

# CITY OF SANTA FE SPRINGS

## Heritage Artwork in Public Places

### II. DEVELOPER GUIDE

#### SECTION I: VISION AND GOALS

Santa Fe Springs is a family-oriented community that is proud of its history, heritage, and spirit of collaboration among residents, businesses and City officials. The community is recognized for its commitment to youth and dedication to quality of life. People who move to Santa Fe Springs stay – there is less than 2% turnover in population compared to the 7% national average.\*<sup>1</sup>

Santa Fe Springs has a strong record of support for public art. On August 10, 1989, the Santa Fe Springs City Council adopted Ordinance No. 755, which created the Heritage Artwork in Public Places Program (HAPP). The purposes are:

To provide a collection of nationally recognized permanent and temporary artwork throughout the city to be of public benefit.

To expand the opportunities for residents and visitors to experience artistic, historic, and cultural aspects of Santa Fe Springs through the placement of artwork in public places that may feature, but is not limited to, the historic periods of Native American, Spanish Mexican, Turn-of-the-Century Ranching, and Industrial/Modern.

To generate funding to support a range of artistic and cultural activities and venues, including, but not limited to, children-oriented public art events, live theatre, music and dance festivals, museum activities, arts education, and facilities that support the creation, performance, and exhibition of art.

#### SECTION II: OVERVIEW

This Developer Guide serves as a comprehensive step-by step outline of definitions, options, submittal requirements, and approvals needed for meeting requirements of the City of Santa Fe Springs Heritage Artwork in Public Places (HAPP) Ordinance.

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\*<sup>1</sup> As of 2010.

**A. WHAT PROJECTS ARE SUBJECT TO THE HERITAGE ART- WORK IN PUBLIC PLACES (HAPP) ORDINANCE?**

1. **New Residential, Commercial, and Industrial Development Projects.** All new residential, commercial, and industrial development projects valued at \$300,000 or more.
2. **Tenant Improvements, Remodels and Building Additions.** Projects that involve remodeling or expansion of existing developments valued at \$300,000 or more.

**B. WHAT PROJECTS ARE EXEMPT FROM THE HAPP ORDINANCE?**

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

**C. WHAT IS THE REQUIRED HAPP ALLOCATION?**

**One percent (1%)** of the total building permit valuation, excluding the value of the land.

**D. HOW IS THE TOTAL BUILDING VALUATION CALCULATED?**

1. The total building valuation is computed using the latest Building Valuation Data as set forth by the International Conference Building Officials (ICBO). The value of the land is excluded from this calculation.
2. The one percent (1%) for art is calculated by the Department of Planning and verified by the Director of the Department of Community Services or designee.

**E. WHERE SHOULD THE ARTWORK BE LOCATED?**

Location of the artwork must be in an area on public or private property that is open and accessible to the general public a minimum of five days a week during normal business hours. Unobstructed and unrestricted access to the artwork without security check-in or clearance, invitation, or the perception that appropriate business must be conducted at the site is also required.

**SECTION III: DEVELOPER OPTIONS**

When plans are submitted to the Department of Planning for review, the Director of Planning or designee will inform the developer of the HAPP Ordinance and its goals. Once the developer has received approval for a

development, the developer is expected to make an appointment with the Director of the Department of Community Services or designee to receive further details about the HAPP Program.

Throughout negotiations, Community Services Administration staff will work with the developer to fully evaluate the available options and will apply the HAAP Ordinance in a flexible manner to achieve a high quality meaningful project. The developer has two options for meeting the required percent for art obligation.

**A. HOW TO SATISFY THE HAPP REQUIREMENT**

Spend one percent (1%) of the total building valuation for one of the following options:

**On-Site Artwork**

Incorporate artwork in a public place on or in the vicinity of the project site by following the procedures described under Art Plan Requirements.

**OR**

**Alternate-Site Artwork**

Acquire and install artwork in a public place not on the project site by following the procedures described under Art Plan Requirements.

**OR**

**Contribute to the Heritage Artwork in Public Places Fund**

Contribute an in-lieu fee equal to 100% of the HAPP requirement or any remaining obligation. Requirements.

**B. WHAT ARE THE KEY FEATURES OF AN ART PLAN AND FINAL REPORT FOR ON-SITE AND ALTERNATE-SITE ART?**

The Conceptual Art Plan and Final Report for on-site art are submitted to the Director of the Department of Community Services or designee at the schematic and final design stages, respectively. The Conceptual Art Plan provides details on the artist selection process, artist qualifications, artwork ideas, design elements and discusses how the artwork is in a publicly accessible location and how it impacts the development project.

The Final Report is a comprehensive record of the artwork and must be submitted to and reviewed by the HAAC prior to issuance of building permits by the City.

**C. WHO REVIEWS THE CONCEPTUAL ART PLAN AND FINAL REPORT?**

Conceptual Art Plans are reviewed by the Director of the Department of Community Services or designee and the Heritage Arts Advisory Committee (HAAC). Within 30 days after approving the Conceptual Art Plan, the HAAC will submit it to the City Council for final approval. The City Council may approve, approve in part, conditionally approve, or deny the application. The City Council meets on the second and fourth Thursdays of each month.

