



CITY OF SAN MATEO CIVIC ARTS COMMITTEE

REGULAR AGENDA

Monday, September 9, 2019

San Mateo City Hall – Conference Room C
330 West 20th Avenue
San Mateo, CA 94403
4:00 – 5:30 p.m.

www.cityofsanmateo.org/civicsarts

ROLL CALL

APPROVAL OF MINUTES

- Meeting Minutes of May 13, 2019; Tabler, Whitaker, Slonaker, Gooyer

PUBLIC COMMENT PERIOD

The Public may present testimony on matters not listed on the agenda.

NEW BUSINESS

1. **Downtown Art @ 345 South B Street**
Informational: Property is not obligated for art. This is a courtesy informational presentation of plans for a mural reflecting building history.
2. **2020 Civic Arts Committee Meeting Schedule**
Action: Approve proposed 2020 Civic Arts Committee Meeting Schedule

OLD BUSINESS

3. **Projects Review**
Discussion: Review list of current and pipeline projects and funding.
4. **Review of Art in Public Places Ordinance**
Discussion: Continue review of current ordinance as part of AiPP policy review.

COMMUNICATIONS AND ANNOUNCEMENTS

- **Gateway “Reflections” Installed**
 - ♦ Celebration on 6/21/19. Signage install delayed due to equipment shipping error. Public Works will assist with signs install and then assume maintenance.
- **New Meeting Agenda Technology**
 - ♦ New public meeting technology & process has been implemented for all City Board & Commission activity in one location with consistent formats, already in use for Council & other commissions. CAC will transition for November meeting.

ADJOURNMENT – Next regular meeting scheduled for TUESDAY, November 12, 2019, adjusted for Veteran’s Day holiday.

In compliance with the Americans with Disabilities Act, those with disabilities requiring special accommodations to participate in this meeting may contact the City Clerk’s Office at (650) 522-7040 or polds@cityofsanmateo.org . Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CITY OF SAN MATEO
CIVIC ARTS COMMITTEE (CAC)
MINUTES OF THE REGULAR MEETING
MAY 13, 2019**

The meeting convened at 4:00 p.m. in Conference Room C at San Mateo City Hall and was called to order by Chair Tabler.

Roll Call

Those present were Committee Members Stephen Tabler, Dianne Whitaker, Robert Gooyer, Ginger Slonaker (arr. 4:12pm). Staff, Senior Management Analyst Heather Stewart. Ramiro Maldonado, absent. Councilmember Eric Rodriguez did not attend.

Approval of Minutes

- Approval of minutes of September 10, 2018. (Whitaker/Tabler, Gooyer abstain; 2-0-1).
- Approval of Meeting Minutes of March 11, 2019 were approved. (Whitaker/Tabler; 3-0)

Public Comment Period

None

New Business

1. 303 Baldwin Avenue (formerly Trag's)

Jonathan Stone from Prometheus presented the preferred concept for this development. Summary description is a 3D relief mural with specially designed & fabricated to reflect some San Mateo history. Key points summary of feedback provided:

- GS: likes the history concept, subtle design & "quietness" of it, using lights & shadows & natural elements lead eye & focus, offers relaxing environment.
- RS: Due to location & muted colors, concern that it won't be noticed organically rather than having to look for it, knowing the composition of the images..."seeing" the design will be helpful to "see the art".
- DW: Like it for several reason; unique proposal, it's integrated into the building & not free-standing. Concern about lighting and maintenance with a light colored tile.
- ST: Loves the idea & difference, but concern about visibility both due to location & lack of color. Is it art or a decorative wall?
- ALL: Concur that everyone generally like the concept, concern for visibility. Ideas about something in the "parklet" space that could 'point' to or bring awareness of the art beyond just entering the building. Artist is international, would prefer local fabrication.
- JON: Really like to include Ohlone history, open to suggestions for other story elements that reflect San Mateo.

