

# Agenda Report

**TO: CITY COUNCIL**

**DATE: December 4, 2006**

**FROM: CITY MANAGER**

**SUBJECT: APPROVAL OF PROPOSED CHANGES TO THE PRIVATE  
DEVELOPMENT PUBLIC ART PROGRAM GUIDELINES**

## **RECOMMENDATION**

It is recommended that the City Council approve revisions to the Private Development Public Art Program Guidelines as presented.

## **ADVISORY BOARD RECOMMENDATION**

On November 20, 2006 the Arts & Culture Commission unanimously recommended the approval of the attached revisions to the Private Development Public Art Program Guidelines.

## **EXECUTIVE SUMMARY**

Cultural Nexus, the City's ten-year cultural plan, calls for the "creation of a new vision for public art in Pasadena" (Policy 9). That plan outlines the need to place more public art throughout the entire city, beyond the central district, and the need to provide Pasadena artists more opportunities. The commission has interpreted this policy into a vision of public art that reflects the international reputation of Pasadena for innovation and creativity. In an effort to implement this vision, the following changes are recommended to the Public Art Guidelines for Private Development. The proposed changes would apply only to Private Development projects and not to projects in the City's CIP.

The revisions would remove the requirement that artwork be located at the development site, allowing developers to consider City-owned properties for maximum public accessibility. The proposed revisions would also disallow architectural enhancement as art for private development projects. In addition, the proposed changes would standardize the amount of fees paid from the one-percent requirement to the Cultural Trust Fund and would require that the full one-percent be paid to the Cultural Trust if the total is \$25,000 or less. If the guidelines are approved, a Public Art Plan and deaccession policy will be developed to supplement implementation of the new public art vision.

## **BACKGROUND**

The Public Art Program for Private Development was established for the Downtown and Old Pasadena Redevelopment areas in 1989 and was expanded Citywide in 1992. Private projects in the Northwest Enterprise Zone are exempt from the one-percent requirement. The City Construction Project Program for Capital Projects (CIP) was instituted in 1992.

Both public art programs require that one percent of the building valuation be dedicated to public art. The private development program further requires that either 20% or 25% of the one-percent-for-art requirement be paid to the City as fees depending on the location of the project.

Below is a summary of the proposed revisions:

**1. Payments to Cultural Trust Fund:** The Private Development Public Art Program has been historically divided into two main geographic areas with slightly different criteria for application of the One-Percent-for-Art program as follows:

In the Downtown and Old Pasadena Redevelopment Areas the one-percent-for-art requirement applies to all projects valued at \$500,000 or more of new construction and or renovation for commercial, mixed-use and or multi-family projects. By ordinance, 25% of the one-percent requirement is directed to the City's Cultural Trust Fund, with the remainder to be spent on an on-site public art project.

Outside of the Downtown and Old Pasadena Redevelopment Areas, the one-percent-for-art requirement applies to projects of 25,000 square feet of gross floor area and only 20% of the one-percent Public Art Requirement be paid to the Cultural Trust Fund with the remainder to be spent on an on-site public art project.

The revisions propose that the amount paid to the Cultural Trust Fund be standardized at 25% of the one-percent for all projects Citywide. This additional funding would provide support for important initiatives currently funded through the Cultural Trust Fund, such as supporting production of cultural programming and developing temporary public art projects.

**2. Fee Requirements for Small Projects:** A private developer may comply with the Public Art Ordinance by either creating a public art project or by paying the full one-percent requirement to the City Cultural Trust fund. For the developer who chooses to create a public art project(s), the art budget is calculated based on the one-percent requirement less City fees.

Past projects have shown that it is difficult to realize a private development art project of quality and impact with less than \$25,000. Therefore, the proposed guidelines state that developments with public art requirement amounts of \$25,000 or less (before City mandated 25% fees) would be required to pay the full amount to the Cultural Trust Fund. These additional monies in the Cultural Trust Fund will be pooled to develop larger, higher impact public art projects, such as temporary projects, in areas of the City where private development has not generated as many site-specific public art projects as in the central area.

