



**CITY OF SOUTH PASADENA
PUBLIC ART COMMISSION**

**AGENDA
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 28, 2022 AT 6:30 P.M.**

**CITY COUNCIL CHAMBERS
1424 MISSION STREET, SOUTH PASADENA, CA 91030**

South Pasadena Public Art Commission Statement of Civility

As your appointed governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made today will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

The South Pasadena Public Art Commission Meeting will be conducted in-person from the Council Chambers, Amedee O. "Dick" Richards, Jr., located at 1424 Mission Street, South Pasadena. Pursuant to AB 361 Government Code Section 54953, subdivision (e) (3), the Public Art Commission may conduct its meetings remotely and may be held via video conference.

The Meeting will be available:

- In Person Hybrid – City Council Chambers, 1424 Mission Street, South Pasadena
- Via Zoom: - <https://us02web.zoom.us/j/82313346757> **Meeting ID: 823 1334 6757**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in one of the methods below.

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information;
or
2. Click on the following unique Zoom meeting link:
<https://us02web.zoom.us/j/82313346757>

CALL TO ORDER: Jeffrey Burke, Chair

ROLL CALL: Jeffrey Burke, Chair
Kris Kuramitsu, Vice-Chair
Annalee Andres, Commissioner
Steven Wong, Commissioner

COUNCIL LIAISON: Mayor Michael Cacciotti

APPROVAL OF AGENDA

Majority vote of the Commission to proceed with Commission business.

PUBLIC COMMENT GUIDELINES (Public Comments are limited to 3 minutes)

The Public Art Commission welcomes public input. If you would like to comment on an agenda item, members of the public may participate by one of the following options:

Option 1:

Participate in-person at the City Council Chambers, 1424 Mission Street, South Pasadena.

Option 2:

Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak for up to 3 minutes per item.

Option 3:

Email public comment(s) to PlanningComments@southpasadenaca.gov.

Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on, and
- 3) Submit by no later than 12:00 p.m., on the day of the Public Art Commission meeting.

NOTE: Pursuant to State law, the Public Art Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Public Art Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

CONSENT CALENDAR ITEM

1. Minutes from the Regular Meeting of January 26, 2022

ACTION/DISCUSSION

2. 815 Fremont Avenue (Arbor Square Mixed-Use Development) Public Art Program

Arbor Square is a mixed-use development consisting of 50 residential units and approximately 3,769 square feet of commercial area. The project was approved by the Planning Commission on April 18, 2022. The project will require public art installation or public art in-lieu fee to be reviewed by the Public Art Commission at a later date. This item is intended for the applicant to provide a PowerPoint presentation regarding this development and to solicit feedback from the Commission pertaining to the public art.

Recommendation

Provide comments.

3. Public Art Concept Approval Process

Recommendation

Receive staff's presentation and provide comments.

ADMINISTRATION

4. Comments from City Council Liaison

5. Comments from Commissioners

6. Comments from Subcommittees

7. Comments from Staff

ADJOURNMENT

8. Adjourn to the Regular Public Art Commission meeting scheduled for January 25, 2023 at 6:30 PM.

PUBLIC ACCESS TO AGENDA DOCUMENTS

The complete agenda packet may be viewed on the City's website at:

<https://www.southpasadenaca.gov/government/boards-commissions/public-art-commission>

ACCOMMODATIONS

The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division via e-mail at CityClerk@southpasadenaca.gov or by calling (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.

