

City of Petaluma



Public Art Information Packet



Golden Concourse, Downtown Petaluma

City of Petaluma

Public Art Information Packet Contents

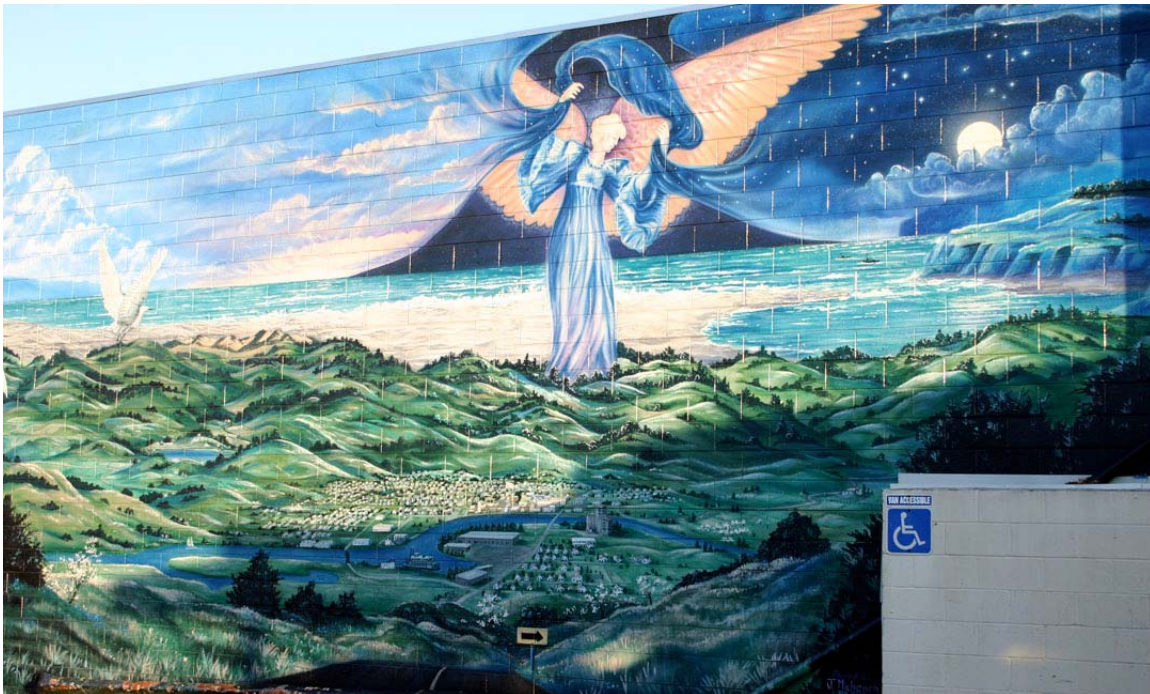
Letter of Introduction

Public Art Compliance Form

Ordinance 2202 N.C.S.

Public Art Sites in Petaluma (Map)

Public Art Information & Web Links



East Washington Street Mural

July 1, 2006

RE: Public Art in Petaluma

Dear Property Owner/Developer:

In March of 2005, the Petaluma City Council adopted Ordinance 2202 N.C.S. establishing a requirement for public art in certain industrial and commercial zones in the City of Petaluma. Leading up to the adoption of the ordinance, the Council heard from many members of our community about the economic and cultural benefits of public art, as well as the contribution it makes to our quality of life. These principles are clearly stated in the opening recitals of the ordinance and embody the goals of Petaluma's public art program:

- Public art is a critical element of public health and welfare.
- The arts foster economic development, revitalize urban areas and improve the overall business climate.
- A well-conceived work of art can increase the value of a development project, help to lease space more quickly, enhance the corporate image of the community, promote cultural tourism and provide a visible and lasting contribution to the community in return for the ability to build.
- Public art expresses the confidence, vitality and optimism of the community and reflects the highest ideals of its citizens resulting in a more beautiful and liveable city.
- Public art enriches and celebrates our community identity by developing a collection of artworks which have strong inherent aesthetic quality, represent diverse communities and a wide range of artistic styles and disciplines.

