

TOWN OF MAMMOTH LAKES PUBLIC ART PLAN: POLICIES & CRITERIA



View of Town from the Sherwins

June 15, 2011

Public Arts Commission

Nick Holst, Chair

Michael Bornfeld, Vice Chair

Bea Beyer

Noelle Deinken

Sandy Petersen



Mountain Rescue by Paul Olesniewicz



Mama Bear & Cub by Ed McBride

TABLE OF CONTENTS

I. POLICY STATEMENT	Page 3
II. PUBLIC ART PLAN DESCRIPTION	Page 3
A. Goals	Page 3
B. Method of Acquisition	Page 4
C. Public Art Commission (PAC)	Page 4
III. OVERVIEW OF PUBLIC ART ACQUISITION	Page 5
A. Design Criteria	Page 5
B. Site Selection for Public Art	Page 6
IV. PUBLIC ART MAINTENANCE REQUIREMENTS	Page 7
V. PUBLIC ART PROGRAM FUNDING	Page 7
Public Art Plan Funding Sources	Page 7
ATTACHMENT 1: PUBLIC ART FEE APPLICATION FORM	Page 9
ATTACHMENT 2: PUBLIC ART PROCEDURES MANUAL	Pages 10-15



Mountain Trout
by Laurel Stanford Manning



Rainbow Trout
by Loey Siering



Fly Fishing Rocks
by Vivienne Vlaskovits

I. POLICY STATEMENT

Public art in Mammoth Lakes, as in any community, serves many purposes. In addition to providing an appealing and interesting environment, it also serves to bring together people of diverse backgrounds, whether residents or visitors, by telling compelling stories about the town and its people. Research and experience have shown that Public Art increases the livability, walk-ability, and desirability of neighborhoods and cities, which in turn, drives local economy, tourism, health, safety, and more resources for better quality of life. Public art projects also amount to jobs for artists and jobs for others; when they buy materials locally, work with local contractors and engineers and fabricators to assist with the execution of these projects.

The community of residents and visitors that make up Mammoth Lakes share and enjoy an appreciation for the surrounding alpine environment. The Public Art Plan (Plan) will visually complement this environment and culturally enhance the current mountain living enjoyed here. Public art can visually connect the community and provides the community with a visual culture that reflects its heritage, captures its contemporary energy, and inspires its future growth. The Plan will contribute to the visitor experience by attracting and moving visitors throughout the pathways and corridors where public art is placed. Public art will also reflect the environment, culture, and heritage that is Mammoth. The development and implementation of this Public Art Plan will make Mammoth Lakes a richer community and can evoke a flavor uniquely Mammoth.

The Town of Mammoth Lakes supports public art as directed by the Town of Mammoth Lakes Public Art Ordinance through the Town Council, the Public Arts Commission (PAC), and public arts funding sources including the public art fee and Measure U.

This Plan is focused on acquisitions of tangible, permanent art. As more reliable funding sources become available, the Plan will expand to include ongoing programs such as an annual art exhibition or street banner program.

This Plan addresses public art owned by the Town and placed on public property, as well as public art owned by private groups and placed in public spaces or private property in order to satisfy the Town's Public Art Ordinance.

II. PUBLIC ART PLAN DESCRIPTION

The Plan describes how the Town seeks to implement the goals and policies of the public art-related sections and more detailed goals derived from the General Plan.

A. Goals

The main goal of the Plan is to increase the amount of meaningful, high-quality public art within the Town of Mammoth Lakes.

The General Plan Element titled "Arts, Culture, Heritage and Natural History" includes the following three goals:

- A.1. *GOAL: Be stewards of Mammoth's unique natural environment.*
- A.2. *GOAL: Be a vibrant cultural center by weaving arts and local heritage and the area's unique natural history into everyday life.*
- A.3. *GOAL: Encourage public art and cultural expression throughout the community.*

The Plan supports the following goals for public art that is placed in Mammoth:

- The community should benefit from public art.
- Public art should tell a story appropriate to Town (e.g. nature, Native Americans, mining, immigrants, Mammoth history).
- Public art should be unique.
- Public art should be located in true public places.
- Public art should be long lasting/permanent (a physical installation).
- Public art should be of high quality design, materials, and installation.

