

Chapter 12.51

ART IN PUBLIC PLACES PROGRAM

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12.51.010 Public art in new commercial, industrial and residential construction.

A. Cultural and artistic assets should be included in private development projects because it is important that those projects contribute to the development of private property in a manner that benefits the public.

B. The visual and aesthetic quality of development projects has a significant impact on property values, the economic well-being of the City and its orderly development.

C. The City of Livermore's general plan establishes cultural and historical, recreational, park and open space land use policies. This chapter is consistent with the cultural and historic component of the City's general plan by providing an opportunity for the design of new projects to incorporate public art. It is also consistent with the goals and objectives of the revitalization strategy of the downtown specific plan.

D. This chapter is also consistent with the City of Livermore successor agency 2004-2009 five-year implementation plan, which has as one of its goals the development of an arts and culture component to make Livermore's downtown a "center for the arts." This can be readily accomplished by the installation of public art within the Livermore successor agency project area and by the support through funding and setting of priorities of cultural arts programming in the downtown.

E. The public's understanding, enjoyment and experience of cultural diversity will be increased by the variety of artistic projects and cultural arts programs to be provided in compliance with this chapter.

F. The public art provided pursuant to this chapter shall include, without limitation, the preservation of Livermore's historic, artistic, cultural and agricultural traditions.

G. The incorporation of public art into private development will create a unique sense of community as well as public identity and will enhance the visual and aesthetic quality of such developments for commercial, residential and visitor activity, particularly in the downtown. The funding of cultural arts programs throughout the City will greatly benefit the citizens of the City of Livermore and will foster economic revitalization in the City.

H. A cultural arts fee task force was convened by the City Council during the summer of 2007, made up of members of the cultural arts council, community groups, the chamber of commerce and the Commission for the Arts, to discuss the appropriateness of the fee amount, the duration of the fee and to consider the possibility of alternate funding sources for public art, which such suggestions have been incorporated into this chapter. (Ord. 2065 § 1(A), 2018; Ord. 2035 § 1 (Exh. B), 2016; Ord. 1971 § 1(E), 2012; Ord. 1836 § 1, 2008)

12.51.020 Definitions.

A. "Construction costs" means the total value of the development project as determined by the community development department and indicated by the building official on the building application submitted to the department in order to obtain a building permit, or permits, for the development project. Building permit applications shall include, but not be limited to, all grading, building, plumbing, mechanical, and electrical permit applications for the project.

B. "Development" or "development project" means a project involving the construction of a new building or the rehabilitation, renovation, remodeling or improvement of an existing building. An existing industrial/commercial building that is added onto with a construction area greater than or equal to 25 percent of the original square footage of the building, as determined by the building official, shall also be subject to the requirements of this chapter. "Development" or "development project" as herein defined shall include any and all residential development over four units, commercial development, including office and retail uses or office and residential uses, and industrial or light industrial uses throughout the City of Livermore, subject to the following exemptions: remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity; seismic retrofit projects as defined by the Livermore Municipal Code; fire sprinkler installation projects as defined by the Livermore Municipal Code; all residential remodeling; all commercial alterations; the installation of any accessory structures; below market rate housing units and structures designated as historic pursuant to the Livermore general plan, the Livermore Development Code or the downtown specific plan. As of the effective date of the ordinance codified in this chapter, those projects for which applications are deemed complete shall also be exempt from this chapter.

C. "Nonprofit agency" shall mean a corporation organized under Internal Revenue Code Section 501(c)(3), in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing, reporting, and tax requirements.

D. "Program allocation" shall mean the dollar amount equal to one-third of one percent of the construction costs of a development project covered by this chapter.

E. "Public artwork" means works of art created by artists as unique and original works, in any medium including but not limited to painting, drawing, printmaking, photography, calligraphy, ceramic, sculpture, glass, liquid, water features, murals, light earthworks, conceptual and temporal pieces, functional elements if designed by a professional artist, and art that is integrated into a project's architecture. It may include space for exhibitions, displays or demonstrations and public performances. The artwork may be created through collaboration between the Commission for the Arts, the artist and the community.

F. "Public art fund" means a fund established and maintained by the City of Livermore for the purpose of funding public art and cultural programming consistent with the public art policy, and administered by the Commission for the Arts.

G. "Public art in-lieu contribution" shall mean that payment by an owner or developer into the public art fund in an amount that is in lieu of installation of public art on site.