Although the ordinance allows for the payment of a fee in-lieu of creating public art as part of your proposed development project, we strongly encourage you to make every effort to create a work of art that not only satisfies the goals and objectives of the City's public art program, but is also an integral part of your proposed development. The ordinance is written to foster creativity and a wide range of options to meet its requirements, and the City's Public Art Committee can be of assistance in guiding your public art decision.

The Public Art Committee was created by the Public Art Ordinance and is comprised of 7 community members, several of whom are artists, appointed by

the City Council. The Committee does not have any decision-making authority over public art in private developments; however, the Committee is available to offer input and support to private developers who may not have a great deal of experience in creating public art as part of a private development. Using the Committee as a resource at the earliest possible time in the site planning and building design process is highly recommended, but not required.

In creating the Public Art Ordinance, a great deal of attention was paid to establishing a procedure that will result in quality public art with a minimum of additional processing steps and decisions. In effect, there are only two mandatory steps to comply with the ordinance and one optional step. The optional step, already mentioned above, is to meet with the Public Art Committee early on in the development review process. The two mandatory steps are:

1. At the time a Building Permit application is filed with the City, the property owner/developer shall either pay an in-lieu fee in an amount equal to 1% of the construction cost of the project, or provide the required evidence that a piece of public art will be created and installed in conformance with the ordinance.
2. At the time a Certificate of Occupancy is requested from the City, the property owner/developer shall provide proof of installation of the required public artwork.

We hope that the information in this packet is helpful in getting you started toward the creation of public art that you and the community will be proud of. If you have questions about the ordinance and its requirements, or to schedule a meeting with the Public Art Committee, please do not hesitate to contact the Community Development Department by phone at (707) 778-4301 or by e-mail at cdd@ci.petaluma.ca.us.

Sincerely,

A handwritten signature in black ink that reads "Mike Moore". The signature is written in a cursive, flowing style.

Mike Moore
Community Development Director



Public Art Compliance Form

NAME OF DEVELOPMENT PROJECT:	DEVELOPMENT PROJECT FILE #(S):
PROJECT LOCATION:	ASSESSOR'S PARCEL NUMBERS:
PROJECT APPLICANT:	ART CONSULTANT:
COMPANY NAME:	COMPANY NAME:
ADDRESS:	ADDRESS:
PHONE:	PHONE:
E-MAIL:	E-MAIL:

Compliance with the provisions of the Public Art Ordinance shall be demonstrated by the property owner or project developer either providing public art in compliance with the City of Petaluma's Public Art Ordinance (Ordinance 2022 N.C.S.), or payment of the full amount of the public art in-lieu fee.

Please check the applicable box for this project:

Provision of Public Artwork or Payment of Public Art In-Lieu Fee

If a project applicant/developer subject to the requirement of public art chooses to pay the in-lieu fee rather than provide the public artwork, the in-lieu fee shall be collected prior to the issuance of any building permit (including permits for grading, underground utilities, parking lot improvements, building shell, etc.) that puts the total project construction cost above \$500,000. Subsequent building permit will also be subject to the in-lieu fee prior to permit issuance. The project applicant/developer shall also complete the Building Permit Valuation Table below.

If a project applicant/developer subject to the requirement of public art chooses to provide public art instead of paying the in-lieu fee, the project applicant/developer must supply **2 complete sets** of the following information, including this form, at the time of filing of an application for a building permit. Each set shall be submitted in a 3-ring binder with appropriate tabs identifying the required information.

