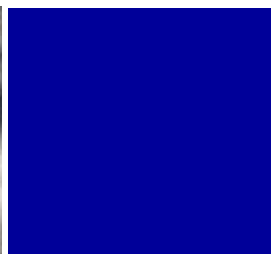




City of Pomona

Art in Public Places

POLICY and GUIDELINES MANUAL



Approved by the City Council of the City of Pomona on December 5, 2011 by Resolution No. 2011-150 and as amended by Resolution No. 2012-35 adopted by the City Council on March 5, 2012

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Introduction and Overview

I. Introduction

The City of Pomona is dedicated to preserving and building on the inventory of existing public art within the community. Towards that goal, the City Council established the Art in Public Places Program that includes both a public art for private development component and a public acquisitions and donations component. The public art requirement for private development was approved by the City Council by Ordinance No. 4151 on December 5, 2011, thereby adding section .5809-24 to the Zoning Code. The City Council approved the Art in Public Places Program Policies and Guidelines Manual by Resolution No. 2011-150 on December 5, 2011. With its inception, the Art in Public Places Program will become a vital element of Pomona's personality. With original public artwork located throughout the City, Pomona will truly be known as a "Place for Art."

Public art increases cultural awareness, stimulates imaginations, and provokes creative dialog among those in the community. Public art pieces become landmarks. They identify and draw attention to buildings and parks. Residents, business owner and customers, neighbors, and visitors will enjoy the quality of life that art provides on a daily basis. We invite you to tour the City and view both new and historic public artwork located throughout Pomona.

The Art in Public Places Program Policies and Guidelines Manual (the Manual) includes three sections: 1) Overview and Introduction; 2) Public Art for Private Development; and 3) Public Art Donations and Acquisitions. The Overview and Introduction section includes a mission statement, goals and objectives and the program components that are common to both parts, including definitions, acceptable types of artwork, and a description of the Public Art Fund.

Part 2 of the Manual establishes for the public art for private development program policies and objectives; artist, artwork and location criteria and guidelines; and a detailed description of the application process. This part of the Manual is also intended to provide guidance to developers of projects subject to the public art requirement in maneuvering through the application process.

Part 3 of the Manual is directed towards those wishing to donate artwork or funds for the provision of public artwork. By publicizing the procedures and criteria used for selecting public artwork, it is hoped that the selection of artists and artworks will be seen as an open and fair process. Those wishing to donate artwork and funds for the city to acquire public artwork are truly appreciated for their generosity and public spirit. This manual provides a process for the acceptance of public art pieces as well as for acceptance of monetary donations intended to provide public artwork. The manual also includes a detailed step-by-step process for use of public art funds in the development of new pieces of public art.

This manual is also intended for artists who are interested in becoming involved in the public art process. It is hoped that by clarifying and demystifying the public art process in the Manual, artists will be encouraged to participate in the public art process.

We hope that your experience with Pomona's Art in Public Places Program is a positive one and that the result of our collaboration is a work of art of which all can be proud.

Please contact the Planning Division at 909.620.2191 with any questions. We look forward to continuing successful partnerships, as, together, we make Pomona a special place to live, work and visit.

II. General Goals and Objectives

A. Mission Statement

Through the acceptance of public artworks and donated funds to provide public artwork and the provision of public artwork on private development sites, the City intends to increase citizens' appreciation of art, to improve the quality of life, and to enhance and identify Pomona as a unique community. The Art in Public Places Program is intended to be integrated into the physical and social environment of the City and to reflect a broad range of community input and involvement by artists and art professionals.

Sense of Place

Art is important to our common experience because it brings focus, importance, and cohesion to public spaces. Public art develops images and provides experiences that reflect the historical and cultural essence of a community. Public art transforms public spaces by giving them context and relevance and making them places of community interest and pride. Public art has the potential to improve the appearance of an entire business block; to heighten the ethnic, historical or cultural aspects of a neighborhood; and to attract foot traffic to a street that formerly had little or none.

Artist Participation

Artists are encouraged to become involved in the public artwork selection process. Through their participation, artists can provide a layer of aesthetic insight that expands the possibilities for creating public spaces for a community.

Community Involvement

A neighborhood or community often develops a unique identity and character over time. Residents are uniquely qualified to interpret the character of a neighborhood or community and to provide insight into the types of public artwork that are best suited for those areas. Those who reside or work in the community or neighborhood in which the artwork will be placed are encouraged to participate in the selection of public artwork.

Summary

The intent of the Art in Public Places Program policies is to make the public art one of the primary resources in the revitalization of the City. Through the policy concepts described above, the Cultural Arts Commission and the citizens of Pomona will reap the physical, social, cultural, and economic benefits that only a public art program can make happen.

B. Goals

The goals of the Art in Public Places Program are as follows:

- To increase understanding and enjoyment of art in public places and encourage interaction of Pomona residents, business owners, arts patrons, and visitors;
- To acquire and commission quality and diverse works of art for community enrichment;
- To contribute to the civic pride of Pomona citizens;
- To develop an Art in Public Places program unique to the City of Pomona;
- To encourage an environment for artistic creativity in Pomona;
- To place public art that is site specific and environmentally responsive in publicly accessible and visible locations;
- To encourage placing public art throughout the City;
- To administer and maintain an inventory and historical record of public artwork acquired through the program for the purpose of conserving the public art collection;
- To promote Pomona as a local, state, and national leader of Art in Public Places;
- To increase business and tourism in the City;
- To encourage participation by all socioeconomic and ethnic groups in the public art process.

C. Objectives

The objectives of the Art in Public Places Program are as follows:

- Establish an artwork selection process involving artists and arts professionals to ensure quality in the selection of public art;
- Establish policies and guidelines for administering and maintaining the public art collection;
- Establish criteria and guidelines for the review and approval of new public artwork;
- Establish criteria and guidelines for the selection of locations for proposed artworks and for the integration of public artwork into a site;
- Develop guidelines for reviewing and/or recommending the removal, relocation, or alteration of any artwork owned by the City.

