ART IN PUBLIC PLACES

LIVE
Arts and cultural activities are an essential part of a healthy community life and they make significant contributions to the quality of life in San Jacinto.

WORK
Public art is uniquely accessible and enables people to experience art in the course of daily life, outside of museums or other cultural institutions.

PLAY
Public art can create civic icons, but it also can transform our playgrounds, parks, public buildings, and shopping centers into more vibrant expressions of human imagination.
The Arts in Public Places Program is overseen by the City’s Community Development Department. Certain questions, however, may be better addressed by the City’s Planning or Building Division. Below is a short list of topics and contact information for your convenience:

**Art in Public Places Program, Community Development Department:**
Program overview; site selection; artist qualifications; Art in Public Places Committee; approval process and requirements; maintenance, conservation, and replacement.
Phone: (951) 487-7330

**Planning Division, Community Development Department:**
Art placement and size restrictions, development application processes.
Phone: (951) 487-7330 Planning@SanJacintoCA.gov

**Building & Safety Division, Community Development Department:**
Building permits for installation; deposit of Arts in Public Places funds; questions about estimating and calculating the total project building valuation (to calculate the required Art in Public Places Fee).
Phone: (951) 487-7330 Building@SanJacintoCA.gov

**Code Enforcement Division, Community Development Department:**
Notices about compliance with maintenance or replacement.
Phone: (951) 487-7330 CodeEnforcement@SanJacintoCA.gov

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<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1: Introduction</td>
<td>5</td>
</tr>
<tr>
<td>Section 2: City Ordinance</td>
<td>6</td>
</tr>
<tr>
<td>Section 3: Policy Guidelines</td>
<td>11</td>
</tr>
<tr>
<td>Section 4: Donation Policy</td>
<td>14</td>
</tr>
<tr>
<td>Section 5: Loan Policy</td>
<td>16</td>
</tr>
<tr>
<td>Section 6: Safety Policy</td>
<td>19</td>
</tr>
<tr>
<td>Section 7: Maintenance Policy</td>
<td>21</td>
</tr>
<tr>
<td>Section 8: Deaccession Policy</td>
<td>23</td>
</tr>
</tbody>
</table>
The intent of the City of San Jacinto’s Art in Public Places Program is to provide a diverse and culturally rich environment for San Jacinto residents and visitors.

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

It celebrates our community identity by developing collections of artwork, which have strong inherent aesthetic quality and represent diverse communities through a wide range of artistic styles and disciplines.
In 2020, the City Council adopted Ordinance No. 20-07 adding Chapter 12.35 – Art in Public Places to the City of San Jacinto Municipal Code.

Chapter 12.35 serves as the conduit for community enrichment by providing the framework for Art in Public Places. It recognizes that art in a public setting is vital to a livable community and contributes to economic development.

The following pages summarize Chapter 12.35 and is provided as a quick reference guide. Refer to the City website for the complete text.
The purpose of the Arts in Public Places Chapter is to authorize the establishment of guidelines, procedures and standards for the integration of public art into new private and public construction projects throughout the City of San Jacinto. The Program shall be identified as “Art in Public Places.”

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Public art helps create a more livable and visually stimulating city. The presence of and access to public art enlivens the public areas of buildings and their grounds and makes them more welcoming. It creates a deeper interaction with the places where we live, work and visit.

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

• New Residential Construction.
• New Non-Residential Construction (Commercial, Industrial, Institutional, or Mixed-Use) where the valuation of the Development Project is $100,000 or more.
• Tenant Improvement for Non-Residential Construction where the valuation of the Development Project is $100,000 or more.
• Public Project.

The following Development Projects are exempt from the Arts in Public Places Program.

• Capital improvement projects
• Day care facilities
• Electric vehicle charging stations
• Fire sprinkler installation work items
• Historic preservation or restoration
• Maintenance of an existing building
• Projects explicitly exempted by Development Agreements
• Public park projects
• Publically financed or operated museums or cultural centers
• Repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity
• Seismic retrofit or flood protection projects work items
• Senior housing projects (covenant restricted)
• Solar (photo voltaic) system applications
The Arts in Public Places Program requires that all Developers of applicable Development Projects contribute to Public Art in the City of San Jacinto. Contribution for non-residential Development Projects can be made in three ways:

Option 1: Installation of Public Art within a Development Project;

- Option 1 allows for the Developer to install a permanent public art piece on the Development Project Site. For this option, the Developer would need to enter into a long-term Maintenance Agreement with the City of San Jacinto to ensure that the art piece is maintained for the life of the project, or the life of the Maintenance Agreement (generally 20 or more years). By selecting this option, the Developer may (1) select the artist directly or (2) hire a consultant to select an artist or artist team. Prior to the issuance of a Building Permit, the Developer would need to deposit an amount equal to the Art in Public Places Contribution (calculation on next page) that will be used to reimburse the Developer for reimbursable costs associated with the installation of the art piece. For a list of reimbursable and non-reimbursable costs, please refer to Section 12.35.080 of the San Jacinto Municipal Code.