9/22/2022

matt chang

Date

Matt Chang, Planning Manager

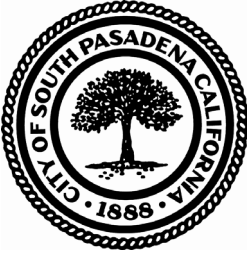
**MINUTES OF THE SPECIAL MEETING OF THE
PUBLIC ART COMMISSION
OF THE CITY OF SOUTH PASADENA
CONVENED THIS 26th DAY OF JANUARY 2022 AT 6:30 P.M.
VIA ZOOM TELECONFERENCE**

CALL TO ORDER/ROLL CALL	<p>The meeting of the Public Art Commission was convened at 6:30 p.m. Commissioners present: Phung Huynh (Chair), Annalee Andres, Jeffrey Burke, and Steven Wong</p> <p>Commissioner absent: Kris Kuramitsu (Vice-Chair)</p> <p>Council Liaison present: Michael Cacciotti (Mayor)</p> <p>Staff present: Margaret Lin, Deputy Community Development Director</p>
APPROVAL OF AGENDA	Approved (4 ayes, 0 noes, 1 absent)
PUBLIC COMMENTS AND SUGGESTIONS (ITEMS NOT ON THE AGENDA)	Noah Kuhn: speaking for the Anti-Bias club, and provided updates on the mural. Noah shares that they are making efforts for public support and asks the Commission to urge the city to meet with them to discuss issues with the project contract.
COMMUNICATIONS	
1. CITY COUNCIL LIAISON COMMENTS	Mayor Cacciotti shared that City Council has had several special meetings to discuss Capital Improvement projects, the sale of Cell Tower lease and what to do with the revenue. They received the recommendation to buy down CalPERS liabilities and OPEB, which will go back to Council for special approval. The City will be analyzing the commissions/committees to see if they are effective, if any should be combined. Will be bringing back Merchant Minutes, Adopt-A-Pet, Interviewing different departments each month. Going to present to 4 th of July committee about including some acts and movies about Independence Day.
2. COMMISSIONER COMMENTS	Huynh shared public commenter's frustration about the city process for the Anti-Bias club mural.
3. STAFF LIAISON COMMENTS	None.

ACTION/DISCUSSION ITEMS	
4. 1316 LYNDON STREET (SOUTH PASADENA CHRISTIAN CHURCH) MURAL PROJECT	Deputy Director Lin shared presentation of the mural proposed at 1316 Lyndon Street. Deputy Director Lin noted that because the mural is on private property, there is no action needed by the Commission but invites comments.
5. PUBLIC ART PROJECTS/EXHIBITS SELECTION	Deputy Director Lin shared the rubric for assessing the proposed art projects/exhibits. The Commissioners then discussed their top picks for the \$10,000 proposals and the \$7,500 proposals. The Commissions approved to recommend "Vecinos", "I Heart South Pas", and the proposal by Greater and Grander Art (4 ayes, 0 noes, 1 absent).
CONSENT	
6. MINUTES FROM SPECIAL DECEMBER 7, 2021 MEETING	Commissioner Burke moved to approve the minutes as amended and Commissioner Wong seconded the motion. Approved by 4 ayes, 0 noes, 1 absent.
ADJOURNMENT	The Commission adjourned the meeting at 7:15 p.m.

Approved By:

Jeffrey Burke, Chair



Public Art Commission Agenda Report

ITEM NO. 3

DATE: September 28, 2022
TO: Public Art Commission
FROM: Angelica Frausto-Lupo, Community Development Director
PREPARED BY: Matt Chang, Planning Manager
SUBJECT: Public Art Concept Approval Process

Recommendation

Receive staff's presentation and provide comments.

Discussion

At the request of the Public Art Commission Chair, staff is placing an item in front of the Commission to discuss the South Pasadena Municipal Code (SPMC) requirements for the public art concept review process associated with development projects. The Municipal Code section, Public Art Development (SPMC Section 36.395) is provided as **Attachment 1**.

The SPMC states that:

“Every new residential development of four or more units and every new commercial or industrial building project with a building valuation exceeding \$500,000 will be required to provide public artwork or dedicate funds to support public art. The public art program shall also apply to any remodeling project of existing commercial or industrial building and any residential building of four or more units or complex of four or more units, when the remodeling has a building valuation exceeding \$250,000”

The Public Art Commission is the decision body for reviewing and approving public art associated with these development projects.