III. Terms and definitions

Artist: An individual or team of individual artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts. Members of architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by this Manual shall not be considered artists for the purpose of meeting the requirement to provide public art.

Arts professional: An individual who works in the fine arts field (such arts consultant, fine arts curators, fine arts collectors, art critics or art educators), but is not a professional artist.

Artwork or work of art: Visual work of art, as distinguished from the performing arts, media art, and literary or cultural arts. The works of art may either be permanent or temporary in nature, as required by the specific project, and installed in public view.

Artwork cost: Artwork cost is the total amount budgeted by the Commission for a public artwork project.

Building valuation: The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.

Conceptual Design Plan: The initial phase of the approval of public artwork that includes review of the artist's or artist team's qualifications, conceptual artwork design and artwork location.

Cultural Arts Commission (Commission): The Commission is the formal body established by the City of Pomona Municipal Code Section 2.581 who's primary responsibilities in relation to the Art in Public Places Program is to appoint the seven voting members of the Advisory Committee and to make decisions on public art proposals presented by the Advisory Committee.

Design: Artwork detailing project design, including scale drawings within site context, sealed by an engineer, if required.

Design team approach: The creation of a public artwork piece for large public projects, such as police and fire stations, and parks, through the collaboration of an artist or group of artists, architect, appropriate City staff, project proponent, engineer, and project managers to integrate works of public art into buildings or landscapes.

Fabrication: A detailed description of the methods of fabrication as well as any uncommon or unusual details regarding the approach to creating an artwork piece.

Final design plan: The final phase of the approval of public artwork that involves consideration of a highly defined proposal that conforms to the concept previously considered and approved by the Advisory Committee.

In-lieu contribution: In place of an approved artwork on the site, a developer may elect to pay to the City an amount equal to the program allocation set forth in Section .5809-24 of the Zoning Code. In-lieu fees shall be submitted to the City and deposited into the Public Art Fund before issuance of a building permit for the development project.

Installation: A detailed description of the installation procedure if the artwork will not be fabricated directly on the selected site. Installation would include the construction of any required footings or foundation.

Institutional use (for the purpose of the Art in Public Places Program): A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, museum or college or university

Public Art: Any permanent display of a work of visual art that was specifically designed to be located on a site where it would to be accessible to public view on private or public property within the City of Pomona. The work of art may include, but need not be limited to, sculpture, murals, mosaics, fountains, stained glass, and earthworks.

Public Art Advisory Committee (Advisory Committee): A seven-member committee appointed by the Cultural Arts Commission whose main purpose is to review and make recommendations to the Cultural Arts Commission on applications for public art.

Public Art Allocation: The public art allocation is the percentage of the construction costs of projects subject to the public art requirement that are to be allocated by the developer for public art in an amount equal to one percent of the total building valuation for an applicable project. In the cases where the developer elects to pay an in-lieu contribution, the allocation shall be equal to 1 percent of the total building valuation.

Public Art Fund: An interest-bearing account that is managed by the City Manager, or designee, into which public art funds, including donated funds, in-lieu funds and/or public art grant funds, are deposited.

Public place: Any interior or exterior area on public or private property that is easily accessible by and clearly visible to the general public.

IV. General Criteria

The following criteria apply to both the public and private components of the Art in Public Places Program.

A. Acceptable types of public artwork

Public artwork work is limited to permanent visual works of art, as opposed to performing art, including, but need not be limited to, murals, mosaics, sculptures, artist-designed landscape features, streetscape features, and earthworks.

Additional artwork selection guidelines and criteria are included for acceptable public artwork on private development sites. Refer to Part 2 Sections X and XI for more information.

B. Public Art Fund

Any moneys donated for the purpose of providing public artwork shall be deposited into a separate interest-bearing account referred to as the Public Art Fund. The City Manager, or designee, shall administer the funds and establish accounting records sufficient to identify and control these funds. The City Manager or designee shall authorize all disbursements from the Public Art Fund. The account shall not be added to the City's general fund.

The Public Art Fund may also be used as a depository for endowments, bequests, grants or donations. These funds may be used for the provision of public artwork on a location that is consistent with the criteria in Parts 2 and 3 of the Manual or for other purposes consistent with the Manual provisions. The City Manager or designee shall keep clear accounting of each type of fund paid into the Public Art Fund.

C. Public Art Advisory Committee (Advisory Committee)

The Advisory Committee is responsible for reviewing and making decisions on conceptual design plans submitted by a developer of a project subject to the public art requirement. The

Advisory Committee shall ensure that all public art projects meet the program criteria and guidelines for selection of an artist or artist team, artwork, and artwork location established in this manual before submittal of the Final Design Plan to the Cultural Arts Commission. Members of the Advisory Committee shall be appointed by the Cultural Arts Commission as follows:

Appointment and terms of office:

1. The Advisory Committee shall consist of the following seven voting members
 - a. Three members of the Cultural Arts Commission;
 - b. Four community members at least three of whom have a background as an artist or arts professional.
2. All members of the Advisory Committee shall reside in or own a business in the City, or be employed in the City, or be on the board or active member of a non-profit organization based in the City of Pomona.
3. The terms of office for members of the Advisory Committee shall be for a two-year period.
4. Any vacancy that occurs before expiration of a term shall be appointed by the Cultural Arts Commission for the unexpired portion of the term.
5. The Advisory Committee shall appoint a chairperson.

The primary duties of the Advisory Committee shall include:

1. Review and approval of the Conceptual Design Plan application.
2. Making recommendations to the Cultural Arts Commission on use of public art funds for acquiring and locating public art on a property.

Other City staff, as may be appropriate, shall serve as resource persons to the Advisory Committee as deemed appropriate by the City Manager or her/his designee.

