

CHAPTER 17.112
ART IN PUBLIC PLACES

Prior ordinance history: Ord. 1131.

§ 17.112.010. Purpose.

The purpose of this chapter is to establish and maintain a public art requirement for private development in order to provide the following benefits to the community: (1) maintain Paramount's art and culture for generations; (2) recognize the vital importance of the arts to the City as a whole; and (3) make a lasting contribution to the intellectual, emotional, and creative life of the community at large, and create a more desirable community to live, work, and recreate. A policy is hereby established to require developers and/or owners of certain private developments to use a portion of building development costs for the acquisition and installation of freely accessible works of art. Additionally, requirements for public art not associated with new development are included.

(Ord. 1200, 6/10/2025)

§ 17.112.020. Contribution requirements—Public art associated with new private development.

A. Calculation.

1. **Nonresidential Building Developments.** Private nonresidential building developments involving a project valuation of \$100,000: or more shall devote an amount not less than 1% of building development costs for acquisition and installation of publicly accessible art on the development site or the adjacent right-of-way within one-fourth mile.
2. **Residential Building Developments.** Private residential building developments of five or more new dwelling units shall devote an amount not less than 1% of building development costs for acquisition and installation of publicly accessible art on the development site or the adjacent right-of-way within one-fourth mile.

B. In Lieu Contribution.

1. At the discretion of the developer and/or owner, and in lieu of installing public art, an in-lieu contribution shall be placed into the public art fund account for acquisition and placement of public art throughout the City.
2. At the discretion of the City, in addition to the required art installation of publicly accessible art on the development site or the adjacent right-of-way within one-fourth mile, an in-lieu contribution may be required from the developer/or property owner when it has been determined that the value of the proposed public art installation is less than the required 1%. The combined total shall be equal to the required 1% of building development costs for

acquisition and installation of publicly accessible art on the development site or the adjacent right-of-way within one-fourth mile.

(Ord. 1200, 6/10/2025)

§ 17.112.030. Applicability.

- A. The provisions of this chapter shall be applicable to publicly accessible private property, public right-of-way, and City-owned property throughout Paramount.
- B. Publicly accessible public art within residentially developed properties shall be restricted to the following areas:
 - 1. Within a common outdoor entry area to a commonly identified housing tract of five or more permitted housing units.
 - 2. Outside or upon a permitted residential or mixed-use with residential building of three or more stories in height.
 - 3. Upon walls, fences, and structures along rear property lines facing a public alley.

(Ord. 1200, 6/10/2025)

§ 17.112.040. Exceptions and waivers.

The requirements of this chapter shall not apply to the following activities:

- A. Americans with Disabilities Act (ADA) compliance projects, not including projects where ADA compliance is a portion of a larger project.
- B. Road, path, and sidewalk repairs, including traffic signals and upgrades, curb and gutter repairs, sign reflectivity, road and parking signage, resurfacing of roads or other existing hardscape areas.
- C. Emergency repair projects.
- D. Cyclical replacement and repair of trails, outdoor furnishings, or fencing.
- E. Studies and plans.
- F. Roof replacement.
- G. Mechanical, security, audio-visual equipment, and information technology (IT) installations, upgrades, and repairs.
- H. Utilities projects unless there is building construction or reconstruction involved.
- I. Seismic upgrades and waterproofing.
- J. Projects where most of the cost is allocated to elements located underground.
- K. Projects where prohibited by federal law, including projects or portions of projects funded by grants from non-City sources that prohibit expenditure of funds for art.

(Ord. 1200, 6/10/2025)

§ 17.112.050. Maintenance.

- A. All public art on private property shall become the property of the developer and/or owner and successor(s) in interest with the exception of public art owned by the City and placed on private property.
- B. The obligation to provide public art maintenance and security, as necessary to preserve the public art in good condition, shall remain with the developer and/or owner with the exception of public art owned by the City and placed on private property.

(Ord. 1200, 6/10/2025)

§ 17.112.060. Use of public art fund.

There is hereby created a public art fund to account for the public art fee and any and all other revenues appropriated or received for public art, including gifts, grants, and donations made to the City for purposes of this chapter. The public art fund shall be self-perpetuating from year to year.

- A. The revenues in such fund shall be used solely for:
 - 1. The acquisition, commission, design, installation, production, presentation, performance, and maintenance of public art identified by Section 17.04.010 (Definitions) of this chapter.
 - 2. No more than 20% of the annual public art fund shall be used for all necessary and reasonable administrative costs incurred in connection with public art program staff or consultant supervision of the public art program and the expenditure of all funds appropriated for public art.
 - 3. Other expenses associated with the implementation and administration of the public art program.
 - 4. Furthering the purpose of public art as defined in this chapter.
- B. All fees collected under this chapter shall be maintained, managed, and reviewed by the City Manager or designee. The City Manager shall present annually to the City Council for approval an annual public art workplan that recommends the use of public art fund monies consistent with the purpose of this section including the administrative costs of the public art program annually, staff support and related expenses; curatorial services; documentation; publicity, community education, and any other services or programs in accordance with the intent of this chapter.
- C. Included Appropriations and Expenditures. Included appropriations and expenditures for public art include:
 - 1. Acquisition of public art through direct purchase or through the design, fabrication, transportation, installation, and presentation of public art.