Option 2: Donation of a Public Art Piece to the City;

- Option 2 allows for the Developer to donate a public art piece to the City for installation at a location of the City’s choosing. This option does not require a long-term maintenance agreement but does require that the Arts in Public Places Committee (“Committee”) and the City Council determine the aesthetic quality of the donation, the work’s maintenance requirements and the appropriateness of the donation to the overall goals of the Program before accepting the Donation. Donation, delivery or acceptance of such work, that occurs after issuance of Building Permits shall require payment of the Public Art Fee prior to Building Permit Issuance and will be reimbursed upon donation, delivery and acceptance by the City.

Option 3: Payment of the Art in Public Places In-Lieu Fee;

- Option 3 allows for the Developer to pay the Public Art Fund in-lieu fee. This option does not require a long-term maintenance agreement nor acceptance by the Committee or the City Council. Similar to options 1 and 2, payment of the In-Lieu Fee must be made prior to the issuance of Building Permits.

For residential Development Projects, the Developer of a Specific Plan, Planned Development Permit, Mixed-Use Project or Master Planned Committee may elect to enter into an Alternative Placement Plan with the City that would allow for a public-private partnership of the Public Art. The Alternative Placement Plan does not reduce the required contribution amount, but provides for a more creative approach to public art for larger projects. Alternatively, the Developer may elect to pay the Community Amenities In-Lieu Fee.
A critical component of the Arts in Public Places program is that the art must be publicly accessible and available for the enjoyment by all of San Jacinto’s residents. To that end, eligible public art locations are required to be:

- Exterior to commercial and residential building and accessible to the public at all times.
- Located within plazas, parks, sidewalks, traffic islands, public buildings, etc.
- Locations can include surface treatments of buildings, retaining walls, and bridges.
- Projects can also include artist-designed features that might otherwise be provided by commercial sources, such as gates, water fountains, tile and surface materials, doors, furniture, clocks, lighting fixtures, railings, signage, etc., by using public art allocations to supplement and enhance the budget.

The Art in Public Places Program is receptive to the broadest definitions of art and encourages imaginative interpretations of media. The possible media and materials, which might be used for permanent installation, decorative or functional purpose, include:

- Sculpture: Free standing, wall supported or suspended, kinetic, electronic, etc., in any material or combination of materials.
- Painted and mosaic murals.
- Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, film, holographic and video systems, hybrids of any media and new genres.
- Standardized fixtures such as gates, streetlights, signage, etc., may be contracted to artists for unique or limited editions.
The intent of the City of San Jacinto’s Art in Public Places Program is to provide a diverse and culturally rich environment for San Jacinto residents and visitors. Public art expresses the confidence, vitality and optimism of the community and reflects the highest ideals of its citizens resulting in a more beautiful and livable city. It celebrates our community identity by developing collections of artwork, which have strong inherent aesthetic quality and represent diverse communities through a wide range of artistic styles and disciplines. Public Art projects will be evaluated on the design quality, potential visual enjoyment, innovation / risk in concept and technical approach, and prospective social interaction. The specific requirements for the Arts in Public Places Program are enumerated in Chapter 12.35 of the San Jacinto Municipal Code.
Selection criteria includes, but is not limited to the following:

