

Chapter 8.58 PUBLIC ART PROGRAM

8.58.010 Intent.

The intent of this Chapter is:

- A. Promote the public interest and general welfare through the acquisition and installation of public art works.
- B. Establish requirements and procedures for developer contributions to public art.
- C. Provide funding to support the acquisition and installation of public art.
- D. Implement the goals of the Public Art Master Plan, as adopted by the City Council. **Ord. 14-06 (September 2006)**

8.58.020 Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, the following definitions shall apply:

- A. “Art” or “public art” or “public art project” means an original creation of art that is designed by a professional visual artist or artists. Art includes, but is not limited to, sculpture, murals or portable paintings, earthworks, fiber-works, mosaics, photographs, prints, any combination of forms of media, furnishings or fixtures, and temporary artworks or installations.
- B. “Building valuation” means the value of the building or other construction project based on the Building Official’s estimate of the development project valuation, as set forth in Section [7.28.430.E.](#) of the Dublin Municipal Code. **Ord. 14-06 (September 2006)**

8.58.030 Development Projects Subject to Public Art Contribution.

The requirements of this Chapter shall apply to the following:

- A. All new non-residential development;
- B. All new residential development projects in excess of 20 residential units;
- C. Nothing contained in this Chapter shall prevent the City Council from imposing requirements for inclusion of public art in particular projects not subject to the requirements of this Chapter, pursuant to conditions imposed upon a particular discretionary approval, where it is determined that facts particular to the proposed development warrant such imposition. **Ord. 14-06 (September 2006)**

8.58.040 Development Projects Not Subject to Public Art Contribution.

The requirements of this Chapter shall not apply to the following:

- A. Residential development projects consisting of 20 units or less;
- B. Tenant improvement projects;
- C. Building additions;
- D. Remodeling, repair or reconstruction of an existing structure;
- E. 100% low-income housing projects;
- F. Day Care Centers;
- G. Nonprofit agencies and institutions that exclusively provide social services only to the general public, upon approval of the City Council;
- H. Condominium conversion projects. **Ord. 14-06 (September 2006)**

8.58.050 Public Art Contribution Requirements.

The developer of any development project subject to this Chapter shall provide an on-site public art project as provided in subsection A of this Section or, alternatively, and, at the option of the developer, make a monetary contribution to the City in-lieu thereof as provided in subsections B, C or D of this Section.

- A. **On-Site Public Art Requirement.*** The developer shall acquire and install a public art project on or in the vicinity of the development site, in accordance with Section [8.58.070](#). The value of the public art project shall equal or exceed five-tenths percent (0.5%) of the development project's building valuation (exclusive of land). Any such public art project shall be subject to the approval of the City Council, after receiving a recommendation of the Heritage and Cultural Arts Commission.
- B. **Monetary Contribution In-Lieu of Public Art; Non-Residential Buildings More Than 50,000 Square Feet.** In lieu of acquiring and installing a public art project pursuant to Section [8.58.050A](#), the developer of a non-residential development project of more than 50,000 square feet may make a monetary contribution to the City equal to five-tenths percent (0.5%) of the development project's building valuation (exclusive of land), in accordance with Section [8.58.070](#). Any developer choosing the public art in-lieu contribution shall reserve a site and provide a public art easement and an access easement for the site within the development project, if the City deems such site necessary.
- C. **Monetary Contribution In-Lieu of Public Art; Non-Residential Buildings Less Than 50,000 Square Feet.** In lieu of acquiring and installing a public art project pursuant to Section [8.58.050A](#), the developer of a non-residential development project of less than 50,000 square feet may make a monetary contribution to the City equal to forty-five one-hundredths percent (0.45%) of the development project's building valuation (exclusive of land), in accordance with Section [8.58.070](#). any developer choosing the public art in-lieu contribution shall reserve a site and provide a public art easement and an access easement for the site within the development project, if the City deems such site

necessary.

- D. Monetary Contribution In-Lieu of Public Art; Residential Projects with More Than 20 Units.**** In lieu of acquiring and installing a public art project pursuant to Section 8.58.050A, the developer of a residential development project of more than 20 units may make a monetary contribution to the City equal to five-tenths percent (0.5%) of the development project's building valuation (exclusive of land), in accordance with Section [8.58.070](#). Any developer choosing the public art in-lieu contribution shall reserve a site and provide a public art easement and an access easement for the site within the development project, if the City deems such site necessary. **Ord. 14-06 (September 2006)**

* Ord. 3-11 § 1(A) provides: "Temporary Suspension of On-Site Art Requirement; Termination of Requirement as to Applicable Projects Upon Issuance of Occupancy Permit. For a period of one (1) year following the effective date of this ordinance, any residential development project that has, pursuant to the provisions of Section 8.58.050.A of the Dublin Municipal Code, elected to acquire and install a public art project may be granted occupancy upon successful completion of a final inspection of the first structure in the project without satisfying the requirements of Section 8.58.070.D. Upon said grant of occupancy of the first structure in the project, the On-Site Public Art Requirement imposed by the conditions of the project's Site Development Review pursuant to Section 8.58.050.A shall be extinguished as to that Site Development Review only."