D. General artwork location criteria

Public artwork should be consistent with the following general criteria:

- Public sites in an outside area that are open, freely available and visible to the general public;
- Interior sites that are regularly open to the public and in a location within the building that is freely available and viewable by the general public;
- Artwork shall not be placed adjacent to monument signs, wall signs, bus benches, or utility boxes or other similar structures since these structures may impede the public's view from the street or diminish the aesthetic value of the artwork.

Additional location criteria for the placement of public artwork on private development sites are included in Part 2, Section XI of this manual.

E. Artist selection criteria

The Advisory Committee and the Commission evaluate artistic excellence and technical abilities as demonstrated by the artists' professional qualifications, proven ability to undertake project of a similar scope, and artistic merit as evidenced by submitted material. The Advisory Committee and the Commission shall evaluate an artist's ability to work at a scale and in materials appropriate for commissioned permanent artwork. Each program component has additional artist selection criteria. Refer to the Parts 2 and 3 of the Manual for additional information.

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Private Development Policy and Guidelines

I. Program Introduction

Pomona's Art in Public Places Program (AIPP) for Private Development is intended to provide high-quality and thought-provoking works of art throughout the City where they are easily accessible and viewable by the general public. The AIPP program requires developers of certain private development projects to provide a permanent display of public artwork on project sites. All artwork placed on private property is intended to be privately owned and maintained. The primary goals of the art requirement for private development are to enhance property values and encourage pride in ownership, and to provide exemplary art pieces in publicly accessible and visible areas such that the art pieces will enrich and enliven the community.

Part 2 of the Manual establishes policies, guidelines and an application process for private development projects subject to the Public Art requirement. This part of the Manual also establishes criteria to be used for the selection of artists, artwork and artwork locations. Part 2 is intended to be used as a guide by private developers whose projects are subject to the Public Art requirement. This part of the Manual is also intended to be used by the Cultural Arts Commission and Advisory Committee as a guide in making decisions on applications for public art provided by private developers.

II. Public Art Requirement for Private Development

Section .5809-24 of the City of Pomona Zoning Code requires the following private development projects to provide public artwork pieces:

1. New commercial, institutional, and industrial development with a building valuation of \$750,000 or more;
2. New residential development with 10 or more units, whether detached single-family residences, condominiums, apartments, townhouses or other dwelling units.
3. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing commercial and industrial property where the total building valuation for the project is \$750,000 or more;
4. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing residential property of 10 units or more where the total building valuation is \$750,000 or more.
5. Infrastructure improvements including telecommunications, natural resource development, and delivery systems valued at \$3 million or more.

Section .5809-24 exempts the following types of projects from the public art requirement:

1. All mechanical, plumbing and electrical system upgrades, structural or seismic upgrades, and modifications for disabled access, unless occurring in conjunction with alteration of a building or an above ground structure project.
2. Remodeling, repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other natural cause.
3. City of Pomona capital improvement projects funded in whole or in part by the City including the following types of projects:
 - a. Basic road projects including, but not limited to, construction, curbing, drainage, striping and signalization;
 - b. Public utility projects;
 - c. Sewer and water main improvements;
 - d. Projects funded by a revenue source that by law cannot be used for the acquisition of works of art;
 - e. Acquisition of land;
 - f. Public improvements that are in progress upon the adoption of this section, and where the construction budget cannot be modified to allow for the funding allocation.

III. Public Art Allocation

Section .5809-24.E (Public art requirement for private development – Public Art Allocations) of the Zoning Code states as follows:

1. The public art allocation is the percentage of the construction costs of projects subject to the public art requirement that are to be allocated by the developer for public art in an amount equal to one percent of the total building valuation for an applicable project.
2. Building valuation is the total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.
3. For in-lieu fees, the allocation is equal to one percent of the total building valuation for an applicable project.

IV. Eligible Expenditures for the Installation/Provision of Public Artwork

The public art allocation for installation of public artwork shall be expended only on costs associated with the selection, acquisition, purchase, commissioning, design, fabrication, placement, installation, and/or exhibition of the public artwork. Eligible expenditures are limited to the following:

1. The work of art itself, including the artist's fees for design, structural engineering and fabrication.
2. Reasonable art consultation fees not to exceed 20% of the total public art allocation. The developer may choose to hire an art consultant to assist with the selection of the artist and the application process. The role of the art consultant is to research and present to the developer qualified artists who are able to create an appropriate artwork for their

specific project. The art consultant is responsible for providing written and visual collateral on the artist(s) for the application. Consulting fees over 20 percent of the allocation shall be absorbed by the developer.

3. Other materials that are integral to the creation of the work of art.
4. Transportation of the public artwork to the site.
5. Installation of the completed public art on the site.
6. Mountings, anchorages, containments, motors or subterranean equipment or other materials necessary for installation of the public art piece up to 5% of the total artwork allocation amount.
7. Lighting specifically illuminating the artwork itself.
8. Appraisal fees as required for review of the public art application by the City.
9. Identification plaque as required by the Commission.
10. Permits, engineering or legal fees necessary for the installation of the artwork.
11. For in-lieu-funded projects, up to one-third of the total in-lieu fee may be spent on maintenance of the proposed artwork or maintenance of existing artworks listed on the City's public art registry.

V. Ineligible Expenditures for the Installation/Provision of Public Artwork

The following expenses are not eligible as public artwork expenditures:

1. Promotional materials or activities for the artist, the public artwork, the development project, the developer or other parties involved in the development project;
2. Opening, dedication, or other event for the public artwork, artist or development;
3. Services, materials, utilities, or other expenses associated with the operation or maintenance of the public artwork. (See maintenance exception above.);
4. Land costs or any other costs associated with the development that are not part of and solely attributable to the public artwork; and
5. Illuminating the public artwork if not integral to the design.