Title of Artwork

(please attach minimum 8 1/2" x 11" photo(s) or rendering(s) of the proposed artwork):

Name of Artist *(please attach artist's resume and appropriate evidence of experience in the production of such art and recognized by critics and by his/her peers as one who produces works of art):*

Commission Amount *(please attach copy of executed agreement between property owner/developer and artist. Commission amount must be equal to or greater than 1% of the "Construction Cost" as defined by the Public Art Ordinance):*

Please also attach the following information:

Narrative Description of the Art Work and Installation Location *(The narrative description shall include how the art work relates in terms of scale, material, form and content to immediate and adjacent buildings, architecture and landscaping or other setting; and shall provide a timeline for installation. Please also attach a minimum 11" x 17" site plan showing the art work in relation to the proposed development.)*

Narrative Description of the Long-Term Maintenance Plan for the Artwork *(please include any specifications or instructions for any special needs maintenance procedures or care that may be necessary)*

Installation Plans *(if a building permit is required for the installation, please attach all required plans)*

The **Petaluma Public Art Committee** typically meets on the fourth Thursday of each month. It is not required that a public art project be seen by the Committee, but they are available to provide guidance and support if an applicant so desires. Please contact the staff liaison to the Committee if you would like to be scheduled for a meeting agenda.

Please check if applicable:

Project Applicant/Developer and/or Art Consultant met with the Public Art Committee

Meeting Date _____

CERTIFICATIONS:

Property Owner/Developer:

I _____
(Please Print Name) certify that the information provided herein is true and accurate, and satisfies the requirements of the City of Petaluma’s Public Art Ordinance (Ordinance 2022 N.C.S.)

(Property Owner/Developer Signature)

Art Consultant (if applicable):

I _____
(Please Print Name) certify that the information provided herein is true and accurate, and satisfies the requirements of the City of Petaluma’s Public Art Ordinance (Ordinance 2022 N.C.S.)

(Art Consultant Signature)

BUILDING PERMIT VALUATION TABLE		
BUILDING PERMIT NUMBER	DESCRIPTION OF WORK (GRADING PERMIT, UNDERGROUND UTILITIES, PARKING LOT IMPROVEMENTS, BUILDING SHELL, ETC.)	VALUATION
TOTAL:		

City Use Only	
Date Submitted:	
Date Approved:	
Approved by:	
Title of Artwork:	
Amount of In-Lieu Fee Paid:	

ORDINANCE NO. 2202 N.C.S.

EFFECTIVE DATE
OF ORDINANCE

May 4, 2005

Introduced by

Seconded by

Pamela Torliatt

Mike Healy

**AMENDING ORDINANCE 1072 N.C.S. (THE ZONING ORDINANCE)
TO ADD ARTICLE 19.6, PUBLIC ART,
REQUIRING PUBLIC ART AS PART OF ALL NEW DEVELOPMENT
IN CERTAIN COMMERCIAL AND INDUSTRIAL ZONES IN THE CITY OF PETALUMA**

WHEREAS, the City of Petaluma has determined that public art is a critical element of public health and welfare; and,

WHEREAS, research has shown that the arts foster economic development, revitalize urban areas and improve the overall business climate. Additionally, a well-conceived work of art can increase the value of a development project, help to lease space more quickly, enhance the corporate image of the community, promote cultural tourism and provide a visible and lasting contribution to the community in return for the ability to build; and,

WHEREAS, public art expresses the confidence, vitality and optimism of the community and reflects the highest ideals of its citizens resulting in a more beautiful and livable city; and,

WHEREAS, public art enriches and celebrates our community identity by developing a collection of artworks which have strong inherent aesthetic quality, represent diverse communities and a wide range of artistic styles and disciplines; and,

WHEREAS, in order to insure that public art is present throughout the community it is necessary to require that all new development in certain zoning designations in the City of Petaluma include an element of public art or, where appropriate, contribute to a City fund for public art, in an amount to be determined by the City Council, in lieu of providing said art; and,

WHEREAS, amending the Zoning Ordinance to require public art is consistent with Program 37.1 of the 1987-2005 General Plan, which encourages a program of public art in parks, public buildings and public open spaces.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PETALUMA DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance 1072 N.C.S. is hereby amended to add the following:

1 **Article 19.6**

2 **Public Art**

- 3
4
5 19.6-100 Purpose
6 19.6-200 Definitions
7 19.6-300 Public Art Required in Certain Zones
8 19.6-400 Public Arts Committee
9 19.6-500 Public Art Fund

10
11 19.6-100 PURPOSE.

