

Attachment D
City of Pasadena
Public Monument Policy
(Including Administrative Rules and Regulations)

1. **Purpose:** The purpose of the Public Monument Policy is to establish the criteria and process for the placement of Monuments sponsored by individuals and/or groups on City property which is subject to the administrative jurisdiction of the City Manager, whether they are private parties, non-profit organizations or others. For the purpose of this policy, the term “Monument” refers to but is not limited to monuments, memorial plaques, works of art and other fixtures intended to commemorate individuals, groups, events, or concepts.
2. **Policy:** It is the policy of the City of Pasadena to allow for the placement of Monuments sponsored by individuals and/or groups provided that Monuments and their proposed locations are determined to be appropriate, compatible with existing uses, do not adversely impact the use of public spaces, and do not create liability or public funding issues.
3. **Process:** The process for the placement of any particular Monument shall be based on the level of significance associated with the proposed Monument, as determined by the City Manager in his/her sole discretion.
4. **Zoning Code:** All Monuments will be reviewed for compliance with the Zoning Code (Pasadena Municipal Code, Title 17), upon application by applicant in a form approved by the City. If the Zoning Code applies, any approval process set forth in the Zoning Code shall be followed instead of the process set forth in this policy, to the extent of any conflict.
5. **Cost:** All costs associated with the permitting, establishment and the ongoing maintenance of any Monument subject to this policy shall be paid by the applicant(s). Final approval of any Monument will not be given until all associated costs have been paid in advance or secured in a form and manner approved by the City.
6. **Monuments of less than City-wide significance:** Monuments of less than City-wide significance, as determined by the City Manager, are defined as minor in scope, impact and placement. They include plaques placed on benches and rocks, benches, minor landscape features, and identification or signage which does not create liability or safety issues and which are unlikely to have any ongoing maintenance costs. These Monuments shall be considered in the following manner:
 - A. **Application:** An application that details the proposed Monument shall be submitted to the City Manager. The application shall include information regarding the association, if any, between the subject matter and the City of Pasadena. And, to the extent possible, include other pertinent

information such as size, materials, cost-estimates and suggested locations for placement.

B. Evaluation: City staff shall evaluate the application as it relates to the proposed location, compatibility with the surroundings, potential impact on other uses, potential liability, safety and maintenance issues, and shall employ the following criteria:

1. **Appropriateness:** Consideration of the long-term impact of the Monument. Subjects should be of sufficient stature to weather the vagaries of time and changing attitudes. Has the subject proposed for recognition made a contribution to the community. The City, generally, does not permit the installation of Monuments to living persons, and, generally, a minimum of five years from the occurrence of or conclusion of any specific event and its memorialization is required.
2. **Compatibility:** How well the Monument integrates with the surrounding environment. The City encourages "living" Monuments consisting of trees and shrubbery combined with benches and landscaping elements. Any proposal must be consistent with the Pasadena Municipal Code and any other appropriate policy documents approved by the City Council.
3. **Impact on Existing Use:** Proposals that would negatively impact existing uses of public property may be denied on this basis.
4. **Aesthetics:** Aesthetic merit is a primary determinant in the acceptance of Monuments. Proposed Monuments must show a high level of quality. Works of inferior workmanship will not be approved.
5. **Maintenance:** Monuments that are likely to have ongoing maintenance costs will not be approved as Monuments of less than City-wide significance.
6. **Safety:** Monuments must be safe to passersby, curious spectators (especially children) and the environment as a whole. Sharp projecting elements, loose parts, and other potential hazards which create liability or safety issues will not be approved as Monuments of less than City-wide significance.
7. **Ownership.** The application shall indicate that the Applicant transfers ownership of the Monument to the City of Pasadena upon the written acceptance of installation by the City.

8. Construction, installation and site preparation of every Monument must be undertaken pursuant to valid plans and any required permits, all approved by the City of Pasadena

C. Approval: The Recreation and Parks Commission is the approval body for monuments of less than City-wide significance.

D. Effective Date: The effective date of decisions made by the Recreation and Parks Commission or City Manager in regard to application of this policy shall become effective on the 11th day following the date of decision on the application by the appropriate review authority, unless an appeal or a Call for Review of the review authority's decision has been filed before the effective date.

E. Call for Review: The City Council may choose to Call for Review a decision rendered by the Recreation and Parks Commission or City Manager, by the stated deadline and prior to the effective date in regard to application of this policy. When such decisions are called for review, they shall be reviewed by the City Council in a manner consistent with the provisions of the Zoning Code contained in Pasadena Municipal Code Section 17.72. The decision of the Council on a call for review shall be final and shall become effective upon adoption by the Council.

