

HERITAGE ARTWORK IN PUBLIC PLACES PROGRAM

§ 38.40 - CREATION AND INTENT.

- (A) This subchapter may be known and cited as the "City of Santa Fe Springs Heritage Artwork in Public Places Program." The intent of this program is twofold:
- (1) To provide a collection of nationally recognized permanent and temporary artwork throughout the city to be of public benefit. The program is designed to expand the opportunities for residents and visitors to experience artistic, historic, and cultural aspects of Santa Fe Springs through the placement of artwork in public places that may feature but is not limited to the historic periods of Native American, Spanish Mexican, Turn of the Century Ranching, and Industrial/Modern; and
 - (2) To generate funding to support a range of artistic and cultural activities and venues, that may include but are not limited to, youth-oriented public art events, live theatre, music and dance festivals, museum activities, arts education, and facilities that support the creation, performance, and exhibition of art.
- (B) The Heritage Artwork in Public Places mandate may be satisfied by acquiring and installing artwork in public places in the City of Santa Fe Springs or by depositing the funds in the Heritage Artwork in Public Places Fund.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.41 - DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Artist. A person who has established a reputation of artistic excellence in the visual, performing, literary, or media arts, as judged by peers, through a record of exhibitions, public commissions, sale of works and/or educational attainment.

Artwork. Publicly accessible artistic and cultural facilities, services and/or amenities encompassing all cultures through the broadest possible range of expression, media and materials, including:

- (1) The services of, or work by, an artist who produces art in any medium or material, including, but not limited to, the visual, performing, literary and media arts;
- (2) Artistic and cultural facilities such as exhibition space, performance or rehearsal space, artist studio space and arts education facilities;
- (3) The provision of artistic and cultural services, including the sponsorship of performing arts;
- (4) The restoration or replication of original decorative ornament and artwork as part of the rehabilitation of historic, cultural and architectural landmarks; and
- (5) Artistic or cultural amenities in accordance with the Heritage Artwork in Public Places policies and implementation procedures.

Development Project.

Project Costs. The total value of the improvements for a project as indicated on the building permits issued by the city's Building Division, Department of Planning and Development.

Public Place. Any area on public or private property which is open and to the general public a minimum of five days a week during normal business hours.

Publicly Accessible. Unobstructed and unrestricted access to the artwork without security check-in or clearance, invitation, or the perception that appropriate business must be conducted at the site.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.42 - PROJECTS SUBJECT TO HERITAGE ARTWORK IN PUBLIC PLACES PROGRAM REQUIREMENT.

(A) The requirements of this subchapter shall apply to the following activities:

- (1) New residential, commercial, or industrial development having total project costs of \$300,000 or more as determined by the city's valuation of building permits issued for the development;
- (2) Expansion of existing buildings, remodeling of existing buildings, or tenant improvements to existing buildings, when any such work has a building permit valuation of \$300,000 or more;
- (3) A development project consists of all facilities combined within the development site that require a building permit.

(B) The value of land is excluded from this requirement.

(C) The requirements of this subchapter shall not apply to the following activities:

- (1) Reconstruction of structures which have been damaged by fire, flood, wind, earthquake, or other calamity.
- (2) Facilities dedicated to exclusive use by a formally constituted non-profit organization providing religious or cultural activities (i.e., museums, theatres, and performing arts centers) available to a broad public.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.43 - REQUIREMENT TO PROVIDE ARTWORK OR PAY IN-LIEU CONTRIBUTION.

When a project is subject to the requirements of this subchapter, the developer shall comply with provisions of either divisions (A) or (B) of this section or a combination of both.

(A) *Artwork contribution.*

- (1) When project costs equal or exceed \$300,000, the project developer shall acquire and install artwork in a public place on or in the vicinity of the project site as approved by the City Council pursuant to this subchapter.
- (2) The cost or value of such artwork shall equal not less than one percent of the total project costs excluding land.

- (3) The developer may acquire and install artwork in a public place not on the developer's property, subject to the approval of the City Council. Installation of artwork not on the developer's property shall be permitted if the City Council determines that the developer agree that installing the artwork on the developer's property would not achieve the purposes of the Heritage Artwork in Public Places Program or would cause the artwork to be so isolated as to make it minimally visible to the public at large.

(B) *In-lieu contribution.*

- (1) Pursuant to § 38.47, the Heritage Artwork in Public Places Fund (the "Fund") is created. When project costs equal or exceed \$300,000, the developer has the option to pay to the Fund an amount equal to one percent of the total project costs excluding land. This payment shall be made in lieu of acquiring and installing artwork.
- (2) The in-lieu payment shall be made by the developer prior to issuance of a building permit, unless otherwise provided by the City Council.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.44 - COMPLIANCE.