12
13 The purpose of this ordinance is to authorize the establishment of guidelines, procedures and
14 standards for the integration of public art into new private and public development and
15 redevelopment projects.

16
17 Public art helps make our city more livable and more visually stimulating. The experience of
18 public art makes the public areas of buildings and their grounds more welcoming, it creates a
19 deeper interaction with the places we visit, and in which we work and live. Public art illuminates
20 the history of a community while it points to the city's aspirations for the future. A city rich in art
21 encourages cultural tourism which brings in visitor revenues.

22
23 To achieve these goals, public art planning should be integrated into project planning at the
24 earliest possible stage, and the selected artist should become a member of the project's design
25 team early in the design process.

26
27 19.6-200 DEFINITIONS.

28
29 "Construction cost" shall mean the total value of the project as determined by the Community
30 Development Department. Calculations shall be based on construction costs as declared on all
31 building permit applications, but shall not apply to costs solely attributable to tenant
32 improvements. Building permit applications shall include, but not be limited to all grading,
33 building, plumbing, mechanical, and electrical permit applications for the project.

34
35 "Construction or reconstruction" means new construction or the rehabilitation, renovation,
36 remodeling or improvement of an existing building, except those construction activities solely
37 attributable to tenant improvements, having a construction cost as defined in this Chapter of
38 \$500,000.00 or more.

39
40 "Public artworks" means works of art are to be enduring original artworks. They should be of the
41 highest quality and craftsmanship. They should engage one's mind and senses while enhancing
42 and enriching the quality of life of the city. The artworks will be generally sited and an integral
43 part of the landscaping and/or architecture of the building, considering the historical,
44 geographical and social/cultural context of the site. The artworks shall be constructed in a
45 scale that is proportional to the scale of the development.

46 Public artworks may include sculpture, furnishings or fixtures, including but not limited to gates,
47 walls, railings, street lights or seating, if created by an artist as unique elements. The artworks can
48 include water elements and walkways.

49 Public artworks may include artistic or aesthetic elements of the overall architecture or
50 landscape design if created by a professional artist or a design team that includes a
51 professional visual artist.

1 Public artworks may include sculpture, murals, photography and original works of graphic art,
2 water features, neon, glass, mosaics, or any combination of forms of media, furnishing or fixtures
3 permanently affixed to the building or its grounds, or a combination thereof, and may include
4 architectural features of the building.

5 Public artworks do not include the following:

- 6 (a) Art objects that are mass-produced of standard design such as playground
7 equipment, benches or fountains;
- 8 (b) Decorative or functional elements or architectural details, which are designed
9 solely by the building architect as opposed to an artist commissioned for this
10 purpose working individually or in collaboration with the building architect;
- 11 (c) Landscape architecture and landscape gardening except where these elements
12 are designed by the artist and are an integral part of the work of art by the artist;
- 13 (d) Directional elements such as super graphics, signage, or color coding except
14 where these elements are integral parts of the original work of art or executed by
15 artists in unique or limited editions.
- 16 (e) Logos or corporate identity.

17
18 "Public art in-lieu fee" means the fee paid to the City of Petaluma pursuant to this Chapter
19 equal to one percent of construction cost as defined herein. In-lieu fees shall be placed in the
20 Public Art Fund. The fund shall be used for public art on public property. The fund shall be used
21 exclusively to (1) provide sites for works of art, (2) acquire and install works of art, (3) maintain
22 works of art, or (4) support the exhibition of art which is publicly accessible.

23 "Public art project" means the cost for the development, acquisition, and installation of
24 the public art required by this ordinance. It shall include the costs for the administration of
25 this public art program.