2. Temporary stages, arenas, and other devices for performance.
3. Artist fees and expenses.
4. Supplies and materials.
5. Costs for insurance, identification plaques, project management by an independent public art consultant, and other reasonable expenses associated with the planning, development, and completion of public art.
6. Other related expenses associated with the implementation and administration of the public art program approved by the Public Art Advisory Committee.

D. Excluded appropriations and expenditures for public art include:

1. Reproductions, by mechanical or other means of original artwork, except in cases of film, video, photography, printmaking, theater, or other media arts.
2. Decorative, ornamental, architectural, or functional elements that are designed by the project architect or other design consultants engaged by the architect as opposed to an artist commissioned for this purpose.
3. Landscape architecture, gardening, or materials generally considered to be components of the landscape designed by the project architect, landscape architect, or other design professional engaged by the architect as opposed to an artist commissioned for this purpose.
4. Art objects that are mass produced (excluding artist-created, signed limited-edition works), ordered from a catalog, or of a standard design, such as playground, sculpture, or fountain.
5. Directional or other functional elements such as signage, supergraphics, color coding, or maps that are designed by architect, landscape architect, or other design professional engaged by the primary designer.
6. Utility costs and expenses related to the ongoing operation of the public art such as electrical, water, or mechanical service required to activate the work.

(Ord. 1200, 6/10/2025)

§ 17.112.070. Public Art Advisory Committee.

To promote, encourage, and advise on policies and programs that affect public access to a wide variety of arts and culture opportunities, a Public Art Advisory Committee (PAAC) appointed by the Mayor and approved by the City Council shall be established.

- A. The PAAC shall be comprised of a minimum of five and up to seven voting members appointed by the Mayor and approved by the City Council to advise on and advocate for public art.
- B. A minimum of two voting members of the PAAC shall be arts professionals with considerable knowledge and experience in the arts. Qualifying arts professionals

may include contemporary museum and gallery art curators, arts management professionals, arts educators, and design professionals such as licensed architects, landscape architects, and urban planners.

- C. A minimum of one member of the PAAC shall be a community stakeholder.
- D. Two members of the PAAC shall be City Councilmembers.
- E. Appropriate City staff may serve as non-voting advisors. Oversight of the PAAC is the responsibility of public art program staff.
- F. The PAAC would convene on an as-needed basis and no less than two times each year. In general, the powers and duties of the PAAC shall be as follows:
 - 1. Establish and approve the public art program mission and curatorial and programmatic goals, policies, and guidelines.
 - 2. Develop an annual public art workplan that charts current and future public art projects and arts and culture programming and determines resources and funding priorities.
 - 3. Make recommendations to the City Council on the expenditure of funds in the public art fund.
 - 4. Make recommendations to the City Council and City Manager concerning the resources and needs of the community about the arts and opportunities for participation of artists.
 - 5. Review and make recommendations to the City Council concerning the removal, relocation, or alteration of existing public art or items of cultural significance in the possession of the City in accordance with the deaccession policy.
 - 6. Review and make recommendations to the City Council concerning gifts and loans of public art to the City in accordance with the gifts and donation of art policy.
 - 7. Explore methods of obtaining private, local, State, and Federal funds to promote public art and public art programming within the City and make recommendations to the City Council on applying for such grants and funds.
 - 8. Encourage public and private partnerships to assure the survival of the arts and artists in the City.
 - 9. Serve as the key advocacy body for the public art program and participate in community outreach activities and events.
 - 10. Adopt rules, regulations, and procedures for the PAAC chair and conduct of PAAC meetings.
 - 11. Advise and assist the City Council in connection with such other public art matters as may be referred to by City staff.

12. Exercise such other and incidental powers not inconsistent with law, necessary to carry out its functions.
(Ord. 1200, 6/10/2025)

§ 17.112.080. City Council role and responsibilities.

A. Included and excluded roles and responsibilities of the City Council:

1. Review, approve, and update the City of Paramount Public Art Master Plan as needed.
2. Approve the annual public art workplan as part of the City's annual budget adoption process, which outlines the projects and expenses the public art program will undertake each year.
3. Consider annual capital improvement program allocations for public art, as outlined in this chapter, as feasible.
4. Approve annual operating allocations for the public art program as part of the City's annual budget process.
5. Make final determinations on PAAC recommendations regarding the commissioning and acquisition of public art on public property and publicly accessible private property in compliance with the City's purchasing policy.
6. Make final determinations on PAAC recommendations regarding deaccession of public art, acceptance of public art gifts and loans, and proposals for memorials and murals on City property, in accordance with each respective policy.

- B. Excluded Roles and Responsibilities. Oversight and/or approval of small-scale art projects identified by Neighborhood Preservation Committee action items in need of immediate attention to preserve the health and safety of the community.
(Ord. 1200, 6/10/2025)

§ 17.112.090. Public art policies and guidelines.