If the developer wishes to allocate more than the \$25,000 for public art the project would be processed under the guidelines for larger projects.

**3. Required Public Art Proposals:** Currently a developer who chooses to create a public art project is obligated to submit at least one art proposal for review and approval. An art proposal includes a proposed artist(s) and description of a proposed art concept that has a relationship to the development or development site in a conceptual, literal or historical sense. Media, proposed siting and material choices are also submitted for consideration.

Under the proposed revised guidelines, a development project with a one-percent public art requirement of between \$25,000 and \$150,000 (before fees) would be required to submit at least one public art proposal for consideration. To ensure that Pasadena artists are considered for public art projects with large budgets, a project with a public art requirement of \$150,000 or more (before fees) must include two separate proposals, at least one of which must include a Pasadena-based artist. Both proposals may be by the same artist if the developer elects.

**4. Location of Public Art Projects:** Developers would no longer be required to utilize the public art fee for an art project at the development site. If this change to the guidelines is approved, a Public Art Plan would be developed that would provide prioritize the general locations, artists and types of art needed to enhance the City's public art collection. Developers would have the option to fund an art piece from the priority list to be placed on a site other than the development site.

**5. Schedule of Fee Payment:** If a developer elects not to pursue creation of a public art project, the full one-percent public art requirement amount must be paid to the City Cultural Trust Fund before issuance of Certificate of Occupancy, essentially at the end of construction. The proposed public art guidelines would direct the developer to make this payment within 45 days after the Design Concept Review. By requiring payment of the Public Art Requirement monies at this early stage in the overall project development, notice of compliance to the developer regarding the Public Art Requirement can be provided well in advance of a Certificate of Occupancy request, thus avoiding possible permit delays due to non-payment.

**6. Artist Affidavit and Certification:** The proposed revised public art Guidelines would require private developers to provide an affidavit signed by the artist acknowledging receipt of full payment as per the approved Final Art Plan budget. The affidavit would be submitted prior to obtaining final Certificate of Occupancy. This would provide formal documentation that all approved public art monies have been expended in compliance with the approved budget.

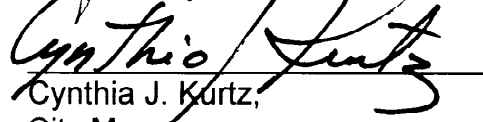
**7. Disqualification of Architectural Enhancement:** The proposed revisions would disallow architectural enhancement as eligible artwork through private development. Architectural enhancement could include railing, awnings and lighting. This change is necessary to cultivate a more focused citywide public art collection with specific aesthetic objectives as stated in the guidelines. The CIP public art program will continue to allow for the development of functional artworks such lighting, outdoor furniture, etc.

**8. Budget Allowances for Artist and Art Consultant Fees:** The proposed revisions would reformulate budget allowances so that the art consultant fee could not be greater than the artist fee when paid from the public art requirement monies. Additional payments to both artists and art consultants are still allowed from other developer funds. This clarification is a reflection of best practices from the field.

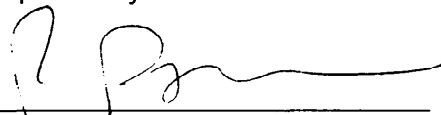
#### **FISCAL IMPACT**

By mandating all small budget public art projects with a one-percent requirement of \$25,000 or less to pay this amount directly to the Cultural Trust Fund, and by increasing by 5% the payment to the Cultural Trust Fund from projects outside the Downtown and Old Pasadena Redevelopment areas, the City will enhance its ability to provide funding for important cultural initiatives, and direct funds to the development of impactful public art projects throughout the city.