26
27 "Public construction project" means any publicly funded construction or reconstruction project,
28 except as provided in Section 19-300(B), of the City of Petaluma or the Petaluma Community
29 Development Commission with an engineer's estimate of the project cost of \$500,000.00 or
30 more, including but not limited to, the adopted 5-Year Capital Improvement Program, as
31 amended from time to time.

32
33 "Visual art professional" shall mean any of the following: professional artist in any medium,
34 curator, art critic, art historian, arts educator, architect or other design professional with a visual
35 arts background or fine arts collector.

36
37 19.6-300 PUBLIC ART REQUIRED IN CERTAIN ZONES.

38
39 (A) Public artworks, as defined in Section 19.6-100, shall be required as part of any
40 private or public construction or reconstruction project, as defined by Section 19.6-
41 100, located in the following zoning districts:

- 42
43 1) Administrative Professional Office District (C-O).
- 44 2) Neighborhood Commercial District (C-N).
- 45 3) Central Commercial District (C-C), including mixed use.
- 46 4) Highway Commercial District (C-H), including mixed use.
- 47 5) Light Industrial District (M-L).
- 48 6) General Industrial District (M-G).
- 49 7) Planned Unit District (PUD) and Planned Community District (PCD), except
50 residential PUD's and PCD's; but including mixed use.

- 1 8) T-5 and T-6 Zones, as established by the Central Petaluma Specific Plan
- 2 Smart Code, except projects that are entirely residential, but including
- 3 mixed use.
- 4 9) Any City Zoning District for any public construction project as defined by
- 5 this ordinance.
- 6

7 (B) Exceptions: The requirements of this chapter shall not apply to the following

8 activities:

9

- 10 1) Underground public works projects;
- 11 2) Street or sidewalk repair;
- 12 3) Tree planting;
- 13 4) Remodeling, repair or reconstruction of structures which have been
- 14 damaged by fire, flood, wind, earthquake or other calamity;
- 15 5) Affordable housing construction, remodel, repair or reconstruction projects;
- 16 6) Seismic retrofit projects as defined by Petaluma Municipal Code Chapter
- 17 17.34;
- 18 7) Construction, remodel, repair or reconstruction of structures owned and
- 19 occupied by public-serving social service and non-profit agencies.
- 20 8) Utility pump stations and reservoirs.
- 21 9) Fire sprinkler installation projects as defined by Petaluma Municipal Code
- 22 Section 17.20.070.
- 23

24 (C) Any private residential only project of 50 units or more, as permitted in any zoning district,

25 may choose to voluntarily participate in the public art program. Residential developers

26 choosing to voluntarily participate in the program shall follow the procedures set forth in

27 this Section. Applicants choosing to voluntarily participate in the public art program shall

28 provide public art on the project site, as provided by this Article, and are not eligible to

29 pay the in-lieu fee.

30

31 (D) The public art project shall cost an amount not less than one percent of the construction

32 cost for a private or public project, including all administrative costs borne by the City, as

33 they may relate to that project. The public art may be located (1) in areas on the site of

34 the building or addition clearly visible from the public street or sidewalk, or (2) on the site

35 of the approved open space feature of the project, or (3) upon the approval of any

36 relevant public agency on adjacent public property, or (4) in a publicly accessible area

37 of the development project.

38 (E) The creator of public art shall be a practitioner in the visual arts who is not a member of

39 the project architect, engineering or landscape architect firm. Public art shall be

40 displayed in a manner that will enhance its enjoyment by the general public.