- The artist’s and/or proposer’s consideration of the context of the artwork in relation to the proposed site: scale, materials, form; architectural, historical, geographical, landscaping and social/cultural context of the site. Works of art must be compatible in scale, materials, form and content with their surroundings. Consideration shall be given to projects that align with the values, mission and vision of the City.
- The work’s contribution to the pedestrian friendly culture of San Jacinto.
- The work’s enhancement, advancement, and/or diversification of the Art in Public Places Program.
- The approach or direction of the artistic discipline taken by the work.
- The experimental, edgy, boundary-pushing characteristics or use of a new idea into an artistic practice of the work.
- The work’s contribution to the Committee’s commitment to represent a range of artistic styles, materials and types of artworks.
- The advancement of the representation of a diversity of artists (gender, race, and culture) to ensure a balanced and interesting program.
- Artist: Artwork must be created by an artist or artist team who meets the City’s criteria for artists.
- Artistic Quality: Works of art must be unique and shall include excellence in craftsmanship, originality in conception, and integrity of materials.
- Media: All forms of media may be considered. Works may be permanently affixed, or incorporated in the design and/or function of a public space. Temporary exhibits or installations for City Sponsored Public Art may be considered for extended periods of time.
- Permanence: For permanently installed works, due consideration shall be given to the work’s structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs. Materials used shall be durable, weather resistant and require a low level of maintenance.
Selection criteria includes, but is not limited to the following:

- **Public Safety**: All works of art or temporary installations shall be evaluated to ensure their compliance with public safety requirements. Safety conditions or factors that may bear on public liability must be considered in selecting an artist or artwork.
- **Appropriateness to Art in Public Places Program Goals**: Artworks should address, or artists should be willing to address within their process, a commitment to enhancing public spaces and giving character to neighborhoods by supporting the larger design themes of the neighborhood.
- **Inoffensive**: Because the art will necessarily be highly visible to the public, will be associated with city requirements, and because the traveling public will have no real opportunity to avoid the visual aspects of the art, expressions of obvious bad taste or profanity is prohibited. It is the intent of this criterion to address proposed art, which by its nature, would generally be considered offensive to the public.
- **Community Values**: While free artistic expression shall be encouraged, consideration must be given to the appropriateness of artworks in the context of local community values and social norms.
As one of the Developer options for contribution to the Arts in Public Places Program, a Developer of an applicable Development Project may elect to donate a work of art to the City of San Jacinto. San Jacinto’s Art in Public Places program has limited funds for administration, protection and maintenance. Likewise, there are a limited number of suitable municipal sites appropriate for the installation of artwork. To ensure the quality of the collection, the Art in Public Places Committee (“Committee”) uses the guidance in this policy to decide if a proposed donation is appropriate for addition to the City’s collection. The Committee accepts only those works that will, in its discretion, further the goals of the Art in Public Places Program.
DONATION POLICY

Process for Consideration

Individuals or entities interested in donating an artwork shall follow these steps:

a) Submit a complete donation application to the City, obtained from the City website or staff.

b) Provide a maquette, images or the actual work for review. Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work.

c) Submit a cover letter explaining that the artwork is offered to the City and why the work should be added to the City’s collection.

d) Provide a copy of the artist’s resume or biography information about the artist’s significance; and images showing a sampling of the artist’s work.

e) Provide information about the artwork’s provenance, exhibition history, a current estimate of value; and a letter of authenticity from the artist, if possible.

f) Provide a conservation assessment describing the artwork’s condition and a maintenance plan, including projected costs for maintenance. The plan should include an explanation of the expected life span of the work while placed in a public environment, and the type of environment (interior/exterior) in which the artwork may be placed. The plan should also discuss whether the artwork may be prone to vandalism and how that may be mitigated; it should be authored by the artist or a qualified conservator.

g) Review the Art in Public Places Safety Policy and sign an acknowledgement that the artwork complies with all aspects of the safety policy.

h) The Committee or City Council may request additional information.

i) Funds to maintain artwork are limited. When accepting a gift into the collection, the Committee and City Council may require that the donor sign a maintenance agreement or establish a maintenance endowment to ensure adequate care for the artwork. The Committee and City Council are unlikely to consider donations that require immediate or extensive maintenance.

In reviewing a potential donation, the Committee considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with the City’s existing public art collection, appropriateness of the artwork and selected location, and budget. The Committee may consider other factors contained in its Acquisition Policy.
To increase the visual and artistic quality of the community, the City of San Jacinto will occasionally display art loaned to the City by artists, institutions or organizations. This allows the art displayed in the City to remain fresh and enables a larger number of artists to participate in the program at little cost to the City. To ensure the quality of the works displayed, the City’s Public Art Committee uses the guidance in this policy to decide whether a proposed loan is appropriate. The PAC accepts only those works that will, in its discretion, further the goals of the Art in Public Place Program.
Process for Consideration of Loaned Artwork

Individuals or entities interested in loaning artwork follow these steps:

a) Submit a complete official loan application to the City.
b) Provide a maquette and/or images or the actual work for review. Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work.
c) Include a cover letter explaining that you are offering the artwork to the City on loan and explain why the work should be temporarily displayed in the City’s public art collection.
d) Provide a copy of the artist’s resume or biography; information about the artist’s significance; and digital images showing a sampling of the artist’s work.
e) Provide information about the artwork’s provenance, exhibition history, and a current estimate of value. Include a letter of authenticity City from the artist, if possible.
f) Provide a conservation assessment describing the artwork’s condition, along with a maintenance plan. The plan should include an explanation of the expected period of loan of the work, stipulating the type of environment (interior/exterior) in which the artwork may be placed. The plan should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.
g) Review the Art in Public Places Safety Policy and sign an acknowledgement that the artwork complies with all aspects of the safety policy.