**D. WHAT IF THE ART BUDGET IS SMALL?**

When the 1% HAPP allocation for a project equates to an amount less than \$30,000, the developer is encouraged to pay the full in-lieu contribution to the HAPP Fund since it is difficult to fabricate notable public art at a lesser value.

**E. WHY CONTRIBUTE TO THE HAPP FUND?**

The HAPP Fund is used for generational/intergenerational art education programs and events, for the purchase, commission, and installation of public artwork to enhance the civic spaces, and to create studio, rehearsal, exhibition, and office space<sup>4</sup> for artists and non-profit arts organizations. Funds are also used for maintenance and conservation of public artwork.

**SECTION IV: STEPS AND SUBMITTALS**

<p><b><u>Art Plan for On-Site or Alternative-Site Art</u> – STEPS 1 through 11</b></p> <p><b><u>HAPP Fund Payment</u> - STEPS 1 through 4 → 8</b></p>
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**STEP 1 Project Screening**

Upon submittal of plans to the Department of Planning Department, the Director of Planning or designee will determine whether a development project is subject to the requirements of the HAPP Ordinance. The Director of Planning or designee may require the submission of additional information regarding project valuation to assist in making this determination.

**STEP 2 Review and Understand Policy, Requirements, and Options**

All developers will be informed of the HAPP obligation at the outset of discussions for development projects with the City of Santa Fe Springs and upon submittal of construction drawings to the Building Division.

Developers also will be given copies of the HAPP Ordinance and this Developer Guide. Developers should meet with Department of Planning staff or designated Department of Community Services Administration

staff to discuss options available and ask questions to ensure a clear understanding of the requirements.

**STEP 3 Estimate Project Art Budget and Choose Option**

The Director of the Department of Community Services or designee will make an estimate of the percent for art budget, review the preliminary project scheme, and discuss with the development team the viability of the options open to the developer to satisfy the HAPP Ordinance requirement.

**STEP 4 Submit HAPP Application**

The Department of Planning staff will provide a HAPP Application form to the developer to complete at time of submittal of construction drawings. The HAPP Application will set forth the manner in which the developer proposes to fulfill the requirements of the HAPP Ordinance -- by on-site or alternate-site artwork, in-lieu contribution, or any combination thereof.

**STEP 5 Hire Professional Public Art Consultant**

Should the developer choose to pursue the acquisition and installation of public artwork, the developer is required to secure the services of a professional public art consultant. The developer may select a consultant:

- From a pre-approved list of public art consultants maintained by the Department of Community Services;
- Of the developer's choosing from a source other than the pre-approved list, which requires approval by the HAAC; or
- By paying a fee-for-service to the City for the services of a public art consultant who may be on retainer.

Public art consultant fees of up to fifteen percent (15%) of the public art project budget are an allowable expense and can be included in the administrative cost portion of the budget. If the developer chooses the fee-for-service option, the developer is required to pay fifteen percent (15%) of the public art project budget to the City for the purpose of managing an HAPP project on the development site.

**STEP 6 Submit Conceptual Art Plan for On-Site or Alternate-Site Art (if applicable)**

Any developer electing to meet the HAPP requirement by incorporating public art into the project is required to develop Conceptual Art Plan and Final Report. The Conceptual Art Plan must be presented to the City and then presented to the HAAC at the schematic design stage.

The Conceptual Art Plan describes how the artist was selected; provides evidence of artist qualifications, provides illustrations and details of how the artwork is incorporated into the development project in a publicly accessible location, and provides a breakdown of the public art budget.

**STEP 7 Obtain HAAC and City Council Approval of the Conceptual Art Plan**

The Director of the Department of Community Services or designee will prepare a report for HAAC review. Upon review, the HAAC will forward a recommendation to the City Council for approval.

**STEP 8 Make HAPP Fund Deposit (if applicable)**

Required HAPP Fund payments must be received at least ten (10) business days prior to issuance of a building permit by the City, unless otherwise provided by the City Council.

**STEP 9 Submit Final Report**

Prior to project completion and issuance by the City of the Certificate of Occupancy, the Department of Community Services must have a complete record of any artwork created under the HAPP Ordinance. This record must include final construction or shop drawings for the artwork; all legal agreements between artists and the developer; contextual and detailed photographic images (preferably digital); maintenance plan and schedule; photograph of plaque acknowledging the artist and the City of Santa Fe Springs; and copies of any press clippings or media coverage. Since changes may occur in building ownership and management, and artists relocate or pass away, the Department of Community Services functions as a stable repository for project information.

**STEP 10 Sign Covenant and Plan for Long-Term Maintenance**

Prior to project conclusion and issuance of the Certificate of Completion, the developer must enter into a covenant obligating the developer to maintain the artwork over the lifespan of the artwork, unless otherwise negotiated and approved by the City Council. Proof of filing of the Covenant with the Los Angeles County Recorder's Office must be provided to the City.

