



# Art in Public Places

## Public Art for Private Development Ordinance

Pomona's Art in Public Places Program contributes to improving quality of life and serving the City's vision of being known as a Place for Art. Pomona's Art in Public Places Program contributes to preserving existing public art and building on the inventory of public art within the community. As part of its commitment to promoting public art, the City approved the Public Art for Private Development Ordinance no. 4151 which became effective on January 4, 2012.

Pomona's Public Art for Private Development Ordinance was driven by the following goals:

- Balancing the community's physical growth and revitalization and its cultural and artistic resources
- Providing exemplary art pieces in publicly accessible areas such that they will enrich and enliven the community
- Enhancing the economic vitality of the City, developing community pride and improving the general welfare and quality of life in the City
- Maintaining existing public art

## Types of development projects subject to the Public Art for Private Development Ordinance

The ordinance stipulates that the following projects are subject to the Public Art requirement in the ordinance:

- New residential development projects of ten or more units,
- New commercial, industrial and institutional development with building valuations of \$750,000 or more
- Tenant improvements, exterior remodeling, and addition projects with valuations of \$750,000 or more for existing industrial, commercial, institutional, and residential properties with ten or more units

## Developer Options for the Public Art for Private Development compliance

The Public Art for Private Development requirement can be met in one of two ways:

1. By placing an approved art work with a minimum value of 1 % of the total building valuation on the site; or
2. By paying an in-lieu fee equal to 1 % of the total

building valuation into the Public Art Fund

Developers whose projects are subject to fulfillment of the Public Art will be informed of the requirement by either the Planning Division or Building and Safety Division, depending on which department is contacted first.

### Option 1, providing Public Art on site

Developers who choose to provide original art work are advised to meet as early as



possible with the City's Planning Division staff so that the Public Art can be incorporated into the development during the concept phase. Approval of the Public Art by the City can take up to several months depending on the complexity and size of the project, but can be done concurrently with the project's entitlement process. Developers who elect to provide public art on site will be required to complete and submit an application form with a **Conceptual Design Plan** of the proposed Public Art to the Planning Division. Once complete, the application will be scheduled for review by the

Public Art Advisory Committee (Advisory Committee), a subcommittee of the Cultural Arts Commission. The Advisory Committee will make a recommendation on a **Final Design Plan** for the Public Art. When completed, the developer submits the Final Design Plan to the Planning Division and within 45 days, the application will be scheduled before the Cultural Arts Commission for a final review and a decision on the Public Art.

It is recommended that early in the entitlement process, developers begin work on the design of the artwork to prevent any delays on their project.

A final Certificate of Occupancy will not be issued until the art requirement has been satisfied either by the installation of the Public Art on the development site or payment of a cash bond to assure installation.

### **Option 2, Paying the In-Lieu Fee**

If the developer chooses to pay the in-lieu fee to the Public Art Fund, the fee must be submitted before a building permit may be

issued for the project. The fees paid into the Public Art Fund are used to provide Public Art in most cases on public property and up to 1/3 of the fee may be used for maintenance of existing Public Art in the City.

## **Types of projects that will fulfill the Public Art requirement**

Public art is restricted to permanent visual works of art and can include sculpture, landscape elements, mosaics, water features, and murals. Public Art must meet the artwork selection guidelines outlined in the Art in Public Places Manual. Temporary artwork, architect-designed elements of a building, and mass-produced replicas or reproductions of artwork are not permitted.

## **Site criteria for developers**

Public Art is required to be placed in a publicly accessible and visible area on the development site, either inside or outside of a building that is open, freely available and visible to the general public.

## **How to get started**

For further information on how to begin the process and for

application materials, please contact the City of Pomona's Planning Division at 909.620.2191.

You may request a copy of the **Art in Public Places Policies and Guidelines Manual** for detailed information on the procedures and guidelines to guide you through the process. The Manual may also be accessed on the Planning Division page of the City's website at:

[www.ci.pomona.ca.us](http://www.ci.pomona.ca.us)

Contact the Planning Division at 909.620.2191 with any questions.

