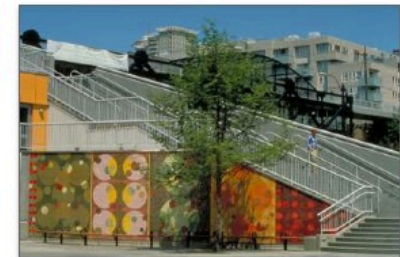
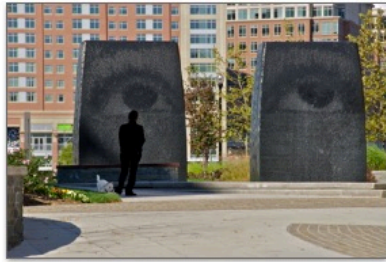


# City of Napa

## *Public Art Master Plan*



*Adopted by the City Council on June 3, 2014  
by Resolution No. R2014-100*

# ***Acknowledgements***

## **CITY COUNCIL**

Mayor Jill Techel  
Councilmember Juliana Inman  
Councilmember Peter Mott  
Councilmember Alfredo Pedroza  
Councilmember Scott Sedgley

## **PUBLIC ART STEERING COMMITTEE**

Stephen Whisler, Chair  
Loren Rehbock, Vice Chair  
Nancy Brennan  
Michael Kelly  
Kristina Young

## **CITY OF NAPA STAFF**

Rick Tooker, Community Development Director  
Ken MacNab, Planning Manager

## **CONSULTANT**

Chandra Cerrito, Chandra Cerrito/Art Advisors

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# I. Introduction

The presence of art in public places defines a community and helps to create a distinct sense of place. It encourages a community's fullest use and enjoyment of its public spaces and provides distinctive gateways and landmarks, aesthetically-enhanced gathering areas and unique cultural experiences.

By making a city more vital, attractive and unique, art in public places also serves as a strong economic force, attracting businesses, increasing property values and encouraging cultural tourism.

Public art can also educate, inspire and spark conversation. Along with the other arts, it encourages creative thinking and innovation – skills that are paramount in addressing society's challenges of today and tomorrow.

For these reasons, public art is an essential component of a thriving community in Napa.

## ***What is public art?***

Public art is artwork located in the public realm on public property. Although art located on private property as part of private development may also be considered public art, for the purposes of this definition and the policies provided in this Master Plan, art located on private property is guided by the City's design review process.



*The Immigrants* by Elizabeth Shari Kadar, Napa, CA

In addition to encouraging the familiar forms of sculptures, mosaics and murals, public art can be expressed a variety of artistic media and approaches. Public art can include artist-designed play equipment, street furniture, bridges, gates, paving patterns, lighting, landscape treatments and water features.

Public art is also encouraged to be expressed in a variety of scales, thought-provoking or whimsical, subtle or bold. It can be a single object or an installation of multiple elements.

### ***Public Art in Napa***

Public art first appeared in Napa in the 1970s, when the Napa Community Redevelopment Agency commissioned five sculptures that were placed in the downtown to enhance its image and encourage people to walk and shop in the area. A number of murals were also painted or installed on buildings primarily in the downtown, most of which were facilitated by the Napa Chamber of Commerce in the 1980s and 1990s.

Around the same time, public art sponsored by private businesses and property owners began being installed with private development for the enjoyment of the public. Examples include the fountain at the Napa Mill and the sculpture at the Umpqua bank building on Soscol Avenue.

### ***Napa's Public Art Ordinance***

Public art has also been integrated into the construction of new public facilities. The Fifth Street parking garage, which is a joint City-County facility, includes public art works on both the western and eastern elevations of the building as well as the garage interior, and public art was included in the design of the Riverfront Green at the southwest corner of Third Street and Soscol Avenue.

Other recent art projects include Napa ARTwalk, a program initiated in 2010 that places temporary outdoor art in public spaces throughout downtown Napa, and Art on First, which places art in vacant storefront windows along First Street.

Although not within the purview of this Public Art Master Plan, which focuses on permanent public art installations, these temporary programs demonstrate art's ability to enhance the city.

In recognition of the value of art in public places, the Napa City Council adopted the Public Art Ordinance. The ordinance is intended to integrate public art into new non-residential private and public development projects throughout Napa. As directed by the ordinance, developers are required to contribute to the public art program in one of two ways: (1) contribution to the public art fund or (2) installation of on-site public art.

For those contributing to the public art fund in lieu of on-site installation, the contribution was established in the ordinance at 1% of the construction cost of the project for projects with a value of \$250,000 or more. These funds are placed into the public art fund to be used to acquire and install public art throughout the city. Alternatively, a developer may choose to incorporate public art equal in value to the same 1% of the construction costs in a development project.

For those selecting this approach, the public art is required to be designed into the project in such a way that it is integral to the plan at the outset, as opposed to being an afterthought later in the development phase. (See Appendix A for a copy of the ordinance)

***Public Art Master Plan***

The purpose of this Public Art Master Plan (“Master Plan”) is to identify potential artwork sites and establish criteria for selecting sites and public art projects consistent with the underlying Public Art Ordinance.

The Master Plan articulates the vision, goals and core values of the City’s public art program and also includes associated Administrative Guidelines (“Guidelines”) that provide a framework for how public art is selected in implementing the public art program and related issues including, but not limited to artwork funding, commissioning, planning, maintaining, relocating, and de-accessioning for the benefit of Napa and its residents, and public outreach and education.



Matt McConnell, *Wind*  
Traffic Circle - Raleigh, NC



## ***II. Vision, Goals and Core Values***

The vision, goals and core values of this Public Art Master Plan provide guidance as to what is to be achieved through the implementation of this plan. The vision, goals and core values will help to guide recommendations and decision-making relating to the acquisition, installation and maintenance of public art to ensure that art remains an important part of the city's life.

### ***II.A. VISION***

The City of Napa recognizes that public art is an essential component of a thriving community, a livable city and a world-class destination. It is committed to developing and maintaining a high quality, sustainable public art program that will benefit its current citizens and future generations.

### ***II.B GOALS***

The primary goals of the Napa Public Art Program are to:

- Promote high quality, innovative and diverse public art that enhances the community and contributes to the city's sense of place
- Cultivate civic pride by encouraging interaction with public art

- Contribute to the economic vitality of Napa, its residents' quality of life and its status as a world-class destination.



Lorna Jordan, *Salmon Bone Bridge*  
Seattle, WA



- Recognize Napa’s natural assets including the Napa River and surrounding agricultural lands
- Create opportunities for expression of Napa’s unique community, surroundings and history
- Inspire creative thinking and innovation, and provide opportunities for art education
- Provide clear and efficient procedures for selecting public art
- Coordinate program objectives, procedures and policies with those of other city efforts for development, urban planning, restoration and public spaces.
- Maintain adequate funding for administration of the public art program and maintenance of the artwork
- Provide opportunities to local, regional, national and international artists to use their creative vision in Napa
- Manage the program at high professional standards.

**II.C CORE VALUES**

The following core values will guide the programming and implementation of the Napa Public Art Program. This Master Plan serves as a roadmap to help achieve these important goals.

Implementation of the Master Plan policies, procedures and guidelines will promote a strong public art program for Napa and advance the goals and vision for public art in the community.

Artistic excellence. Require public art by skilled, experienced artists who create works of high artistic quality.

Diversity. Promote variety in artistic approaches, media, styles, themes and participating artists in order to encourage a broad range of contributions and address a diverse community. Strive to involve Napa’s diverse populations in public art planning and implementation.

Design Integration. Consider public art an integral part of urban planning, development and redevelopment throughout the city. Encourage the involvement of artists in the early phases of design in order to make such integration possible. Help achieve design and programmatic objectives of public spaces through the incorporation of public art.

Significance. Focus resources on public art projects that are highly visible, create a memorable experience and help identify and distinguish the city.

### ***III. Public Art Locations***

Locating public art is an important component of the public art process. Public art should be located where it can be most appreciated by the public and, therefore, locations for public art should allow for visibility from the public realm and for public access, where appropriate. Public art on City-owned property will primarily be placed in locations that meet the criteria of public visibility and/or access as well as public safety.

The following types of art locations generally meet these criteria:

- Gateways/Major Intersections
- Parks and plazas
- Pedestrian paths and bikeways
- Public buildings and facilities
- Bridges
- Roadways

Although these location types identify opportunities for public art, there may be other locations identified as the public art program is implemented. However, alternative locations should only be considered if use of those locations supports achievement of the public art program’s goals and core values.

The public art location categories are described below, along with examples of opportunities for public art in each category. The examples represent highly-traveled

and highly-visible areas, and are intended to provide guidance, but not to limit public art locations. Other appropriate locations for art installations may be identified using the criteria for public artworks and criteria for prioritizing sites described in Chapters IV and V of this Master Plan.

In determining a location for public art, it is important to address siting considerations to ensure appropriate placement, such as installing art in visible but secure, theft-resistant locations. Siting considerations include:

#### *Traffic*

- Do not distract motorists or interfere with driver-to-driver or driver-to-pedestrian relationships and the safety of bicyclists
- Do not interfere with the entrance or egress areas at driveways, bus stops and parking bays
- Do not disrupt curb use activities such as crosswalk ramps, access to benches, loading zones, access to parked vehicles, fire hydrants, traffic signals, and utilities.