Old Business

2. Review of Art in Public Places Ordinance

CAC continued review and comment on possible ordinance change recommendations.

Communications & Announcements

- Gateway art installation tentatively scheduled for late June 2019.

Adjournment: Motion to adjourn at 5:40 p.m. (Slonaker/Whitaker, 4-0)

Next regular meeting is scheduled for July 8, 2019 at 4:00pm.

DRAFT

09.6.2018

Civic Arts Committee – Staff Memo

To
Civic Arts
Committee

Recommendation:

Review and approve dates and times for the Civic Arts Committee meetings.

From
Heather Stewart
Senior Mgmt.
Analyst

Background:

Per current By Laws for the Civic Arts Committee, the CAC is to have at least one meeting per quarter and other meetings as may be determined by the Committee. To provide a consistent and sufficient meeting schedule for both CAC members and applicants, the Committee agreed to regular, bi-monthly meeting dates & times.

Re
2020 Meeting
Schedule

This is currently scheduled as the second Monday of every other month from 4-5:30 pm in Conference Room C.

Current Committee:

2020 Schedule:

- January 13, 2020
- March 8, 2020
- May 11, 2020
- July 13, 2020
- September 14, 2020
- November 9, 2020

City of San Mateo

Heather Stewart
Office (650) 522-7164

330 West 20th Ave.
San Mateo, CA 94403

www.cityofsanmateo.org
hstewart@cityofsanmateo.org



**ARTS IN PUBLIC PLACES
PROJECT FEES**

CIP Project Number	310330	Private Developer Obligations To Date	\$ 3,955,935.50	\$176,000	Current balance in project account. One in-lieu payment expected within the		
GL Account	59-3100-366301	Bay Meadows Art	\$ 1,000,000.00				
Project String for Revenue	202020-005-0192	TOTAL PUBLIC ART VALUATION	\$ 4,955,935.50				
City Council Resolution	2005-13	In-lieu fees paid to date	\$ 362,498.82	included in above obligation total			
Location / Project Name	Superstructure	Foundations / Garages	Demo	Total Valuation	Arts in Public Places Fee = .05%	Annual Totals	Project Status
Station Park Green 1700-1790 S. Delaware				\$ 145,010,150.00	\$ 725,050.75		See detail on SPG Worksheet - this is an aggregate total of applicable permits. This date reflects the earliest permit issuance for total project. Not noticed prior to project approvals for \$900,000 in March & May 2017.
2017							
Hillsdale North 60 31st Ave.	\$ 98,000,000.00			\$ 98,000,000.00	\$ 490,000.00		BD-2016-267696 Issued 3/3/17 - Hillsdale Mall North Block Package 2- Superstructure of Buildings J, L & N and foundation and superstructure of Building K Didn't send Notice of Applicability before they came to CAC and got approval on 3/13/2017. See special worksheet for Hillsdale. They're going way above required. Fountain is complete and active, space not yet open to public but you can see from food court.
Cal Water 341 N. Delaware St.	\$ 5,962,000.00			\$ 5,962,000.00	\$ 29,810.00	\$ 519,810.00	BD-2016-258502 = New Office Building for Cal-Water Project approved 7/10/17. Project installed. Awaiting recorded maintenance agreement.