- A. Policies and guidelines for the implementation and administration of public art shall be adopted by the PAAC. Any major changes to the public art policies and guidelines after adoption shall be submitted to the PAAC for review and approval.
- B. Implementation of adopted policies and guidelines is the responsibility of the designated Planning Department staff implementing the public art program.
(Ord. 1200, 6/10/2025)

§ 17.112.100. Processing public art associated with new private development or existing development.

Public art associated with new private development or existing development shall be subject to review and recommended approval from the PAAC with final review and

approval by the City Council pursuant to Section 17.112.070 of this chapter.

- A. A completed public art application to supplement a development review application shall be submitted to the PAAC for public art associated with new development. An application associated with new development shall indicate whether the applicant has elected to acquire and install or make an in-lieu contribution to the public art fund in accordance with California Government Code Section 66007.
- B. The Planning Department shall submit to the PAAC each application to acquire and install public art on new or existing development. The PAAC shall recommend approval, partial approval, or conditional approval, or deny the application based upon guidelines set forth providing their recommendation to City Council for final review and approval.
- C. With public art in publicly accessible places associated with new development or existing development, when the project applicant elects to acquire and install public art, the art in public places application will be reviewed by the PAAC and a recommendation will be made to the City Council for final approval.
- D. With art in publicly accessible places associated with new development, and the PAAC has recommended approval of the art in publicly accessible places application, the certificate of occupancy shall not be issued until the approved public art has been installed unless an in-lieu contribution is made as a deposit to secure the proper installation of the public art within a reasonable period of time as specified by the Planning Director or designee.
- E. When the project applicant has elected to make an in-lieu contribution to the public art development fee, the contribution shall be paid in accordance with Section 66007 of the California Government Code.
- F. If the applicant decides to install public art after making an in-lieu contribution, a bond, letter of credit, or other instrument acceptable to the Planning Director or designee will be necessary to ensure completion of the project before any refunds are issued to pay for public art.

(Ord. 1200, 6/10/2025)

§ 17.112.110. Processing public art on public property.

- A. Public art on public property shall be subject to review and approval from the PAAC, pursuant to Section 17.112.070 of this Code. A single application for multiple works of public art to be installed simultaneously at one or more locations as part of a group, team, or programmatic event is permitted.
- B. A completed art public art application shall be submitted to the Planning Department for public art proposals. A single application for multiple works of public art to be installed simultaneously at one or more locations as part of a group, team, or programmatic event is permitted.
- C. The Planning Department shall submit to the PAAC each application to acquire and install public art. The PAAC shall recommend approval, partial approval, or

conditional approval, or deny the application based upon guidelines set forth with the City Council having the final decision.

(Ord. 1200, 6/10/2025)

§ 17.112.120. Items are not to be considered as public art.

- A. Art objects that are mass produced from a standard design. However, limited productions may be considered with specific restrictions.
- B. Reproductions of original artworks.
- C. Decorative, ornamental, or functional elements that are designed by the building architects opposed to an artist commissioned for the purpose of creating the public art.
- D. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are an integral part of the public art by the artist.
- E. Any artwork that directly promotes a business or service.
- F. Expressions of obvious bad taste, obscenity, indecency, hate speech, or profanity, which would likely be offensive to the general public are unacceptable.

(Ord. 1200, 6/10/2025)

§ 17.112.130. Appeal procedure.

- A. Within 10 calendar days after the date of a recommendation by the Planning Department to the City Council that includes a condition of approval imposing a public art requirement for private development, an appeal from said decision must be filed by the applicant or any other interested party. The appeal shall be submitted to the Planning Department. In the event the last date of appeal falls on a weekend or holiday when the City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such an appeal shall be made on a form prescribed by the Planning Department and shall be filed with the Planning Department to the attention of the Planning Director, along with any appropriate fees required. The appeal application must be complete and shall state specifically wherein it is claimed there was an error or abuse of discretion by the PAAC or wherein the PAAC's decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, including any and all constitutional claims, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues during the appeal and/or in court.
- B. If proposed public art or art project is denied by the PAAC, an appeal process may be initiated by an applicant only based on a process stated in this chapter or in the guidelines and policies adopted not having been followed. Within 10 calendar days after the date of denial of proposed public art or an art project by the PAAC, an appeal from said decision must be filed by the applicant or any other interested

party. The appeal shall be submitted to the Planning Department. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last day of appeal. Such an appeal shall be made on a form prescribed by the Planning Department and shall be filed with the Planning Department and submitted to the Planning Director, along with any appropriate fees required. The appeal application must be complete and shall state specifically wherein it is claimed there was an error or abuse of discretion by the PAAC or wherein the PAAC's decision is not supported by the evidence in the record. The appeal itself must raise each and every guideline and/or policy that is contested, including all constitutional claims, along with all the arguments and evidence in the record, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues during the appeal and/or in court.

(Ord. 1200, 6/10/2025)