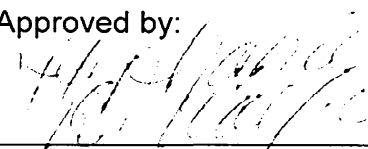
Respectfully submitted,

  
Cynthia J. Kurtz,  
City Manager

Prepared by:

  
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Approved by:

  
\_\_\_\_\_  
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Planning & Development

**CITY OF PASADENA**  
**PUBLIC ART PROGRAM**  
**GUIDELINES FOR NEW PRIVATE DEVELOPMENT**

*Cultural Affairs is the City of Pasadena's facilitator for art, design, film, and cultural initiatives. It is a division of the City of Pasadena Planning and Development Department. Cultural Affairs also promotes Pasadena in Southern California and nationally as a center of American cultural history and a vibrant arena for the creation of new art, design and film. Other programs managed by Cultural Affairs include "Cultural Pasadena" (a cultural tourism initiative), Cultural Grants, and international initiatives.*

**MANDATE**

Public Art Ordinance No. 6420 of the City of Pasadena requires that at least one percent (1%) of development costs for projects of a certain size or cost shall be allocated by the developer for public art: The specific requirements depend on the location of the project, as detailed in the following chart:

**Public Art Requirement Qualification**

| <u>Area</u>                                | <u>Eligibility Requirements</u>  | <u>Included Base</u>                              | <u>Required Cultural Trust Fund Fee</u> |
|--|--|---|---|
| Downtown Redevelopment and Old Pasadena    | Any commercial, industrial or multi-family project of \$500,000 valuation of new construction, renovation or any combination | Valuation of both new construction and renovation | 25% of required public art fee          |
| New Private Development (Other Than Above) | New construction of commercial, industrial, or mixed use space of 25,000 square feet or more                                 | Only new construction valuation                   | 25% of required public art fee          |
| Northwest Enterprise                       | No requirements - - no fee   | N/A   | N/A                                     |

## **PURPOSE**

The purpose of this program is to fund in part the development of the City's cultural resources through the development of an accessible, City-wide collection of art in public space, and the support of the Cultural Trust Fund. The public art mandate may be satisfied by financing cultural and artistic facilities, programs or art work within the City of Pasadena, or by depositing the funds in the Cultural Trust Fund at the discretion of the Arts & Culture Commission.

## **EFFECTIVE DATE**

August 1, 2006. All projects that have applied for approval of entitlements, but have not received Design Commission Concept review are obligated to these guidelines.

## **FINANCIAL OBLIGATION**

The Public Art Program financial requirement shall be based on the building permit valuation. Land costs and off-site improvements are excluded from development costs.

Developers are strongly encouraged to exceed the minimum public art requirement and fund a public art project that appropriately enhances Pasadena.

A preliminary art budget will be calculated using estimated development costs. The total budget for the Public Art Program shall be determined no later than 30 days after funding of the developer's construction financing. If the final project cost (based on the building permit valuation) is higher than the cost figure used to calculate the preliminary art budget, the art budget must be increased as necessary to equal the 1% mandate. The art budget will be submitted by the developer for staff review and approval prior to concept review by the Design Commission.

25% of the mandated 1% fee will be placed in the Cultural Trust Fund (see below) for all projects throughout the City.

The public art mandate is applicable to-profit and non-profit development, but institutional development (as that term is defined in the zoning code) is not included.

## **GOALS AND OBJECTIVES**

Pasadena seeks to build a cohesive public art collection. The collection is intended to be of exceptional quality and an art destination in its own right. Recognizing the need to allow for imaginative artistic approaches yet provide guidance to those seeking to comply and implement the Pasadena Public Art Program, these guidelines have been structured as specifically as possible to provide appropriate standards and direction.

The goal of the Pasadena Public Art Program is to create a publicly available collection of emotive contemporary art that celebrates the human spirit and condition.

"Publicly available" means placement in areas that will allow the greatest access and appreciation by Pasadena's residents and visitors. Developers are encouraged to consider

disabled audiences through the creation of multi-sensory art projects. These guidelines have been changed from the prior statement to delete the requirement that the public art resulting from development be located on or near the involved development. The City of Pasadena has a goal of establishing groupings, over time, of artwork in public areas so as to maximize availability and the interactions that multiple pieces of art create for each other. Appropriate signage credit will be included with each artwork. Also to be achieved is the ability to spread artwork throughout the city, such as in Northwest and East Pasadena, in order to achieve the goal of cultural equity in Pasadena.