2018							
Franklin - Bldg 1 of 2	\$ 27,534,528.50			\$ 27,534,528.50	\$ 137,672.64		BD-2017-261852 issued 9/25/2017
Franklin - Bldg 2 of 2	\$ 27,534,528.00			\$ 27,534,528.00	\$ 137,672.64		BD-2017-262852 issued 9/25/2018 Final installation site visit completed on 8/21/19. Awaiting finances & maintenance agmt.
Windy Hill 405 E 4th Ave.	\$10,062,768.60			\$ 10,062,768.60	\$ 50,313.84		BD-2017-263726 issued 4/24/17 NEW 4-STORY Office & Residential building w/Underground garage Project approved by CAC on 9/10/2018
Westlake 520 S. El Camino Real	\$33,567,200.00			\$ 33,567,200.00	\$ 167,836.00	\$ 493,495.13	BD-2018-267252 issued 10/3/18 façade & remodel Project approved by CAC on 11/13/2018
2019							
Central Park South 31 9th Ave.	\$10,520,875.15	\$ 4,188,249.00		\$14,709,124.15	\$ 73,545.62	\$ 73,545.62	BD-2017-264410 issued 10/20/17 - Foundation & Garage - BD-2016-260410 application awaiting approval & issuance - Superstructure : original \$10,460,875.15 Signed Notice of App. received 3/7/19. Project approved on 3/11/2019
PIPELINE							
Hampton Inn 2940 S. Norfolk				\$ -	\$ -		No Building Permit application yet. Planning for art, but site very restricted in viable outdoor location. Meeting with CAC on 3/11/2019 to consider alternative options.
210 S. Fremont Catanzaro		\$5,001,671.42		\$ 5,001,671.42	\$ 25,008.36		BD-2018-269636 application 11/21/18 "Combo (foundation, garage, superstructure)" new construction 15 unit multi-family. Pre-Notice of Applicability introduction message sent on 12/3/18. Met with Wall Street Property representative, Regan Catanzaro, regan@wspre.com on 12/11/2018. BD2019-271576 for foundation & underground garage work only. Application on 5/20/19.
AAA Building 1650 S. Delaware St.	\$13,351,662.00		\$ 220,500.00	\$13,572,162.00	\$ 67,860.81		Permit application submitted 4/26/2019, not yet issued. Encroachment permit issued 8/21/19. BP2019-271279 - demo = \$220,500.00; BP2019-271279 - COMBO Grading, foundation, garage and Superstructure = \$13,351,662.00 Conversation with project manager discussing process mid-August, no defined timeline as of yet.
Trag's 303 Baldwin				\$ -	\$ -		Planning approval on 1/8/2019. Study Session with CAC on 5/13/19.
Windy Hill 406 E 3rd @ Claremont	\$43,250,000.00			\$ 43,250,000.00	\$ 216,250.00		BP: 2019-272038 app submitted 6/24/19: PA 2018-043: Demolition #271535, shoring & excavation #271536
Hillsdale Terraces 2700 S. El Camino Real				\$ -	\$ -		Planning approval on 10/2/2017. Preliminary conversation in 2017, but no contact since. No building permit application.
180 E. Third				\$ -	\$ -		PA 19-002 the old Aaron Bros. Discussed with planner. Possible mural on the wall facing the central parking lot?
City Owned - Mid-Pen 4th/5th Downtown				\$ -	\$ -	\$ 876,159.91	PA19-033 Includes affordable housing & parking structure. Mid-Pen is flushing out a variety of possible art concepts for different locations on the sites. Intend to winnow preferred concepts and will do study session with CAC.