- (A) When the developer, with the concurrence of the city, has elected to acquire and install an artwork, the building permit shall not be issued until the City Council has received and approved the Heritage Artwork in Public Places application, conceptual art plan, and final report. The certificate of occupancy shall not be issued until the approved artwork has been completed in compliance with this subchapter.
- (B) When a developer has elected to pay the Heritage Artwork in Public Places in-lieu fee, no building permit shall be issued until such fee has been paid.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.45 - HERITAGE ARTS ADVISORY COMMITTEE; OPERATIONS.

- (A) The Heritage Arts Advisory Committee (HAAC) is hereby created as a committee appointed by the City Council to advise on the city's Heritage Artwork in Public Places Program. The HAAC shall consist of a maximum of nine voting and six nonvoting members who may be reappointed at the discretion of the City Council and shall include the following unless otherwise directed by the City Council:
- (1) A member of the Planning Commission.
 - (2) A member of the Chamber of Commerce and Industrial League.
 - (3) A member of the Historical and Community Preservation Advisory Committee.
 - (4) A member of the Family and Human Services Advisory Committee.
 - (5) A member directly appointed by a City Council member, with each City Council member being entitled to one direct appointment.
 - (6) The City Manager or designee, in a nonvoting capacity.
 - (7) The Director of Community Services or designee, in a nonvoting capacity.

- (8) The Director of Planning and Development or designee, in a nonvoting capacity.
- (B) The responsibility of the HAAC is to review and make recommendations to the City Council relative to the acquisition of artwork for public places. Duties include, but are not limited to, the following:
 - (1) Establish and approve Heritage Artwork in Public Places Program policies and guidelines.
 - (2) Review Heritage Artworks in Public Places applications and advise on the proposed artist, artwork, budget and location among other considerations.
 - (3) Recommend action to the City Council on Heritage Artworks in Public Places applications.
 - (4) In consultation with the City Manager or designee, prepare a Heritage Artwork in Public Places Program annual report to the City Council including proposed expenditures from the Heritage Artwork in Public Places Fund.
 - (5) In consultation with the City Manager or designee, ensure the inspection of the condition of the artwork in the city's collection and report on needed maintenance and repair.
 - (6) Recommend action to the City Council on proposed donations of artwork to the city in accordance with the Donations of Artwork Policy.
 - (7) Recommend action to the City Council on proposed deaccessioning of artwork in accordance with the Deaccessioning of Artwork Policy.
 - (8) Provide public art advocacy, community education, and awareness.
- (C) The terms of five voting members shall expire in even numbered years and the terms of four appointed voting members shall expire in odd numbered years.
- (D) The HAAC shall be subject to those provisions of Chapter 32 of this code applying to all commissions and committees, and any other rules the City Council may adopt, unless such rules or provisions are inconsistent with this chapter.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14; Am. Ord. 1111, passed 1-9-20; Am. Ord. 1112, passed 9-24-20; Ord. 1151, passed 1-14-25)

§ 38.46 - GUIDELINES FOR ARTWORKS.

Guidelines for the approval and maintenance of artworks shall include but are not limited to the following criteria:

- (A) Location of the artwork shall be in an area on public or private property that is publicly accessible, allowing unobstructed and unrestricted access to the artwork.
- (B) The artwork shall be constructed of permanent materials requiring a low level of maintenance.
- (C) The following do not meet the criteria to be considered as an art piece in the Heritage Artwork in Public Places Program and, therefore, are unacceptable:
 - (1) "Art objects" which are mass produced or of standard design, such as functional equipment, fountains, or statuary objects.