"Collection" means that the Pasadena Arts and Culture Commission approaches its deliberative process as a curatorial enterprise, seeking to embrace the overall statement of Goals and Objectives in these Guidelines with diverse renderings from multiple and culturally diverse artists. It is expected that art resulting from development projects, if a visual project is planned, will be permanent. Other equally important expressions, such as temporary art, will be separately funded by the Cultural Trust Fund.

"Emotive" means work that invites cerebral or emotional reactions - - art that invites a meaningful response and which causes viewers to linger and ponder. Decoration or architectural enhancement will not be accepted. Ideally, the art should continue to address the viewer on multiple viewings; it should not fade into the landscape or environment after one viewing. Work that can only be viewed by vehicular traffic will not be accepted.

"Contemporary" is the selected genre of art that encompasses art being done in the present era. This selection reflects that Pasadena wants to supplement, not compete with, the already existing outstanding art collections that exist in Pasadena. The choice is intended to be expansive in order to allow for innovative and forward-directed art interpretations and expressions suitable for public spaces.

"Celebrates the human spirit and condition" imposes a thematic direction to the collection. The original founders of Pasadena described their vision for the city as creating "the Athens of the West." Pasadena seeks with its public art collection to serve this humanistic goal of artistic and cultural achievement. It is not intended, however, that the work has to be figurative or non-abstract. Rather, the goal is to evoke shared or individual human responses to our present and future world. The desire is for the collection to invite response, albeit varied, from all residents and visitors, regardless of age, ethnicity, learning or physical abilities, or educational background. The art should emphasize touching us as human beings.

## **EXEMPTIONS**

The following categories of projects are exempt from these guidelines as set forth in the Public Art Ordinance:

1. Projects having a fully executed Owner Participation Agreement ("OPA") or Disposition and Development Agreement ("DDA") or Development Agreement, or a Vesting Tentative Map approved prior to the first effective date and use of the guidelines.

2. Projects within the boundaries of a master plan or planned development zone approved prior to the first effective date and use of the guidelines.
3. Projects for which a building permit was issued prior to the first effective date of applicable guidelines.

## **ELIGIBLE SITES**

Visual public art work will be sited in the City of Pasadena. Developers will be guided by the Public Art Program Manager as to the proposed siting. Art that is not located at the development site will be given appropriate signage credit. If the public art element is located in the interior of a structure, it will be located in an area which is open and accessible to the public, which is considered to be a minimum of five days a week during normal business hours. Accessibility means unobstructed access to the art work without security check-in or clearance, invitation or even the perception that appropriate business must be conducted at the site of any commercial, mixed-use or residential project. The public must feel free, unrestricted and not intimidated by the location of the art work. Mere visual reference is not sufficient. Any art work sited in a building lobby must be accessible to the public more than just visually viewed through glass windows and placed in consideration of the Americans with Disabilities Act. If located at the project site, the developer agrees to take all steps and execute and record all reasonable documents necessary to assure the right of continued public access to the art site.

In the case of cultural arts programming or facilities, the program or facility shall be accessible to the general public.

## **REVIEW AND APPROVAL PROCESS**

Prospective developers will be notified of the Public Art Program requirements. For those projects 25,000 square feet or more, the developer will be notified of the requirements upon application for entitlements at the Predevelopment Application (PAC) Review. Developers of smaller projects will be notified at the time of application for Design Review.

Notification will convey basic requirements of the Public Art Program and stress the need for the artist(s) to be an integral part of the project design team from the inception of the project.

