

11-20 ART IN PUBLIC PLACES:

11-20.1 Definitions:

Applicant means the owner of the property, tenant, lessee, sublessee, licensee, or any other person utilizing the property and seeking the required permits.

Artwork means art including, but not limited to, the following categories: sculpture, murals, mosaic and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.

Decorative work means work made by mass production processes and not original artwork.

Project means any development, construction, reconstruction, remodel, or erection of any structure, building, parking lot, or sign.

Project cost means the total value of a project, excluding the land value; as determined by the building official, and indicated on the building permits issued by the city for that project.

Public place means any exterior area on public or private property, which is accessible and visible to the general public. (Ord. #1575, §1; Ord. #1603, §1)

11-20.2 Purpose:

The city council of the city of Lynwood hereby finds that development in the city of Lynwood should be beneficial to the public health, safety and general welfare. Artistic resources enhance the quality of life for residents living in, working in and visiting the city. Balanced development and artistic resources preserve and improve the quality of the urban environment. As development increases the need to erect, create, develop and contribute to public art is necessary. (Ord. #1575, §1)

11-20.3 Requirements To Provide Artwork Or Pay In Lieu Contribution:

When a project is subject to the requirements of this section, the applicant shall comply with provisions of either of the following subsections:

a. Artwork Acquisition And Installation: The project applicant shall acquire and install an artwork in a public place on or in the vicinity of the project site. The artwork and the place of the artwork must be approved by at least three-fifths (3/5) of the entire body of the city council pursuant to this section. The cost or value of such artwork as approved by the city council shall not be less than the amount of the in lieu contribution that would otherwise be made under subsection [11-20.3b](#) of this section. In the event that the 1.5 percent of the total project cost exceeds the value of the artwork

purchased and approved, the applicant shall acquire and install the artwork that is less than the 1.5 percent of the total project cost and pay the difference between the artwork acquired and the 1.5 percent fee.

b. In Lieu Contribution: In lieu of acquiring and installing an artwork, project applicants shall contribute funds to the art in public places fund equal to one and one-half percent (1.5%) of the total project cost, unless otherwise provided by the city council. Project applicants must indicate on their art in public places applications that they wish to make an in lieu contribution. (Ord. #1575, §1)

11-20.4 Projects Subject To Art In Public Places Requirements:

a. Applicable: The requirements of this section shall only apply to the following projects:

1. Commercial or industrial developments, having a total project cost, excluding any fees pursuant to this section, in excess of one hundred thousand dollars (\$100,000.00);
2. Residential developments, including single-family homes, having a total project cost, excluding any fees pursuant to this section, in excess of one hundred thousand dollars (\$100,000.00).

b. Exceptions: The requirements of this section shall not apply to the following activities:

1. All public work and governmental agency projects;
2. Reconstruction of structures, which have been damaged by fire, flood, wind, earthquake or other calamity;
3. Religious, hospital, scientific or charitable organizations if the project is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code section [214](#). (Ord. #1575, §1)

11-20.5 Processing:

The requirements and procedures for the processing of an art in public places application shall be as follows:

- a. Upon submission of a project application subject to the requirements of this section, the city manager or his designee shall provide to the applicant a copy of the ordinance and an art in public places application form.
- b. The project applicant shall submit to the city manager or his designee a completed art in public places application form in a timely manner as set forth under the guidelines established by the city manager or his designee.

c. The application shall then be submitted to the city council for final action. The city council shall approve, approve in part, conditionally approve or deny the application based upon the guidelines set forth in this section and a determination of whether the value equals or exceeds the amount of the in lieu contribution, which the application seeks to satisfy.

d. When the project applicant has elected to acquire and install an artwork, the building permit shall not be issued until the city council has approved the art in public places application, and the certificate of occupancy shall not be issued until the approved work of art has been installed unless an in lieu contribution is made as a deposit to secure the proper installation of the artwork within a reasonable period of time as specified by the city manager or his designee.