Staff will outline the Municipal Code review process at the meeting.

Attachment

1. South Pasadena Municipal Code Section 36.395 – Public Art Development

ATTACHMENT 1

South Pasadena Municipal Code Section 36.395
– Public Art Development

Division 36.395. Public Art Development

Sections:

- [36.395.010 Percentage for Public Art for Development Projects.](#)
- [36.395.020 Exempt Developments.](#)
- [36.395.030 Allocation.](#)
- [36.395.040 Satisfaction of Requirement.](#)
- [36.395.050 Public Art Consultant.](#)
- [36.395.060 Public Art Concept Approval Process.](#)
- [36.395.070 Public Art Final Approval Process.](#)
- [36.395.080 Ownership and Maintenance Cost of On-Site Public Art.](#)
- [36.395.090 Removal or Alteration of Public Artwork on Private Property.](#)

36.395.010 Percentage for Public Art for Development Projects.

Every new residential [development](#) of four or more units and every new commercial or industrial building [project](#) with a building valuation exceeding \$500,000 will be required to provide public artwork or dedicate funds to support public art. The public art program shall also apply to any remodeling [project](#) of existing commercial or industrial buildings and any residential building of four or more units or complex of four or more units, when the remodeling has a building valuation exceeding \$250,000. (Ord. No. 2325 § 2 (part), 2018.)

36.395.020 Exempt Developments.

The following [developments](#) or modifications, [alterations](#), and additions to the [developments](#) are exempt from this division: affordable [housing units](#), performing arts facilities, [museums](#), private nonprofit and institutional [uses](#), interior remodel or tenant improvements, seismic reinforcement, and rebuilding necessitated by a natural disaster. (Ord. No. 2325 § 2 (part), 2018; Ord. No. 2358 § 2, 2021.)

36.395.030 Allocation.

The valuation of the percentage for public art [development](#), as provided for in SPMC [36.395.010](#), shall be based on a percentage of the building cost in an amount equal to one percent or more of the total building valuation for the [project](#) if the [project](#) is being built on [site](#) and one and one-half percent if the [developer](#) will be paying the public art [development](#) fee in lieu of providing public art on [site](#), excluding land acquisition, [off-site](#) improvement expenses, interior improvements, parking facilities, and public facilities. (Ord. No. 2325 § 2 (part), 2018.)

36.395.040 Satisfaction of Requirement.

[Development](#) projects subject to the public art program may satisfy the requirement through:

A. Installation of approved site-specific public artwork, cultural, or artistic facilities equal to or exceeding the value of the contribution amount; or

B. Payment in lieu of the one and one-half percent [development](#) fee to a new public art fund.

1. Payment of the public art [development](#) fee will be collected in two installments: (a) 50 percent of the total public art [development](#) fee shall be collected prior to issuing the [building permits](#); and (b) 50 percent of the total public art [development](#) fee shall be collected prior to final inspection or issuing the certificate of [occupancy](#).

C. No final [approval](#), such as final inspection or a certificate of [occupancy](#), for any [development](#) project subject to this division shall be granted or issued unless and until full compliance with the public art program is achieved.

D. The [applicant](#) must certify that any artwork donated or purchased is free and clear of all liens, claims, encumbrances, and restrictions. The [applicant](#) must also certify that no portion of the artwork has been exported from its country of origin in violation of laws of that country in effect at the time of export, nor imported into the United States in violation of United States laws and treaties in effect at the time of import. The [applicant](#) must represent and warrant that no tax laws, laws of inheritance, or other laws or regulations applicable to the artwork have been broken. The [applicant](#) agrees to indemnify, defend, and hold harmless the [City](#) from and against any and all claims, damages, loss, and expenses relating to the break or alleged break of any of the [applicant](#)'s obligations, representations, or warranties herein, and relating to the claims of third parties or challenging the title to the artwork or any intellectual rights or copyright for the artwork transferred and conveyed to the [City](#). (Ord. No. 2325 § 2 (part), 2018.)