**STEP 11 Artwork Dedication**

Once the artwork is installed and approved, a dedication/unveiling is scheduled. The dedication ceremony is attended by the developer's guests, City officials, the artists, members of the press and the community.

**SECTION V: PROCEDURES**

## A. CONCEPTUAL ART PLAN AND FINAL REPORT REQUIREMENTS

### 1. Conceptual Art Plan

The Conceptual Art Plan submitted at the schematic design stage must include the following:

- a. **Summary of Artist Selection Process** in accordance with Section IV of these guidelines, including:
  - A list of all artists considered.
  - Evidence that the list includes regional artists, artists from diverse cultural backgrounds and artists of both genders.
  - Type of selection process used.
  - Names and affiliations of jury/artist selection panel members.
  - Resume of selected artist or artists.
  - Images of selected artist's work (slides, digital, video, DVD, catalogs, press clippings).
  - Statement as to why the selected artist is qualified to work on this project.
  
- b. **List of Team Members**, including:
  - Developer (contact person, address, phone, e-mail, web page).
  - Art Consultant (name, address, phone, e-mail, web page).
  - Architect (lead designer, address, phone, e-mail, web page).
  - Landscape Architect (lead designer, address, phone, e-mail, web page).
  - Artist (address, phone, e-mail, web page)
  
- c. **Narrative Statement** articulates how the artwork design:
  - Responds to the vision and goals of the HAPP Program.
  - Responds to the project site in relationship to the neighborhood in which it is located.
  - Can be viewed by the public a minimum of eight (8) hours a day.
  - Helps create lively, habitable places which make unique contributions to the community.
  - Engages the visitors, tourists, residents, and/or workers.
  - Is well-integrated into the project design and reflects the sensibilities of the architect, landscape architect, and artist.
  - Involves community members.
  - Reflects the history of the site and its place in the history of the City of Santa Fe Springs.
  - Engages street-level activities and creates a positive experience for pedestrians.
  - Impacts the surrounding streetscape.
  
- d. **Visual Representation of the Artist's Conceptual Design** must illustrate the context of the artwork within the site and show details sufficient to

communicate compliance with setback, visibility, and other safety requirements. Representation may be in the form of any one or combination of the following:

- Digital images of renderings or models/maquettes in jpeg format.
- Hand-drawn renderings or other illustrations.
- A model or maquette.
- Computer generated drawings or 3-D renderings.
- QuickTime, Media Player movies, or other moving images of the project or artwork content on a CD or DVD.

e. **Artwork Details** including:

- Materials to be used in the fabrication of each artwork element.
- Approximate size of each artwork element.
- Colors and textures selected for each artwork element.
- Structural engineering calculations, as appropriate. **Note: A building permit and/or a permit for excavation is required by the City.**

f. **Landscape Details** including:

- Plans showing exact location of sprinklers and landscaping around the artwork, as appropriate.
- Specification of the type of irrigation and plant materials to be used.

g. **Lighting Details** including:

- Plans showing exact location of lighting fixtures.
- Specification of type of fixtures and lamps to be used including model name. **Note: An electrical permit is required by the City.**

h. **Art Budget** including:

- Breakdowns for on-site artwork and anticipated HAPP Fund contributions.
- Breakdowns for finalist fees, anticipated artist fees, artwork fabrication, art consultant fees, and other administrative expenses.
- Total art budget must meet or exceed required allocation per the HAPP ordinance.

## 2. Final Report

Final submittals must create a comprehensive record of the artwork and show any changes to the accepted schematic design and associated submittals including:

- a. **A Final Narrative Statement** updating the statement submitted at the schematic stage. The statement must include artist's budget quotes and written statement about the project.



- b. **Contracts**, including:
  - A contract between the artist and the developer.
  - If applicable, the contract between the developer and an art or special fabricator.
- c. **Final Drawings**, including:
  - Project final construction drawings showing any and all artwork views and details.
  - Shop drawings of all artwork elements.
  - Engineering drawings and calculations.
- d. **Conservation and Maintenance Reports** demonstrating that an art conservator has reviewed all artwork elements and has concurred with the proposed maintenance schedule and procedures. A maintenance manual should be provided, including:
  - Comprehensive information, such as materials data sheets on all materials used in all artwork elements.
  - Paint type and color swatches.
  - Maintenance schedule.
  - Instructions on maintenance work and periodic repairs to be conducted.
  - Warranties for any artwork parts or equipment.
- e. **Final Detailed Art Budget** showing only allowable expenditures.
- f. **Photographic Documentation** of the artwork showing the artwork in context of the project and detailed images of each artwork element. Any required copyright notices that must accompany use or publication of the images must be indicated.

## **B. ART PLAN FOR ON-SITE ART**

Any developer electing to meet the HAPP Ordinance requirement by preparing and carrying out a Conceptual Art Plan and Final Report for on-site and alternate-site artwork will be instructed that it is optimal when the artwork evolves as an integral part of the overall development project.