B. Methods of Acquisition

One method to build the Town's public art collection is to purchase pieces for placement in existing locations throughout the Town. In addition, there is a significant opportunity to incorporate public art into the community when new development projects are proposed to be built in the Town. The Town's ordinance currently requires new developments to either incorporate public art into their projects (with the approval of the PAC) or pay an in lieu fee which can be used to purchase public art for the Town. Please see the Public Art Procedures Manual for detailed process information.

C. Public Arts Commission (PAC)

The PAC is an advisory body that makes recommendations to the Mammoth Lakes Town Council (Council) relating to public art. The responsibilities of the PAC are to implement and administer the Town of Mammoth Lakes Public Art Ordinance (Chapter 15.18 of the Municipal Code) which requires new construction to either pay an in lieu fee or place public art on-site within the new development.

The PAC plays an integral role in the implementation of the Plan. The PAC serves in an advisory capacity to Council as the review body for all public arts projects in accordance with Municipal Code Chapter 2.42 (Public Arts Commission). The Council may rely upon the PAC to advise developers on appropriate public art for development projects, to select highly skilled and qualified artists for public art projects, and to acquire, maintain, and/or de-accession public art for the Town.

PAC members are appointed by the Council and include a diverse composition of Mammoth Lakes' residents, some of whom are arts professionals. PAC members are subject to the Conflict of Interest rules set forth in the California Political Reform Act and Government Code section 1090.

III. OVERVIEW OF PUBLIC ART ACQUISITION

All proposals for the display of public art using Town property must be submitted to the Public Arts Commission for consideration. Proposals may be submitted by:

- An artist,
- Those who wish to loan or donate art,
- Applicants fulfilling the public art requirements outlined in Section III.A.2 of this policy, or by
- Those responding to a request for proposal made by the Town.

Any piece of art to be considered as a part of the Town's public art collection will be evaluated by Public Arts Commission. The PAC shall consult with the Town Council during this process. During the review process Council can request modifications to proposals before further consideration.

In general, acceptance and placement should be in accordance with adopted policy and current or historic use, specific and master plans, Town Council goals, Plan, and Public Art Procedures Manual. The location and design of the artwork should be consistent with the character and design intentions of the proposed site. The quality, scale and character of the artwork should be at a level commensurate with the particular setting.

A. Design Criteria

The following are a suggested set of criteria which the Public Art Commission will use as guidelines in the identification, selection, and acceptance of public art.

1. *Story:* Successful art projects are those that tell a story about the community and their surroundings. This element helps provide definition and pride for a community. Does the artwork speak to this specific community or tell the particular story? Can this community understand the message or story of the art?
2. *Uniqueness:* Public art should inspire people to stop, take a picture, and appreciate the art because of its uniqueness. Public art should set Mammoth apart from other communities in that people will know they saw particular art in Mammoth because the art is Mammoth. This does not mean that public art should be out of place in our community, rather fit in with the natural surroundings in a unique way.
3. *Located in True Public Places:* As described in the Site Selection criteria below, it is important for public art to be located in true public places so it can be appreciated by the community at large. Public art should not be an afterthought in development projects, rather, should be integrated into the project as a whole and placed in a location that fits in with the development while being readily visible to the public.

4. *Long Lasting:* Mammoth Lakes is a unique high-altitude environment with climactic conditions that tax even the most durable of materials. Because of the challenges associated with considerable amounts of snow, wind, and sunshine, artwork should be designed to be durable and should not be negatively affected by the Eastern Sierra climate.
5. *Highest Quality Public Art:* Acquire public art of the highest quality – worthy of Mammoth Lakes’ scenic beauty. Acquisitions for the Town’s Public Art Program shall be, in the judgment of the Public Art Commission, of exceptional quality and enduring value. Consideration will include artists experience in successful projects, material selection and craftsmanship.
6. *Other Considerations:* Ensure that public art is safe, accessible, and compatible with community standards.