H. "Public art policy" means that policy adopted by the City Council and which directs and guides the Commission for the Arts relative to the implementation of the public art program.

I. "Public place" means any area on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk. (Ord. 2065 § 1(A), 2018; Ord. 2045 § 1(A), 2016; Ord. 2035 § 1 (Exh. B), 2016; Ord. 2016 § 1(A), 2015; Ord. 1901 § 3 (Exh. A § 24), 2010; Ord. 1836 § 1, 2008)

12.51.030 Requirement to provide public art or pay in-lieu contribution.

A. Private developments shall devote an amount not less than the program allocation amount for acquisition and installation of public art in the development project, such amount to be determined by the building official. The public art shall be installed on the development site in a location that allows the public art to be visible from a public right-of-way or from other public property.

B. In lieu of acquisition and installation of public artwork on the development site, an owner or developer, at its discretion, may deposit a public art in-lieu contribution in an amount equal to the program allocation into the Livermore public art fund established by LMC [12.51.040](#) for acquisition and installation of public art. The public art in-lieu contribution shall be paid prior to the issuance of a building permit. Project applicants shall indicate on their entitlement application that they wish to make a public art in-lieu contribution.

C. Subject to the approval of the Commission for the Arts, an owner or developer may incorporate into the development public art that has a value lower than the program allocation, as determined by the Commission for the Arts, and pay a public art in-lieu contribution to the public art fund for the balance of the program allocation.

D. Deferred Fee Program. The City Council may, by resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes. (Ord. 2065 § 1(A), 2018; Ord. 2035 § 1 (Exh. B), 2016; Ord. 1879 § 7, 2009; Ord. 1836 § 1, 2008)

12.51.040 Livermore public art fund.

A. There is hereby created the Livermore public art fund to account for the public art in-lieu contributions made pursuant to LMC [12.51.030](#) and any and all other revenues appropriated or received for public art. The revenues in such fund shall be used solely for: (1) the acquisition, commission, design, installation, improvement, maintenance and insurance of public art; or (2) other expenses associated with implementation of the Livermore public art policy.

B. The Livermore public art fund shall be distributed annually as follows: no more than 10 percent of the annual Livermore public art fund shall be used as an administrative fee for processing the public art application, approving the public art, coordinating and developing cultural programs, monitoring, compliance, or any other administrative task related to the implementation of the Livermore public art policy.

C. The balance of the Livermore public art fund shall be distributed for public art as follows: (1) 80 percent designated for acquisition, commission, design, installation, improvement, maintenance and insurance of public art to be placed at locations determined by the City Council; and (2) 20 percent designated for arts and cultural programming.

D. The Commission for the Arts shall recommend annually to the City Council for approval a list of public art priorities to be used in the selection of applicants seeking public art funding consistent with the purpose of this section. The public art priorities shall be administered by the community development department. (Ord. 2065 § 1(A), 2018; Ord. 2045 § 1(A), 2016; Ord. 2035 § 1 (Exh. B), 2016; Ord. 1836 § 1, 2008)

12.51.050 Permissible expenditures.

Expenditures of funds may include, but are not limited to, the following uses:

A. The cost of the public art itself including the artist's fee for design, structural engineering and fabrication; transportation and installation of the work at the site; identification signs, if any; and mountings, anchorages, containments, pedestals, bases, or materials necessary for the proper presentation and installation of the art.

B. Waterworks, lighting and other objects which are an integral part of the artwork.

C. Walls, pools, landscaping or other architectural elements necessary for the proper aesthetic and structural placement of the artwork.

D. Maintenance and repair of public art funded through the art in public places fund.

E. The design, construction, operation and maintenance of art gallery space or cultural arts' display, demonstration and performance space to be utilized by individuals and nonprofit arts organizations for arts and cultural programming.

F. Building the functional capacity of eligible nonprofit organizations devoted to the development of arts and culture in Livermore.

G. Developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Livermore community.

H. Funding the design, construction, operation and/or maintenance of cultural and/or arts' facilities, either at the development or off site. (Ord. 2035 § 1 (Exh. B), 2016; Ord. 1836 § 1, 2008)

12.51.060 Processing.

The requirements and procedures for the processing of a request to install public art shall be as follows:

A. Upon submission of a project application subject to the requirement of the public art fee, the community development department shall provide a copy of this chapter to the applicant and inform them of the requirement to submit an application form for public art if they choose to provide public art.