### **1. Artist Selection**

#### **a. Starts when Public Art Consultant is Hired**

The artist selection process begins when a professional public art consultant is hired by the developer or through the Department of Community Services on a fee-for-service basis to guide the developer through the process.

### **b. Selection Process**

The developer is responsible for selecting the artist, provided that the artist meets the qualifications listed below in Artist and Artwork Selection. Developers may receive assistance from the Director of the Department of Community Services or designee with the selection of an artist. The City will provide access to the Pre-Qualified Artist Directory and to other resources with artist listings. The HAAC will consider each artist and proposed artwork on a case-by-case basis.

### **c. Methods of Artist Selection**

The developer, in consultation with the professional public art consultant, may consider - but is not limited to - the following options for selecting an artist.

#### **• Selecting from the Pre-Qualified Artist Directory**

Artists may be selected from the Pre-Qualified Artist Directory, a list of artists who meet the Artist Selection Criteria below that is developed and maintained by the Director of the Department of Community Services or designee.

#### **• Open Competition**

An Open Competition provides an opportunity for any qualified artist to submit images of their artwork and qualifications. A written and electronic notice are issued summarizing the project, qualifications sought, proposal requirements, and project schedule. After a review of submitted materials, and a follow-up interview for finalists, an artist is selected for the commission.

#### **• Limited Competition**

A Limited Competition involves assembly of a shortlist of qualified artists who are solicited through the Pre-Qualified Artist Directory or nominated from a select number of expert and well-informed arts and design professionals.

## **2. Artist Selection Criteria**

### **a. Artist Qualifications**

- Ability to generate creative and appropriate ideas.
- Ability to influence a product of uncompromising quality.
- Proven ability to work effectively in collaborative situations.
- Ability to understand and work with diverse community constituencies.
- Experience in architecture or landscape-based projects.
- Proven ability to meet established budgets and deadlines.

**b. Ineligible Project Artists**

- The project architects or members of consulting architectural or design, landscape, or engineering firms.
- Members of the selection panel.
- Employees of the developer, or anyone with a vested or familial relationship to the developer.
- Employees of the City of Santa Fe Springs.
- Members of the HAAC.

**C. ART BUDGET FOR ON-SITE AND ALTERNATE-SITE ARTWORK**

**1. Allowable Expenses**

Subject to restrictions on expenditures of revenues, the HAPP allocation may be expended for, but is not limited to, the following:

- a. HAPP Program administration for expenses incurred in the process of artist and artwork selection, development and installation of artwork, and media/community outreach efforts.
- b. Artist's fee for professional design, execution, and installation of the artwork.
- c. Fees for fabricators and other sub-contracted labor.
- d. Supplies and materials.
- e. Equipment rental.
- f. Project related travel.
- g. Transportation of the artwork to the site.
- h. City and county permits, as required.
- i. Taxes, where applicable.
- j. Frames, mattes, pedestals, containments, and other devices necessary for the security, preservation, and display of the artwork.
- k. Site modifications necessary for the installation of the artwork.
- l. Fire retardant treatments, when necessary.
- m. Insurance, as required.
- n. Waterworks, electrical, and mechanical devices, lighting or other equipment that is an integral part of the artwork.
- o. Slides and other documentation.
- p. Purchase of existing artworks.

**2. Unallowable Expenses**

In general, the HAPP project allocation may not be expended for the following:

- a. Reproductions of original visual artworks by mechanical or other means. Limited editions signed by the artist of artwork such as original prints, cast sculpture, and photographs may be included.

- b. Elements generally considered to be components of the architecture and landscape architecture building program, unless designed by a qualified artist specifically commissioned for this purpose.
- c. Art objects that are mass-produced or of standard design such as functional equipment, fountains, or statuary objects.
- d. Directional elements such as signs, maps, and color coding, unless designed and executed by an artist.
- e. Expenses related to the ongoing operation of the artwork such as utility costs and electrical, water, or mechanical service required to activate the artwork.
- f. Insurance, ongoing maintenance and long-term conservation of the artwork.

#### **D. REVIEW AND APPROVAL**

##### **1. Role of Staff**

From the development of the Conceptual Art Plan through submittal of the Final Report, developers and their public art consultants should proactively communicate with the Director of the Department of Community Services or designee to ensure that their plans meet HAPP Ordinance requirements.

##### **2. Review and Approval by HAAC and City Council**

The HAAC will evaluate the Conceptual Art Plan and Final Report based on the criteria below. Within 30 days after approving the Conceptual Art Plan, the HAAC will submit it to the City Council for final approval. The City Council may approve, approve in part, conditionally approve, or deny the application.

##### **3. Criteria for Review and Approval**

The Director of the Department of Community Services or designee and the HAAC will use the following criteria for evaluating an Art Plan for On-Site Art:

- a. **Artistic Quality.** The assessed aesthetic merit of the piece as a work of art, independent of other considerations.
- b. **Context.** Works of art must be compatible in scale, material, form, and content with their surroundings. Consideration should be given to the architectural, historical, geographical and social/cultural context of the site.