B. Site Selection for Public Art

All new proposals for public artwork should carefully consider where the art will be located. Sites should be prominent sites within Town and may include major arterials and streets, public buildings, public trails, trailheads and staging areas, public plazas, parks, and open space areas. Particular attention will be given to displaying public art at major intersections, vehicular and pedestrian corridors, and entrances to the Town. Public art should not be located within gated communities, private lobbies, or inside condo projects.

If the public art is located on private property, then it must be accessible to the public at all times, unless otherwise approved by Town Council. In addition to a location’s aesthetic possibilities, the following factors shall be considered when deciding the site and placement or presentation of the art:

- Volume of vehicular and pedestrian visitation
- Degree of visibility and accessibility
- Lighting
- Public safety
- Park or area users
- Future development plans for the area
- Landscape design
- Availability of utilities existing artwork within the vicinity
- Environmental concerns/impact
- Public accessibility to the work
- Social context (intended use of the work)
- Significance to the proposed site
- Site appropriateness (fitting with the scale & nature of the proposed site)
- Traffic patterns
- Relationship to existing planned architectural and natural features

IV. PUBLIC ART MAINTENANCE REQUIREMENTS

- A.** If located on public property, artwork shall become the property of the Town of Mammoth Lakes.
- B.** If located on private property; the owner of the artwork shall provide all maintenance necessary to preserve the work in good condition. In addition, the owner of the artwork shall maintain fire and extended insurance coverage, including but not limited to vandalism coverage, in a minimum amount of the purchase price of said artwork. Failure to maintain the artwork will make the owner subject to possible fines and/or liens against the real property.
- C.** Stolen or vandalized art shall be replaced or repaired in a manner that conforms to the originally approved art. In the event of repair the responsible artist(s) shall be notified and given the opportunity to perform the repair work.

V. PUBLIC ART PROGRAM FUNDING

Public Art Plan Funding Sources. In order to sustain funding and implement the Plan, the following four mechanisms/options will be pursued. A combination of funding options enables the Town to coordinate a consistent and enriching public art program. Reliable funding for the Plan will be provided by using a variety of sources described below. The funds will be allocated to the Town's Public Art Fund to cover short-term and long-term capital, operations, and maintenance costs.

1. Public Art Fee – Municipal Code Chapter 15.18 requires that new developments pay a public art fee as follows:
 - a. One percent of the building valuation for new commercial, office and industrial construction.
 - b. One percent of the building valuation for remodel or reconstruction of existing commercial, office or industrial that results in the addition of habitable square feet or a change in use.
 - c. One-half of one percent of the building valuation for new construction of two or more units of single-family non-transient, single-family transient, mobile homes, multi-unit non-transient and multi-unit transient.
2. Sponsorships/Fundraising and Donations - Sponsorships, donations, and fundraising efforts are an integral aspect to public art throughout the world. These monies contributed for public art can be designated for a specific public art project or pooled with other unrestricted contributions in the Public Art Fund to be allocated as determined by the Council. Contributors can remain anonymous or be recognized appropriately depending upon the use of their donation.

Artists can also propose to coordinate fundraising efforts on their own to support a specific art project or event. Fundraising proposals to support specific projects or events will be reviewed by the PAC on a

case-by-case basis and must be recommended by the PAC and approved by Council before fundraising efforts begin.

3. Public/Private Partnerships - Cooperation among the Town, artists, cultural organizations, other agencies, and the private sector is essential to ensure a healthy arts environment. The Town's primary role is one of "assistance or exposure to" rather than "responsibility for" the provision of public art services. With this in mind, it is recommended that collaboration with private or corporate sponsors/partners be encouraged for community benefit. These joint activities, temporary exhibitions, cultural events or more permanent public art, can/will include negotiated fees that will be placed in the Town's Public Art Fund.
4. Grants - Grants and/or matching grants should be sought from national, state and local foundations, arts agencies and other organizations to promote and guarantee a thriving public art program for Mammoth Lakes.