VI. Procedure for approval of on-site public art provided by a private developer

Overview

Once informed of the public art requirement, the developer should begin the process of selecting and approving the work of art as early as possible in the development process. The advantage of early involvement is so as not to delay the development project and to ensure that the artwork is successfully integrated into the overall project design. The developer is responsible for selecting the artist and submitting a Conceptual Design Plan application to the Planning Division. The developer may hire an art consultant to assist with selection of the artist and the application process.

Review and approval of public artwork involves the following two-step process:

1. Planning Division review for completeness of Concept Design Plan application.

2. Conceptual Design Plan review, which includes review of the artist or artist team's qualifications, conceptual artwork design and artwork location for consistency with the established criteria in this manual. Conceptual Design Plan review and approval is completed by the Advisory Committee.
3. Final design plan review is completed by the Cultural Arts Commission.

Application procedure

1. An application for Conceptual Design Plan review shall be submitted to the Planning Division for preliminary review by staff. The application shall, at a minimum, include the following information:
 - a. Artist, or artist team, biographical materials demonstrating how they meet the artist selection guidelines contained in Section VIII of this part.
 - b. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
 - c. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs. If the value of a proposed artwork piece (by past records of comparable work sold, etc.) cannot be verified, City staff may choose to have the artist's proposal and/or other completed works appraised by a qualified art appraiser selected by the City. The developer shall pay up front for any art appraisal service fees. This expense will be deducted from the total artwork allocation costs.
 - d. Preliminary plans containing such detailed information as may be required by the Planning Division staff to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal;
 - e. A narrative proposal with elevations, site plans, lines of sight studies, renderings, and other descriptive materials as deemed necessary by Planning staff to demonstrate that the artwork will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site.
 - f. Preliminary budget showing how the public art project is consistent with the public art allocation fee and the permissible expenditures in sections VI and VII of this part.
2. Advisory Committee Review and Approval of the Conceptual Design Plan.
 - a. Within 30 days of when the application is determined to be complete by the Planning Division, the application shall be transmitted to the Advisory Committee and the Advisory Committee shall meet with the developer and/or developer's art consultant and artist team to review the proposed public artwork. At the request of the developer, the Advisory Committee's review may be later than the 30 days. Once the Advisory Committee has completed final review of the proposed project, it shall make a decision, based on criteria established in the Manual, on whether to approve, approve with conditions or deny the request within ten days of the Advisory Committee review.

- b. If the applicant proposes significant changes to the artwork at any time, a revised application shall be submitted by the developer to the Planning Division for review for completeness and transmitted to the Advisory Committee for review under the same schedule listed above.

3. Cultural Arts Commission Review

Following the approval of the Conceptual Design Plan, the artist/artist team will refine project objectives and the conceptualized art project. The developer, and/or art consultant will present to the Cultural Arts Commission a Final Design Plan (including final narrative, budget, and anticipated maintenance plan and installation schedule) and a two- or three-dimensional model with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication and installation expenses. Any additional expenses such as construction fees must be detailed as well.

Within 45 days of the submittal of the Final Design Plan, the application shall be scheduled for review by the Cultural Arts Commission at one of its regularly scheduled meetings. At the Cultural Arts Commission meeting, the developer, and/or artist consultant and artist team will be required to make a presentation on the Final Design Plan. At the conclusion of the meeting, the Cultural Arts Commission shall approve, approve the Final Design Plan with conditions, or deny the Final Design Plan.

If the Final Design Plan is denied by the Commission, the developer may file a written request for an appeal to the City Council within 20 days of the decision of the Cultural Arts Commission. (See Section .5809-24 of the Zoning Ordinance for more information on the appeal process.)

VII. Procedure for approval of public art projects funded by in-lieu contributions

A. Overview

Instead of providing a public artwork on site, a developer may elect to pay an in-lieu fee to the City equal to one percent of the building valuation for the proposed project. In-lieu fees may only be used for expenditures related to the acquisition and installation of art on private or public property, except that one-third of the total in-lieu fee may be used for maintenance of the proposed artwork or on existing artwork. In-lieu fees may be aggregated with other in-lieu funds that have been paid to the City.

Review and approval of public artwork involves the following two-step process:

1. Conceptual Design Plan review, which includes review of the artist or artist team's qualifications, conceptual artwork design and artwork location for consistency with the established criteria in this manual. Conceptual Design Plan review and approval is completed by the Advisory Committee.
2. Final design plan review is completed by the Cultural Arts Commission.

Once an in-lieu contribution has been paid into the Public Art Fund, a minimum of two thirds of the in-lieu funds must be used to provide artwork on a privately owned site. It is

the Advisory Committee's responsibility to select a location for placement of the artwork. The location selection must be consistent with all of the requirements in this part.

B. Approval procedure

The Advisory Committee works with City staff to select an artist or artist team to design the public artwork. The artist, artwork and artwork location must be consistent with all applicable criteria in this manual and the Public Art Ordinance.

ARTWORK APPROVAL PROCESS

Advisory Committee review:

1. The Advisory Committee, with City staff's concurrence, shall select a public location, based on the criteria in Section XI of this part and Section IV.D of Part 1, before selection of the artist or artist team.
2. The process for selecting an artist, or group of artists, is the same as the process for using donated funds for the provision of public artwork. (See Part 3 Sections III.D. & E.)
3. The Advisory Committee and City staff, as needed for the particular project, shall meet at least once with the selected artist, or artist team, in developing a concept artwork proposal that meets the artwork and location criteria stated in this manual.
4. The Conceptual Design Plan application shall be submitted by the artist or artist team to the Planning Division for review for completeness. The Conceptual Design Plan shall include the following materials:
 - a. Artist, or artist team, biographical materials demonstrating how they meet the artist selection guidelines contained in Part 3, Section III.E of the Manual.
 - b. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
 - c. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs.
 - d. Preliminary plans containing such detailed information as may be required by the Planning Division staff to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal;
 - e. A narrative proposal with elevations, site plans, lines of sight studies, renderings, and other descriptive materials as deemed necessary by Planning staff to demonstrate that the artwork will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site.
 - f. Preliminary budget showing how the public art project is consistent with the public art allocation fee and the permissible expenditures in section VI of this part.