- c. **Content.** Expressions of obvious bad taste or profanity, which would likely be offensive to the general public, are unacceptable.
- d. **Media.** All forms of visual art may be considered. Works may either be portable or permanently attached.
- e. **Permanence.** Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism and weathering.
- f. **Ability to Maintain.** Significant consideration shall be given to the cost and amount of on-going maintenance and/or repair anticipated.
- g. **Public Safety and Accessibility.** Each work shall be evaluated to ensure that it does not present a hazard to public safety and complies with all applicable building codes and accessibility requirements.
- h. **Range.** The City strives for diversity in style, scale, media, and numbers of artists represented to assure a balanced and interesting collection. Applicants are encouraged to utilize styles, materials, and artists that will complement the existing collection.
- i. **Feasibility.** Proposed objects shall be evaluated relative to their feasibility and convincing evidence of the artist’s ability to successfully complete the work as proposed. Factors to be considered include, but are not limited to: project budget, timeline, and artist’s experience, soundness of materials, city approval requirements, and level of community support.
- j. **Duplication.** To assure that the artwork will not be duplicated, the artist shall be asked to warrant that the work is unique, and an edition of one, unless stated to the contrary in the contract.

**E. ARTWORK IDENTIFICATION PLAQUE**

The HAAC will finance the fabrication and installation of a plaque or equivalent form of permanent signage acknowledging the artist, other design professionals involved in the project, the developer, and the City of Santa Fe Springs HAPP Program in a publicly accessible location near the artwork.

**F. PROJECT COMPLETION**

**1. In-lieu contribution.**

In the event that the 1% HAPP Allocation in-lieu contribution has not been paid in full, the City will not issue grading or building permits.

**2. On-Site or Alternate-Site Artwork.**

When the developer has elected to fulfill the requirements in full or in part through on-site artwork pursuant to the approved HAPP Conceptual Art Plan, the Certificate of Occupancy or final building permit will not be issued until the approved artwork has been fully installed and completed in a

manner satisfactory to the Director of the Department of Community Services or designee and the Final Report has been received and reviewed by the HAAC.

At the discretion of the Director of Planning or designee, an in-lieu contribution in the amount of the valuation of the approved artwork may be made as a deposit to secure the proper installation of artwork subsequent to the issuance of a Certificate of Occupancy or final building permit. Upon proper installation of the approved artwork, the deposit will be refunded. After one (1) year following the deposit of an in-lieu contribution, the City may elect to cancel the requirement for the approved artwork and retain the deposit as fulfillment of the HAPP requirement.

## **SECTION VI: OWNERSHIP AND MAINTENANCE RESPONSIBILITIES**

Prior to project conclusion and issuance of the Certificate of Occupancy, the developer must enter into and record with the Los Angeles County Recorder's Office and filed with the City of Santa Fe Springs) a covenant (sample attached) obligating the developer or their successors an interest to maintain the artwork over the life of the artwork unless otherwise negotiated and approved by the HAAC.

### **A. ARTWORK OWNERSHIP**

Any on-site artwork created under the HAPP Ordinance is the property of the development owner and cannot be sold or transferred to an owner other than the owner of that development.

### **B. ARTWORK MAINTENANCE OBLIGATION**

The continued maintenance of the artwork will be the responsibility of the developer or its successors throughout the lifetime of the artwork, unless otherwise negotiated and approved by the HAAC. Prior to that date, the developer, its successors, and its assigns, may not destroy, remove, relocate, change, alter, modify, or allow to be defaced, any such public art component without the express consent of the artist and the City. If the artwork is removed, stolen or destroyed beyond repair, the owner will be responsible for the replacement of the artwork or must pay an amount equivalent to the original requirement into the HAPP Fund.

Where artwork is placed on private property pursuant to the requirements of the HAPP Ordinance, the developer will execute and record a covenant with the Los Angeles County Recorder which sets forth the developer's obligation to properly maintain the approved artwork. If any approved artwork placed on private property pursuant to the HAPP Ordinance is removed without City approval, the City will pursue enforcement of the covenant and any other appropriate remedies that will ensure compliance with the requirements of the HAPP Ordinance.

### **C. ART INSURANCE**

Public artwork must remain permanently installed at the site as a condition of project approval and if not, in a recordable agreement, binding on successors to title to the subject property, as reasonably approved by the City attorney. In the event the artwork is damaged, destroyed, damaged beyond repair, or stolen, the developer is legally responsible for repairing or replacing the artwork, with an artwork or artworks of equivalent value. Developers are strongly encouraged to insure artwork on their property.

### **D. DAMAGED ARTWORK**

The developer is responsible for repairing artwork located on their property in the event of damage and/or vandalism.