#### *Pedestrian Circulation*

- Avoid trip hazards, depressions where drainage may be adversely impacted and provide skid-resistant surfaces equivalent to concrete sidewalks

- Art should be damage resistant to pedestrians and maintenance of the sidewalk should not be compromised
- Maintain the minimum sidewalk width (ADA access)
- Maintain unobstructed access to above and below ground utilities
- Avoid providing sharp edges which may cut, puncture or cause injury by passing pedestrians or creating climbing opportunities.



*Continuum* by Jeff Zischke,  
Napa ARTwalk 2011-2013

### **III.A GATEWAYS**

Gateways announce the entrances to the city or to significant areas such as the downtown. In gateway locations, public art of significant scale and presence are appropriate. In time, such artworks may become iconic landmarks.

At gateways, design and placement of public art should consider traffic flow; visibility to drivers, pedestrians and bicyclists; the experience of nearby residents and businesses; and public safety.

The following examples for public art at gateways include many referenced in the Downtown Napa Specific Plan.

#### Example Gateway Locations

<i>Major entrances to city</i>	Soscol at Imola
	California at First
	Trancas near California
	Highway 29 at Old Sonoma
	Highway 29 at Trancas/Redwood
	Highway 29 at Highway 221*
<i>Major downtown entrances</i>	Highway 29 at Highway 12/121*
	Soscol at Third
	Soscol at First
	First at Jefferson
	Second at Jefferson

Third at Jefferson  
Silverado Trail at First Street

*Major downtown intersections*  
Main at Third  
Main at First  
Main at Pearl

*Other major intersections*  
Lincoln at California  
Lincoln at Soscol  
Lincoln at Jefferson  
Trancas at Big Ranch Road  
Silverado Trail at Trancas \*

\* These locations are outside the City Limits, such as where the "Grape Crusher" is located, and therefore collaboration with other agencies will be necessary. However, these locations were included because they present highly visible opportunities for public art.

Sample Envisioned Project

- *Landmark art as part of the future roundabout project at First Street and California Boulevard.*  
A prominent sculptural artwork or earthwork at this location would become a memorable landmark feature at the entrance to downtown from Highway 29. Its design should take into account traffic safety as well as the fact that it will be viewed primarily from people in vehicles.

**III.B PARKS AND PLAZAS**

Public art is appropriate for parks and plazas that serve a broad section of the community, rather than those that primarily serve specific neighborhoods. Priority should be given to locations that are under consideration for development or improvement where artworks can be integrated through the planning and design process. Public art in parks should complement implementation of the Napa Park and Facilities Master Plan and should be planned with input from the Parks and Recreation Advisory Commission.

Public art in parks and plazas can support creation of unique points of interest and attraction, providing additional reasons for city residents and visitors to utilize public spaces and encourage a sense of community and civic pride.

Parks and plazas provide opportunities for a variety of public art including:

- Park or plaza design by a professional artist
- Permanent public art
- Public art integrated within paving, seating, structures, water features and other functional elements.



Sol LeWitt,  
*Pyramid*

Public art in parks and plazas should engage users of the site. It should enhance gathering spaces, create focal points, enrich park and plaza amenities, respond to the site's natural elements and landscape features, share the history of the site, and offer surprises that activate the site and create a sense of discovery. It may be interactive, tactile or otherwise engaging to the public. The scale of artwork at these locations may range from intimate to monumental, reflecting the integration of the art work into the space.

The following examples of locations for public art in parks and plazas were selected because they are well-used and large sites.

#### Example Park and Civic Space Locations

Alston Park	O'Brien Park
Brown Street Plaza	Opera House Plaza
Century Oaks Park	Oxbow Commons
China Point Overlook	Oxbow Preserve
Coombs Street Plaza	Riverfront Green
Dwight Murray Plaza	Skate Park
Fuller Park	Trancas Crossing Park
Heritage Park	Veterans Memorial Park
Kennedy Park	Westwood Hills

#### Sample Envisioned Projects

- *Dwight Murray Plaza*  
Professional artist is part of the design team for the re-design of Dwight Murray Plaza, incorporating such features as paving, gathering spaces, plantings, water feature.
- *Skate Park designed with local youth*  
Professional artist skilled at working with youth designs and/or creates permanent public art for the new skate park with local youth participation.



Sofia Maldonado, Payne Skate Park

### **III.C PEDESTRIAN PATHS AND BIKEWAYS**

Napa residents recognize the importance of an active lifestyle to promote health, and the value of active transportation modes that contribute to environmental sustainability. To support these community values, Napa has been active in creating and improving walking and biking pathways throughout the community. Public art can contribute to the aesthetics, utility and safety of pedestrian, bicycle and recreational pathways which may attract more residents and visitors as well as enhance the users' experience.

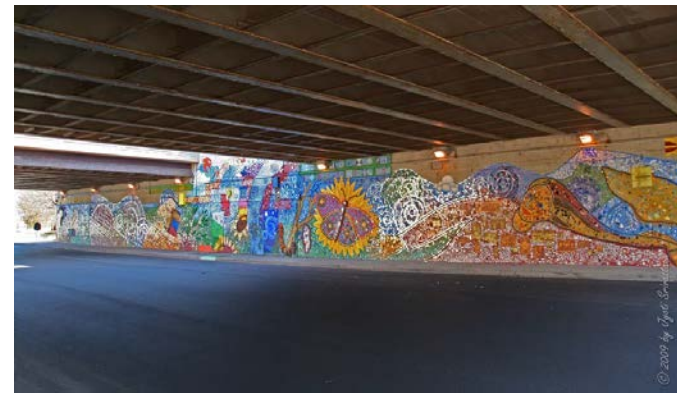
The following examples of locations for public art include trails, pedestrian paths and bikeways.

### Example Trail and Bikeway Locations

Napa Valley Vine Trail (commuter bike path)  
Napa River Trail (Kennedy Park to Trancas Street)  
Riverfront Promenade and trails along the Flood Control Project, including on Riverside Drive, in the Oxbow area and south of downtown to Imola Avenue

### Sample Envisioned Project

- *Mosaic under Third Street Bridge*  
Mosaic artwork on the wall along Riverfront Promenade, under Third Street Bridge, to humanize this area and to discourage graffiti. Complementary artwork may be installed on the bridge supports directly across the River at this location.



Tracy Van Duinen and Todd Osborne, *Living* 2007  
Bryn Mawr and Lakeshore Drive underpass - Chicago, IL



### III.D PUBLIC BUILDINGS AND FACILITIES

Art in and around public buildings may be integrated within the building architecture, installed in prominent locations, or placed in other locations that are accessible to the public.

The programming and audience of each public building should inform the type of public art for the site. Art should be compatible with the primary functions of the facility and appropriate for the people who work and visit there. Building users may participate in the artist's conceptualizing process or in the fabrication of the artwork, or they may have direct access to the artist during the artwork creation to enable their deeper appreciation and understanding of the work.

The following examples of locations for public art at public building and facilities were selected because of their active use by a large number of residents.

#### Example Public Building and Facility Locations

- |                             |  |
|-----------------------------|--|
| City Hall                   | Parks and Recreation                             |
| Las Flores Community Center | Services Building                                |
| City Offices                | Public parking facilities and parking structures |
| Fire Stations               | Pelusi Recreation Center                         |
| Police Station              |  |
| Senior Center               |  |

#### Examples Requiring Partnerships

- |   |                               |
|---|-------------------------------|
| County Courthouse                             | Napa Valley Community College |
| County Offices and Facilities Goodman Library | Post Office                   |
| Napa Sanitation District Schools              | Public Library                |



Michael Jones, *Great Arrow*  
Fountain Lake, AZ

### Sample Envisioned Project

- *Artwork for Parking Garage*  
Commission an artist to create a large-scale mosaic, sculptural “skin” or other permeable façade, banners made out of a durable material such as laser cut metal, light sconces, or other graphic elements integrated into a new parking garage.



GORDON HUETHER, *BARREL OF LEGGY FUN*  
NAPA, CA

### **III.E BRIDGES AND WATERWAYS**

Due to the Napa River and creeks that flow through Napa’s downtown and surrounding areas, bridges have a significant presence in the city. They offer vehicular routes to traverse the city as well as pedestrian and bicycle access. Recently, new and reconstructed bridges have incorporated architectural features that help define and enhance downtown. Some have incorporated features for future artworks such as pilasters and recessed panels.

As a defining feature of Napa, public art may highlight the presence of the Napa River and Napa Creek by drawing attention to and enhancing the bridges that cross them. Public art can also enhance bridges as focal points and attractions in themselves.

Public art may be integrated into entrances, bridge piers or abutments, pilasters, walls, railings or light posts flanking bridges; or it may occupy the spaces below the bridges, creating unexpected points of interest. In addition to these architecturally-integrated artworks, public art at bridges may be suspended, sculptural, light or sound works.