5. Within 30 days of submittal of a complete Conceptual Design Plan application, the Advisory Committee shall make a recommendation on whether to approve the concept plan for development of the Final Design Plan or recommend revisions. The Advisory Committee shall make its decision on the Conceptual Design Plan based on the criteria stated in Section VIII, IX, X and XI of this part.

Cultural Arts Commission Review

1. Following the approval of the Conceptual Design Plan, the artist/artist team shall refine project objectives and the conceptualized art project based on the Advisory Committee's recommendations. The artist or artist design team will submit to the Cultural Arts Commission a Final Design Plan (including final narrative, budget, and anticipated maintenance plan and installation schedule) and a two- or three-dimensional model with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication, transportation, and installation expenses. The budget shall equal the in-lieu contributions allocated for the artwork. Any additional expenses such as construction fees must be detailed as well.
2. Within 45 days of the submittal of the Final Design Plan, the application shall be scheduled for review by the Cultural Arts Commission at one of its regularly scheduled meetings. Representatives from other city departments, stakeholder groups and adjacent property owners will be invited to attend the meeting and participate in the review. At the Cultural Arts Commission meeting, the artist or artist team will be required to make a presentation on the Final Design Plan to the Commission. At the conclusion of the meeting, the Cultural Arts Commission shall approve, approve with conditions, or deny the Final Design Plan. If the Final Design Plan is denied, the Commission shall make recommendations on revisions or send the artwork proposal back to the Advisory Committee to restart the process.

VIII. Artist Selection Guidelines

Artists are evaluated for artistic excellence and technical abilities as demonstrated by the artist's professional qualifications, proven ability to undertake projects of a similar scope, and artistic merit as evidenced by submitted material. An artist's potential to work at a scale and in materials appropriate for commissioned permanent artwork will also be evaluated. The artwork shall be designed and constructed by an individual artist or team of artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

Selection of the artist, or artist team, and artwork, shall be based on the guidelines. The City does not keep a list of approved artists from which the developer can select. Each artist and artwork piece is considered on a case-by-case basis.

Artists selected by developers will be required to submit the following to the City of Pomona as part of the AIPP application as evidence that they meet the criteria:

1. Current curriculum vitae (including art education, training, group and solo exhibitions, private and public collections)
2. Artist's history of artwork commission
3. Digital images, photographs, and critiques of past works

IX. Artwork Selection Guidelines

Proposed public artwork shall be reviewed for consistency with the following guidelines:

1. The artwork effectively engages the public and invites interest. The types of artwork that involve the public can be described as thought provoking, inspiring, entertaining, clever, whimsical, powerful, reflective or symbolic. Public artwork is expected to be innovation and show originality.
2. The artwork must demonstrate the highest aesthetic quality, originality and artistic excellence.
3. The artwork is appropriate in scale, material, form, content and value with the immediate social and physical environment. The artwork should not appear to be an afterthought to the development and should be thoroughly integrated into the proposed location on the site.
4. Substantial consideration shall be given to structural and surface integrity and stability, permanence and weathering, resistance against theft, vandalism, and the probability of excessive maintenance and repair costs. Artwork must be constructed of long-lasting materials (including nuts, bolts, and other metal fixtures) that will be in contact with each other that may produce oxidation.
5. Artwork should not have any unsafe conditions or factors that may affect public safety. In the design of the artwork, the artist and developer must be aware that the artwork will be viewed from major public streets and areas easily accessible to the public. Acceptable artwork must not disrupt traffic or create unsafe conditions or distractions to motorists and pedestrians, which may expose the City or property owner to liability. Consideration should be given to sharp or protruding edges that may pose a danger to pedestrians. Attention should also be give to the ability to withstand weight, as the City may be held responsible for repairs resulting from persons climbing, sitting or otherwise damaging the artwork.

X. Acceptable Types of Public Art

Public artwork provided for private development is limited to the following types of art:

1. Artwork is limited to permanent works of art that include, but are not limited to: mosaics, murals, site-specific monumental works (sculptures); artist-designed landscape features, artist-designed streetscape features (such as benches, bike racks, entry monumentation, gates, public gazebos, and pavement features) and earthworks;
2. Water features or artwork requiring water must be conceptually designed by an acceptable, qualified visual artist. The artwork must stand on its own should the water cease to function. There must be a demonstrated collaboration between the artist and the water features design company. The intent of the public art program is to promote the work of visual artists and not to feature design companies. Water related costs such as pump and pool construction will be evaluated by the Cultural Arts Commission for consideration as part of the overall art allocation. Developers are welcome to exceed the

arts budget to construct a water feature. No more than 30 percent of the total art allocation may be utilized for water-related costs.

3. Violent and gang-related images are not permitted.

The following types of artwork do not qualify as public artwork for private development:

1. Mass-produced reproductions or replicas of original artworks, busts and statuary memorials, performance art, and signage are not eligible. Exceptions are signed sculptures by the original artist for reproductions.
2. Temporary artwork;
3. Decorative or ornamental elements of a building that are designed by the building architect;
4. Busts and statutory memorials are generally not encouraged unless it can be clearly demonstrated that the memorial artwork meets all of the following:
 - The memorial represents broad community values;
 - The significance of the person or persons or event being memorialized has a timeless quality and makes a statement to future generations;
 - There is a specific geographic justification for the memorial being placed at the proposed location.
5. Art as advertisements or commercial signage mixed with imagery.

