



**September 7, 2022
Agenda Item 2**

TITLE: SELECTION OF A PUBLIC ART REVIEW BOARD REPRESENTATIVE

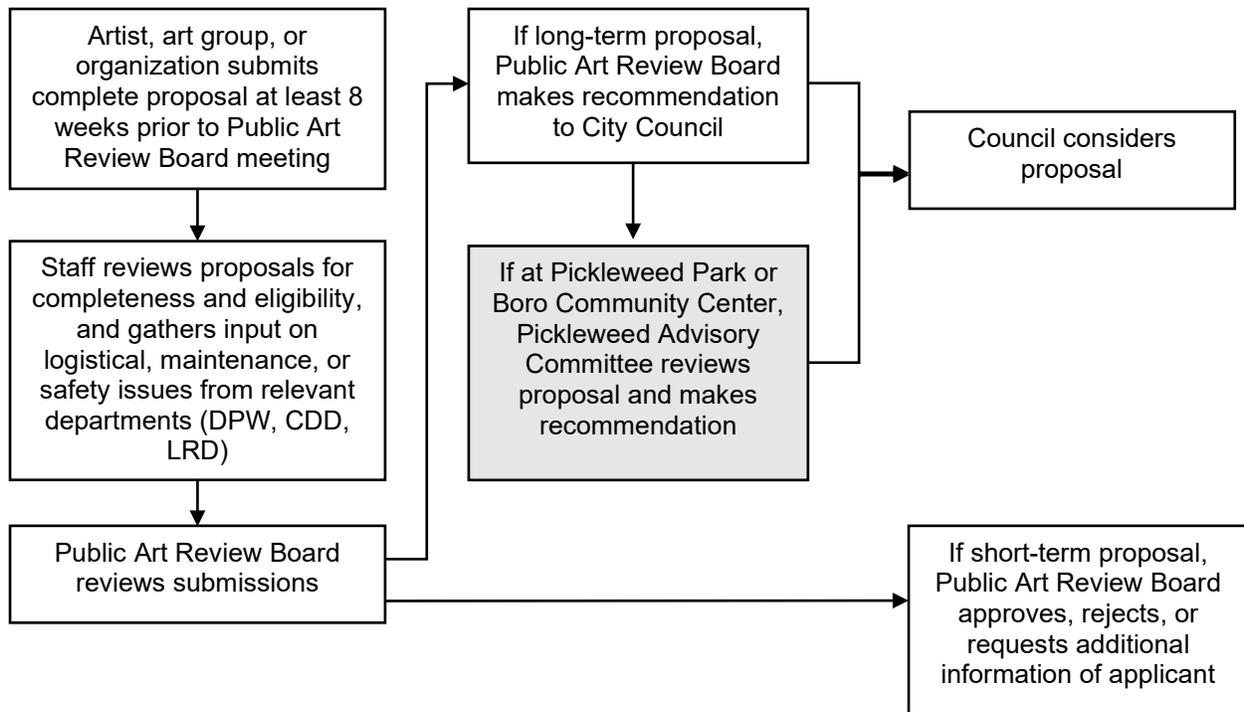
RECOMMENDATION:

That the Design Review Board select a Public Art Review Board representative for a two (2) year term.

BACKGROUND

On May 16, 2022, the San Rafael City Council approved the formation of the Public Art Review Board (Board). The Board is an advisory body whose primary responsibilities are to oversee the public art review process and to advise the City Council on selection of public art. The Board is staffed by the Library and Recreation Department. Membership consists of five (5) members, including one (1) Design Review Board Member, one (1) Park & Recreation Commissioner, and three (3) at large voting members. In addition, individual councilmembers participate as a non-voting liaison when public art is proposed within that councilmember's district.

The Board will meet quarterly and will be responsible for administering the public art review process. The Public Art Review Process will be used to review all art projects proposed for property that is owned, occupied, or managed by the City. The Board's responsibilities include providing recommendations to the City Council regarding long-term (greater than one year) public art installations and for approving applications for temporary (one year or less) public art exhibitions. The Board Bylaws (Attachment 1) provide more detail on the purpose, membership, and meetings of the Board and the below flow chart outlines the steps in the proposed Public Art Review Process.



Attachment 2 (Public Art Review Guidelines) provides more detail on the Public Art Review Process as well as the criteria that the Board will use to evaluate applications.

DISCUSSION

On June 6, 2022, the San Rafael City Council received the announcement for the recruitment to fill the vacancies for the three (3) at-large members of the Public Art Review Board, with an application deadline of Tuesday, June 28, 2022. Additionally, per section 2.4 of the Public Art Review Board Bylaws (Attachment 1), the Park and Recreation Commission and the Design Review Board will be responsible for selecting a representative to the Board.

As a result, the Design Review Board is being tasked with selecting a Public Art Review Board representative to serve a two-year term.

Submitted by:

Jeff Ballantine, AICP
Senior Planner

Attachments:

1. Public Art Review Board Bylaws
2. Public Art Review Guidelines

PUBLIC ART REVIEW BOARD BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Public Art Review Board, hereinafter referred to as the "Public Art Review Board," or the "Board."

Section 1.2. Purpose. The Public Art Review Board's purpose is to help administer the public art review process and to advise the City Council on public art installations.