Application for Art in Private Development

Project Name: _____
Project Address: _____ APN: _____

Project Applicant/Developer: _____
Applicant Address: _____
City: _____ State: _____ Zip: _____
Telephone: () _____ Fax: () _____

Project Start Date: _____ Project Completion: _____ (Estimated)

For placing art at building project site:

- Site plan for the project showing the proposed location of the art within the development site. Please include landscaping.
Submission of a 8 1/2 x 11" color elevation rendering of the artwork and site plan showing the proposed artwork in it proposed location (to scale and clearly showing the artwork in relation to its surroundings, including landscaping, public right of ways, street frontage and parking lots).
Artist Resume with examples of past work.
An Artist's statement describing the piece, the concept behind the work, and any other relative information on the design.
A narrative statement 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. The narrative should include maintenance factors to ensure its permanence as well as a maintenance plan.
Material samples, if possible.
Estimated valuation of development project and the projected amount of the art contribution
Value of artwork to be installed on site: \$ _____
Art work budget demonstrating eligible expenditures.

For placing art at a building site in the future:

- Payment of a deposit equal to the in lieu fee which all or a portion of may be refunded at a later date if the applicant installs art on the project site.

For payment of in lieu fee:

- In lieu fee paid: \$ _____, to be paid prior to the issuance of a building permit. (Once funds have been encumbered by the Town they are not available for refund.)

I certify that the foregoing statements and information are true and that any submitted material, statements or plan designs are correct to the best of my knowledge.

Property Owner/Developer (print name) Property Owner/Developer (signature) Date

Accepted by Town Staff: _____ Date received: _____

PUBLIC ART PROCEDURES MANUAL

A. Process

1. *PAC Initiated Public Art*

The PAC may make requests for artwork proposals using the following methods:

- a. Direct Purchase. A completed work of art may be purchased for a specific project or location;
- b. Direct Commission. An artist may be chosen directly by the PAC and/or paid to submit a proposal. Artists will be selected on the basis of their qualifications for a particular project and its probability;
- c. Limited Competition. A small number of artists may be invited and/or paid by the PAC to submit proposals;
- d. Open Competition. Any artist may apply subject to limitations established by the PAC. No proposal fee is paid to artists; however, a small number of finalists may be selected to submit details, models or plans for which a fee is paid.

2. *Public Art in Development Projects*

Developers have the option of fulfilling the public art requirement with payment of the in-lieu contribution to the public art fund or installing public art on the development site. The process to install public art at a development site is outlined as follows:

- a. During the entitlement process the developer is advised by the Community Development Department of the Town's Public Art ordinance and the requirement to either pay an in-lieu fee or incorporate public art into the development project.
- b. Developer makes a self-determination based on the proposed use and cost of the project about the application of the ordinance.
- c. If the developer decides to pursue inclusion of public art as part of the project, the developer should describe the conceptual approach to incorporate public art in the development project. This should illustrate how public art will be integrated into the project during the design review process.
- d. During the design development phase of the project and prior to the submittal for a building permit application, the developer must submit a completed Application for Art in Private Development Packet to the Community Development Department for review to assure that the proposed public art meets the objective criteria and that the proposed budget includes allowable expenses.

- e. Community Development staff will check completion of the application packet, artwork and budget requirements and will schedule the project for consideration by the Public Arts Commission.
- f. The Public Arts Commission considers the application and recommends changes or approves the art plan.
- g. The Community Development Department may refer the public art plan to the Planning Commission, if it is determined to be necessary.
- h. At the time of building permit application, the Building Division will determine the construction costs for project and the resulting amount of the public art contribution.
- i. The public artwork or payment of the in-lieu fee must be complete prior to issuance of a building permit.
- j. Alternately, the developer may deposit funds in the amount of the in-lieu fee into a trust account with the Town. The developer must have an approved public art plan and should indicate the timing of the installation of the art.