A project may receive Concept Design approval from Design Commission only if the applicant has applied for Art Concept approval through the Arts and Culture Commission. All projects wishing to pay the full 1% fee in-lieu of developing a public art project must do so in full within 45 days of Concept Design Review. Submission of proposed Concept Art Plan must be made to the Arts and Culture Commission within 45 days of Design Commission Concept approval. Application for Final Design approval is not possible without an approved Art Concept. Submission of proposed Final Art Plan must occur within 45 days of Final Design approval. Construction documents will not be approved without approval of both the Final Art Plan and Final Design, and a Certificate of Occupancy (COO) will not be issued until the art project is complete and approved by the Public Art Program Manager.

The following is the procedure to be followed in the development of public art projects:



1. The project contact will meet with the Public Art Program Manager prior to submitting concept design plans.
2. Projects with a public art requirement of less than \$25,000 (before fees) are required to place the entirety of the funds in the Cultural Trust Fund and specific proposals will not be considered. Projects with a public art requirement between \$25,000 and \$150,000 (before fees) must submit at least one public art proposal. Projects with a public art requirement of \$150,000 or more must include two separate proposals, at least one of which must be based on an artist who resides or whose studio is in the City of Pasadena.
3. A Concept Art Plan and the proposed artist(s) will be presented to the Arts and Culture Commission, usually by the artist, developer and art consultant or project designer. Presentation materials must include slides of artist's work, sketches, drawings and a written text narrative of the Public Art Concept. Total compensation to an artist(s) for development of an art concept may not be more than 5% of the budget unless the developer chooses itself to supplement compensation to the artist. The proposed Concept Art Plan and artist(s) will be reviewed using the criteria in the Goals and Objectives in these Guidelines. The Concept Art Plan must relate to the overall development concept if the work is to be sited at the development. The proposed artist must be substantiated as appropriate. "Why this artist and this art project?" are fundamental questions that should form the basis for the creation of any public art project.
4. Following the approval of the Concept Art Plan, the artist/team will refine project objectives and the conceptualized art project. The team will return to the Arts and Culture Commission with a Final Art Plan (including final narrative, budget, anticipated maintenance plan and installation calendar) and a two- or three-dimensional maquette, with samples and dimensions. The budget must detail artist fees and fabrication and installation expenses. Submission of the proposed Final Art Plan for Arts and Culture Commission approval must take place within 45 days of approval of Final Design for the project. If not submitted within 45 days, all permits may be denied or cancelled. No certification of occupancy for a project as defined in section 17.78.020 of the Public Art Ordinance shall be issued until there has been an approval of the Final Art Plan by the Arts and Culture Commission as written by the Public Art Program Manager and a final approval of installation and all documentation materials by the Public Art Program Manager. Any changes to the approved Final Art Plan and budget must be submitted for approval by the Arts and Culture Commission.
5. Public Art Program staff and the Arts and Culture Commission shall use the following criteria for evaluating the Concept and Final Art Plans:
  - Art Plan adheres to Public Art Program Goals
  - Artwork is of high quality and has artistic merit
  - Artwork is contemporary and uses current practices and styles of its discipline
  - Artwork invites a broad range of cerebral and emotional reaction and invites a meaningful response for the viewer

- Art Plan is appropriate in terms of scale, material and components
- Artwork is sited in a location or locations with adequate public access
- Artwork has long-term durability against vandalism, weather and theft
- Artist's achievements, experience, education, and recognition are consistent with the scale and complexity of the artwork design

### **ELIGIBLE ART WORK: PERMANENT ART WORK**

The Public Art Program shall be receptive to the broadest definitions of art and will encourage imaginative interpretations consistent with the statement of Goals and Objectives in these Guidelines. Only artist-designed, commissioned and produced unique art works are considered; limited editions and copies are not eligible, nor are extant art works unless of exceptional artistic value.

### **NOT ELIGIBLE AS ART WORKS**

The following items are not considered art works in regards to this program:

1. Art work not designed by or commissioned from an artist.
2. Art work that is not unique; no limited editions and copies;
3. Objects which are mass-produced from a standard design such as playground equipment, flags, banners or fountains;
4. Reproductions, by mechanical or other means, of original art works;
5. Mass-produced directional elements or signage (except when an integral element of the original art work) and super graphics.
6. Decorative, ornamental or functional elements which are designed by the building architect and not an element commissioned for the purpose of creating a unique work by an artist;
7. Architectural details or enhancements, including gates, railings, lighting, signage, benches, paving, walkways, floors, floor coverings, windows, window coverings, landscape and earthworks.