XI. Public Art Location Guidelines

1. Visibility

Public art on private development sites shall be placed in a location that is consistent with the following:

- All public art shall be displayed on the development site in an outside area that is open, freely available and visible to the general public;
- Public art shall be displayed within the interior of a building that is regularly open to the general public and in a location within the building that is freely available and viewable by the general public;
- Public art shall not be placed adjacent to monument signs, wall signs, bus benches or utility boxes or other similar structures since these structures may impede the public's view from the street or diminish the aesthetic value of the public art;
- Public art should be placed on the site where it will enhance and not detract from its surroundings;

2. Signage

Permanent signage of any type is not permissible in or around the immediate area of the public art. This includes the foreground, background, or adjacent areas of the public art. Signage should not detract or diminish the aesthetics of the public art when the public views the work from the most accessible vantage points (intersections, entryways). Signage plans will be reviewed at the time of review of the Conceptual Design Plan.

3. Lighting and Electrical

Public art shall be properly lit during evening and nighttime hours. All lighting and electrical elements should be in good working condition and meet all current safety conditions. Lighting and electronic elements that are not integral to illumination of the work of art will not be included as part of the art allocation costs. Lighting plans must be submitted as part of the public art application.

4. Landscaping and Base

Landscaping and the artwork bases (if required) should be well integrated. If the artwork must be secured to the base, the base should be securely installed on the site. If the installation of the artwork includes a base, or the art piece is structural or attached to the structure, a licensed structural engineer must approve and certify the installation plans as structurally sound, safe and durable. The base shall only support the artwork and plaque, if applicable.

5. Identification of Artwork

Each artwork piece shall be identified by a rosin plaque approximately 8" by 8". The plaque should be placed in a location near the artwork piece. The Advisory Committee or CAC may recommend approval of any additional plaques, an alternative location or different size that may be requested. The plaque shall include the artist's or group of artists' name or names, the name of the design piece, date of production, etc. and shall not include memorial designation or collector information.

XII. Ownership and Maintenance

Per Section .5809-24 of the Zoning Code, the requirements pertaining to ownership and maintenance of the public artwork on a private development are as follows:

1. All artwork placed on the site of an applicant's project shall become the property of the property owner and his/her successor's in interest.
2. The property owner shall maintain the public artwork in good condition, including protecting the artwork against physical defacement, mutilation, or alteration, and securing and maintaining fire and extended coverage insurance in an amount to be determined by the City's Risk Manager.
3. Prior to placement of an approved artwork on site, the applicant and property owner shall execute and record a covenant in a form approved by the City Attorney for maintenance of the artwork.
4. Failure to maintain the artwork as provided herein is declared to be a public nuisance and may be summarily abated as such by the City. The City may pursue additional remedies to obtain compliance with the provisions of this Section requirement as appropriate.
5. In addition to other remedies provided by law, in the event the property owner fails to maintain the artwork, upon reasonable notice, the City may perform all necessary repairs or maintenance to the artwork or secure insurance, and the costs incurred by the City shall become a lien against the property.

XIII. Budget and Contracts

1. Budget Breakdown.

As part of the public art application, the developer shall submit a line item budget breakdown that reflects costs of the artwork and artist design fees, transportation fees, and installation fees, and any other fees as applicable and necessary. The budget breakdown should equal or exceed that total minimum artwork allocation.

2. Contract of Sale.

The developer must also submit an unsigned copy of the contract of sale including the long-term care and maintenance instructions for the artwork with their application. Once the Cultural Arts Commission approves the artwork, the contract of sale shall be modified if necessary and signed by the property owner, artist and property owner association, if applicable.

XIV. Property Owner's Responsibilities

1. Art Insurance.

The public artwork must remain permanently installed at the site as a condition of the project approval as stated in a recordable agreement that is binding on successors to the title to the subject property in a form approved by the City Attorney. As part of the agreement, the property owner shall be made legally responsible for repairing or replacing the artwork with artwork of equivalent value in the event the artwork is damaged, destroyed or stolen

2. Damaged Artwork.

The property owner is responsible for repairing the artwork in the event of damage and/vandalism. Artwork damaged or vandalized shall be repaired as closely as possible to the original approved artwork. If repair is needed, the original artist must be given first refusal on repair for a reasonable fee. If the original artist is not available or is unwilling to perform the required repair work for a reasonable fee, the property owner shall be responsible for notifying the Cultural Arts Commission and City staff of the steps that will be taken to repair the artwork.

3. Replacement of Artwork.

If the artwork is destroyed, damaged beyond repair, stolen or otherwise removed from the site, the property owner shall replace the artwork with a new work of art. The owner shall submit an application to the City for review and recommendation by the Advisory Committee. The new artwork shall comply with all of the requirements of the Public Art Program in place at the time the work is replaced. The allocation for the new (replacement) artwork shall be calculated at 1 percent of the current total building valuation. As ICBO figures typically increase each year, property owners are advised to take steps to replace damaged or destroyed artwork immediately. The replacement process shall be completed within six to 12 months unless otherwise agreed to by the City.

4. Removal of artwork.

The City will not authorize removing public artwork, except under the most extenuating circumstances. Owners wishing to remove, modify, destroy, or in any way alter their artwork must provide a compelling reason for taking such action with the artwork. All such requests must also be submitted to the Commission for their consideration. Factors to be considered by the Commission include, but are not limited to, reasons and costs for relocation, risk of damage to the artwork, maintenance costs, and artist and owner rights and responsibilities in accordance with state and federal law pertaining to artists' rights.

3

Public Art Donations and Acquisitions Policy and Guidelines

I. Purpose

Mission Statement

The City of Pomona wishes to develop guidelines for the acquisition and acceptance of public artwork and for receiving donated funds for the purpose of providing public artwork. The purpose of the guidelines is to ensure that all artwork donated to the City is culturally and ethnically diverse and of the highest quality. Part 3 of the Manual applies solely to the Art in Public Places Program for Public Art Donations and Acquisitions.

II. Donated or Loaned Artwork

Only works of art that are consistent with the artwork criteria listed in II.A.2.a-e below shall be considered for donation or loan to the City. This Section shall also apply to works of art proposed for long-term loan to the City. The minimum loan period for loaned works of art shall be one year unless the artist or the artist's sponsors are willing to cover all costs for the placement of the art and providing the loan is approved by the City Council.