San Mateo City Charter and Municipal Code			
Title 23 BUILDINGS AND CONSTRUCTION			
Chapter 23.60 ART IN PUBLIC PLACES			
	Staff Comments	CAC Comments & Some initial Council feedback with Plan approval	Other
23.60.010 PURPOSE.			
The City Council finds and declares as follows:		No comments, change recommendations in this section.	
(a) Cultural and artistic resources enhance the quality of life for individuals living in, working in and visiting the City.	ok		
(b) Balanced development of cultural and artistic resources preserves and improves the quality of the urban environment and increases real property values.	"urban environment"...appropriate, but inclusive?		
(c) As development and revitalization of the real property within the City continues, the opportunity for creation of cultural and artistic resources is diminished.	"diminished" ... different way to say?		
(d) As this development and revitalization continues as a result of market forces, urbanization of the community results.	Language feels pejorative and art is combating these things: "urbanization of the community", "result of market forces" Is this the intent?		
(e) As these opportunities are diminished and this urbanization occurs , the need to develop alternative sources for cultural and artistic outlets to improve the environment, image and character of the community is increased.	Building on prior section, language feels "protective" rather than visionary		
(f) Establishment of this Art in Public Places Program will promote the general welfare through balancing the community's physical growth and revitalization and its cultural and artistic resources.	ok? More utilitarian than visionary, but not negative		
(g) It is the purpose of this chapter to establish an Art in Public Places Program to achieve the objectives stated in this section. (Ord. 2005-13, § 1, 2005).	ok		
23.60.020 PROGRAM EXECUTION.			
The City of San Mateo Civic Arts Committee and the community development department shall carry out the duties established by this chapter. The Civic Arts Committee shall be comprised of one ex officio member of the City Council selected by the City Council; one member of the Planning Commission nominated by the Planning Commission; one representative of the business community nominated by the San Mateo Chamber of Commerce, or its successor organization; a member of City Arts, Inc. nominated by that organization, or its successor organization; a professional in an arts related field nominated by City Arts, Inc., or its successor organization; and an architect nominated by the local chapter of the American Institute of Architects. All members of the Civic Arts Committee shall be appointed by the City Council. The Civic Arts Committee shall be a special committee subject to the provisions of Section 6.09 of the San Mateo City Charter. (Ord. 2005-13, § 1, 2005).	1. For current directive, CDD still seems best department rather than P&R due to the planning process and getting art implemented in development and planning. If role/program expands, suggest reevaluation. - other jurisdictions include P&R, EconDev, CMO 2. The representative organizations are specific and restrictive. Is this still appropriate mix? City Arts of San Mateo has, in essences, 2 representatives - the organization and they are required to recommend the artist. Could be an open application process for San Mateo artists. 3. Special committee has 2 year life. Requires Council action every 2 years to assess need and renew committee & its members. By-Laws of CAC changed terms to align with renew of committee, but no term limits, should there be? This program extremely unlikely to go away any time soon, is committee still an appropriate function? Why *not* a Commission, particularly if there's any future interest to encompass 'greater' art engagement?	1. Need to correct the title of City Arts to "City Arts of San Mateo, Inc." 2. Councilmember Bonilla recommended looking at the terms and composition of the committee. Limit terms for greater community opportunity; include landscape architect; include a 'member at large' from community; open artist position for community application rather than through City Arts SM. -- Committee supports the member at large and open artist app ideas.	CITY CHARTER: Section 6.04. PLANNING COMMISSION. OTHER BOARDS AND COMMISSIONS. There shall also be such other boards and commissions as may from time to time be established by ordinance adopted by the council or approved by the people. Except as may otherwise be provided by this Charter, or ordinance of the council or ordinance approved by the people, all such other boards and commissions now or hereafter established shall be for advisory purposes only to the council, the city manager, or to departments within the city. A board or commission shall be considered to be advisory even if it is authorized to take final action subject to appeal to the city council. CITY CHARTER: Section 6.09. SPECIAL COMMITTEES. LIMITATIONS. The city council may from time to time establish citizens or taxpayers' committees for specific advisory purposes only , and for periods not exceeding two years . Such a committee may be renewed or extended by action of the council anew for a period not exceeding the original term of the committee . The city council may include in its annual budget, or in interim appropriations, such funds as in its opinion shall be sufficient to accomplish the purpose of such committees.
23.60.030 ART IN PUBLIC PLACES FUND.			
There is a fund known as the "Art in Public Places Fund" into which shall be deposited all fees paid pursuant to this chapter. This fund shall be maintained by the City treasurer, and shall be used for the acquisition, installation, improvement, and maintenance of artwork to be displayed in the City, and the administration of the Art in Public Places Program. (Ord. 2005-13, § 1, 2005).	ok. Uses are inclusive of all uses of funds necessary.	No comments, change recommendations in this section.	