1. Artwork damaged or vandalized will be repaired as closely as possible to the original approved artwork.
2. If repair is needed, the original artist must be given first refusal to repair the artwork at a reasonable fee. If the original artist is not available, or is unwilling to perform the required repair for a reasonable fee, the owner will make arrangements for repair with a reputable art conservator.
3. The developer will be responsible for notifying the City of the steps that will be taken to repair the work.

### **E. REPLACEMENT OF ARTWORK**

In the event the artwork is destroyed, damaged beyond repair, stolen or otherwise removed from the site, the owner will replace the artwork with a new artwork.

1. The developer will submit an application to the City for review by the HAAC.
2. The new artwork will comply with all of the requirements of the HAPP Program in effect at the time the artwork is replaced. The allocation for the new (replacement) artwork will be calculated based on the current total building valuation, as determined by the Director of the Department of Community Services or designee.
3. The replacement process will be completed within a six to twelve-month time frame unless otherwise agreed to by the Director of the Department of Community Services or designee.

### **F. REMOVAL OF ARTWORK**

The City will not authorize removing public art, except under the most extenuating circumstances:

1. The indefinite removal of an artwork from permanent display, whether or not it is disposed, affects the artist's rights and has serious legal consequences for the developer.

2. Developers wishing to remove, modify, or in any way alter the artwork, must first seek legal consent from the original artist and must provide a compelling reason for taking such action with the artwork.
3. All such requests must be submitted to the HAAC for its consideration and approval in accordance with the Policy for Deaccessioning Works of Art.
4. Factors to be considered by the HAAC will include, but not be limited to reasons and costs of relocation, risk of damage to the artwork, maintenance costs, and artist and owner rights and responsibilities.

## **SECTION VII: DEFINITIONS**

- A. **Artist:** A person who has established a reputation of artistic excellence in the visual, performing, literary, or media arts, as judged by peers, through a record of exhibitions, public commissions, sale of works and/or educational attainment.
- B. **Artist Fees:** Artist fees refer to that portion of the public art project budget reserved for payment to the artist for his/her creative services for design, fabrication and project management services. Fees do not include other labor, materials, travel and per diem allowances for out-of-town artists.
- C. **Artist Selection Panel:** A group of artists, design professionals, arts professionals, community representatives, and others deemed necessary for a balanced point of view called together by a developer or the Director of the Department of Community Services or designee to evaluate artist qualifications and/or identify artist(s) for a given project in conformance with the HAPP Ordinance.
- D. **Artwork:** Publicly accessible artistic and cultural facilities, services and/or amenities encompassing all cultures through the broadest possible range of expression, media and materials.
- E. **Conceptual Art Plan:** A plan prepared by the developer and submitted to the HAAC at the schematic and final design stages that provides details on the artist selection process, artist qualifications, artwork ideas, and design elements, is in a publicly accessible location, and how the artwork impacts the development project.
- F. **Conservation:** The act of restoring or repairing artwork.
- G. **Community Outreach:** Education and marketing efforts to connect with the public to teach about and gather input on HAPP Projects.
- H. **Deaccession:** The process of permanently removing artwork from the collection, usually through sale or exchange or any other transactions by which title of outgoing artworks are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.



- I. **Design Professional:** An individual professionally trained in design, such as architecture, landscape architecture, art, graphics, urban design, and planning; also environmental, industrial, interior, and design.
- J. **Developer:** The person or entity that is financially and legally responsible for the planning, development and construction of any development project, who may or may not be the owner of the subject property.
- K. **Development Project:** New residential, commercial, and industrial development projects and projects that involve remodeling or expansion of existing developments valued at \$300,000 or more. A Development Project consists of all facilities combined within the development site that require a building permit.
- L. **Donation of Artwork:** A gift of artwork or memorial of any size, style or medium donated to the City of Santa Fe Springs by an individual, businesses, or group.
- M. **Final Design:** Once all variables (engineering, costs, and changes in project design) are fixed and resolved including identification of all materials, colors, and processes to be used in the creation of the art, as well as an identification of who will fabricate or provide all components.
- N. **Final Report:** A complete record of any artwork created under the HAPP Ordinance.
- O. **Finalist Fees:** Modest payment made to each public art project finalist for a proposal.
- P. **Heritage Arts Advisory Committee** a standing committee appointed by the City Council to advise the City's Heritage Artwork in Public Places Program.
- Q. **Heritage Artwork in Public Places (HAPP) Annual Plan:** The document developed annually by the HAAC and submitted to the City Council for approval that recommends City-initiated HAPP projects funded through the HAPP Fund to be implemented in the upcoming year, including conservation projects, community outreach and public education efforts or other activities to be undertaken by the program.
- R. **Heritage Artwork in Public Places (HAPP) Fund:** A separate interest-bearing fund established and maintained by the City for the deposit of the in-lieu portion of the HAPP fee requirement of a private development.
- S. **Heritage Artwork in Public Places (HAPP) Program:** The program, under the jurisdiction of Library and Cultural Services, which sets forth the oversight and management of developer-initiated public art projects, City-initiated HAPP projects, and other related activities.