A. Procedure for Acceptance of Donated or Loaned Works of Art

1. Individuals, businesses, and/or groups wishing to donate artwork with an estimated value over \$2,000 shall submit a written request, along with a professional appraisal stating the value of the artwork, of their offer to the Cultural Arts Commission. The Commission may request a second independent appraisal if necessary.
2. The Commission shall review and make recommendations to the City Council on all requests to donate artwork and the proposed location of artwork based on the following criteria:
 - a. Artwork that negatively depicts any race, gender, ethnicity, religion, etc. or that may be associated with illegal acts shall not be accepted.
 - b. Artwork shall maintain high artistic standards by demonstrating the highest aesthetic quality, originality and artistic excellence.
 - c. Artwork shall not create unsafe conditions or factors that may affect public safety.
 - d. Artwork shall clearly demonstrate quality, craftsmanship, and durability.

- e. Artwork shall have reasonable maintenance requirements as specified by the artist and these requirements shall be compatible with routine city maintenance procedures.
- f. Artwork shall be placed in a location that is consistent with the following:
 - Exterior site that is open, freely available and visible to the general public;
 - Interior site within city-owned public buildings that is regularly open to the public and in a location within the building that is freely available and viewable by the general public;
 - Artwork shall not be placed adjacent to monument signs, wall signs, bus benches, or utility boxes or other similar structures since these structures may impede the public's view from the street or diminish the aesthetic value of the artwork.
3. The City Council shall review all Commission recommendations on offers to donate artwork, which shall also include a location proposed by the Commission, and either, approve, approve with conditions or refuse to accept the artwork. The City Council's decision shall be final.
4. The Advisory Committee will review the artwork and assist the Commission in the development of a recommendation for Council action on the acceptability or rejection of the gift or donated artwork.

III. Donation of Funds for the Provision of Public Artworks

A. Overview

From time to time, individuals, civic businesses or corporate groups may wish to donate funds for the acquisition and placement of public art within the City. It is the policy of the Commission and the City to encourage donations of funds to acquire public artworks that are consistent with the objectives and criteria provided in Section II.A.2.a-e of this part of the Manual. Donated funds can be used for a specific project or added to the public art fund and pooled with other donated funds, or grant funds, if permitted by the grant, for the purpose of providing public artwork in the future.

1. All donated funds will be set aside in a Public Art Fund, an account specifically established for the support of the Arts, upon acceptance by the City Council.
2. All funds will be spent in accordance with provisions of Section III.I of this Manual.
3. Artworks acquired with the donated funds will be selected according to procedures outlined in Sections III.C and D of this Manual.

B. Expenditures of Public Art Funds

Public Art Funds specifically donated for the purpose of providing public artwork shall be expended only for the purpose of providing artwork within the City of Pomona consistent with the policies in this Manual. Expenditures of Public Art Funds on the provision of public artwork in public places, including artist and location selection, shall be consistent with those outlined in Section III.I of this manual.

C. Procedure for the Acquisition of Public Artworks Using Donated Funds

Once a donation has been made to the Public Art Fund, it is the Advisory Committee's responsibility to select an artist, or artist team, to design the public artwork and select a public location for the artwork for recommendation to the Commission. The artist, artwork and artwork location must be consistent with all applicable criteria in this part of the Manual. The selected artwork will be installed and maintained by the City and will become the City's property.

1. Public artwork budget.

The Advisory Committee shall decide on the total amount of donated funds that are to be expended on a single public artwork project before start of the artist selection process.

2. The Advisory Committee shall select a public location for the artwork consistent with the criteria stated in Section II.A.2.f of this part and the Public Art Ordinance.

3. Artist approval process.

The Advisory Committee shall select an artist, or group of artists, through a public process using one of the following methods:

- a. Request for qualifications (RFQ)
- b. Request for proposals (RFP)
- c. Invitational competition.

Refer to Section D for details on the above artist selection methods indicated above.

4. Commission shall make a decision on Advisory Committee recommendations on artist and artwork location.

5. The Advisory Committee (See Art in Public Places Program Overview and Introduction for more information on the Advisory Committee) and other City staff, as needed for the particular project, shall meet regularly with the selected artist, or group of artists, in developing a Conceptual Design Plan that meets the artwork and location criteria stated in this manual.

6. Once the Conceptual Design Plan has been approved by the Advisory Committee, the artist or artists' team shall refine the project objectives and the Conceptual Design Plan according to the direction of the Advisory Committee. The artist or artist team shall submit to the Cultural Arts Commission a Final Design Plan (including final

narrative, budget, and anticipated maintenance plan and installation schedule) and a two- or three-dimensional model with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication, transportation, and installation expenses. The budget shall equal the total amount to be expended on the proposed artwork.

7. After the Final Design Plan has been submitted to the Commission, the artist, or artist team, shall make a presentation of the final design to the Commission for review and approval. Representatives from other City departments and any stakeholder groups will be invited to attend the Commission meeting and participate in the review. A status report summarizing the action of the Advisory Committee shall also be provided to the Commission at this time.