San Mateo City Charter and Municipal Code Title 23 BUILDINGS AND CONSTRUCTION Chapter 23.60 ART IN PUBLIC PLACES			
	Staff Comments	CAC Comments & Some initial Council feedback with Plan approval	Other
<p>23.60.040 APPLICABILITY.</p> <p>All commercial development projects and multi-family projects with a building permit valuation of three million dollars or more shall be subject to the provisions of this chapter, 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. (Ord. 2005-13, § 1, 2005).</p>	<p>1. All commercial dev & multi-family...good.</p> <p>2. BP valuation of \$3mil. More specificity of permit types to be included in valuation would be helpful to clarify. Staff followed what appeared to be precedent on assignment of obligation. Have not included site prep: demo, grading, etc. Has been applied to focus on Garage/Foundation/Carport and Superstructure...the building up, not tearing down. That does reduce the obligation amounts somewhat significantly depending on size of project. Also some challenge to determine when there are so many different permits issued at multiple times, some after initial BP issuance that increases the value after Notifications have been sent to project of their obligation amount. Which are inclusive of what at what point of the project?</p> <p>3. Related to #2: Significant admin issues around this: WHEN determined and made specific for the obligation amount. Currently have to wait for permit issuance for confirmed valuation...but that's really way too late in the process for best plans. Permit valuation can also change during construction, does obligation change accordingly? Currently a burden for staff to have to track all projects: a) are permits issued yet? b) which permits? b) how much? d) large phased projects are challenge to track final permit valuation.</p> <p>4. Permit valuation is a definitive number to measure against, but really, this should start being part of the discussion in the pre-approval phase of the planning application, include as DRB topic. Projects need to determine and include art in the early stages to help elicit more diversity in art rather than simply identifying "spot and plop". Improving with outreach, but still not considered early enough by some projects.</p>	<p>1. Councilmember Bonilla indicated his interest to keep the threshold at \$3,000,000.</p> <p>2. Mr. Bonilla also concurs that obligated projects should work to identify the size & scope of site for art be determined early in the project development, and that any fees to be paid should be paid early.</p> <p>2. Change to "Total construction costs" RG: include demo and build up, it's part of ALL construction. HS: changing precedence</p>	
<p>23.60.050 CERTIFICATES OF OCCUPANCY.</p>			
<p>The following requirements must be met prior to the City's issuance of occupancy permits for projects subject to this chapter.</p>	<p>This process okay.</p>		
<p>(a) Full compliance with one or more of the following:</p>			
<p>(1) The approved artwork has been placed in a manner satisfactory to the community development director;</p>			
<p>(2) In-lieu art fees have been paid; or</p>			
<p>(3) Financial security in an amount equal to the acquisition and installation costs of an approved artwork, in a form approved by the City Attorney, has been posted.</p>	<p>ADMIN: develop consistent budget format for submittal. Template prepared.</p>		
<p>(b) Execution and recordation with the San Mateo County recorder by the applicant of covenants, conditions, and restrictions (CC&Rs), in a form approved by the City Attorney, which require the property owner, successor in interest, and assigns to maintain the public art in good condition.</p>	<p>ADMIN: make sure they have template early. Include sample in Guidelines for early notice?</p>		
<p>(c) Satisfaction of the entire program allocation required by Section 23.60.060 for the project. (Ord. 2005-13, § 1, 2005).</p>			