** Ord. 3-11 § 1(B) provides: "Temporary Suspension of In-Lieu Fee Requirement; Termination of Requirement as to Applicable Projects Upon Issuance of Building Permit. For a period of one (1) year following the effective date of this ordinance, any residential development project that has, pursuant to the provisions of Section 8.58.050.D of the Dublin Municipal Code, elected to make a payment in-lieu of acquiring and installing public art may obtain the first building permit in the project without first making the contribution as required by Section 8.58.070.C. Upon issuance of that building permit, the Monetary Contribution In-Lieu of Public Art requirement imposed by the conditions of the project's Site Development Review pursuant to Section 8.58.050.D shall be extinguished as to that Site Development Review only."

8.58.060 Accounting of Funds Collected.

- A. Purpose of the Funds Collected.** The funds collected pursuant to Section [8.58.050](#) shall be used for the acquisition, installation, improvements, including site preparation, lighting and landscaping, of public art in order to further the intent of this Chapter, and to administer the Public Art Master Plan.
- B. Use of the Funds Collected.** The City Manager shall include in the Budget and/or the Five Year Capital Improvement Program the proposed use of funds collected pursuant to Section [8.58.050](#). The Heritage and Cultural Arts Commission shall make recommendations to the City Council regarding the proposed use of the funds collected pursuant to Section [8.58.050](#). The City Council shall have the sole authority to appropriate for expenditure the use of such funds.

- C. Records and Accounting.** The City Manager or his or her designee shall establish accounting records sufficient to identify and control the funds collected pursuant to Section [8.58.050](#).
- D. Project Administrative Costs.** No more than 25 percent of the funds collected pursuant to Section [8.58.050](#) for each public art project shall be used to pay administrative costs, including the processing of the public art applications, reviewing and approving public art sites and art works, monitoring, compliance, and any other administrative task.
- E. Program Administrative Costs.** Of the administrative costs set forth in Section 8.58.060.D, up to 2 percent may be used to pay program administrative costs, including costs associated with collecting in-lieu fees, recordkeeping, reporting, and general administration of the public art program. *Ord. 14-06 (September 2006)*

8.58.070 General Procedures for Implementing Public Art Program

- A. Site Development Review.** The decision maker on any site development review approving a development project subject to this Chapter shall find that the project as proposed complies with the provisions of this Chapter.
- B. Public Art Program Submittal.** In conjunction with site development review of any project subject to this Chapter, the applicant shall submit a Public Art Compliance Report to the community Development Director. The Public Art Compliance Report shall specify:
1. Whether the applicant has elected to satisfy its public art contribution obligation through a public art contribution or through the payment of a fee in lieu thereof; and
 2. If the applicant elects to install public art on site pursuant to subsection [8.58.050A](#):
 - a. the total building valuation of the project, provided by the Building Official, and the calculation of the value of the applicant's required public art project; and
 - b. the location of the public art project site.
 3. If the applicant elects to contribute funds in-lieu of public art pursuant to subsection [8.58.050B](#), [8.58.050C](#), or [8.58.050D](#): the location of the site reserved for public art.
- C. Timing of Public Art In-Lieu Contribution.** If the applicant elects to make the public art in-lieu contribution pursuant to subsection [8.58.050C](#), or [8.58.050D](#), the total building valuation of the project, provided by the Building Official, and the calculation of the value of applicant's required in-lieu contribution shall be determined at building permit issuance. Developer shall make the public art in-lieu contribution payment prior to issuance of the first building permit in the project.
- D. Additional Requirements for On-Site Public Art.** Prior to occupancy of the first structure in the project, the developer shall (a) secure completion of the public art project, in a manner deemed satisfactory by the City Manager; and (b) execute an agreement between the City and the developer, prior to occupancy of the first structure in the project, which sets forth the ownership, maintenance responsibilities, and insurance coverage for the

public art project. **Ord. 14-06 (September 2006)**

8.58.080 Guidelines for Implementation.

The City Council, by resolution, shall adopt administrative guidelines for implementation of the Chapter. **Ord. 14-06 (September 2006)**

8.58.090 Appeals.

Decisions of the City Manager under this Chapter may be appealed as provided in Chapter [8.136](#). **Ord. 14-06 (September 2006)**

This page of the Dublin Municipal Code is current through Ordinance 12-11, passed October 18, 2011.

Disclaimer: The City Clerk's Office has the official version of the Dublin Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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