D. Artist Selection Methods

Artists will be reviewed and selected based on merit of their past works, background in the arts, and appropriateness for a particular project. Prospective artists should review the criteria for each project and submit applications for projects for which they are an appropriate fit for the type of work they produce. The Advisory Committee may use one of the following three methods for soliciting and selecting an artist:

1. Request for Qualifications (RFQ):
 - a. This method is the preferred method to be used by the Advisory Committee to select the artist or group of artists. The Advisory Committee shall base the selection on the submittal of credentials and examples of past work as well as the criteria in Section III.E of this manual. A short list of finalists will be invited to interview and one artist and an alternate will be selected by the Advisory Committee. If two finalists are chosen having equal qualifications one of which is a locally based artist (artists who reside in or own a gallery or studio in the City of Pomona), the locally based artist shall be given preference. If the design process is sufficiently advanced that a context has been established for the artists to respond to, each of the finalists may be asked to develop a preliminary proposal, which will be evaluated during an interview. If a preliminary proposal is requested, an honorarium will be paid to the artists. The honorarium shall be equal to one percent of the art budget, with a minimum of \$500 and a maximum of \$5,000.
2. Request for Proposals (RFP):
 - a. This method is appropriate for selection of artists where there is an existing site or building or for projects with small budgets where locally based entry-level artists are being targeted. This is not an appropriate selection process for projects where a design team approach is desired.
 - b. The City may issue an RFP requesting conceptual proposals and detailing the proposal requirements. The respondents' proposals will provide the Commission members with an understanding of the artists' thought process or approach. The Commission may choose to invite several finalists to interview

before making a final selection. Artists responding to an RFP will not be compensated for proposals.

3. **Invitational Competition:**

- a. This process may be appropriate in the case of complex projects where a limited number of artists may be capable of successfully competing. It is also appropriate in a case where there are severe schedule restrictions.
- b. Based on the project requirements, submittal of qualifications or a specific proposal may be requested. Invitational competitions may also be conducted in two stages, with the first phase based on qualifications and the second phase based on a proposal. Artists invited to develop proposals will be compensated in the same manner as described in RFQ process.

E. Artist Selection Criteria

The Advisory Committee evaluates artistic excellence and technical abilities as demonstrated by the artist's professional qualifications, proven ability to undertake project of a similar scope, and artistic merit as evidenced by submitted material. The Committee may also consider the artist's potential to work at a scale and in materials appropriate for commissioned permanent artwork.

1. The Commission and Advisory Committee will consider the following in the selection of artists based on submitted materials:
 - a. The individual artist's or artist team's experience in design concept, fabrication, installation, and long-term durability of exterior artworks or artwork on display in publicly accessible interiors of public buildings.
 - c. The individual artist's or artist team's ability and willingness to successfully collaborate with design teams, architects, art consultants, project managers, engineers, fabricators, city staff, and landscape architects.
 - d. Whether the individual artist's or artist team's body of work and professional activities demonstrates serious ongoing commitment to the fine arts.
 - e. The artist's or artist team's ability to meet scheduled deadlines.

Artists selected by the Advisory Committee are required to submit the following to the City of Pomona as part of the application:

- a. Current curriculum vitae (including art education, training, group and solo exhibitions, private and public collections);
- b. Artist's history of artwork commissions if available;
- c. Digital images, photographs, reviews and critiques of past works.

F. Criteria for approval of public artworks

When an artist is selected for a project, he or she will be asked to present a final design to both the Advisory Committee and the Commission. A successful design shall meet the criteria stated in Part 2, Section IX of this Manual.

G. Acceptable types of public artwork

Refer to Part 2, Sections IX and X of the Manual for criteria for acceptable types of public artwork.

H. Artwork Location Criteria

Locations chosen for the placement of public artwork shall be consistent with the criteria in Section II.A.2.f of this part of the Manual.

I. Artwork Expenditures

The artist or group of artists selected for a project may include following expenditures as part of the overall artwork costs for an individual project:

1. The work of art itself, including the artist's fees for design and engineering and fabrication;
2. Transportation of the public art to the site;
3. Installation of the completed public art on the site;
4. Mountings, anchorages, containments, or other materials necessary for installation of the public art piece up to five percent of the total art allocation;
5. Lighting specifically illuminating the artwork itself;
6. Appraisal fees as required for review of the public art application by the City;
7. Identification plaque as required by the Commission;
8. Permits, insurance, engineering or legal fees necessary for the installation of the artwork;
9. Other materials that are integral to the creation of the work of art.

Ineligible expenditures for the placement of artwork on-site include:

1. Promotional materials or activities for the artist, the public artwork, the development, the developer or other parties involved in the development project;
2. Opening, dedication, or other event for the public art, artist or development;
3. Services, materials, utilities, or other expenses associated with the operation or maintenance of the public art work;
4. Land costs or any other costs associated with the development that are not part of and solely attributable to the public artwork; and
5. Illuminating the public art work if not integral to the design or specifically illuminating the artwork itself.

The selected artist or group of artists shall submit an estimated budget that is consistent with the above on the form in Appendix xx to the Commission when the project proposal is submitted.

J. Maintenance

The selected artists should demonstrate that the artwork is constructed for permanent display and that provisions have been made for its long-term care.

1. Maintenance Instructions

The artist shall provide maintenance instructions that specify the on-going and long-term maintenance requirements for the artwork. These instructions will be used for routine cleaning and occasional treatments to prevent damage from weather elements, bird guano, tree droppings, spray from sprinklers, and aging. Maintenance instructions shall include:

- a. Materials for the maintenance and/or repair of the artwork including but not limited to, brands and mixes of pigment, color samples, material finishes, types of brushes, bolts, and other needed materials.
- b. Methods of cleaning: how to apply cleaning agents, paint, wax, or other materials. Specify number of coats and drying time. Specify whether the work can be performed by a general maintenance service or must be performed by a professional art conservation service.
- c. Frequency of routine cleaning per year.

IV. Value Verification

If City staff cannot verify the value of a proposed art piece (by past records of comparable work sold, etc.), the City may choose to have the artist's proposal and/or other completed work appraised by a qualified art appraiser selected by the City and paid for by the artist.

V. Removal or Relocation of Public Art

- A. When deemed necessary, the City may choose to remove or relocate Public Art with the Cultural Art Commission's recommendation and in accordance with all federal and state laws and regulations pertaining to artists' rights.
- B. When deemed necessary, the City may choose to remove public artwork for the purpose of maintaining the public artwork. Removal of public artwork for maintenance purposes shall be done in accordance with all federal and state laws pertaining to artists' rights.