### **ELIGIBLE ART WORK: CULTURAL PROGRAMMING**

On-site cultural programming may include, but is not limited to:

- a. Performing Arts: Dance, music, theatre;
- b. Literary Arts: Poetry readings, storytelling;

- c. Media Arts: Film, video, screenings and installations;
- d. Education: Lectures, presentations and hands-on experiences;
- e. Special Events: Festivals and celebrations;
- f. Artists-in-residence programs may be eligible if the product of the residency program involves or is available to the public.

When a developer elects to provide on-site programming, a Concept Art Plan should include proposed site, program subject, intended audience, and budget (including staff needs and media/outreach). A Final Art Plan will include a complete articulation of the first performance series/exhibition program and a program budget for the entire mandated amount. For on-site programming, collaborations with existing cultural institutions are strongly encouraged. In the case of facilities, which are intended to host public programming (museums, etc.), these monies must be applied to additional programming beyond the existing scope of the organization.

For such programming, the complete public art requirement will be deposited with the City and the developer will annually submit a proposed program and budget for approval by the Arts and Culture Commission. Funds will be issued as reimbursement to the pre-approved programming. On-site cultural programming may be renegotiated and converted to another form of public art, but will be subject to the same approval process as outlined in these guidelines.

#### **ELIGIBLE ART WORK: CULTURAL FACILITIES:**

On-site Art Spaces or Cultural Facilities may include, but are not limited to:

- a. Artist studios or rehearsal space;
- b. Exhibition space; theatre/performance space, media arts space;
- c. Arts administration space for arts organizations.

The availability of exhibition or performance space, as well as studio and administrative space, is as necessary to the complete creative process as direct support given for the creative effort. Therefore, in certain locations it may be more desirable to make space available for the creation, performance or exhibition of art rather than to commission art. The Pasadena Cultural Nexus Plan, staff, and the Arts and Culture Commission can assist the developer in determining the most appropriate cultural use for a site.

A successful Final Art Plan will also include a plan for limited public access.

#### **CRITERIA FOR ELIGIBLE ARTISTS**

It is the Arts and Culture Commission's goal that the most appropriate use of public art monies is to commission the highest quality art work possible. Developers are strongly encouraged to consider Pasadena artists, either resident or based in the City.

Regarding visual artists, the mission of this program is best supported by artists working in the public realm with demonstrated past experience or proven technical and esthetic ability to successfully create public art work. Proposed artists will be reviewed based on the proposed art concept, education, gallery affiliation and previous work.

Not eligible to be selected for commissions are members of the design team or their immediate families (including the project architects or consulting architectural firms), members of the City of Pasadena Arts and Culture Commission or their immediate families, or City staff.

## **CONTRACTS AND COMPENSATION**

All financial arrangements are to be negotiated between the developer, art consultant (if any) and the artist and should be verified in a written agreement, which will include a payment schedule directly related to scope of work. A copy of the executed agreement between the developer and the artist(s) shall be submitted to the Public Art Program Manager within thirty (30) days after execution and prior to submission of materials for review of Final Art Plan by the Arts and Culture Commission. Prior to submission of a Final Art Plan for approval, a final budget must be submitted for staff review and approval. After approval, a Final Art Plan, including the approved budget, must be submitted to the Arts and Culture Commission.

Before a developer may obtain an occupancy permit, the developer will submit a final report, including a final budget. The developer must include a certificate from the artist(s) that no rebates to the developer or any art consultant have been or will be paid relating to the project and that the artist has received full payment. Upon receipt by staff of the final report, the developer will receive a final compliance letter, thereby allowing the owner access to an occupancy permit.