B. When received, the community development department shall forward the application form for public art to the staff liaison for the Commission for the Arts, indicating the valuation of the project calculated by the community development department to determine building permit fees, if such valuation can be determined at the time of submittal. The staff liaison for the Commission for the Arts shall review the application for completeness and contact the applicant to coordinate a commission review of the proposed public art. The applicant shall enter into an agreement with the City, which shall be recorded against the property, to ensure that the public art is maintained for a minimum period of 30 years.

C. To the maximum extent possible, processing of the request to install public art shall be concurrent and coordinated with the project application, if any, for the development project.

D. The Commission for the Arts shall approve, conditionally approve or deny the request to install public art based upon these guidelines and guidelines contained in the art in public places policy and procedures manual. When the project applicant has elected to acquire and install an artwork, the building permit for the development project shall not be issued until the Commission for the Arts has approved the request to install public art, and the certificate of occupancy shall not be issued until the approved work of art has been installed.

E. The project applicant may appeal any decision rendered hereunder by the Commission for the Arts to the City Council for final decision. (Ord. 2065 § 1(A), 2018; Ord. 2045 § 1(A), 2016; Ord. 2035 § 1 (Exh. B), 2016; Ord. 2016 § 1(A), 2015; Ord. 1836 § 1, 2008)

12.51.070 Guidelines for public art.

A. Guidelines for the approval and maintenance of public art shall be adopted by the City Council, upon recommendation by the Commission for the Arts. Guidelines shall be adopted within 60 days of the effective date of the ordinance codified in this chapter.

B. The guidelines shall include standards for reviewing an application for the installation of public art in accordance with the following objectives:

1. The artwork shall be clearly visible and easily accessible to the public.
2. The art in public places application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork.
3. The composition of the artwork shall be of a permanent type of materials in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance.
4. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
5. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art.
6. The artwork shall be a permanent, fixed asset to the property.
7. The artwork shall be maintained by the property owner in a neat and orderly manner acceptable to the City, unless the artwork is installed on property owned by the City, in which case the City shall maintain the artwork. (Ord. 2065 § 1(A), 2018; Ord. 2035 § 1 (Exh. B), 2016; Ord. 1836 § 1, 2008)

12.51.080 Location and relocation of public art.

A. The public art must remain on the project site for not less than 30 years from the original installation date. When and if the development project is sold within 30 years from the installation date, the public art must remain at the development for which it was created and may not be claimed as the property of the seller or removed from the development or its location as approved by the Commission for the Arts. In the event that a property is to be demolished within said 30-year period, the owner must relocate the public art to another publicly accessible, permanent location that is approved in advance by the Commission for the Arts. In the event the property is redeveloped, the new project shall meet all of the requirements of this chapter and use the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period.

B. A property owner may petition the Commission for the Arts to relocate the public art to another publicly accessible location on the development project site.

C. In the case of removal of the public art for any reason prior to the expiration of the 30-year period, the developer or owner of the development project must notify the City at least 30 days in advance of the removal, and must replace the public art within six months of its removal, meeting all of the requirements of this chapter and using the same approval process, or pay an amount equal to the remaining portion of the public art in-lieu contribution prorated over said 30-year period.

D. Any removal, relocation, or replacement of the public art must be consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law. The developer or owner shall execute a restrictive covenant in a form acceptable to the City Attorney enforceable by the City, which shall be recorded against the project site and shall run with the land for a period of 30 years from the installation date.

E. In the event the public art is stolen, destroyed or vandalized within said 30-year period, the developer or owner must replace the public art within six months of its theft, destruction or vandalism, meeting all of the requirements of this chapter and using the same approval process, or pay an amount equal to the remaining portion of the

public art in-lieu contribution prorated over said 30-year period. (Ord. 2065 § 1(A), 2018; Ord. 2035 § 1 (Exh. B), 2016; Ord. 1836 § 1, 2008)

12.51.090 Endowments.

The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in LMC [12.51.040](#) and [12.51.050](#) as recommended by the Commission for the Arts and approved by the City Council. (Ord. 2065 § 1(A), 2018; Ord. 2035 § 1 (Exh. B), 2016; Ord. 1836 § 1, 2008)

The Livermore Municipal Code is current through Ordinance 2175, passed June 23, 2025.

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