San Mateo City Charter and Municipal Code			
Title 23 BUILDINGS AND CONSTRUCTION			
Chapter 23.60 ART IN PUBLIC PLACES			
	Staff Comments	CAC Comments & Some initial Council feedback with Plan approval	Other
23.60.060 PROGRAM ALLOCATIONS—IN LIEU FEE PAYMENTS.			
(a) The program allocation, as used in this chapter, is the percentage of the building cost which is set aside for the City's Art in Public Places Program. The program allocation shall be an amount equal to one-half of one percent of the total building valuation, excluding land acquisition and off-site improvement costs. The total building valuation shall be computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) unless, in the opinion of the Building Official, a different valuation measure should be used.	1. "Off-site improvement costs" ... is this soft cost? This is the same basic questions as Applicability...what permits, what work are included? 2. Language about costs should be consistent between the two sections.	1. Sewer lateral, sidewalk (these are off site costs)	
(b) In lieu of placement of an approved artwork, the applicant may pay to the Art in Public Places Fund an amount equal to the program allocation set forth in subsection (a) of this section.	ok		
(c) Nothing in this section shall prohibit the applicant from placing an approved artwork with acquisition and installation costs in an amount less than the program allocations; provided that the applicant shall also pay to the Art in Public Places Fund an amount equal to the difference between the program allocation and the costs of acquisition and installation of such artwork. (Ord. 2005-13, § 1, 2005).	ok		
23.60.070 APPLICATION PROCEDURES FOR PLACEMENT OF ARTWORK ON PRIVATE PROPERTY.			
An application for placement of artwork on private property shall be submitted to the community development department and shall include:			
(a) Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;	ok		
(b) An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs;	1. Okay, but needs to be a bit more specific about "project budget"...need more detail than just the acquisition & installation costs.	1. Councilmember Bonilla concurred that Maintenance expenses are not acceptable for the project budget, that is the owner's responsibility.	
(c) 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	ok. More info included in Administrative Process document.		
(d) 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. (Ord. 2005-13, § 1, 2005).	1. Need more than just a narrative, that is more reflective in the plans for placement. 2. This allows for flexibility to have art inside buildings (example: Hampton Inn) 3. Allows decision of "public accessibility" to CAC		

San Mateo City Charter and Municipal Code			
Title 23 BUILDINGS AND CONSTRUCTION			
Chapter 23.60 ART IN PUBLIC PLACES			
	Staff Comments	CAC Comments & Some initial Council feedback with Plan approval	Other
23.60.080 APPROVAL FOR PLACEMENT OF ARTWORK ON PRIVATE PROPERTY.			
(a) Completed applications shall be submitted to the community development department for review of the artwork.	1. Should develop a more formal Application packet for consistency? Provides instructions on materials & form of materials as detailed in Administrative Process.		
(b) The community development department shall present the completed application to the Civic Arts Committee. The Civic Arts Committee shall review the application for installation of the artwork considering its proposed location, the aesthetic quality and harmony with the proposed project, and the public accessibility to the artwork, including any recommended conditions of approval.	1. Review elements fine, except for "conditions of approval"...what might that be? Not clear...supposed to be the 'flexible' language for something other than listed?		
(c) The Civic Arts Committee shall approve a request to install artwork on private property, if it finds:	1.... "shall" 2. Need to prepare an approval letter, immediate explaining appeal option or just wait until after appeal period, requires no contingency?	1. Councilmember Goethals wants CAC to continue to approve and/or select pieces that best fit and enhances the space and allow the people to interact with them.	
(1) The aesthetic quality of the artwork merits approval;	ok ... as listed in (b)		
(2) The location of the proposed artwork is compatible and in harmony with the proposed development project and with the character of adjacent developed parcels; and	ok ... as listed in (b)		
(3) There is sufficient public accessibility to the artwork.	ok ... as listed in (b)		
(d) The decision of the Civic Arts Committee is subject to a fifteen-day review period by the City Council, and then becomes final. During this fifteen-day review period any person may appeal a Civic Arts Committee decision to the City Council, who shall conduct a hearing thereon. The decision of the City Council shall be final. (Ord. 2005-13, § 1, 2005).	1. Never had appeal request, need to confirm what documents required...existing from Clerk? Planning?		
23.60.090 OWNERSHIP OF ARTWORK.			
(a) All artwork placed on the site of an applicant's project shall remain the property of the owner of the site ; the obligation to provide all maintenance necessary to preserve the artwork in good condition shall remain with the owner of the site. If the artwork is not maintained in good condition, the occupancy permit for the project may be revoked by the City Council upon due notice and an opportunity to be heard .	1. If not maintained & revoke occupancy, how would that really work? Evict tenants? Realistically, what would that process look like? What's "due notice"? Is a public hearing requesting the revocation of CofO the "opportunity to be heard"? 2. Would a civil fine be more realistic? Fine until maintenance completed or art removed, with expectation of replacement or payment of in-lieu.		
(b) Maintenance of artwork, as used in this chapter, shall include without limitation, preservation of the artwork in good condition to the satisfaction of the City, protection of the artwork against physical defacement, mutilation or alteration, and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the City Attorney. Prior to placement of an approved artwork, applicant and owner of the site shall execute and record a covenant in a form approved by the City for maintenance of the artwork . Failure to maintain the artwork as provided in this chapter is declared to be a public nuisance .	1. Is this progressive to #a? From revoking CofO to public nuisance...doesn't seem congruent. 2. This is more descriptive of what constitutes 'maintenance'. 3. City hasn't yet asked for proof of insurance, should we? Shouldn't that be included as an item that needs to be provided prior to CofO as well? 4. Who enforces & how?		
(c) In addition to all other remedies provided by law, in the event the owner fails to maintain the artwork, upon reasonable notice, the City may perform all necessary repairs, maintenance or secure insurance, and the costs therefore shall become a lien against the real property. (Ord. 2005-13, § 1, 2005).	1. Is period of lack of maintenance case by case in timelines? Assuming yes, with appropriate due diligence? 2. What defines "reasonable notice"? 3. Lien is a substantial consequence & linear to failure notices.		