- (2) Reproductions or replicas, by mechanical or other means, of original works of art except in the cases of photography, printmaking or other media arts.
- (3) The architecture of the building or facility, or any portion thereof, including decorative, ornamental, or functional elements unless designed by a qualified artist specifically commissioned for this purpose.
- (4) Landscape architecture and landscape gardening, except where these elements are designed by an artist specifically commissioned.
- (5) Directional elements such as super graphics, signage, or color coding.
- (6) Services or utilities necessary to operate or maintain the public art over time.
- (D) Expressions of obvious bad taste or profanity, which would likely be offensive to the general public, are unacceptable.
- (E) The artwork shall be in substantial compliance with any Heritage Artwork in Public Places policies, implementation procedures, and developer guidelines adopted by the HAAC and City Council.
- (F) The continued maintenance of the artwork shall be the responsibility of the developer or its successors throughout the lifetime of the artwork, unless otherwise negotiated and approved by the City Council.
 - (1) The developer shall enter into a covenant obligating the developer or successors in interest to maintain the artwork over the life of the artwork unless otherwise negotiated and approved by the City Council.
 - (2) In the event the developer of the property wishes to remove on-site art work, the city must be notified in writing prior to its removal. The developer shall be required to replace the artwork with an artwork of equal value to the acquisition value or current value as determined by an independent art appraiser, whichever is greater. The replacement artwork shall be subject to the same artwork selection process as the original artwork. The developer shall be required to notify the artist prior to removal pursuant to the requirements of the California Preservation of Works of Art Act and the Federal Visual Artists Rights Act (VARA).
 - (3) If the artwork is removed, stolen or destroyed beyond repair, the owner shall be responsible for the replacement of the artwork or must pay an amount equivalent to the original requirement into the Fund.
- (G) The HAAC shall ensure the regular review of all artwork in the collection. The Committee shall ensure the inspection of the condition of each piece for any damage and maintenance problems, including lighting and landscaping of the piece. Current property owners shall be informed of the Committee's findings and recommendations.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.47 - HERITAGE ARTWORK IN PUBLIC PLACES FUND.

- (A) A Heritage Artwork in Public Places Fund (Fund) shall be established and shall continue from year to year unless specifically terminated by the City Council.

- (B) *Accounting.* Any monies collected in accordance with the in-lieu contribution provisions of § 38.43 shall be deposited in a separate account entitled the "Heritage Artwork in Public Places Fund." The City Manager or 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 division (C) of this section.
- (C) *Budget.* The Heritage Artwork in Public Places Program shall have an annual administrative budget that shall be included as part of the city's budget.
- (D) *Use of Fund.* The Heritage Artwork in Public Places Fund may only be used to support:
- (1) Selection, acquisition and installation of public artwork;
 - (2) Maintenance and restoration of public artwork;
 - (3) Generational or intergenerational art education programs and events;
 - (4) Live theatre, music and dance festivals;
 - (5) Museum activities;
 - (6) Facilities that support the creation, performance, and exhibition of art;
 - (7) Artwork identification plaques and signage;
 - (8) Publicity and promotional materials for public art programs and functions;
 - (9) HAPP administration; and
 - (10) Training and development for members of the HAAC.
- (E) *Administration.* The Fund shall be administered by the City Council. The Heritage Arts Advisory Committee (HAAC) shall provide a Heritage Artwork in Public Places Program annual report to the City Council on:
- (1) The provision of on-site art installations and arts services, programs, facilities and amenities; and
 - (2) The use of all in-lieu fees collected and deposited in the Fund, including identification of all income, expenditures, and balances of each of the accounts in the Fund during the prior fiscal year and its recommendations for proposed expenditures for the subsequent fiscal year.
 - (3) Upon receipt of such report, the City Council shall authorize expenditures from the Fund.
- (F) Selection of artists and artworks shall be based on the guidelines set forth in § 38.46. Recommendations for other expenditures shall be based on the guidelines set forth in § 38.47.
- (G) *Endowments.* The Heritage Artwork in Public Places Fund shall also be used as a depository for endowments, bequests, grants, and donations. Such sums may be expended as set forth in division (C) of this section as approved by the City Council.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)

§ 38.48 - HERITAGE ART EDUCATION ENDOWMENT FUND.

- (A) The Heritage Art Education Endowment Fund is hereby created. Funds contributed shall be invested and the principal shall remain intact in perpetuity. The principal shall be invested to produce earnings that shall be

available exclusively to support youth-oriented arts programs and events.

- (B) When the principal reaches a total of \$500,000, interest from the principal shall be used to support youth-oriented arts programs and events which will no longer be funded through the Heritage Artwork in Public Places Fund.
- (C) Donations may be made to this Fund by organizations, businesses, or individuals wishing to support arts programming for youth.
 - (1) *Accounting.* All monies contributed to this fund shall be deposited in a separate account entitled "Heritage Art Education Endowment Fund." The City Manager or designee shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall bear interest.
 - (2) *Use of fund.* All monies in the Fund shall be used for children-oriented visual and performing arts education programs and events.
 - (3) *Administration.* The Heritage Art Education Endowment Fund shall be administered by the City Council. The HAAC shall make recommendations to the City Council concerning the use of these funds.
 - (4) *Contributing funds.* On annual basis, the HAAC may contribute funds to the Heritage Art Education Endowment Fund from the Heritage Artwork in Public Places Fund. From time to time, the HAAC may solicit contributions for this Fund. Additionally, the HAAC may apply for grants or other endowments to supplement this Fund.

(Ord. 909, passed 4-27-00; Am. Ord. 1018, passed 10-28-10; Am. Ord. 1054, passed 3-13-14)