



## **City of San Mateo Art in Public Places Program Administrative Process**

In 2005, in order to "*promote the general welfare through balancing the community's physical growth and revitalization and its cultural and artistic resources*", the San Mateo City Council passed an ordinance establishing the Art in Public Places Program. In November 2021 the City Council approved a comprehensive fee study that resulted in the revision of San Mateo's ordinance regarding the calculation of program allocation. Now the program allocation shall be established by City Council resolution and based upon total building valuation, excluding land acquisition and off-site improvement costs. The current fee (for project applications as of 1/15/2022) will be in the City's most recent [Comprehensive Fee Schedule](#).

Developers may apply the obligated fee amount to commission and install their own art in publicly accessible places within projects. Alternatively, if developers do not wish to install art, the City requires the in-lieu fee that is then reserved for the City's public art program. The Art in Public Places funds are restricted to art-related activities that include, but are not limited to, the acquisition, installation, maintenance, and administration of the City's public art program.

The Civic Arts Committee (CAC) was established in 2008 as an advisory board to the City Council to implement the Art in Public Places (AiPP) program. The CAC shall carry out the duties established by Chapter 23.60 of the Municipal Code (Art in Public Places), and follow the established Guidelines for the Art in Public Places.

This administrative process guideline provides information, for both project developers and related City staff, of the basic steps and responsibilities defined in and in support of the implementation of the ordinance.

### **1. Initial Applicability Assessment**

- A) Projects Subject to Fee**
  - 1) All commercial development projects and multi-family projects with a building permit valuation of \$3 million dollars or more;
    - (a) Except when the work authorized by the project approval involves less than a substantial reconstruction of an existing building. "Substantial reconstruction" for the purposes of this section means work the estimated building permit valuation of which exceeds 50% of the replacement value of the existing building based upon construction costs at the time of project approval.
- B) Planning for Art Inclusion**
  - 1) As early as possible in the planning process, project managers should assess the likelihood of art obligation based on the project size.
  - 2) The inclusion of public art should be considered early to assure the appropriate space and development requirements will be available.
    - (a) This requisite is also emphasized with a Building Condition of Approval as part of the Planning Application process.
  - 3) The art interests of the City are a diversity of types, colors, materials, engagement, etc. Projects are encouraged to plan early and creatively. Consider integrating the art into the building façade design or maybe outdoor space create functional art for the seating or fabricated fence art. Maybe a good space for mosaic art or a mural can be identified early in fence or wall space design. Sculptures are certainly appropriate, just a reminder that there are so many ways that art may fit into the project planning & design appropriate to the budget. An important consideration is that public art is not intended, nor allowed, to reflect the applicant's commercial identity in the art. That would be considered signage.

C) Project Compliance Choice

- 1) Notice of Applicability
  - (a) This tool will be utilized by AiPP program staff to notify the project manager of their financial obligation to public art, and requests the project manager to identify the method by which the project plans on meeting its obligation:
    - (i) Installing developer solicited and Civic Arts Committee approved artwork in a manner satisfactory to the community development director or his/her delegated staff,
    - (ii) Payment of in-lieu art fees to the Art in Public Places Fund, or
    - (iii) Post a financial security in an amount equal to the acquisition and installation costs of an approved artwork, in a form approved by the City Attorney.
  - (b) Project managers may choose to spend less than the financial obligation directly on the art. However, the balance of the program obligation after the installation of the art must be paid to the Art in Public Places Fund.
- 2) AiPP program staff will inform the Building & Planning Divisions regarding this project's requisite for ordinance compliance.

## 2. Project Approval Process

A) Civic Arts Committee Approval

- 1) Project managers will communicate with AiPP program staff to request approval for their proposed project be placed on the CAC agenda.
  - (a) It is expected that the project will plan ahead in sufficient time to present their project at a regularly scheduled CAC meeting.
  - (b) Exceptions to that schedule are strictly on a case-by-case basis and must be requested with sufficient time to arrange an alternative date, there are no guarantees that it will be possible.
- 2) Proposal and presentation materials for the CAC meeting must be provided to AiPP program staff no later than 6 days prior to the scheduled meeting.
  - (a) Proposals must include the following information:
    - (i) Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork, which may include the request to provide samples of materials or 3D renderings or models;
    - (ii) An appraisal, project budget, or other evidence of the value of the proposed artwork, including acquisition and installation costs;
    - (iii) A basic project timeline;
    - (iv) A brief biography of the artist;
    - (v) A brief artist statement describing the selected or commissioned piece that may be used or otherwise quoted on the Art in Public Places Gallery;
    - (vi) Preliminary plans containing such detailed information as may be required by the Community Development Department to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal; and
    - (vii) A narrative statement to be submitted to the Community Development Department to demonstrate that the artwork will be displayed in an area open and freely available to the general public, or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site.
  - (b) Proposal materials must be provided by the applicant for electronic distribution in flattened PDF format no larger than 11"x17", models or materials can be brought to or otherwise shown in the meeting.
  - (c) Applicants should request of staff any access to technology as part of their presentation at time of proposal materials submittal.

- 3) The CAC will utilize the criteria defined in the Guidelines for the Art in Public Places to assess the art proposal and inform their approval decision.
- 4) The decision of the CAC is subject to a 15-day review period by the City Council, and then becomes final.
  - (a) During this review period, any person may appeal the decision to the City Council, who shall conduct a hearing. The decision of the City Council shall be final. A Project Approval Letter will be issued upon the final decision.

### **3. Project Completion**

- A) In accordance with Municipal Code Section 23.60.050, full compliance of the defined requirements must be met prior to the issuance of the project's Certificate of Occupancy, which also includes Temporary Certificates of Occupancy.
- B) AiPP Program Staff Compliance Review
  - 1) The development project manager will regularly communicate the status of the project with AiPP program staff, providing information and status changes in relation to any significant delays or project changes.
  - 2) Upon notification from the project manager that the art installation is complete and ready for review, AiPP program staff will:
    - (a) Make a site visit to confirm that the installation was completed as proposed.
      - i) City staff may take photos of the installed art. As viable, those photos may also be utilized to publicize in the City's online Art in Public Places Gallery.
    - (b) Review the City's property records to assure building permits specific to the art installation were issued as required and are signed off as Final.
    - (c) Request and review financial documentation of project expenditures, including copies verifying proof of payment.
      - i) The expenditures must be equal to or greater than the program obligation.
      - ii) If the expenditures do not meet the obligation threshold, AiPP program staff will notify the project manager of the remaining balance to be paid to the Art in Public Places Fund to fulfill the obligation.
        1. The expenditures are not complete until the City receives the payment.
      - iii) The supporting documentation will be completed in the provided spreadsheet. The supporting documents must be identified with the costs being reflected and provided in order as listed in the spreadsheet.
    - (d) Confirm receipt of the original recorded copy of the 'Covenant of Public Art Maintenance' that was fully executed and recorded with the San Mateo County Recorder. It is the project's responsibility to complete the document and submit for recordation.
      - i) To expedite confirmation of recordation that will facilitate project completion, developer may send a digital copy of the recorded document that includes the recorded bar code, to the AiPP staff.
      - ii) City staff will receive the original document from the County of San Mateo Recorder's Office.
- C) Notice of Completion
  - 1) Upon meeting all completion requisites, AiPP program staff will issue a Notice of Completion for the project.
    - (a) Copies of this Notice will also be provided to the Building Division and Planning Division for project records.