- T. **Department of Community Services:** Department of the Community Services of the City of Santa Fe Springs is responsible for implementing the HAPP Ordinance and administering the HAPP Program.
- U. **Lifespan of the Artwork:** Artwork life span cannot be less than 25 years. Artwork reaches the end of its life cycle when the artist, or the artist's estate, and/or a qualified art conservator verifies that the artwork has aged or deteriorated to a point where it cannot reasonably be conserved or repaired.
- V. **Maintenance:** Actions taken to retard or prevent deterioration or damage to artwork by control of the environment and/or treatment of the artwork on a routine basis.
- W. **Plaque:** Identification signage affixed on or near an artwork that identifies the title, artist, media, and other relevant information about the artwork.
- X. **Pre-Qualified Artist Directory:** A resource list of Pre-Qualified artists maintained by the Department of Community Services that can be used by the City and private developers to select artists for HAPP projects.
- Y. **Pre-Qualified Artist Directory Jury:** A group of artists, arts-related professionals, and design professionals called together by the Director of the Department of Community Services or designee to pre-qualify applicant artists who meet the criteria for inclusion in the Pre-Qualified Artist Directory.
- Z. **Property Owner:** The person or entity that owns the development project.
- AA. **Public Accessibility:** The condition under which a public space is accessible and readily visible to the public a minimum of eight (8) hours a day, five days a week.
- BB. **Public Art Collection:** The public art collection is comprised of artworks that have been accessioned by the HAAC on behalf of the City or are otherwise under the jurisdiction of the HAAC.
- CC. **Public Place:** An area on public or private property which is open and accessible to the general public a minimum of five days a week during normal business hours.
- DD. **Request for Proposals (RFP):** An invitation by the City or a developer to potential consultants, such as artists, to submit proposals for a specific project, project component or professional service.
- EE. **Request for Qualifications (RFQ):** An invitation by the City or a developer to potential consultants, such as artists, to submit for consideration their qualifications for a specific project, project component or professional service.
- FF. **Schematic Design:** The artist's initial artwork design in context and in scale with components fully identified including materials, colors, features, and processes for which the artist is responsible.

**CITY OF SANTA FE SPRINGS**  
Heritage Artwork in Public Places Program  
**DEVELOPER APPLICATION**

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF SANTA FE SPRINGS**  
**HERITAGE ARTWORK IN PUBLIC PLACES APPLICATION**

*This form is to be completed and submitted to the Department of Planning*

**PLEASE PRINT:**

\_\_\_\_\_  
**APPLICANT/TENANT**

\_\_\_\_\_  
**ADDRESS**

\_\_\_\_\_  
**CITY**

**STATE**

**ZIP CODE**

\_\_\_\_\_  
**TELEPHONE NUMBER**

\_\_\_\_\_  
**CELL PHONE**

\_\_\_\_\_  
**E-MAIL**

\_\_\_\_\_  
**FAX**

---

**ARCHITECT/CONTRACTOR NAME**

---

ADDRESS

---

CITY

STATE

ZIP CODE

---

TELEPHONE

---

CELL PHONE

---

FAX

---

E-MAIL

---

**PROPERTY OWNER NAME**

---

ADDRESS

---

CITY

STATE

ZIP CODE

---

TELEPHONE

---

CELL PHONE

---

FAX

---

E-MAIL

**PROJECT INFORMATION:**

Building Permit #: \_\_\_\_\_

Planning Case #: \_\_\_\_\_

APN: \_\_\_\_\_

**PROJECT ADDRESS:**

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**THIS PROJECT IS:**

\_\_\_\_ New Construction

\_\_\_\_ Rehabilitation/Tenant Improvement

**APPROXIMATE SQUARE FOOTAGE OF THIS PROJECT:**

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**PROPOSED USE OF THIS SPACE (check all those that apply):**

**Residential**

Percentage of Total Space \_\_\_\_\_

**Commercial**

Percentage of Total Space \_\_\_\_\_

**Industrial**

Percentage of Total Space \_\_\_\_\_

**APPLICANT/PROPERTY OWNER'S ESTIMATED TOTAL PROJECT COST:**

\$\_\_\_\_\_ (exclusive of land and offsite improvements)

Copy of Pro-Forma attached

**ANTICIPATED COMMENCEMENT DATE OF CONSTRUCTION:**

---

**ANTICIPATED DATE TO REQUEST FINAL INSPECTION/CERTIFICATION  
OF OCCUPANCY:**

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**HOW DO YOU INTEND TO SATISFY THE ART IN PUBLIC PLACES REQUIREMENT?**

- ( ) Commission original artwork to be installed in the vicinity of the property site equivalent to 1% of the total project costs, excluding land as determined and verified by the City, subject to approval by the Santa Fe Springs City Council.
- ( ) Commission original artwork to be installed in a public place, not on the property subject to approval by the City Council.
- ( ) Deposit the equivalent of 1% of the total project costs excluding land into the Heritage Artwork in Public Places Fund.
- ( ) Combination of the above.