#### Bridge Location Examples

First Street Bridge over Napa River and Napa Creek at Soscol

First Street Bridge over Napa River at Oxbow  
Third Street Bridge at Soscol  
Butler Bridge over Napa River at Imola  
Old Sonoma Road at Highway 29 Overcrossing  
Soscol Avenue bridges over Napa River and Oxbow  
Commons Bypass Channel  
Pedestrian bridge at Clinton and Coombs  
Pedestrian bridge behind Napa Valley Opera House  
Bridges over Napa Creek between Brown Street Plaza  
North and parking lot at Main and Pearl (culverts)  
Main Street Bridge between Pearl and First  
Lincoln Street overpass between Soscol and  
Silverado  
Trancas at Silverado Trail over Napa River  
Railroad Bridges (subject to Railroad approval).

Sample Envisioned Project

- *Light art under downtown bridges*  
Light artworks that illuminate the undersides of First Street and Third Street bridges, creating a signifying feature of downtown that generates excitement among residents and visitors and encourages cultural tourism.

The Napa River has played a particularly significant role in the history of the city and early economic development. Currently, emphasis is placed on the visibility and accessibility of the river in downtown planning and development. Public art on, around and

inspired by the Napa River and its contributory creeks supports this effort to showcase Napa’s central natural feature.



David B. Dahlquist, High Trestle Trail Bridge  
Madrid, IA

Any art in or around the river should comply with City guidelines to ensure safety, water traffic control, environmental guidelines and ecological soundness. Artwork in the floodway would be subject to FEMA guidelines.

River Location Examples

- Napa River through downtown
- Napa River at the Oxbow District
- Napa Creek through downtown
- Napa River along the Napa River Trail

Sample Envisioned Project

- *Boat Dock Artwork*  
An artist works with the design team to create a boat dock with unique artistic character.



Tracey Dear, *Agua Luces*  
Kennedy Boulevard Bridge - Tampa, FL

**III.F ROADWAYS**

Public art enhances public roadways, including median areas. Large-scale art may be installed in medians or roundabouts to create visual markers or distinctiveness. Smaller-scale art such as those on roadside utility boxes, banners or light posts may enhance views along roadways. Artist-designed streetscape elements like planters, seating, utility boxes and manhole covers can also create a sense of place. At sites that are not easily accessed by pedestrians, art should be designed to be viewed from a distance. In all cases, public art along roadways should consider vehicle, pedestrian and bicyclist visibility and safety.

The following examples of appropriate locations for public art along roadways were selected because they are highly traveled or visible.

Roadway Location Examples

- First, Second, Third and Clay streets through downtown and between California and Jefferson
- First Street through the Oxbow District
- Main Street (south of Lincoln)
- Trancas Street
- Jefferson Street
- Lincoln Avenue
- Soscol Avenue
- California Boulevard
- South Coombs Street/Tannery Bend area

Pearl/Polk/Calistoga streets intersection  
Freeway/Laurel/Kilburn streets intersection island  
Highway 29 Corridor  
County Health and Human Services facility entrance  
(See Old Sonoma Median Artwork on this page)  
Utility boxes along streets that are in or near  
downtown  
Manhole covers on city streets

sculpture integrated within landscaping; or  
something else the artist proposes after researching  
the site and working with the youth.

Sample Envisioned Project

- *Bus Shelters*  
Partner with NCTPA to commission an artist to re-  
envision bus shelters that are either iconic structures  
or neighborhood-related designs. These would  
enhance the experience of users as well as highlight  
the accessibility of city-wide public transportation.  
Artists may work with architects to design the  
shelters and seating, or they may create permanent  
art panels that are integrated into the sides or  
canopies of the shelters, such as safety glass with  
etched images, stained glass, or laser-cut metal.
- *Old Sonoma Road Median Artwork*  
For this location, hire an artist to work with youth to  
conceive of, design and/or implement permanent art  
in the large median in the center of Old Sonoma  
Road near Walnut Street. Art may be an earthwork,  
reflecting the significance of agriculture in Napa and  
nature’s sustaining, fortifying capabilities; or a bold  
hardscape with sculptural bollards; or a freestanding

# IV. PRIORITIZING OF SITES

## IV.A *Prioritizing Sites for Public Art*

Over time, a variety of public art projects will be implemented with funds collected in the public art fund. One objective of this Master Plan is to help prioritize possible sites where those projects may occur. While the previous sections identified broad categories of sites, this chapter is intended to help identify specific sites within those categories that are high priorities for the installation of public art. These priorities will serve as a foundation for preparing and maintaining a Capital Improvement Plan containing projects that include public art as part of the two-year budget process. Each year, the Public Art Steering Committee will prepare a work plan to include identifying public art priorities for recommendation to the City Manager and City Council.

When considering which public art sites and related projects are most desirable, the criteria below should be considered. These criteria reflect the goals and core values of the public art program.

- **Significant Impact:** the site and/or project will be highly visible and will help distinguish the City.
- **Design Integration:** the public art project implementation is concurrent with another construction project for more integrated design

and more efficient use of funds; the public art project helps the City achieve broader objectives for successful public spaces.

- **Diversity:** the site and/or project will add to the public art program's diversity in artistic approaches or geographic locations.
- For short-term implementation, while the public art program is being established, the following additional criteria should also be considered:
  - **High Probability of Success:** the project will be manageable by program administrators and is likely to be welcomed by the community.
  - **Set the Tone:** the site and/or project will reflect the goals and core values of the public art program and will represent the City's vision for its current and future public art program.

With these criteria in mind, and with consideration of planned Capital Improvement Projects in which public art may be included, the following sites have been identified as top priorities in 2014/15 for public art financed fully or in part by the public art fund over the next five years:

1. Dwight Murray Plaza (parks/plazas location)
2. Downtown streetscape (roadways location)
3. Roundabouts at First and Second Streets along California Blvd. (gateway location)
4. First Street near Main Street (gateway location)
5. Veterans Park (parks/plazas location).



The following sites have been identified as secondary priorities for public art over the next five years:

1. City Hall (public buildings and facilities location)
2. First Street between Soscol Avenue and Silverado Trail (gateway and roadways location)
3. Vine Trail (pedestrian paths and bikeways location)
4. Median at Old Sonoma Road near Walnut Street (roadways location)
5. First and Third Street Bridges (bridges locations)
6. Support columns and wall under Third Street Bridge (pedestrian paths and bikeways and Napa River location)
7. Park & Ride Lot at Redwood Road and Trancas Street (public buildings and facilities location).

These priorities were the result of a public art stakeholders meeting conducted by the City, together with the Public Art Steering committee, in June 2013. At that time attendees were asked to provide their top priorities for general locations for public art. Parks and plazas were identified as the top priority receiving the most votes, with gateways/intersections and roadways/waterways following closely behind. Art locations along pedestrian paths/bikeways and on buildings received few votes as priority locations for public art.

When attendees were asked where specifically they would prioritize placement of public art given the example locations contained in the Public Art Locations section of the Master Plan, Dwight Murray Plaza and the proposed new roundabouts on California Street were identified as the top priority with a variety of other locations following behind.

(See Appendices for the results of the stakeholder process)

# V. APPENDICES

APPENDIX A – Public Art Program Administrative Guidelines

APPENDIX B – Public Art Ordinance

APPENDIX C – June 26, 2013 Results of the Public Art Stakeholder Process

APPENDIX D – Map of Priority Sites for Public Art 2014

APPENDIX E – Implementation Matrix of Priority Sites for Public Art 2014

# APPENDIX A

## ***Public Art Program Administrative Guidelines***

The Public Art Master Plan contains Administrative Guidelines “guidelines” to assist in implementation of the City’s Public Art Program. The guidelines address how the plan is administered by the City. The guidelines provide a clearer description of the roles of decision-makers as provided in the Public Art Ordinance and provide guidance on the process for how public art is selected as well as how it is managed and maintained. The guidelines also include information and guidance about how the Public Art education component of the program may function.

### ***ROLES OF PUBLIC BODIES AND CITY STAFF***

The following responsibilities are intended to clarify those provided in the Public Art Ordinance.

#### *City Council*

The role of the City Council in the context of public art is as follows:

- Approves the Public Art Master Plan and revisions to procedures and guidelines for its implementation
- Appoint Public Art Steering Committee

- Approves all permanent public art on City-owned property and art purchased with City funds.
- Provides a sustained capital improvement program supporting public art elements in new and renovated City facilities
- Provide necessary resources and staffing to manage a successful public art program
- Approve some professional services agreements with contracted artists.
- Periodically reviews and updates the Public Art Master Plan.

#### *City Manager*

The role of the City Manager in the context of public art is as follows:

- Implement the public art program administrative guidelines and approve revisions to the guidelines
- Appoint and oversee the Public Art Program Administrator
- Advises the Council on issues relating to public art with the advisory recommendation of the Steering Committee.