Artwork located on private property shall remain the property of the owner for the life of the Certificate of Occupancy. Ownership of the work will transfer to any successive owner of the property. Once the artwork has been accepted by the Town and installed, it cannot be removed or altered without specific written approval of the Town Council and as outlined in this Plan. Please see Section C. *Procedure to De-Accession Art* for more information.

3. *Donated & Long Term Gifts*

Acceptance of artwork into the Town's collection should be accompanied by a commitment to its long-term care and preservation. Therefore, the acceptance of such donations must be deliberate and maintain high aesthetic standards as outlined in this Plan.

When a donation or long-term loan of art is proposed, the PAC shall review the proposal, contact the prospective donor to inform them of any additional information required in the proposal, and gather information about the artwork. The PAC shall review the donation proposal and determine whether to advise the Town Council to accept or reject the donation. The PAC shall consider the following criteria when making their recommendations:

- Aesthetics of the Art
- Maintenance & Financial Responsibilities
- Legal & Liability Considerations

- Appropriateness of the Art for the Selected Site
- Any Additional Criteria Deemed Relevant by the PAC

If the donation is approved and accepted by the Town Council, and the art becomes part of the Town's collection, the Town shall coordinate the installation and maintenance of the piece. The PAC shall work with the Town to provide for the appropriate recognition of the donor's contribution to the Town.

4. *Memorial Donations of Artwork*

Memorial donations shall be judged on a case-by-case basis, taking into consideration the request of the proposed donor, the donation, and the person being commemorated. The following criteria are to be considered to determine appropriateness of a memorial:

- A compelling story of a person or event being memorialized must be significant enough to merit such an honor.
- The memorial must represent broad community values.
- The memorial must have timeless qualities and make a statement of significance to future generations.
- The location under consideration must be an appropriate setting for the memorial; in general, there should be a specific geographic justification for the memorial being located in a specific site.

If the donation is approved and accepted by the Town Council, and the art becomes part of the Town's collection, the Town shall coordinate the installation and maintenance of the piece. The PAC shall work with the Town to provide for the appropriate recognition of the donor's contribution to the Town.

5. *Accept Artwork Proposal and Install Artwork*

Once an artwork proposal is accepted by Town Council, then installation may proceed. In all cases, the applicant should show proof of property owner approval to allow the artwork to be installed at the site.

Additional review during the fabrication and installation of the piece shall be required of projects that are accepted from a maquette or drawing. The artwork may not deviate from the Town Council approved proposal, unless such change is approved by Council.

Accepted artwork shall be a permanent, fixed asset to the property.

- A. Public Art Fee Procedures** – In conjunction with the Public Art in Development Projects section described in the Public Art Procedures Manual, applicants requesting permit applications for projects subject to compliance with the Public Art Fee requirements shall follow the steps outlined below:

1. Project applicants will be informed of the Public Art Fee by the Community Development Department at the start of a project.
2. When applying for a building permit the project applicant shall fill out the Application for Art in Private Development (Attachment 1) and pay the assessed fee. The monies will be placed in the Public Art Fund.
3. The applicant must follow the public art proposal guidelines outlined in Section III.B. of this plan in order to satisfy the requirements necessary to receive a refund of the Public Art Fee.
4. Upon installation of the Town approved artwork, a Certificate of Occupancy will be issued and the Public Art Fee will be refunded to the Applicant.
5. Refund Options - The Applicant shall complete an Application for Art in Private Development and submit to the Planning Department. The Public Art Fee (in whole or in part) may be refunded if the following condition is met:

The Applicant incorporates public art into the proposed project. Applicants who choose to incorporate art into their own projects might include discrete objects such as sculpture, water features, or other aesthetic treatments.