e. When the project applicant has elected to make an in lieu contribution to the art in public places fund, the building permits shall not be issued until such contribution has been paid.

f. If the applicant decides to install artwork after making an in lieu contribution, a bond, letter of credit, or other instrument acceptable to the city manager or his designee will be necessary to ensure completion of the project before any refunds are issued to pay for artwork. (Ord. #1575, §1; Ord. #1603, §2)

11-20.6 Required Plans And Materials:

If the applicant desires to acquire and install the artwork, the applicant shall submit the following for review to the city council:

a. A site plan depicting:

1. The complete dimensions of the lot and site plans;
2. All existing and proposed buildings and structures;
3. All existing and proposed street dedications and improvements thereon, including the location and nature of all street improvements in the public right of way;
4. All easements;
5. The location of all utility services;

b. Drawings, renderings, or sketches showing the artwork itself, including, but not limited to, colors, dimensions, illumination, and materials;

c. Architectural drawings, renderings, or sketches showing all elevations of the proposed buildings, structures, and artwork as they will appear upon completion and the texture and color of all construction materials to be used;

- d. All existing and proposed yards and spaces between buildings and structures;
- e. All existing and proposed walls, fences, and landscaping, including the location, height, area, color, nature, and type of design and material composition for the walls and fences;
- f. A landscape plan showing the location of the trees and shrubs (proposed to be removed, retained, or installed), the amount, height, type, and location of landscaped areas, planting beds, and plant materials, and provisions for irrigation;
- g. All existing and proposed lighting, including the location and general nature of both off site and on site lighting, the proposed intensity thereof, and the diffusion thereof;
- h. All existing and proposed outdoor and indoor storage activities including, but not limited to, the nature of such storage, its location, and the proposed height and type of screening for such storage, including the design, color, and material composition thereof;
- i. The exterior lighting plan showing the location, materials, and colors of the illumination;
- j. Such other drawings or additional information necessary to adequately consider the drawings set forth in this section and determine compliance with the purpose and intent of the artwork review process. (Ord. #1575, §1; Ord. #1603, §4)

11-20.7 Guidelines:

The city council may use the following guidelines in making its recommendations or decisions:

- a. The artwork shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site.
- b. The composition of the artwork shall be of a permanent type of material in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance.
- c. 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.
- d. The artwork shall be permanently affixed to the property.
- e. The following items are not to be considered:
 - 1. Decorative, ornamental or functional elements that are designed by the building architect as opposed to an artist commissioned for the purpose of creating the artwork;
 - 2. Landscape architecture and landscape gardening except where these elements are designed

or approved by the artist and are an integral part of the artwork by the artist;

3. Any artwork that promotes a business or service;

4. Services or utilities necessary to operate or maintain the artwork. (Ord. #1575, §1; Ord. #1603, §5)

11-20.8 Maintenance Of Artwork:

a. If the applicant elects to acquire and install the artwork, the artwork shall be maintained by the property owner in a safe, neat and orderly manner at all times acceptable to the city. Any repair and maintenance shall be the responsibility of the applicant and completed in accordance with a maintenance plan approved by the city.

b. If the applicant elects to acquire and install the artwork, the artwork shall remain the property of the applicant and shall be replaced in the event of theft, or repaired in the event of damage. Artwork shall be insured for the full replacement value. Art may not be removed without prior approval from the city council. If removal is granted, an in lieu contribution equal to the value of the artwork shall be made to the city's art in public places fund.

c. If the applicant elects to pay the fees in lieu of the acquisition and installation of the artwork, any artwork acquired and installed shall remain the property of the city. In this case, the city shall be responsible for maintenance and repair of the artwork. (Ord. #1575, §1; Ord. #1603, §6)

11-20.9 Indemnification And Insurance:

a. If the applicant elects to acquire and install the artwork and prior to the issuance of building permits, the property owner, or applicant, shall execute and record with the Los Angeles County recorder, covenants, conditions and restrictions in form and content approved by the city manager or his designee and the city attorney providing the following:

1. The applicant's successors and assigns shall keep the artwork in good repair.
2. The applicant shall execute a document agreeing to hold the city of Lynwood, its officers, directors, employees, volunteers, and agents free and harmless from any loss, liability, damage or cost sustained by any person or property, to the extent that the loss, liability, damage or cost arises out of the installation, operation, or use of the artwork.
3. The applicant shall furnish the city manager or his/her designee a certificate of insurance evidencing that the applicant has then in force a liability and property damage insurance policy with the following requirements:

(a) A policy or policies of broad form comprehensive general liability insurance with minimum limits of one million dollars (\$1,000,000.00) combined single limit coverage

against any injury, death, loss, or damage as a result of wrongful or negligent acts by applicant, its officers, directors, employees, agents, and independent contractors related to the artwork.

(b) The city, its officers, employees, volunteers, and agents shall be named as additional insureds. Property damage insurance with a minimum limit of five hundred thousand dollars (\$500,000.00) naming the city, its officers, employees, volunteers, and agents as additional insureds.

(c) The applicant shall keep the insurance in force during all times it maintains the artwork. The certificate of insurance filed with the city shall include a statement by the insurance carrier that thirty (30) days' notice will be given to the city before cancellation. (Ord. #1575, §1; Ord. #1603, §6)

11-20.10 Art In Public Places Fund:

a. Accounting: Any monies collected in accordance with the in lieu contribution provisions of this section shall be deposited in a separate account denominated as the "art in public places fund". The city manager or his designee shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in this section.

b. Administrative Costs; Purchase Of Artwork: Not to exceed fifteen percent (15%) of in lieu fees paid shall be set aside to cover the city's administrative costs related to implementing, administering, overseeing, and updating the program. Up to ten percent (10%) of in lieu fees shall be set aside for maintenance of city owned artwork or decorative work. The remaining seventy five percent (75%) of in lieu fees paid shall be available for the purchase or commissioning of artwork or decorative work.

c. Use Of Fund: The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent and purpose of this section. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations specifically designated for public art or related purposes. Such sums may be expended as set forth in subsection [11-20.10d](#) of this section as approved by the city council.

d. Permissible Expenditures: Expenditures of funds shall be limited to the following uses:

1. The cost to purchase, maintain, repair and install the artwork;
2. The cost to purchase, maintain, repair and install the waterworks, landscaping, lighting and other objects which are an integral part of the artwork;
3. The cost to purchase, maintain, repair and install the frames, mats, pedestals, and other

objects necessary for the proper presentation of the artwork;

4. The cost to purchase, maintain, repair and install the walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the artwork;

5. In the event repair of the artwork is required, the city shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee, the city may proceed to contract for such repair with another qualified artist.

e. Administration:

1. The art in public places fund shall be administered by the city manager or his designee.

2. The city manager or his designee shall make recommendations to the city council concerning the purchase or commissioning of artworks, including:

(a) Locations that should be considered for artworks; and

(b) The medium of the proposed artwork; and

(c) The artist whose work should be considered for placement in the recommended location.

3. Selection of artists and artworks shall be based on the guidelines set forth in this section, as approved by the city council.

4. The city may contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the artwork.

5. On site activities in connection with the artwork installation shall be coordinated by the city manager or his designee. (Ord. #1575, §1; Ord. #1603, §7)

11-20.11 Administration Of Approved Plans:

If there is substantial change from the original design or plans of either the artwork or the project, the matter or plans shall be resubmitted to the committee, subject to all of the provisions of this section, as if it were a new application. (Ord. #1575, §1; Ord. #1603, §8)

11-20.12 Further Rules And Regulations:

The city council reserves the right to adopt by resolution additional rules and regulations which shall become effective immediately upon adoption, governing the implementation of the specific procedures of this section. (Ord. #1575, §1; Ord. #1603, §8)

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