F. Appeals: Any person may file a timely appeal of a Recreation and Parks Commission or City Manager decision to the City Council with the City Clerk prior to the Effective Date of the decision and consistent with the provisions of Pasadena Municipal Code Section 17.72.

7. Monuments of City-wide significance: Monuments of City-wide significance as determined by the City Manager, are Monuments which are significant in scope, impact or placement, which are likely to have ongoing maintenance costs or any liability issues, and include memorials, statues, works of art, whether they be free standing or affixed to buildings or other features, commemorating individuals, groups, events or concepts. These Monuments shall be considered in the following manner:

A. Application: An application that details the concept for the proposed Monument shall be submitted to the City Manager. The application shall include information regarding the association, if any, between the subject matter and the City of Pasadena. And, to the extent possible include other pertinent information such as suggested locations for placement.

B. City Council Concept Approval: The City Manager shall submit the application, along with a report to the City Council for consideration for Concept Approval. In considering the proposed Monument the City

Council may consider the following as well as any other criteria it deems appropriate:

1. **Appropriateness:** Consideration of the long-term impact of the Monument. Subjects should be of sufficient stature to weather the vagaries of time and changing attitudes. Has the subject proposed for recognition made a contribution to the community. The City, generally, does not permit the installation of Monuments to living persons, and, generally, a minimum of five years from the occurrence of or conclusion of any specific event and its memorialization is required.
2. **Compatibility:** How well the Monument integrates with the surrounding environment. The City encourages “living” Monuments consisting of trees and shrubbery combined with benches and landscaping elements. Any proposal must be consistent with the Pasadena Municipal Code and any other appropriate policy documents approved by the City Council.
3. **Impact on Park Use:** Proposals that would negatively impact existing park functions may be denied on this basis.
4. **Aesthetics:** Aesthetic merit is a primary determinant in the acceptance of Monuments. Proposed Monuments must show a high level of quality. Works of inferior workmanship will not be approved.
5. **Maintenance and insurance:** The application shall indicate the manner in which the Applicant will pay in advance, bond or guarantee projected maintenance costs, general liability insurance and property insurance, in a form and amounts approved by the City. Maintenance costs will be projected and required by the City according to the expected life of the Monument and taking into consideration elements of a Monument which are reasonably likely to create extraordinary maintenance costs, including but not limited to water elements.
6. **Safety:** Monuments must be safe to passersby, curious spectators (especially children) and the environment as a whole. Sharp projecting elements, loose parts, and other potential hazards will result in disapproval of a proposed Monument.
7. **Ownership.** The application shall indicate that the Applicant transfers ownership of the Monument to the City of Pasadena upon the written acceptance of installation by the City.

8. Construction, installation and site preparation of every Monument must be undertaken pursuant to valid plans and permits approved by the City of Pasadena.

C. Arts and Culture Commission Artwork Development Process:

Applications receiving Concept Approval by the City Council shall be subject to an artwork development process consistent with the City's Capital Public Art Program Policy and Guidelines and overseen by the Arts and Culture Commission, which shall select a final recommended artwork design for consideration by the City Council. The process for developing artwork shall include a method for artist selection that considers artistic excellence, aesthetic appropriateness to the site, public input and formal elements of the proposed artwork design.

D. Recreation and Parks Commission Review: Any proposed placement within a City park shall be subject to review and recommendation as to appropriateness by the Recreation and Parks Commission prior to review by the City Council for final approval.

E. City Council Final Approval: The recommendation of the Arts and Culture Commission, and Recreation and Parks Commission, if applicable, shall be presented to the City Council for final review and consideration. The City Council may decide, in its sole discretion, to accept or reject a proposal for a Monument, to determine the appropriate location for a proposed Monument or take whatever action(s) it deems appropriate. The City Council may impose conditions of approval on any approved Monument in addition to any specified in this policy as are reasonably necessary to protect the public health and safety and including but not limited to a requirement that the applicant be required to pay all installation costs associated with the fabrication, placement and maintenance of the Monument.

F. Waiver of Intellectual Property Rights: Applicant and artist creating Monuments shall sign an agreement acknowledging and agreeing that applicant and artist are familiar with the "California Art Preservation Act" (California Civil Code section 987 et seq.) and the "Visual Artists' Rights Act of 1990" (17 U.S.C. Section 101 et seq.) and shall expressly waive applicant's and artist's rights under those Acts to the extent permissible therein and shall also sign a general release in a form acceptable to the City Attorney.

Public Monument Policy Adopted by the City Council of the City of Pasadena on August 16, 2015. Administrative Rules and Regulations adopted by the City Manager, pursuant to Pasadena Municipal Code Section 3.24.030, on August 23, 2016.