*Public Art Steering Committee*

The role of the Public Art Steering Committee is as follows:

- Submit an annual work plan and budget to the City Manager and Council recommending public art projects to be implemented consistent with the Master Plan’s vision, goals and core values
- Meet periodically to review and make recommendations to the City Manager and Council regarding the public art program and policies relating to public art acquisitions, placement and removal of public art by the City; public art donations; implementation of and revisions to the Public Art Master Plan and administrative guidelines; allocations of the public art fund; and collaboration with arts groups and education institutions on art programming
- At the request of the City Manager or Council, provides recommendations on the commission or purchase of public memorials.

*Public Art Program Administrator*

A Public Art Program Administrator shall be the City Manager or his/her designee. The Program Administrator is responsible for administering and facilitating the Public Art Program, including the

Master Plan and administrative guidelines. The Program Administrator also:

- Serves as the staff liaison to the Public Art Steering Committee
- Informs the Public Art Steering Committee of eligible public construction projects and available funds
- Works with the Public Art Steering Committee to prepare its annual work plan recommending to the City Manager recommending public art priorities for the coming fiscal year
- Serves as liaison between the Committee and staff, City commissions, and the City Council.
- Responsible for management of the City’s public art catalog
- Is responsible for maintenance and conservation of City-owned public artwork
- Recommends, prepares and administers professional services.

***PUBLIC ART FUND***

As provided in the Public Art Ordinance, the Public Art Fund is established and maintained by the City for the purpose of funding public art and cultural programming consistent with the Public Art Master Plan. The fund may be used to support acquisition,

placement and installation of public art owned by the City.

**APPROVAL, SUBMITTAL, CRITERIA AND REVIEW PROCEDURES OF PERMANENT ARTWORKS ON PUBLIC PROPERTY**

The procedures in this section apply to permanent public art required by the Public Art Ordinance to be provided by applicable development and construction projects on City-owned public property.

As a general rule, the priority goals for public art are the following:

- The process results in high-quality artworks
- The process for review and selection is efficient and streamlined. Public art should be integrated into the project at the design development stage. The city is encouraged to involve an artist at the early design phase of the project so the artwork can be integrated into the site and project design, and reviewed along with other aspects of the project.

*Submittal Materials*

The following information should be submitted for the proposed public art as part of the project application materials:

- Artist’s resume and images of past art works that illustrate relevant art experience
- Detailed written description of the artwork
- A rendering or model of proposed artwork, or photographs and specifications of an existing artwork
- Site plan showing the proposed location for the artwork
- Conceptual Lighting plan
- Installation plan
- Material and color samples
- Estimated budget
- Estimated fabrication and installation timeline
- Maintenance plan
- Explanation of consistency with City policies for public art
- Any additional information, plans, plaques or maps prescribed by the Program Administrator in order to accurately convey information about the proposed artwork.

*Criteria for Selecting Public Art*

The following criteria contained in the Public Art Ordinance should be used by the final review authority in approving public art on city property.

1. Public art shall be an original work in any variety of media produced by an artist which may include sculpture, murals, photography and original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass and other functional features which have been enhanced to be visually appealing.
2. Public art shall be designed by an artist (i.e. a person who has a reputation among his or her peers as a creator of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment as judged by the final art review authority for the development project).
3. Public art shall be located in a public place (i.e. an exterior area on public property that is clearly visible to the general public, as required by the Public Art Ordinance).
4. Public art shall be designed to be site specific and complementary in terms of scale, material, form and content to the immediate and adjacent buildings, landscaping or other elements so as to complement the site and its surroundings. The artwork also shall be consistent with any corresponding project entitlements.
5. Public art shall be permanently affixed to the property.
6. Permanent public art shall meet all applicable building code requirements.
7. Public art shall be a work of the artist's own creation and shall not infringe copyright held by any other creator.
8. Public art shall be appropriate for placement in the public realm, including a diverse audience of all ages.



9. Public art shall add to the diversity of the city's public art program.
  10. Overall diversity among the city's public art program shall be encouraged.
  11. Where art is proposed to include lighting as an integral element of the project, energy-efficient lighting is encouraged. Dedicated art lighting may not be required if the art will be adequately illuminated at night by other means.
  12. Public art shall be maintained by the City.
  13. Public art may not include the following, as required by the Public Art Ordinance:
    - Mass-produced art objects that are of standardized design
    - Landscape architecture and landscape gardening, except where these elements are designed by the artist and are an integral part of the work of art by the artist
    - Directional elements such as super graphics, signage as defined in the Napa Municipal Code, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions
- Interpretive programs, including but not limited to informational programs
  - Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the City or private developers
  - Services or utilities necessary to operate or maintain the artwork over time. Ongoing operational costs of the artwork are not permitted uses of the required Public Art Fund
  - Works of art offered for sale or donation to the City that do not have an established and recognized significance as public art among arts professionals and art appraisers as determined City Council with Steering Committee's recommendation
  - Works of art which cannot be reasonably maintained within the resources allocated by the City of Napa or the private developer and subsequent property owners
  - Logos or corporate identity features.

*Action by Review Authority*

Public art proposed for public construction projects may be approved by the project’s final art review authority (i.e. City Council, City Manager) if it meets all of the Criteria for Required Public Art. However, it may be denied if it does not meet one or more of these criteria, or if it raises significant concerns regarding its feasibility, quality, safety or appropriateness for the public realm.

In conjunction with the agreement with the artist to provide the artwork, an agreement should also be created to ensure the long term maintenance of the artwork.

If the review authority disapproves the public art proposal, it will make specific findings that the proposal does not meet one or more of the criteria.

**APPROVAL OF PUBLIC ART ON CITY-OWNED PROPERTY**

The procedures in this section apply to the purchasing or commissioning of public art for City-owned property with resources from the Public Art Fund.

*Selection Method*

As part of its annual work plan, the Public Art

Steering Committee will recommend priority art locations, themes, styles and types of artwork and any additional criteria specific to the project. Additionally, the Steering Committee may, at the request of the City Manager or City Council, recommend the public art project’s selection method, such as a request for qualifications, request for proposals, and call for artists or invitational.

In cases where an artist is selected prior to developing a proposal, the Program Administrator shall work with the artist as the proposal is developed, to include soliciting the assistance of an art design professional. The selection of public art will also comply with the Criteria for Public Art on City-owned Property.

Once a decision is made to add artwork to a building or site, consideration may be given to both existing art available for purchase (provided the artwork is unique and relates to the building or site on which it will be placed) as well as newly commissioned artwork designed and fabricated specifically for the building or site. With the selection of newly commissioned artwork, the Steering Committee should discuss and consider an appropriate medium (e.g., sculpture, landscape design, painting, etc.) along with criteria (e.g., environmental, structural, aesthetics, etc.) for the artwork. This might be very specific or left open for the artist to develop ideas with the assistance of the Program Administrator. Once

this phase is completed, the process for selecting an artist begins.

There are two primary ways to select artists: Requests for Proposals (RFP) and by invitation.

#### Request for Proposals (RFP)

- RFP will be prepared by the Program Administrator or his or her designee with consultation by the Public Art Steering Committee.
- Applications received will be reviewed by the Program Administrator to determine completion.
- Applications received will be reviewed and prioritized by a committee convened by the Program Administrator using a determined ranking system based on the selection criteria. The committee may include an art design professional, at least one member of the Public Art Steering Committee, City staff and stakeholders (e.g., Napa Downtown Association representative, business and/or property owner located nearby the proposed site, etc.) as set forth in the RFP. The panel may also include at the discretion of the City Manager a Parks and Recreation Advisory Commissioner or Planning Commissioner, as applicable, for projects located

in a city park or as part of a master plan or similar development

- Selected applicants may be required to make a presentation before the committee, who will recommend to the Program Administrator one or more finalists.
- The Program Administrator selects the artist and makes recommendation to the City Council.
- City Council approves the artist and public art.

Once a new project has been defined and the criteria set, the RFP is sent to artists locally, regionally, nationally, or globally or a combination of the four. These requests specify the information and format the artist must follow to submit his or her proposal. Generally, background information such as a resume, slides of earlier work, newspaper articles and budget is requested along with sketches and a written description of the project (see required Submittal Materials above).

#### Invitational

In some cases, rather than reviewing a large number of proposals as part of an RFP process, a smaller number of artists can be invited to submit proposals. These artists can be located through a variety of means including review of current public works, contacting specific local arts organizations, speaking with local arts professionals

and/or contacting national organizations. Although this is the same basic selection process as the RFP, it reduces the time needed to interview a large number of artists. Invitational projects may include artists with established careers or those with whom the City has worked with previously.

The selection panel will consist of the same membership provided above as part of an RFP process to include an art design professional, at least one member of the Public Art Steering Committee, City staff, stakeholders (e.g., Napa Downtown Association representative, business and/or property owner located nearby the proposed site, etc.), and a Parks and Recreation Advisory Commissioner or Planning Commissioner, as applicable, for projects located in a city park or as part of a master plan or similar development. The makeup of the panel will depend on the requirements of each specific project.

#### Call for Entries

The process for public awareness of each public art project solicitation shall be developed and tailored for each project. Methods for communication of the public art opportunity may be through the Internet, print, public service announcements, and/or other appropriate channels to ensure that the right people becomes aware of the opportunity. Enough time must be planned for

public awareness and to allow for timely distribution of the calls for entry.