San Mateo City Charter and Municipal Code Title 23 BUILDINGS AND CONSTRUCTION Chapter 23.60 ART IN PUBLIC PLACES			
	Staff Comments	CAC Comments & Some initial Council feedback with Plan approval	Other
23.60.100 ARTWORK ON PUBLIC PROPERTY.			
(a) Each year the Civic Arts Committee shall prepare and submit to the City Council an annual plan for the Art in Public Places Program. The annual plan shall include a discussion of the amount of money in the Art in Public Places Fund ("the Fund"), plans for the expenditure of money from the Fund during the year, a description of efforts to raise funds from other sources to be deposited into the Fund, and any other matters the Civic Arts Committee deems appropriate to include in the plan.	<p>1. Annual reports have not been consistent...need to improve. Content? 1) notification sent, 2) projects approved, 3) projects completed, 4) balance of fund, 5) public art related, i.e. GW install</p> <p>2. Revenue to fund is easy, expenditures may be none for multiple years...zero is a valid number.</p> <p>3. KEY QUESTION: Goes back to committee versus commission, based on description of committee, finding additional funding does not seem to be a proper activity of the CAC nor the staff to the AiPP program. This language doesn't indicate that it is funding for specific projects as needed, it's described as "efforts to raise funds from other sources"...that's not appropriate to the program as a whole. If the CAC were to become an art commission, there may be a very different and appropriate charge for grants, etc. What is the real expectation with this language?</p>		
(b) Before money from the Fund is expended to purchase and install artwork on public property, the Civic Arts Committee shall consider the proposed expenditure and make a recommendation on the proposal to the City Council. In addition, at any time the Civic Arts Committee may make a recommendation to the City Council to purchase a particular artwork to be displayed on public property. Any recommendations made under this provision shall include the type of artwork considered, an analysis of the constraints applicable to placement of the artwork on a site, the need for and practicality of the maintenance of the artwork, and the costs of acquisition and installation of the artwork. (Ord. 2005-13, § 1, 2005).	<p>1. Awkward: --- before...expended to purchase...shall consider & make recommend to Council. --- "in addition" ...CAC can make a recommendation of a particular artwork. Aren't these pretty much the same thing? Doesn't make sense, seems redundant.</p> <p>2. The recommendation considerations are good.</p>		
23.60.110 REMOVAL OR ALTERATION OF ARTWORK.			
(a) Public art installed on or integrated into a construction project pursuant to the provisions of this chapter shall not be removed or altered without the approval of the City Council. If such public art is knowingly removed or altered without prior approval from the public art department, the occupancy permit for the project may be revoked by the City Council upon due notice and an opportunity to be heard. The City may in addition pursue any other available civil or criminal remedies or penalties.	<p>1. This should basically be the same as lack of maintenance, language should be similar to this...including "civil or criminal remedies or penalties."</p> <p>2. CDD has been identified as the operating department, therefore, "public art department" should be changed to be consistent.</p>		
(b) If any artwork provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without the approval of the community development department, the property owner shall contribute funds equal to the development project's original public art requirement to the City's Art in Public Places Fund, or replace the removed artwork with one which is of comparable value and approved of by the Civic Arts Committee. If this requirement is not met, the occupancy permit for the project may be revoked. (Ord. 2005-13, § 1, 2005).	<p>1. Responsibility is property owner, lessees are not authorized to change art, must be implemented by owner only. (Hines-Medalia-Snowflake)</p> <p>2. Again...inconsistent consequences.</p>		