Exemptions

These guidelines shall not apply to:

a) Artwork loaned for inclusion in temporary exhibitions in City facilities or City owned spaces managed by the City.
b) Artwork loaned to City employees or appointed City officials for display in their personal offices.
c) Gifts of State presented to the City by other governmental entities (municipal, state, national or foreign).
d) Artwork loaned to the private collections of nonprofit organizations that manage City entities, or included in temporary exhibitions at those facilities.
Loan Agreement

The City will prepare a loan agreement which will include the following stipulations:

a) The artworks should be ready to install, either indoors or outdoors, and be able to sustain without maintenance for one year. Transportation is the responsibility of the owner. Installation and removal will take place with the assistance of the appropriate City department.

b) The artist or other owner must retain liability insurance on the loaned artwork for the duration that it is on display by the City. Such insurance must name the City as additional insured. Proof of insurance must be provided prior to the City displaying the artwork.

c) The City will strive to exercise the same care of loaned artwork as it does the safekeeping of its own property. The City is not responsible for normal wear and tear, damage resulting from the exposure to the elements, gradual deterioration, vandalism or damage due to force majeure.

d) The artist or entity must own the copyright for all artwork loaned to the City and grant the City and its agents a non-exclusive, unlimited and irrevocable license to make, and authorize the making of, photographs and other two-dimensional reproductions of the artwork for all promotional uses, including advertising, educational and promotional materials.

e) Generally, artwork is accepted on loan for one year, unless otherwise agreed upon between the City Council and the artist or owner.
Art in public places, by its nature, is accessible to the public for up close viewing. Children and others often want to touch or play on art structures, whether or not they have been designed for this purpose. As such, the City of San Jacinto through the Art in Public Places Committee (“Committee”) should endeavor to follow safety precautions provided by the City’s risk management agency when considering art for purchase and placement.

Implementation

Design of the art: If the piece will be openly displayed without supervision, the pieces should be constructed with consideration given to the following points:

a) No sharp points, corners or edges that could cut or puncture
b) Absolutely no protrusions or projections that could entangle clothing, possibly causing strangulation
c) The absence of pinch, crush or shearing points that could entrap a body part or clothing
d) The artwork design shall not cause hazards that could trap a child’s head
   i. Completely bound openings greater than 3.5 inches and less than 9 inches fall into this hazard.
e) Tripping hazards that may cause a fall, or cause injury if fallen upon must be avoided
f) Suspended hazards that could injure if capable of entangling or striking a member of the public cannot be a part of the artwork
g) The art should be securely anchored to avoid toppling

Committee members will consider the following questions in their review:

a) Is it suitable content for public display in accordance with community standards?
b) Does it pose any physical hazards, such as those stated above?
c) Could it be easily damaged?
d) Should it be accessible for the public to touch, or should such access be prohibited?
e) Even if such access is prohibited is it likely that people, especially children, would attempt to play on or around the art piece, especially if it is an unmonitored location?
The Committee will also consider the following points:

a) Avoid situating pieces near playgrounds, which may invite children to play on the art piece, unless the art piece was designed for that purpose.

b) Consider the proximity to roadways so that the art piece does not obstruct traffic line of sight or risk being struck by traffic.

c) Consider signage that warns of climbing or touching the art:
   i. Not a Play Structure
   ii. Do Not Climb
   iii. Do Not Lean on Case
   iv. Please Keep Off

d) Once the art is on display, an inspection checklist and schedule should be in place to ensure ongoing safety. If a piece is damaged, it should be repaired or removed immediately.

e) This safety policy should be provided to any artist as part of the public art bid process.

f) The artist should sign a Release/Waiver to hold harmless and indemnify the City in order to participate in the art display program, if the art is being loaned to the City.

g) If the artist of loaned artwork believes the piece holds a high value, the artist should obtain his/her own appraisal and insurance.
The goal of the Public Art Maintenance Policy is to maintain the City’s collection of publicly owned artwork to ensure the long-term enjoyment of the collection by San Jacinto citizens and visitors. The Public Art Maintenance Policy spells out the documentation, preservation, and maintenance processes that will support that goal. The Public Art Maintenance Policy will be implemented on a piece specific basis that recognizes the value of each work of art in the collection.