## **ART WORK: ELIGIBLE COSTS**

All direct expenses to create the art work are eligible, as well as costs for structural elements to mount, display or secure the art work(s). Art consultant fees, limited to not more than ten percent of the on-site budget and not more than the artist design fee, are eligible costs. Services or utilities necessary to operate, maintain or conserve the art work over time are not allowable or eligible costs.

## **PUBLIC ART BUDGET**

Any proposed public art project that includes facade treatments, hardscapes or functional elements must differentiate between the original construction budget portion for these surface areas and the on-site public art budget. The public art budget is to enhance the original construction budget, not replace it. The funds normally apportioned for materials, finishing and installation of these surface areas must be added to the public art budget. A budget for materials and labor costs for finished treatment without an art component must be provided as a part of the Final Art Plan. Documentation of these added funds must be submitted for approval to the Arts and Culture Commission as a part of the Final Art Plan.

## **ART WORK OWNERSHIP AND MAINTENANCE**

On-site artwork created under this Policy is the property of the developer and cannot be sold or transferred to an owner other than the owner of that development. The developer has an obligation to maintain the artwork throughout the life span of the artwork, unless otherwise negotiated and approved by the Pasadena Arts & Culture Commission.

When the art is situated at or on property or facilities other than the development site, the developer will transfer ownership of the art to the City and the City eventually will assume the maintenance, except as stipulated at the time of transfer. The City and the developer will enter into a contract that includes a maintenance plan and stipulates the length of time for which the developer is responsible for repairs.

In the event the developer of the property wishes to remove on-site art work, the City must be notified in writing prior to its removal. The developer will be required to replace the art work with an art work/programming/facility of equal value to the acquisition value or current value (as determined by an independent art appraiser), which ever is greater. The replacement art work will be subject to the same public art selection process as the original art work. The developer will be required to notify the creator of the art work prior to removal pursuant to the requirements of the California Preservation of Works of Art Act and the Federal Visual Artists Rights Act (VARA).

The art work contract between the developer and the artist will include a maintenance plan and stipulate the length of time for which the artist is responsible for repairs (usually one-year). The artist shall retain first-refusal on repair contracts using a fair market rate.

## **THE CULTURAL TRUST FUND**

The Cultural Trust Fund is a permanent fund that supports cultural initiatives throughout Pasadena. The Cultural Trust Fund supports organizational grants, art in public places, and special initiatives led by the Arts and Culture Commission. Not less than 25% of public art fees with a public art mandate of 1% are placed in the Cultural Trust Fund.

As an alternative to the proposal process, the developer can satisfy the public art mandate by placing the full 1% requirement in the Cultural Trust Fund and submitting a letter to the Arts and Culture Commission announcing that decision. The City of Pasadena encourages developers to elect this approach. Payment of the full 1% in-lieu payment must be within 45 days of Design Commission Concept Review.

The Pasadena Arts & Culture Commission will develop priorities for new public art projects and programs that it, on behalf of the community, sees as important to change, enhance, or energize the visual and cultural environment. Approached as a curatorial enterprise, projects will not be of all one type, but rather will demonstrate the many ways artists and public artworks can impact the city. Innovation will be encouraged in the form of new and inventive approaches to art, cross-discipline collaboration, and support of Pasadena artists new to public art.

Eligible projects include permanent and temporary art, original two- and three- dimensional artwork of any kind, environmental artwork, any combination of media art, and the creation of

sculpture parks in public areas throughout the city to maximize the interactions that multiple pieces of art create for each other.