#### *Public Input*

Public Art Steering Committee meetings are agendized public meetings where notice of the meetings is distributed prior to the meeting to include the topics to be discussed in accordance with adopted City Council policy and the Ralph M. Brown Act. The Steering Committee may seek input from visual art professionals, as defined in the Public Art Ordinance, and from City staff when developing its recommendations on public art proposals. Input may also be solicited from neighborhood groups and associations, residents in the vicinity and other stakeholders (e.g., nearby business owners, users of the facility).

#### *Criteria for Public Art on City-Owned Property*

In an effort to meet the Vision, Goals and Core Values regarding Public Art as set forth in this Master Plan, established criteria for selection of public art and public art locations are necessary. Therefore, in determining its annual work plan recommendations regarding potential public art and locations for placement of public art, the Steering Committee shall be guided by the following considerations:

- Public art location provides for high visibility, public access and multiple uses or activities;
- The proposed location(s) are consistent with public art location categories and examples specified in this Master Plan;
- The artwork is compatible with current City objectives and community needs and desires which may be found in other City documents, such as Parks and Recreation Master Plan, Downtown Specific Plan and other applicable documents;
- The artwork is compatible with future development plans for a site and surrounding areas;
- The proposed artwork will contribute to the diversity of the overall public art program;
- There is a strong likelihood that the type of public art and the location reinforces the beneficial nature of the public art program;
- Funding is adequate to meet acquisition, planning, design, access and maintenance requirements;
- The selected art is appropriate in scale and type within the allocated budget;
- Evidence of a commitment of any partners needed to implement the public art project is sufficient, as determined by the Public Art Administrator;

- Design and location of the art complies with public safety and visibility requirements.

#### *Artist Agreements*

A contract is the formal agreement between the City of Napa and the artist that outlines what is required and expected of each party. Contracts include all the information necessary for a clear understanding between the artist and the City. The City will issue either an Agreement for commission of public art or an agreement for purchase of artwork as appropriate.

Some examples of agreement coverage may include: scope of services, compensation and payment, warranties, title, copyrights, and assignments of royalty rights, risk of loss, insurance, artist's rights, siting, removal, repair or alteration, indemnifications, the artist as an independent contractor, modifications, assignments, and where appropriate, specific clauses covering structural design, review and revisions to proposed work as well as execution, construction, installation, and post installation of artwork. Individual project agreements allow flexibility to address the particulars of each project. Individual agreements must be in a form acceptable to the City Attorney.

## ***DONATED ARTWORK***

Artworks may be donated to the City to be placed on publicly-owned property. Both corporate donors and individual donors are potential sources of funding. Private donors could provide an additional stable source to the funding mix. Memorial funds could also be a source of funding.

The Public Art Steering Committee will review and recommend to the City Manager or City Council, as appropriate, whether to accept or decline any artworks offered for donation. Donated artworks shall be evaluated using the Criteria for Public Art on City-Owned Property contained in this Master Plan as well as any additional criteria specified in the Public Art Location Categories contained in the Master Plan.

Submission materials for artworks to be considered for donation include the following:

- Detailed description and rendering of proposed artwork or photographs and specifications of existing artwork
- Documentation of the artist's qualifications
- A proposed location
- Maintenance plan with estimated expenses
- Identification of a funding source to maintain the artwork
- Current appraisal of existing artwork
- Restrictions on the donation.

## *Process for donating existing artworks*

1. The donor contacts the Public Art Program Administrator or his/her designee to discuss the potential gift and provides photographs of the work, or the work itself.
2. The Program Administrator forwards the proposal to the Public Art Steering Committee who evaluates the potential usability of the artwork according to Public Art Master Plan criteria and the criteria in Section VIII, and formulates a recommendation to the Program Administrator to either accept or decline the gift.
3. Program Administrator evaluates the proposed donation and Public Art Steering Committee recommendation and, if appropriate, forwards a recommendation to the City Council to accept or decline the gift.
4. If the City Council votes to accept the gift, the donor is acknowledged (if agreeable) in plaques and promotional materials and a deed of gift would be signed.
5. If the artwork is declined by either the Program Administrator or the City Council, the donor will be notified of the decision.



### *Donation of a newly commissioned piece of artwork*

1. The donor contacts (or his/her selected artist) the Public Art Program Administrator to discuss the proposal for the commission and the process of commissioning.
2. The Program Administrator, if appropriate, forwards the proposal to the Public Art Steering Committee who evaluates the potential usability of the artwork according to Public Art Master Plan criteria and the criteria in Section VIII, and formulates a recommendation.
4. The Art Administrator evaluates the donor's concept and Public Art Steering Commission recommendation and, if appropriate, forwards a recommendation to the City Council to convene a selection panel to pursue the commission for a donated artwork.
5. If the commission is declined by either the Program Administrator or the City Council, the donor will be notified of the decision.
6. The donor follows the process for implementing a piece of public art as described above relating to site selection.
7. If the donor is commissioned to proceed with the project, full project fees will be deposited for the project from the Public Art Fund to be drawn on by the City to ensure uninterrupted completion of the artwork. These funds should also include any monies required for plaques and/or other promotional material needed for commissioning.

### *Monetary Donations*

1. Cash donations will be an important resource to continue the work of creating public art in Napa. As a policy, all financial donations without restrictions will be welcomed. Those with restrictions will be discussed by the Public Art Steering Committee and a recommendation forwarded to the City Manager and Council in order to ensure that the stipulations of the donor can be fulfilled. All monetary donations will be deposited into the Public Art Fund without risk of redirection of funds for other purposes.
2. All donors will be provided receipts for their donations for tax purposes and monies will be accounted for using generally accepted accounting procedures. The City does not establish or set the value of donated artwork. If the owner furnishes the City with a receipt for the artwork, the receipt will be attached to a "Letter of Donation" furnished to the donor by the City. Otherwise no value is stated, just a description of the piece. It is up to the donor and/or their accountant to declare a specific value of the piece for tax purposes.

### ***PARTNERSHIPS***

The City may develop partnerships to further its public art program. Such partnerships may include combining City funds with other public or private funds or grants to finance public art and the public art program. The City may also partner with other public and private property owners to access sites for public art.

### ***MEMORIAL ARTWORKS***

Artworks commissioned or acquired as memorials and placed on City-owned property may be considered public art, as defined by the Public Art Ordinance. To the extent that memorials are defined as public art, as opposed to memorial plaques, benches and similar non-art elements, the artwork will be reviewed and approved according to the criteria and procedures for approval of art on City-owned property outlined in this Public Art Master Plan.

### ***ARTIST-INITIATED PROJECTS***

Artist-initiated public art projects proposed for placement on City-owned property will be reviewed and evaluated in the same manner as donated artwork. Such evaluation shall take into consideration the vision, goals, core values, criteria, budget, program priorities and public art location categories outlined in this Public Art Master Plan.

### ***DE-ACCESSION, REMOVAL, RELOCATION, REPLACEMENT OF ARTWORKS***

De-accessioning is the formal process used to permanently remove an object from the collections by recommendation from the Public Art Steering Committee to the Public Art Program Administrator and City Council. The City of Napa reserves the right to edit its collections. Artwork should be retained in the collections as long as it retains its physical integrity, identity, and authenticity, and as long as it remains relevant and useful to the purposes, and as long as the City can properly preserve and care for the material.

The Public Art Steering Committee will review requests for de-accession, removal or relocation artworks from the City-owned public art collection and make a recommendation to the Program Administrator or City Council, as appropriate. Consideration will involve the same amount of careful review as a decision to receive a work of art.

The removal of an artwork from the public art collection may cause damage to the reputation of the artist who created it and, in turn, may jeopardize the City's ability to attract high caliber artists for future projects, undermining the success of the public art program. Therefore, care should be taken in de-accessioning or removing artworks from the public art collection ensuring the interests of the public.

Items should be de-accessioned only upon the written recommendation of the Public Art Steering Committee to the Program Administrator and Council. The manner of disposition shall be in the best interest of the City, the public it serves, the public trust it represents in owning the collections, and the scholarly and cultural communities it represents, as provided below.

De-accession generally may be considered under the following conditions:

1. When the artwork in question is not within the scope or mission of the Public Art Master Plan; beyond the capability of the City to maintain; not useful for exhibition or educational programs; duplicative of other artwork in the City's collection; physically deteriorated or potentially hazardous; or improperly acquired or subject to contractual donor restrictions that the City is no longer able to meet.
2. When the artwork has negligible value (i.e., scrap value). Mandatory restrictions on gifts will be observed unless a court of competent jurisdiction authorizes deviation from their terms. Material with restrictions will not be disposed of until reasonable efforts are made to comply with the restricting conditions.
3. Priority shall be given to placing the de-accessioned items through gift, exchange, or sale in another tax-exempt public institution wherein they may serve the purpose for which they were

acquired initially by City. Attention should be given to IRS rules and regulations regarding exchange or resale of items donated to the City for tax advantage.