41 (F) Compliance with the provisions of this Chapter shall be demonstrated by the owner or

42 developer at the time of filing a building permit application in one of the following ways:

- 43 1) Payment of the full amount of the public art in-lieu fee; or,
- 44 2) Written proof to the Community Development Department of a contractual
- 45 agreement to commission or purchase and install the required public artwork on
- 46 the subject development site and a written acknowledgement by the project
- 47 artist and the owner or developer, in a form approved by the City, that the
- 48 proposed public artwork complies with the following criteria:

- 1 (a) The art shall be designed and constructed by any person
2 experienced in the production of such art and recognized by critics
3 and by his/her peers as one who produces works of art;
- 4 (b) The art project shall require a low level of maintenance and that
5 the proposed maintenance provisions are adequate for the long-
6 term integrity and enjoyment of the work;
- 7 (c) The art work shall be related in terms of scale, material, form and
8 content to immediate and adjacent buildings and architecture,
9 landscaping or other setting so to complement the site and its
10 surroundings and shall be consistent with any corresponding action
11 of the Planning Commission, Site Plan and Architectural Review
12 Committee or City Council as it may relate to any development
13 entitlements;
- 14 (d) Permanent art work shall be a fixed asset to the property;
- 15 (e) The art work shall be maintained by the property owner in a manner
16 acceptable to the City;
- 17 (f) The art work meets all applicable building code requirements.
18

19 (G) In the event that the City determines that the proposed public art project does not
20 comply with criteria (a) through (f), above, the matter shall be referred to the Public Arts
21 Committee for review and a determination as to the project's compliance with criteria
22 (a) through (f). The determination of the Public Arts Committee may be appealed to the
23 City Council in the manner prescribed by Zoning Ordinance Section 26-408 (B) and (C).

24 (H) The owner or developer shall provide the City with proof of installation of the required
25 public artwork on the development site prior to the issuance of a Certificate of
26 Occupancy.

27 (I) Title to all artworks required by and installed pursuant to this Chapter shall pass to the
28 successive owners of the development. Each successive owner shall be responsible for
29 the custody, protection and maintenance of such works of art.

30 (J) If, for any reason, the current owner shall choose to replace any public artwork installed
31 pursuant to this Chapter, the following requirements shall be met before the artwork is
32 replaced:

- 33 1) The cost of the replacement shall be equal to, or greater than, the cost of the art
34 to be removed.
- 35 2) The location of the replacement shall meet the requirement for public
36 accessibility in effect at the time of the replacement.
- 37 3) The replacement art shall conform, in every respect, to all standards in effect at
38 the time of the replacement.
- 39 4) The replacement work, location and installation shall violate no other ordinance.
- 40 5) The replacement art shall be available for public view not more than 180 days
41 after the existing art is removed, unless the period is extended by the Community
42 Development Director.

1 19.6-400 PUBLIC ARTS COMMITTEE.

2 A Public Arts Committee is hereby established by the City Council. Terms of office for each of the
3 Committee members shall be four-year, staggered terms. Said Committee shall be comprised of
4 seven members as follows:

5 (A) Three members shall be "Visual Arts Professionals," as defined herein, and appointed by
6 the City Council from the community at-large.

7 (B) One member shall be a member of the Recreation, Music, and Parks Commission, as
8 designated by the members of the Recreation, Music, and Parks Commission.

9 (C) One member shall be a member of the Petaluma Arts Council, as nominated by the Arts
10 Council and appointed by the City Council.

11 (D) Two members shall be appointed by the City Council from the community-at-large.

12 The Committee shall perform the duties required of this ordinance and any other ordinance or
13 resolution of the City Council pertaining to the City of Petaluma's public art program.

14
15 19.6-500 PUBLIC ART FUND.
16

17 All fees collected under this ordinance shall be held in a special fund designated "Public Art
18 Fund," maintained, managed and reviewed by the City Manager, or his/her designee. The
19 Public Arts Committee shall, as part of the City's annual budget process, estimate the
20 administrative costs of the public art program for the given fiscal year, including but not limited
21 to staff support and related expenses; curatorial services; documentation; publicity, community
22 education and any other services or programs in accordance with the intent of this ordinance.
23 Revisions to the adopted annual budget for the Public Art Fund shall be subject to the review
24 and approval of the City Manager, who may determine that said revisions also require the
25 approval of the City Council.