**AGREEMENT**

We, the undersigned, have read and understood the City of Santa Fe Springs Heritage Artwork in Public Places Ordinance and Developer Guide.

We understand that we must comply with the provisions of the Ordinance and Developer Guide prior to final inspection and the City's issuance of a Certificate of Occupancy for the development or remodeling activity proposed above.

We agree to cooperate with City agencies and/or offices as necessary to fulfill the terms and guidelines applicable to the activity proposed above. In addition, a covenant will be recorded at the completion of the project to ensure compliance with the Heritage Artwork in Public Places Ordinance and related administrative regulations.

**All parties listed below who are involved with the project are required to sign. This application will not be considered complete until all necessary signatures have been obtained.**

_____	_____
<b>APPLICANT/TENANT</b>	Date
_____	_____
<b>ARCHITECT/CONTRACTOR</b>	Date
_____	_____
<b>PROPERTY OWNER</b>	Date

**CITY OF SANTA FE SPRINGS**  
Heritage Artwork in Public Places Program  
**MAINTENANCE COVENANT**

RECORDING REQUESTED BY:

AND WHEN RECORDED RETURN TO:

City Clerk  
City of Santa Fe Springs  
11710 E. Telegraph Road  
Santa Fe Springs, CA 90670

**COVENANT AND AGREEMENT TO MAINTAIN ARTWORK**

This Covenant to Maintain Public Art (“Covenant”) is made as of this \_\_\_\_\_ [day] of \_\_\_\_\_ [month] , 20\_\_\_\_ by \_\_\_\_\_ [name of owner on vesting deed for property] (“Owner”) for the benefit and in favor of the City of Santa Fe Springs (“City”) pursuant to Santa Fe Springs Heritage Artwork in Public Places Ordinance.

Owner is the fee title owner of that certain real property commonly known as [insert address] located in the City of Santa Fe Springs, California, Assessor’s Parcel Number(s) [\_\_\_\_\_] (the “Property”), upon which Property there has been constructed a commercial development project consisting of [ \_\_\_\_\_ ] (“Project”);

Owner, as developer, or in conjunction with the developer of the Project, has installed an original artwork in accordance with the requirements of Santa Fe Springs Heritage Artwork in Public Places Ordinance # \_\_\_\_\_ and the application and proposal approved by the City Manager or designee on \_\_\_\_\_ [date], Project # \_\_\_\_\_, which artwork (“Public Art”) is intended for the enjoyment and benefit of the citizens and visitors of the City of Santa Fe Springs, to the enhance the character of the City as a whole, and to benefit and enhance the Project and the Property upon which is has been installed.

Owner now hereby covenants and agrees that the Property and improvements constructed thereon shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved, subject to this Covenant. All of covenants, conditions, and restrictions set forth herein shall constitute covenants which shall run with the land and shall be binding upon Owner and its successors and assigns, and all parties having or acquiring any right, title or interest in or to any part of the Property.

Owner shall consistently cause the Public Art to be maintained in good condition and shall perform any and all necessary repairs and maintenance of the Public Art to the reasonable satisfaction of the City Manager or designee.

The Owner shall ensure that the Public Art is located in an area that is open and accessible to the general public a minimum of five days a week during normal business hours. The Public Art shall have unobstructed and unrestricted access without security check-in or clearance, invitation, or interruption.

Owner shall maintain the Public Art in place on the Property. Owner shall not relocate or remove, nor allow relocation or removal of, the Public Art, without the prior consent of the City, for a period of at least twenty (20) years from the date upon which the Public Art was installed (the "Term"). In the event that the Project is intended to be demolished prior to the expiration of the Term, Owner shall cause the Public Art to be relocated to another publicly accessible, permanent location that is approved in advance by the City's Heritage Arts Advisory Committee, or in the absence of any such Committee, then by the City Manager or designee. In the event of any removal or relocation of the Public Art for any reason prior to the expiration of the Term, in addition to obtaining the City's consent, Owner must notify the City at least thirty (30) days in advance of said removal, and must replace the Public Art within six (6) months of its removal, all in accordance with the provisions and requirements of the Heritage Artwork in Public Places Ordinance #\_\_\_\_\_, or alternatively, Owner must pay an amount equal to the public art contribution amount for the Project, as determined in accordance with the City's Ordinance #\_\_\_\_\_, for the remainder to of the Term, prorated over said twenty (20) year period. Any removal, relocation, or replacement of the Public Art, must be consistent with the California Preservation of Works of Art Act and the federal Visual Artist's Rights Act and any other relevant law.

The City shall have the right to enforce this Covenant against the Owner, its successors and assigns in accordance with its terms. In the event that the City is forced to bring any legal action to enforce the provisions of this Covenant, Owner shall be obligated to reimburse the City for any all cost of enforcement, including but not limited to any attorneys' fees.

This Covenant shall run for the Term as stated hereinabove.

OWNER:

[Insert signature block]

Attachments:

Notary acknowledgment

Legal description of the Property