4. When items are severely damaged, in an irreparable state, or of no value, disposition may involve the physical disposal of them.
5. An adequate record of the conditions and circumstances under which donations are de-accessioned and disposed of shall be made and retained as part of the City's collection records.
6. Proceeds from the sale of collections are to be used consistently with the established standards of the City's RFP, but in no event should they be used for anything other than acquisition or direct care of collections. Collections should not be de-accessioned in order to provide financial support for City operations, facilities maintenance, or any reason other than preservation or acquisition of collections.
7. De-accessioning may be considered under any of the circumstances outlined above. The Public Art Steering Committee would be consulted for its advisory recommendation to the City Manager and Council when an object comes up for de-accession.

## **MAINTENANCE AND CONSERVATION**

### *City-owned Public Art*

Public art acquired with the Public Art Fund and other art donated or otherwise presented to the City constitutes the City's public art collection, which represents the city's investment in its aesthetic and cultural betterment. The condition of this collection shall be protected through regular maintenance and conservation, which shall be managed by the Program Administrator with input by the Public Art Steering Committee.

City-owned permanent public art shall be accompanied by artist-recommended maintenance plans identifying artwork materials, fabricators with contact information, maintenance methods and maintenance schedules. The Program Administrator will keep these maintenance plans on file.

The Program Administrator will also oversee the maintenance of each public artwork and direct regular assessments to determine the condition of the public art collection. The amount of funds to be committed to maintenance will be recommended each year by the Steering Committee as part of its annual work plan.

## **DOCUMENTATION**

### *Public Art Collection Records*

The Program Administrator shall maintain detailed records of the city's public art collection, such as a photograph of each artwork along with the artwork's site (map or description of the artwork site), artist name, title, date of installation, medium and dimensions. This information is the city's "Public Art Registry," which would be made available to the public. Additional information to be retained include a maintenance schedule, value (for the purposes of accurate valuation for insurance), and other pertinent information specific to each artwork.

The Program Administrator shall also keep artist contact information and original proposals and agreements on file.

### *Artist Registry*

The Program Administrator shall maintain the contact information of qualified artists who respond to calls for artists and artworks in order to establish a database of potential artists. If possible, the Program Administrator will also maintain an image file including at least one past artwork by each of those artists. These artists may be contacted to apply for future projects.

## **EDUCATION AND PUBLIC OUTREACH**

The City's Public Art program should include public education and public outreach as an integral part of the program's activities to ensure an engaged and supportive community.

An identifying plaque should be installed near each artwork that identifies the project but does not detract from the artwork. The plaque should include the artist name, artwork title, date of the artwork's creation, and general reference to the "City of Napa Public Art Program." The plaque should be visible but not a part of the artwork. A public dedication event should celebrate the installation of each permanent City-owned public artwork.

It may be useful to provide a public outreach process during the selection of public art. Potential opportunities for such outreach include conducting Public Art Steering Committee meetings that are informative about the art selection process. These may:

- Be held on the future public art site, if appropriate
- Occur following the selection of the artist to meet with the artist and develop a shared vision for the project
- Occur following the artist's proposal to evaluate the proposal.

The Program Administrator will develop methods of public outreach for projects, including potential questions or issues to be addressed, with the advice of the Steering Committee.

The Program Administrator will also work with other organizations to offer guided public art walking tours, artist talks and panel discussions regarding public art. These may be developed with the assistance of the Steering Committee in collaboration with the Program Administrator and, where applicable, community groups such as Arts Council Napa Valley, Napa Valley College, Napa Valley Museum and others.

The public art program will make use of the City's web site, public art registry and search web sites, public art social media tools to enable wide access to information about its collection. By including Napa's public art collection information in national and international public art archives and social media applications, the City's artworks will gain visibility and acclaim, encouraging cultural tourism to Napa and potentially increasing the value of the City's art collection.

In order to keep the local community informed and involved in the public art program, notification about public art events in Napa, such as dedication ceremonies, artist talks and panel discussions, will be posted via social media outlets such as Facebook and Twitter, as well as on the City's website and through printed fliers,

press releases and other traditional media. Social media may also provide an important outlet for community feedback, questions and suggestions about the public art program.

The Program Administrator will be responsible for the creation and maintenance of a downloadable public art map that is posted on the City's website, along with the Public Art Registry. A version of this may also be printed as a brochure that is made available at local venues, such as City Hall, the Community Services Building, the public library, visitor centers and local hotels. Public Art related programs, tours and activities may be considered each year as part of the annual work program.

# APPENDIX B

## *Public Art Ordinance*

### Chapter 15.108 Public Art

#### 15.108.010 Purpose.

The purpose of this chapter is to authorize the establishment of guidelines, procedures and standards for the integration of public art into new private and public construction projects throughout the city of Napa.

Public art helps create a more livable and visually stimulating city. The presence of and access to public art enlivens the public areas of buildings and their grounds and makes them more welcoming. It creates a deeper interaction with the places where we live, work and visit. A city rich in art encourages cultural tourism which brings in visitor revenues.

The visual and aesthetic quality of development projects has a significant impact on property values, the local economy and vitality of the city. Public art illuminates the diversity and history of a community, and points to its aspirations for the future. A wealth of art and culture in the public realm will foster the economic development of the community.

To achieve these goals, public art should be integrated into development projects citywide. For best results, consideration of public art should be integrated into project planning at the earliest possible stage, and the selected artist should become a member of the project's design team early in the design process. (O2010 4, 4/6/10)

#### 15.108.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Addition” means an extension or increase in floor area or height of a building or structure.

“Alteration” means any construction or renovation to an existing structure other than repair or addition.

“Artist” means a person who has a reputation among peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment as judged by the reviewing body with final design review authority for the development project.

“Average MEP systems cost” means 20% of the construction cost for any given development project.

“Construction cost” means the total cost of any development project covered by this chapter.

Calculations shall be based on construction and site improvement costs as declared on all building permit applications. For purposes of calculating the public art fee, construction costs shall include, but not be limited to, all grading, site improvement, building, plumbing, mechanical, and electrical permit applications for the project. If the MEP systems cost for the development project exceeds the average MEP systems cost, the developer may request a reduction of the construction cost in accordance with the requirements of Section 15.108.100(A). As noted in the definition of "Development Project," to the extent that all or some portion of the costs of new construction are caused by one or more of the six "exclusion items" identified below, those costs are excluded from the definition of "Development Project"; thus, those costs are also excluded from the calculation of the construction cost. The construction cost for the purpose of determining the public art contribution amount required by this chapter shall be determined by the city's Community Development Director.

"Developer" means the person or entity that is financially and legally responsible for the planning, development and construction of any development project covered by this chapter, who may, or may not, be the owner of the subject property.

"Development project" means a project involving the construction of any new commercial building (including office and retail uses), industrial or light industrial uses, or any mixed use building, the construction of new tenant improvements in any shell building, an addition to an existing building, or the rehabilitation, renovation, remodeling or improvement of an existing building, and having a construction cost, as defined in this Chapter, of \$250,000.00 or more. For the purposes of calculation of the public art contribution for a mixed use project, the construction cost shall be calculated using the cost of the nonresidential portion of the project only. To the extent that all or some portion of the new construction include one or more of the six "exclusion items" identified below, those portions of the project shall be excluded from the definition of "Development Project"; thus, those portions of construction shall not be subject to the requirements of this chapter:

1. Repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
2. Historic preservation or restoration;
3. Seismic retrofit or flood protection projects work items;



- 4. Fire sprinkler installation work items as defined by this code;
- 5. Any alteration, maintenance or repair of an existing structure, or equipment, that does not result in an addition (i.e. does not result in an extension, expansion or increase in the floor area or height of the existing structure). Notwithstanding this exclusion, construction of new tenant improvements in any shell building shall be within the definition of “development project”;
- 6. Solar (photo voltaic) system applications.

“Director” means the Community Development Director, or a designee of the Community Development Director or the City Manager.

“Installation date” means the actual date on which the public art is installed on site.

“Maintenance” means to keep in continuance or in a certain state, as of repair.

“MEP systems” mean any combination of equipment, controls, accessories, interconnecting means or terminal elements by which energy is transformed or water conveyed to perform a specific function related to building mechanics, electrical componentry, or plumbing. MEP systems may include, but are not limited to, mechanical, electrical

or plumbing equipment, specialized technical equipment, medical equipment, data servers and associated equipment, and satellite arrays.

“MEP systems cost” means that portion of the construction cost attributable to MEP systems.

“Public art” means an original work of a permanent nature in any variety of media produced by an artist which may include sculpture, murals, photography and original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass and other functional features which have been enhanced to be visually appealing. City commissioned public art may also include pieces as identified above which may be moved from time to time as a gallery collection and placed in public buildings such as City Hall, the library and other publicly accessible facilities.