26
27 **Section 2. Applicability.** The provisions of this ordinance shall apply to any project that
28 receives any required entitlement approvals (tentative map, rezoning or pre-zoning, General
29 Plan amendment and related environmental determination) from the Planning Commission and
30 City Council after the effective date of this ordinance. If SPARC approval is the only required
31 entitlement for a project, then the project must receive final SPARC approval prior to the
32 effective date of this ordinance. If a building permit is only required and none of the
33 circumstances listed in this Section apply to the application, then the building permit must be
34 issued for the project prior to the effective date of this ordinance. However, when a
35 development agreement or some other agreement authorized by the City Manager is in place
36 that clearly establishes provisions for the payment of in-lieu fees, said project may be exempt
37 from the requirements of this ordinance.
38

39 **Section 3. City Council Review.** The City Council shall review the provisions of this
40 ordinance and the effectiveness of the Public Art program following a period of time deemed
41 appropriate by the City Council, but not to exceed five years after the effective date of this
42 ordinance.
43

44 **Section 4. Exemption from CEQA.** The City Council finds, pursuant to Title 14 of the
45 California Administrative Code, Sections 15061(b)(3) and 15378(a), that this ordinance is exempt

1 from the requirements of the California Environmental Quality Act (CEQA) in that it is not a
2 project which has the potential for causing a significant effect on the environment.
3

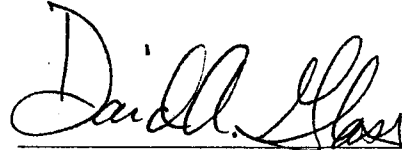
4 INTRODUCED and ordered published this 21st day of March 2005.
5

6 ADOPTED this 4th day of April 2005 by the following vote:
7

8 AYES: Mayor Glass, Healy, Nau, O'Brien, Torliatt
9

10 NOES: Vice Mayor Harris
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12 ABSENT: Canevaro
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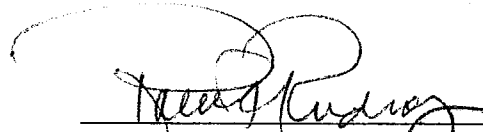
David Glass, Mayor