Revisions approved by City Council: \_\_\_\_\_

Revisions approved by Arts and Culture Commission: \_\_\_\_\_

Revisions approved by City Council: 7/22/02

Revisions approved by Arts Commission: 6/12/02

Revisions approved by City Council: 12/16/96

Revisions approved by Arts and Culture Commission: 11/14/96

Approved by City Council: 3/2/92

Approved by Arts and Culture Commission 2/4/92

**CITY OF PASADENA**  
**PUBLIC ART PROGRAM**  
**GUIDELINES FOR NEW PRIVATE DEVELOPMENT**  
**SUMMARY OF PROCEDURES**

Please see the Guidelines for further explanation and all exemptions

1. **Planning Project Manager and Public Art Program Manager:** When a project is assigned to a planning project manager, that manager will review that project for applicability to the public art mandate. The PAC process will include meeting with the Public Art Program Manager. For smaller projects, the planning case manager will arrange a meeting with the Public Art Program Manager.
2. **Concept Art Plan:** A Concept Art Plan should be submitted within 45 days after Concept Design approval. To be placed on the Arts and Culture Commission agenda for review, an application package must be submitted to the Public Art Program Manager at least one month prior to that meeting date. A department-wide staff review will be conducted for each project prior to submission to the Arts and Culture Commission for review. This meeting may provide further recommendations to the proposed project. Currently, the Arts and Culture Commission meets on the second Wednesday of each month, with the exceptions of August and December. Only if all materials are approved by staff will an application be submitted to the Arts and Culture Commission. Therefore, the applicant is strongly encouraged to submit a draft application package as early as possible. Staff may request a meeting(s) with the developer, architect, artist or consultant prior to submitting the proposal for approval.

The Concept Art Plan application should include 6-10 images of each of the artists previous work and 20 copies of the following: application form, and for each proposed art concept: artist resume, with a statement substantiating why the artist is qualified and appropriate for the project and one-page project description that articulates how the artwork design responds to the Public Art Program goals, responds to the project site in relationship to the neighborhood in which it is located and its place in the City of Pasadena, engages the visitors, tourists, residents, and/or workers and is well-integrated into the project design. The presentation to the Arts and Culture Commission should include approved Concept Design visuals and accompanying project description materials.

3. **Final Art Plan:** A developer may not apply for Final Design-approval unless a Concept Art Plan has been approved. A proposed Final Art Plan should be submitted for review by staff within 30 days of Final Design approval. Within 45 days of Final Design approval, a Final Art Plan should be submitted for Arts and Culture Commission approval.

The Final Art Plan application should include 20 collated copies of the following: application form, artist resume, and a narrative description. In addition, the presentation

should include approved renderings of the construction project, a colored sketch or colored Xerox with dimensions (12"x16" minimum) of the proposed art work and an exact representation of the artwork to scale in relationship to the site.

4. **Permits:** Construction permits will not be issued until the Final Art Plan is approved. Building permits are issued when payment is made, which presumes that the Design Reviews and Arts and Culture Commission Reviews have been completed. Building permits can be issued upon payment of the full 1% in-lieu fee.

5. **Final Documentation Report:** This document should include the following:

Title of work

Primary artist

Other collaborators (carver, designer, architect, landscape architect, engineer, etc.)

Foundry/Fabricator Execution date

Other dates (cast, copyright, dedicated) Media (art work and base)

Dimensions

Markings/inscriptions (artist signature, etc)

Foundry mark

Text associated with art work (including commemorative plaques) Location (include complete address with Zip code) Owner/Administrator (include name, complete address and phone no.)

Overall description of art work (include subject/theme and a description of predominant forms, colors, shapes and textures)

Maintenance instructions, including product application, frequency and method as well as product vendor contact information

Attach a 4" x 6" photograph with the negative of the public art work along with any supplemental background materials (newspaper, magazines, etc.)

Artist(s) affidavit that full payment has been received and no rebates paid

Text for the Commemorative plaque shall read:

- Title of art work
- Name of Artist(s)
- Date of fabrication or installation
- City of Pasadena Public Art Program
- Name of project developer
- Language requirements: English, Spanish and Braille
- Placement must consider requirements of the disabled

6. **Certificate of Occupancy:** The Public Art Program Manager shall conduct a site visit after installation to inspect the completed art work for compliance with the Final Art Plan. Upon approval of the Final Documentation Report, the Public Art Program Manager will approve release of the Certificate of Occupancy.