Public art does not include the following:

- 1. Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects or fountains;

2. Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect;
3. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist;
4. Directional elements such as super graphics, signage as defined in the Napa Municipal Code Chapter 15.56, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;
5. Interpretive programs;
6. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the city;
7. Services or utilities necessary to operate or maintain the artwork over time;
8. Existing works of art offered for sale or donation to the city which do not have an established and recognized significance as public art among arts

professionals and art appraisers as judged by the Public Art Steering Committee or City Council;

9. Works of art which are not visible to the public;

10. Works of art which cannot be reasonably maintained within the resources allocated by the city of Napa;

11. Logos or corporate identity.

“Public art contribution” means the dollar amount equal to one percent of the construction cost of a development project covered by this chapter. In the case of a mixed-use project, the dollar amount equal to the cost of one percent of the square footage of the non-residential component of that development project. For purposes of determining the public art contribution for a mixed-use project, the contribution shall be equal to the dollar amount equal to the cost of one percent of the square footage of the nonresidential component of the project (e.g., total \$350.00 per square foot (“SF”) for the entire 15,000 SF project, where commercial is 2,000 SF: one percent contribution based on \$350.00 X 2,000 = \$7,000.00).

“Public art fund” means a fund established and maintained by the city of Napa for the purpose of funding public art and cultural programming consistent with the public art master plan.

“Public art master plan” means a plan developed by the city and approved by the City Council which identifies locations on public property such as public rights-of-way and public parks which would be acceptable for the placement of public art pieces, and additionally identifies funding priorities and criteria for accounting and expenditures of the accumulated public art fund. The plan shall be developed in conjunction with the City Parks and Recreation Advisory Commission, the Public Art Steering Committee and the Planning Commission.

“Public Art Steering Committee” means the advisory committee established under Section 15.108.070 of this chapter.

“Public construction project” means any city-funded construction or reconstruction project with a construction cost of \$250,000.00 or more as verified by the City Engineer. For the purposes of calculating the public art contribution for a public construction project, the square footage of a public construction project shall not include the portion of any project that includes:

1. Underground public works projects;
2. Street or sidewalk repair;
3. Tree planting;

4. Utility facilities with the exception of administrative buildings and facilities which house city employees;

5. Nonmunicipal government construction.

“Public place” means any exterior area on public or private property which is clearly visible to the general public. If located on private property, the area must be clearly visible from adjacent public property such as a street or other public thoroughfare, sidewalk, or path.

“Remodel.” See “Alteration.”

“Repair” means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

“Solar photovoltaic system” means the total components and subsystems that, in combination, convert solar energy into electric energy suitable for connection to a utilization load. (O2010 4, 4/6/10; O2011 3, 2/15/11; O2011 5, 11/15/11)

15.108.030 Public art requirement.

The requirements of this chapter shall apply to the following activities:

- A. Development projects as defined in Section 15.108.020;
- B. Public construction projects as defined in Section 15.108.020. (O2010 4, 4/6/10)

15.108.040 Public art requirement imposed.

A. The developer of any development project subject to the requirements of this chapter shall install public art on the project site in a public place as approved by the reviewing body with final design review authority for the development project pursuant to the process identified in this chapter. The cost of the public art must be equal at least to one percent of the construction cost. The creator of public art shall be an artist. Public art shall be displayed in a manner that will enhance its enjoyment by the general public. As an alternative to on-site installation of public art, the developer may:

1. Request that the reviewing body with final design review authority for the development project consider placement of a developer-funded piece in a public place nearby which is identified in the public art master plan; or

2. Pay a public art contribution to the city equal to one percent of the construction cost. The public art contribution shall be paid by the developer at the time of building permit issuance. Projects which would generate a fee of over \$500,000.00 and provide a significant benefit to the public may request that their fee be capped at \$500,000.00 if the developer submits evidence and documentation with the application to the satisfaction of the City Council that payment of a fee in excess of \$500,000.00 would be prohibitively expensive for project delivery; or

3. Subject to the approval of the reviewing body with final design review authority for the development project, install public art on the development project site that has a value lower than the public art contribution amount and make an in-lieu contribution for the balance of the public art contribution.

B. Prior to obtaining a building permit for construction of the development project, the developer shall demonstrate compliance with the requirements of this chapter in one of the following ways:

1. Payment of the full amount of the public art contribution; or

2. Written proof to the Director of a contract to commission or purchase and install the required public art previously approved by the review body with final design review authority for the development project on the subject development site. Such proof shall be accompanied by a performance security, in an amount determined by the Director, to be adequate to secure faithful performance of the commission and installation of the required public art and in a form acceptable to the City Attorney. It shall be accompanied by a written acknowledgement by the project artist and the developer, in a form approved by the Director that the proposed public artwork complies with the criteria set forth below:

- a. The public art shall be designed by an artist.
- b. The public art shall require a low level of maintenance and the proposed maintenance provisions shall be adequate for the long-term integrity and enjoyment of the work. The owner shall enter into a maintenance agreement with the city to be recorded against the property to ensure that proper maintenance is performed as determined by the Director and in a form acceptable to the City Attorney.
- c. The public art shall be related in terms of scale, material, form and content to immediate and

adjacent buildings and architecture, landscaping or other setting so to complement the site and its surroundings and shall be consistent with any corresponding action of the reviewing body with final design review authority for the development project as it may relate to any development entitlements.

- d. Public art shall be permanently affixed to the property.
- e. The public art shall be maintained by the owner or his or her successor in interest in a manner acceptable to the city.
- f. The public art shall meet all applicable building code requirements.

C. The developer shall provide the city with proof of installation of the required public art on the development site prior to the issuance of a certificate of occupancy unless the developer has entered into an agreement and submitted a performance security consistent with subsection (B)(2).

D. Title to all public art required by and installed pursuant to this chapter on private property shall be vested in the owner and pass to the successive owners of the development project. Each successive owner shall be responsible for the custody,

protection and maintenance of such works of art. Public art installed on public property is owned by the city of Napa and maintenance, removal or protection is the responsibility of the city.

E. If, for any reason, the current owner or successor in interest shall choose to replace any public art installed pursuant to this chapter, the following requirements shall be met before the art is replaced:

1. The replacement public art must be reviewed and approved by the reviewing body with final design review authority for the development project.
2. The cost of the replacement shall be equal to, or greater than, the initial cost (adjusted for time) of the existing public art to be removed.
3. The location of the replacement public art shall meet the requirement for public visibility in effect at the time of the replacement.
4. The replacement public art shall conform, in every respect, to all standards in effect at the time of the replacement.
5. The replacement public art, location and installation shall violate no other ordinance.
6. The replacement public art shall be installed within 180 days of the removal of the existing public

art piece, unless the period is extended by the Director. (O2010 4, 4/6/10; O2011 5, 11/15/11)

15.108.050 Process for approval of the installation of a public art piece.

The developer, in conjunction with the submission of design review materials required by Section 17.62.030, shall submit a narrative proposal and artistic rendering of the public art to be submitted in satisfaction of the requirements imposed by Section 15.108.040, including any additional information, plans or maps prescribed by the Director, at the time of submission of their development application, or indicate an intention to pay a public art contribution prior to issuance of a building permit pursuant to Section 15.108.040(A)(2). The proposal for the public art shall be considered as an element of the design review permit review as set forth in Section 17.62.060 by the reviewing body with final design review authority for the development project. (O2010 4, 4/6/10)

15.108.060 Public art program—Administrative policies and program guidelines.

The City Manager is authorized to establish and maintain written administrative policies as program guidelines, which shall implement the requirements of this chapter. A copy of the program guidelines

shall be maintained in the office of the City Clerk. The program guidelines shall be approved by the City Manager, based on the recommendation of the Director, and subject to the review and approval as to form by the City Attorney. The program guidelines may include, but are not limited to, the following elements: standards for eligible public art works, media and materials in public art, standards for placement and site selection of public art, standards for placement of public art on both public and private development sites, role and procedures of the Public Art Steering Committee, art selection process, art selection standards and criteria, maintenance and conservation of public art works, staffing and administration of the public arts program, public art collection review and de-accessioning, and catalog and inventory procedures for the collection of art installed under this chapter. (O2010 4, 4/6/10)

15.108.070 Public Art Steering Committee established.

The City Council hereby establishes a Public Art Steering Committee (“the Committee”). The Committee shall consist of five members appointed by the City Council. One of the five members shall be a visual arts professional, which shall mean, for the purposes of this chapter as well as any other implementing policies adopted pursuant to the

authority of Section 15.108.060, any of the following: professional artist in any medium, curator, art critic, art historian, arts educator, architect, or other design professional with a visual arts background or fine art collector. One member shall be a practicing professional artist in any medium. One member shall be the city of Napa representative of the Napa County Arts and Culture Commission. One member shall be nominated by the Arts Council Napa Valley or other city-recognized arts organization. The fifth member shall be an at-large member. Members of the Committee shall be appointed by the City Council upon the recommendation of the City Manager to four-year, staggered terms and shall hold office in accordance with procedures established by the City Council. (O2010 4, 4/6/10)

15.108.080 Duties of the Committee.

The Committee shall meet periodically to review and provide input and make recommendations to the City Council regarding proposals and solicitations for city-owned public art funded through the public art fund for sites identified in the public art master plan. To assist the Committee in reaching recommendations for the City Council, the City Manager shall additionally solicit input and participation from other city stakeholders, including, but not limited to, neighborhood groups and associations, members of the development and arts

communities, city staff, and any other members of the community who may provide input on public art pieces commissioned using funds from the public arts fund. The Committee may also be requested by the City Manager to participate in the formation and drafting of requests for qualifications, request for proposals, calls for artists, or other solicitation documents to guide eligible artists in applying for city arts commissions and solicitations for public art. Additionally, the Committee may provide advice in the formation and update of the public art master plan. All of the Committee's input shall be in the form of recommendations to the City Council or the City Manager. (O2010 4, 4/6/10)

15.108.090 Public art fund.

All fees collected under this chapter shall be held in a special fund designated "public art fund," maintained, managed and reviewed by the Director. The City Council shall adopt a public art master plan to govern the acquisition, placement and installation of public art owned by the city using the public art fund. Prior to the appointment of the Committee and the adoption of the Public Art Master Plan, any use of the public art fund shall be subject to a determination by the City Council that the proposed use of revenue is for the acquisition, placement or installation of public art consistent with the purpose of this chapter. (O2011 5, 11/15/11)

15.108.100 Fee adjustment.

A. The developer of any development project whose MEP systems cost exceeds the average MEP systems cost may apply to the Community Development Director to decrease the construction cost for the development project in an amount not to exceed: the MEP systems cost less the average MEP systems cost. The developer shall submit documentation and evidence with the permit application showing to the satisfaction of the Community Development Director that the MEP systems cost will exceed the average MEP systems cost.

