require City Council approval, as described in Section IV below. The council will use the following criteria in evaluating funding requests:

1. 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.
2. Artwork should promote the city's Goals and Objectives for Public Art.
3. The applicant has demonstrated sufficient experience and ability to successfully complete the public art project.
4. Projects which make creative and efficient use of resources will be given preference.
5. Artwork shall be consistent with the city's Public Art Guidelines.
6. Artwork designed and/or sponsored by a San Luis Obispo county resident, business or organization will be given preference.
7. The City shall be named as an additional insured and indemnified during construction and installation of the public artwork.
8. Permanent artwork receiving city funds shall become City property.

IV. PUBLIC ART REVIEW PROCESS

Public art projects shall be reviewed according to the chart shown in Exhibit "B". All public art shall require review and approval by the City's Architectural Review Commission, except for those public art projects determined by the Community Development Director to be minor or incidental. Hearing, notice and appeal procedures shall be as provided for architectural review, Chapter 2.48 of the Municipal Code. Public art in major City capital projects, or public art projects for which matching city funds are requested, shall require City Council approval. The San Luis Obispo County Arts Council will assist the City in the review of public art. A subcommittee of the Arts Council will, on request by the City, evaluate artworks on their technical and artistic merits, and make recommendations to the Architectural Review Commission and City Council.

V. INCENTIVES FOR PUBLIC ART

To promote the inclusion of public art in both public and private projects, the City shall undertake, as appropriate, the following actions to implement the Visual Arts in Public Places program:

1. Waive processing and permit fees for public art projects.
2. Increase matching grant funding or allow unused grant funds to accrue from one budget cycle to the next.
3. Consider allowing density bonuses or height exceptions to projects which include public art tied to open space at ground level. For example, a project which included sculpture and mini-plaza might receive height or coverage exception to allow additional floor area comparable to the area devoted to public art.
4. Work with the county and state to explore possible tax incentives for public art.
5. Revise setback regulations (Section 17.16.020) to allow public art within setback areas, with provision allowing direction discretion to require use permits for large artworks, or for those whose placement may have solar, traffic or environmental impacts.
6. Clarify Sign Regulations relative to public art.
7. Minimize public review time by waiving construction permit requirements, where allowed by law, for most types of public art, including: temporary artworks, projects which do not involve significant structural work, and projects which do not affect public health or safety (e.g., tile mural or bas-relief on existing wall); and by allowing over-the-counter construction permits

- for all but structurally complex artworks.
8. Consider allowing public art to meet a portion of the total required common open space in condominium projects.
 9. Redefine "structure" in the Zoning Regulations (Section 17.04.410) so that public artworks are excluded for determining setbacks or building/lot coverage.

VI. ADDITIONAL TASKS

These are additional tasks to be completed as part of a comprehensive public art program, listed in the recommended order of implementation:

1. **Establish Administrative Procedures** - In addition to public art policies established by the City Council, administrative procedures are needed to support the overall goals of the program. These would include: artist selection procedures, community involvement, interagency cooperation, contract preparation, art collection management guidelines, insurance and liability, and conflict resolution.
2. **Artist Involvement** - The ARC is the primary City advisory body charged with reviewing public art. To assist the ARC in its role, at least one member of the commission should be an artist, or have a strong background in the visual arts. This would help commissioners understand art issues, and provide the technical expertise to understand public art media, techniques, and design implementation.
3. **Public Art Brochure** - To assist community groups, developers, and citizens, the City will prepare a brochure which explains the public art program: goals and objectives, matching grant funding, and the design review process. The brochure would be made available through the Arts Council, and at the City Community Development and Engineering Departments.
4. **Education Program** - The success of public art is measured largely by the community's understanding of and appreciation for this art form as a cultural resource. To promote such understanding, the City will help sponsor an educational program which may include: public art activities in elementary school classes, occasional articles on public art in the SLO Newsletter, San Luis Obispo City/County Library displays, and promotion of public art among civic organizations.
5. **Program Evaluation** - The public art program should be evaluated on a regular basis, initially one year after adoption (on or before May 15, 1991), and then every 2 years, in conjunction with the city's budget cycle. The written evaluation would describe the status of public art projects, evaluate policies and procedures, and suggest changes to the program, as appropriate.

PUBLIC ART REVIEW PROCESS