36.395.050 Public Art Consultant. 

For public art [projects](#) developed on [site](#), the [developer](#) must contract the services of a professional art consultant experienced in working with municipal art programs for any public art [project](#) valued at more than \$25,000 (if not paid in lieu). (Ord. No. 2325 § 2 (part), 2018.)

36.395.060 Public Art Concept Approval Process. 

For public art [projects](#) developed on [site](#), prior to the associated entitlement review for a [development](#) project an application for public art concept review shall be submitted to the Public Art [Commission](#) and shall include:

A. Completed public art application; and

- B. Preliminary sketches, photographs, or other documentation to provide sufficient clarity of the nature of the proposed artwork; and
- C. Preliminary plans containing such detailed information as may be required 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 the adjacent conforming developed [parcels](#) and existing neighborhood if necessary to evaluate the proposal; and
- D. A narrative statement to be submitted to demonstrate that the artwork will be displayed in an area open and freely available to the general public; and
- E. A maintenance plan describing the required maintenance and costs to preserve the artwork in good condition.

The Public Art [Commission](#)'s concept review shall be provided to the entitlement review body(ies) for consideration during the [approval](#) process. (Ord. No. 2325 § 2 (part), 2018.)

36.395.070 Public Art Final Approval Process. 

For public art [projects](#) developed on [site](#), following the entitlement [approval](#) process for a [development](#) project, an application for final public art [approval](#) shall be submitted to the Public Art [Commission](#) and shall include:

- A. Completed public art application; and
- B. Finalized sketches, photographs, or other documentation to provide sufficient clarity of the nature of the proposed artwork; and
- C. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs; and
- D. Written agreement executed by or on behalf of the artist who created or is creating the artwork which expressly waives their rights under the California Art Preservation Act or other applicable laws; and
- E. Finalized plans containing such detailed information as may be required 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 the adjacent conforming developed [parcels](#) and existing neighborhood if necessary to evaluate the proposal; and

F. A narrative statement to be submitted to demonstrate that the artwork will be displayed in an area open and freely available to the general public at least 10 hours each day, or otherwise is publicly accessible in an equivalent manner based on the characteristics of the artwork or its placement on the [site](#); and

G. A maintenance plan describing the required maintenance and costs to preserve the artwork in good condition.

Completed applications shall be submitted to staff for the Public Art [Commission](#)'s review and [approval](#). [Building permits](#) shall not be issued until final [approval](#) has been granted by the Public Art [Commission](#). (Ord. No. 2325 § 2 (part), 2018.)

36.395.080 Ownership and Maintenance Cost of On-Site Public Art. 

Any artwork associated with the public art program that is included on [site](#) for an [applicant](#)'s [project](#) shall remain on the property of the [applicant](#); the obligation to provide all maintenance to preserve the artwork in good condition will remain with the owner of the [site](#). Maintenance of artwork shall include without limitation preservation of the artwork in good condition, 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, the [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 properly maintain the artwork is hereby declared a public nuisance. In addition to all remedies provided by law, in the event the real property owner fails to maintain the artwork, upon reasonable notice, the [City](#) may perform necessary repairs or maintenance or secure insurance, and the costs therefor shall become a lien against the real property. (Ord. No. 2325 § 2 (part), 2018.)

36.395.090 Removal or Alteration of Public Artwork on Private Property. 

Public artwork installed on private property to satisfy the public art [development](#) requirement shall not be removed or altered without the prior [approval](#) of the [City](#) Council. In addition to any other applicable penalty, violation of this section may render the property owner liable for payment of the one and one-half percent [development](#) fee to the public art fund and may result in revocation of the [occupancy](#) permit issued for the subject [development](#) project. Prior to any imposition of the one and one-half percent [development](#) fee to the public art fund or [occupancy](#) permit revocation pursuant to this section, the [City](#) shall afford the property owner notice and an opportunity for a hearing. (Ord. No. 2325 § 2 (part), 2018.)