B. A developer subject to the requirements set forth in this chapter may apply to the City Council for a reduction or adjustment to the fees or waiver of the fees based upon the absence of any reasonable relationship or nexus between the impact of the new development and either the amount of the fees charged or the type of facility to be financed or the portion of the facility attributable to the new development. If appealing fees owed upon issuance of a building permit, the developer shall pay all required fees under protest and concurrently file a written application for a waiver or reduction as an appeal to City Council. Appeals filed under this section shall comply with the requirements set forth in Chapter 17.70 and shall be conducted in



accordance with the procedures set forth in that chapter, except that all appeals shall be considered by the City Council. The decision of the Council shall be final. (O2011 5, 11/15/11)

15.108.110 Authority for additional mitigation.

Fees collected pursuant to this chapter do not replace existing development fees, except as the Council may specifically provide, or other charges or limit requirements or conditions to provide additional mitigation of impacts imposed upon development projects as part of normal development review process. (O2010 4, 4/6/10)

15.108.120 Annual review.

The public art fund authorized by this chapter and implementing Council resolution(s), and the accumulated fee funds and their appropriation and supporting documents, shall be reviewed as part of the budget process. (O2010 4, 4/6/10)

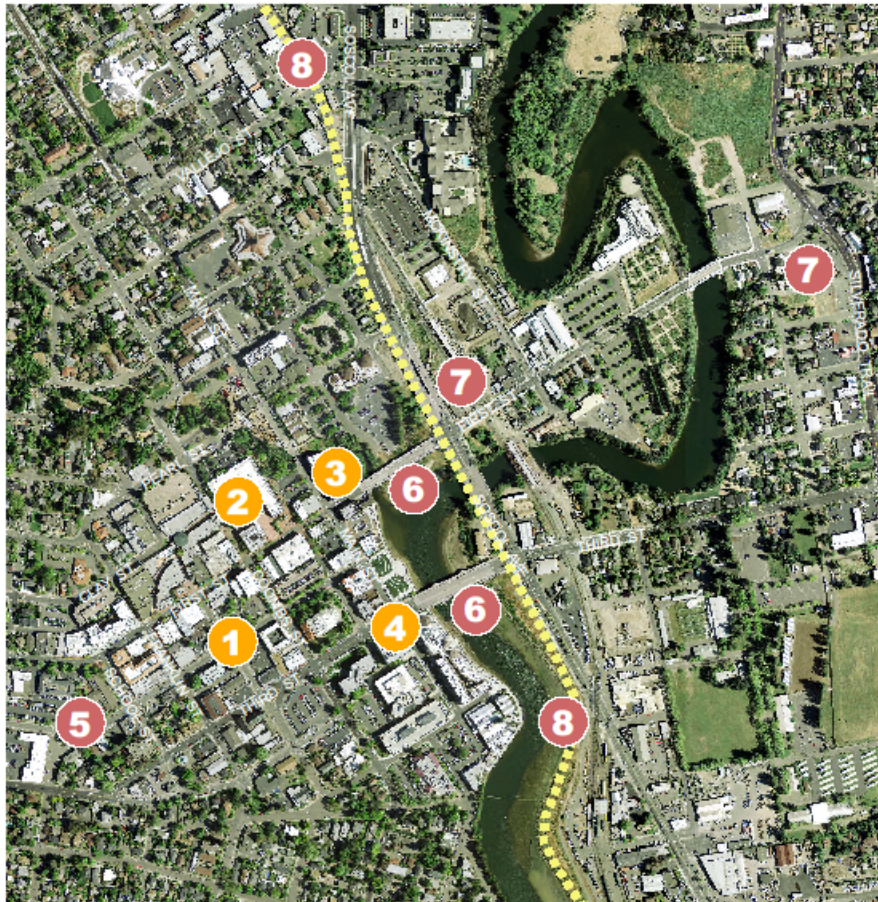
# APPENDIX C

*June 26, 2013 Results of the Public Art Stakeholder Process*

PUBLIC ART STEERING COMMITTEE PRELIMINARY RANKING	STAKEHOLDER MEETING RANKING OF LOCATIONS (Location Category – Priority Rank)	STAKEHOLDER MEETING RANKING OF SITES (if applicable)
<b><u>Tier I</u></b>	<i>Priority Ranking: 1 – 5 (1 greatest)</i>	<i>Priority Ranking: 1 – 4</i>
<b>Dwight Murray Plaza</b>	Parks and Plazas - 1	1
<b>Downtown Benches</b>	Roadways/Roundabouts - 3	n/a
<b>First &amp; Second Street Roundabouts</b>	Roadways/Roundabouts - 3	2
<b>Gateway at First &amp; Main Street</b>	Gateways/Intersections - 2	4
<b>Veterans Park</b>	Parks and Plazas - 1	4
<b><u>Tier II</u></b>		
<b>Gateways at First &amp; Soscol and First &amp; Silv. Trail</b>	Gateways/Intersections - 2	n/a
<b>City Hall</b>	Buildings - 5	n/a
<b>Vine Trail (e.g., blank bldg. walls, utility boxes)</b>	Pedestrian Paths/Bikeways - 5	n/a
<b>Old Sonoma Road street median</b>	Roadways/Roundabouts - 3	n/a
<b>Park &amp; Ride lot at Redwood and Hwy. 29</b>	n/a	n/a
<b>Trancas Crossing Park</b>	Parks and Plazas - 1	n/a
<b>Bridges (top and bottom)</b>	Bridges/Waterways - 4	n/a

# APPENDIX D

Map of Priority Sites for Public Art 2014



## APPENDIX C-1: PRIORITY SITES 2013 - 2014

### SHORT TERM (1 - 3 YEARS)

- 1 Downtown Streetscape
- 2 Dwight Murray Plaza
- 3 First and Main Gateway
- 4 Veterans Park

### LONGER TERM (3 - 5 YEARS)

- 5 City Hall Building
- 6 First and Third Street Bridges
- 7 First Street at Silverado Trail and Soscol Avenue Intersections
- 8 Napa Valley Vine Trail



# APPENDIX E

## *Implementation Matrix of Priority Sites for Public Art 2014*

PUBLICLY FUNDED ART LOCATIONS AND PROJECTS	Priority	Timeframe	Review Authority*	Reference
<b>Gateways/Intersections</b>				<b>Chapter III.A</b>
California Street Roundabouts	1	1 to 3 years	City Council/City Manager	Append. C-2, No. 5
First and Main Gateway	1	1 to 3 years	City Council/City Manager	Append. C-1, No. 3
First and Soscol Gateway	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 7
First and Silverado Gateway	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 7
<b>Parks and Plazas</b>				<b>Chapter III.B</b>
Dwight Murray Plaza	1	1 to 3 years	City Council/City Manager	Append. C-1, No. 2
Veterans Park	1	1 to 3 years	City Council/City Manager	Append. C-1, No. 4
<b>Pedestrian Paths and Bikeways</b>				<b>Chapter III.C</b>
Vine Trail	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 8
Support Columns and Walls under Third Street Bridge	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 6
<b>Public Buildings and Facilities</b>				<b>Chapter III.D</b>
City Hall	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 5
Park and Ride Lot at Redwood Road and Trancas Street	2	3 to 5 years	City Council/City Manager	Append. C-3, No. 10
<b>Bridges</b>				<b>Chapter III.E</b>

First and Third Street Bridges	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 6
<b>Roadways</b>				<b>Chapter III.F</b>
Downtown Streetscape	1	1 to 3 years	City Council/City Manager	Append. C-1, No. 1
First Street between Soscol and Silverado Trail	2	3 to 5 years	City Council/City Manager	Append. C-1, No. 7
Median at Old Sonoma Road near Walnut Street	2	3 to 5 years	City Council/City Manager	Append. C-2, No. 9