San Mateo City Charter and Municipal Code Title 23 BUILDINGS AND CONSTRUCTION Chapter 23.60 ART IN PUBLIC PLACES			
	Staff Comments	CAC Comments & Some initial Council feedback with Plan approval	Other
23.60.120 RETURN OF FEES.			
(a) Fees paid to the Art in Public Places Fund which are not committed within ten years from the date of payment may be returned to the then current owner of the development project, with all interest actually earned thereon, if a written request for return is filed with the City Clerk during the tenth year after payment, and refund of fees is approved by the City Council. The request for return shall be verified, and include the date of payment, the amount paid and method of payment, the location of the development for which the fee was paid, and a statement that the applicant is the payor of the fees or the current owner of the development project.	1. 10 years is a long time, if there are substantial funds not being spent, but is there a legal requisite? State law? It's in-lieu, not impact, so AB1600 not applicable. Other? 2. Clarifying that "committed" does not mean expended? So, committed could mean that the City is gathering funds to go to a large project? 3. Somewhat cumbersome to request funds, developer needs to track the expenditures of the program...all highly unlikely.		
(b) The City Council shall determine if return of the then uncommitted portion of the fees and interest is appropriate and, if so, the method of refund. No refund shall be appropriate if the City Council determines any one of the following applies:	1. Lots of leeway in decision findings. Highly unlikely.		
(1) The City Council finds the fee is needed for the Art in Public Places Program;			
(2) Moneys were not posted as fees, but were satisfied by letter of credit, bond or other instrument taken to secure payment at a future date;			
(3) Administrative costs of refunding uncommitted fees pursuant to this chapter exceeds the amount to be refunded; provided, notice of public hearing on this issue has been published and posted on the site of the development project in not less than three places. (Ord. 2005-13, § 1, 2005).			
23.60.130 ANNUAL REVIEW.			
Each year upon receipt of the annual plan referenced in section 23.60.100(a), the City Council will conduct an annual review of the Art in Public Places Program. (Ord. 2005-13, § 1, 2005).	1. As noted, there's the annual plan. This refers to an annual review. The annual plan already is defined as reporting out activities done as well as planned...what is this separate review needed for? This program is ...so far... not really significant enough to have to do both. 2. the plan is given, the council looks at it...do we really need two different sections for this?		
23.60.140 SEVERABILITY.			
Each section and provision of this chapter shall be considered severable and the invalidity of any section or provision of this chapter shall not affect the validity or enforceability of any other section or provision. (Ord. 2005-13, § 1, 2005).	standard language		