21 ATTEST:
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APPROVED AS TO FORM:
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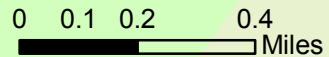
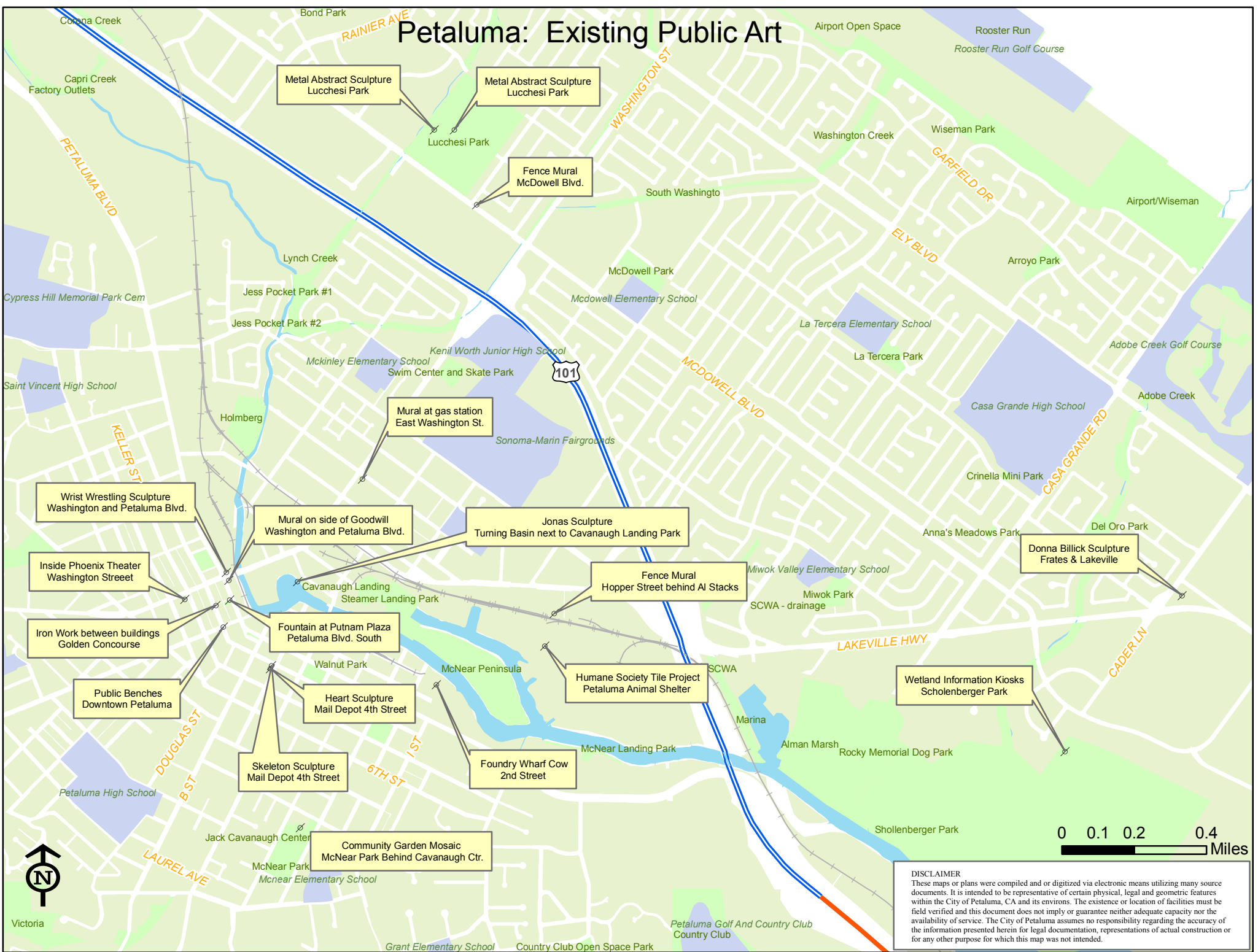
Claire Cooper, Interim City Clerk



Richard R. Rudnansky, City Attorney

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Petaluma: Existing Public Art



DISCLAIMER
 These maps or plans were compiled and or digitized via electronic means utilizing many source documents. It is intended to be representative of certain physical, legal and geometric features within the City of Petaluma, CA and its environs. The existence or location of facilities must be field verified and this document does not imply or guarantee neither adequate capacity nor the availability of service. The City of Petaluma assumes no responsibility regarding the accuracy of the information presented herein for legal documentation, representations of actual construction or for any other purpose for which this map was not intended.



Public Art Information & Web Links

The following web links are provided as a resource for public art for developers who may be subject to the requirements of the Public Art Ordinance. These links are for informational purposes only and are not intended as an endorsement of any particular organization, artist or type or style of art. These links will be updated and changed from time-to-time.

Americans for the Arts Publications

<http://americans4thearts.stores.yahoo.net/public-art.html>

Americans for the Arts

www.artusa.org

ArtNetworks

www.artsmarketing.com

ArtistsRegister.com

<http://artistsregister.com/links.phtml>

Artist Resource

www.artistresource.org/artorgs.htm

Bay Area Art Source

http://foggy.com/baas/component/option,com_frontpage/Itemid,1/

California Arts Council

www.cac.ca.gov

California Assembly of Local Arts Agencies

www.calaa.net

California Council for the Humanities

www.calhum.org

Chicano Art Resource

<http://cemaweb.library.ucsb.edu/chicanoArt.html>

National Endowment for the Arts

www.nea.gov

Project for Public Spaces

www.pps.org

Public Art Online

www.publicartonline.org.uk/index.html

Public Art on the Net

<http://zpub.com/public>

Social and Public Art Resource Center

www.sparcmurals.org



Skeleton Sculpture, Fourth Street