C. Procedure to De-Accession Art

De-accession is the process by which the Town, acting in accordance with Town policies and procedures, approves and effectuates the disposal of a work of art from the Town of Mammoth Lakes collection.

The Town of Mammoth Lakes retains the right to convey the artwork to another site or to storage or for conservation. The Town may also elect to remove the artwork from the inventory of the Town collection by sale or other appropriate means, including discard. If the Town decides to remove artwork from its inventory then the procedures outlined in this section must be followed before removal can occur.

Notwithstanding any other provision in this Plan, if, in the judgment of a majority of the Town Council an artwork is deemed to be detrimental to the public interest due to content, controversy or deteriorated condition, it may be removed immediately from public display.

1. Submit De-Accession Proposal

Town Council, Town Staff, or the PAC may recommend artwork for de-accessioning. The proposal shall contain the following:

- a. Title, artist medium, dimensions, and present location of the work;
- b. Provenance;
- c. Photos and/or digital imagery of the work;
- d. Report on the condition of the work;
- e. Estimated fair market value (In the case of certain objects of high monetary value, independent consultants may be asked to provide opinions);
- f. Copy of ownership documents (title) for the work (if applicable);
- g. Justification for disposal, conforming to the provisions herein; and
- h. Recommended method of disposal.

Methods to de-accession artwork may include sale, trade or exchange. If selling, the Town may sell the artwork through a dealer, public auction or competitive bid process.

2. Review De-Accession Proposal

Any artwork with a value of less than \$1,500 will be handled administratively by staff. Town Council approval must be obtained for any work with a value of more than \$1,500.

Town Council shall consult with PAC before deciding to approve de-accession. De-accessioning may be approved if the artwork meets at least one of the following criteria:

- a. The Town cannot properly maintain or store the artwork.
- b. If the work is a duplicate (e.g., prints, sculptures, multiples) of works already in the collection.
- c. If the Town identifies a work of art as a copy or imitation, a fake or forgery, without significant value.
- d. An artwork requires restoration in gross excess of its aesthetic value or an artwork in such a deteriorated state that restoration would prove either unfeasible or misleading.

Subsequent to approval by Town Council, staff shall make every reasonable effort to locate the artist or donor/heir advising them in writing of the Town's intention to de-accession the artwork. Every effort shall be made to honor the wishes of the artist or donors/heirs concerning the de-accessioning. Written concurrence of donors/heirs will be solicited.

3. Accept De-Accession Proposal and Remove Artwork

The artist/donor shall be given the right of first refusal to reacquire the work at fair market value, original price, or gratis, depending on Town Council approval. The cost of removal of the work may be reflected in the amount set.

In keeping with the California Resale Royalties Act, if a de-accessioned work of art is sold, traded, or exchanged, five percent (5%) of the sale price of any work valued over \$1,000 will be given to the artist who created the work or the artist's heirs as governed by law, provided that the artist can be located by reasonable means. If the artist cannot be found, the 5% Resale Royalty shall revert to the California State Arts Council as required by law. It is the obligation of the artist to inform the Town of a current address.

All undistributed revenue from artwork sales shall be designated for the Public Art Fund.

In acquiring an object through trade or through monies raised from the sale of de-accessioned objects, the Town will acknowledge, in the credits of the acquired object, the donor(s) of the original object or objects.

If authorization to remove a work of art is approved by Town Council, the original art shall be replaced in accordance with the Plan and shall be of comparable or greater value to the original artwork. Said value will be determined through a "qualified appraisal" such as the Art Advisory Panel (used by the IRS) to substantiate the value or by the original building valuation, or approved budget for the prior artwork, plus an inflation factor for construction and material costs based on the engineering News Record.

4. Penalties for Removing Public Art without Council Approval

Public art installed on or integrated into a private development project shall not be removed or altered without Town Council approval. If the art is knowingly removed or altered without approval, the property owner shall contribute funds equal to the current value of the art, pay the Public Art Fee, or replace the work with one of equal value as approved by Town Council.