Implementation

a) Policy Implementation: City Staff will implement and monitor the Public Art Maintenance Policy and will report to the Arts in Public Places Committee (“Committee”) as often as needed, on the status of artwork maintenance. City staff will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy.

b) Funding for maintenance will be established through the Arts in Public Places and Community Amenities Budgets. Funds will come through contributions of the Arts in Public Places In-Leu and Community Amenities fee.

c) Contract Services: Contracts with paid professionals/craftspeople will follow established City guidelines and will be handled through the appropriate City department.

d) Quality Control: The Committee believes in regulating the quality of maintenance to an established standard. Therefore, the Committee will work to collect maintenance data (e.g. lacquer vs. waxing, annual vs. biannual maintenance, professional vs. volunteer, etc.). The Committee and City Staff will use this data to develop specific quality standards.
MAINTENANCE POLICY

Process

a) Documentation: The initial documentation will occur before a piece is accepted into the City collection. The Committee, appropriate City departments (Facilities Maintenance, Parks & Recreation, Public Works), outside contractors, service people and experts may be asked to review this documentation.

b) Maintenance documentation when artwork is accepted into the City collection, an initial level of maintenance and a maintenance schedule will be established for it. The documentation will include a standard for regular maintenance (e.g., timing, type of maintenance) and identify any maintenance issues that may require special attention. The maintenance documentation may be reviewed and revised as needed.

c) Regular maintenance: Appropriate personnel will perform regular maintenance according to the maintenance schedule and condition report for each specific piece. The Staff Liaison will initiate and coordinate the regular maintenance activities.

d) Special Maintenance: Paid professionals/craftspeople or knowledgeable volunteers will perform maintenance that requires specialized tools, equipment, or knowledge on an “as needed” basis. The Committee will use the condition report and/or site visits to determine need.

e) Emergency Maintenance or Repair: Paid professionals/craftspeople or knowledgeable volunteers will perform emergency maintenance or repair on an “as needed” timely basis as determined by the Committee, Public Utilities staff or other qualified professional.

f) The Committee will make every effort to stay informed about damage to artwork and will consider such damage when making decisions with regard to acquisition, location, safety, deaccessioning and maintenance of specific pieces in the current collection and future works of art or artwork.
Deaccessioning is a procedure for withdrawing a work of art from the City of San Jacinto public collection. The City Council is responsible for deciding whether any piece(s) should be deaccessioned, based in part, on a recommendation of the Art in Public Places Committee (“Committee”). Deaccessioning occurs only for good reason, at the City Council’s discretion.

Basis for Deaccessioning

The City Council may deaccession artwork for one or more of the following reasons:

a) The artwork endangers public safety;
b) The artwork has been determined to be in unsatisfactory condition;
c) The artwork lacks a suitable display site;
d) The condition or security of the artwork cannot be reasonably guaranteed where located;
e) The artwork is attached to a structure slated for destruction, remodeling or repair (so that it is not practical to keep the artwork);
f) The artwork is or has become incompatible with the rest of the collection;
g) The City wishes to replace the artwork with a piece of more significance;
h) The artwork requires excessive maintenance or has faults in design or workmanship;
i) The artwork is fraudulent or not authentic;
j) The City cannot properly care for or store the artwork;
k) For any other significant reason articulated by the City Council, at its discretion.

Works of art covered under the Memorial and Monuments Policy will be considered in accordance with that policy.

The City Manager is authorized to remove any piece of Public Art from public display based on any of the criteria listed above.
Process and Disposition

The Committee will review the pieces in the City’s Art in Public Places collection - at least once every two years, beginning in the first year of the program - to determine whether any piece(s) should be deaccessioned. The Committee will make recommendations to the City Council when a piece of art is recommended for deaccession. The City Council reserves the right to deaccession any artwork at any time deemed appropriate by the City Council.

The City Council may consider the following options for disposition of a deaccessioned artwork:

a) Return to the artist;
b) Return to the donor;
c) Sale or trade;
d) Destruction (which shall be reserved for work deteriorated or damaged beyond reasonably-priced repair);
e) Donation; or
f) Any option deemed appropriate by the City Council.