Section 1.3. Committee Responsibility. The Public Art Review Board's authority over long-term art proposals (greater than one year) is advisory only and the Board will issue a recommendation to City Council to approve or reject a proposal. For short-term art proposals, the Public Art Review Board has the authority to approve exhibitions. At staff's discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

The Public Art Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council.

The responsibilities and duties of the Public Art Review Board shall be as follows:

1. Work with Staff in the review and approval of public art projects.
2. Review all proposals for public art and recommend select projects to City Council for approval.
3. Monitor the overall development of public art projects, encouraging balance over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.
4. Provide opportunities for community input and resident participation.
5. To use the following Public Art Review Criteria in evaluating all public art proposals:
 - a. Project Readiness: Projects can demonstrate readiness through completeness of design, skill/experience of the artist(s) or project manager(s), secured funding for art piece and cost of installation, successful community engagement, identification of an appropriate site, and proposed schedule. The Public Art Review Board may encourage an applicant to reapply, if they deny a proposal as not sufficiently ready but with specific promise to demonstrate future readiness.
 - b. Qualifications: Artists, artist teams, or project manager must be able to demonstrate, through past work – as evidenced in a resume, portfolio, and reference – their ability to create quality artwork and act with the utmost professionalism. In most cases, artists have considerable training and experience working professionally at and have been

- compensated for their art. For certain projects, the City will consider emerging or non-professional artists, who are working under the guidance of a professional mentor or art teacher.
- c. Funding: Projects should have a funding source identified and project implementation will be contingent upon receipt of full funding for the project. The City does not provide project funding for public art.
 - d. Community Engagement: Proposed projects that have completed their own public engagement process will be prioritized.
 - i. For long-term projects (installation planned for more than one (1) year): A minimum of one (1) public meeting and three (3) letters of support are recommended. Successful public meetings might involve the local homeowner's association (HOA), neighborhood associations, or business owners. The Public Art Review Board must be informed of these meetings ahead of time and allowed to opportunity to attend.
 - ii. For short-term projects that are viewable within the public right-of-way: A minimum of two (2) letters of support is recommended.
 - iii. In both instances, it is recommended that one of the letters of support be from the local homeowners' association (HOA) or neighborhood association, if applicable.
 - iv. Short-term projects inside a public facility are not required to conduct community engagement, outside of that undertaken through the Public Art Review Board process.
 - e. Maintenance: Works of art will have reasonable maintenance requirements and these requirements shall be compatible with routine City maintenance procedures. For projects that require more maintenance than current City budgets and staffing allow or a specific expertise, the project must set aside sufficient maintenance funding for the duration of the project and must develop an agreement for maintenance to be performed by private parties, as approved by City staff.
 - f. Design: Works of art will be designed in consideration of the relevance and appropriateness of the work to the context of the site and in alignment with public safety and decency.
 - i. The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability. The artwork will not contain content, signage, names, logos, or subject matter that could be construed as advertising or as religious or sexual in nature nor will it promote a political candidate or include political text. Any content considered obscene or indecent by community standards will be denied.
 - ii. The design of the artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
 - iii. The design of the artworks will consider the specific needs and use patterns of the public space in which they will be located. For example, in parks, works of art will not block critical view corridors

- or impede public usage of key open space.
- g. Diversity: Artists and the City's public art collection should reflect the diversity of San Rafael's community. The Public Art Review Board shall monitor the overall development of public art projects, encouraging balance in the City's collection over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Public Art Review Board shall consist of five (5) voting members as follows: three (3) at-large members, one (1) representative from the Design Review Board, and one (1) representative from the Park and Recreation Commission. The Councilmember in whose district the public art is proposed will participate as a non-voting liaison to the City Council as part of the selection process.

Section 2.2. Eligibility. Members of the Committee shall be at least 18 years of age and reside within the City limits. The three (3) at-large members shall reflect the diversity of San Rafael, with professional qualifications in the visual arts and/or civic design, such as artists, architects, landscape architects, arts educators, arts administrators, urban designers, urban planners, or owners/managers of a creative business.

Section 2.3. Compensation. Committee members serve without compensation.

Section 2.4. Appointment of Committee Members. The representatives from the Design Review Board and the Park and Recreation Commission will be selected by the Design Review Board and the Park and Recreation Commission, respectively, on a biannual basis. The at-large members will be selected by the City Council.

Section 2.5. Terms of Appointment. The at-large Board members will serve a maximum of two (2) four (4) year terms. The representatives from the Design Review Board and the Park and Recreation Commission shall serve a term of two (2) years, but not more than two consecutive terms. However, if there is a vacancy, the Design Review Board and the Park and Recreation Commission have the authority to extend the current representative's term at their discretion. Board Members serve at will and are subject to appointment and/or removal at the discretion of City Council.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Committee meetings without notification to the Staff Liaison, or six absences (whether excused or unexcused) in any term, shall be considered a voluntary resignation from the Committee. Committee members who had previously resigned may be eligible for reappointment to the Committee.

Section 2.7. Conflict of Interest. A member of the Board who has a financial, business, familial or romantic relationship regarding a matter coming before the Board

shall disqualify themselves from all participation in that matter.

ARTICLE III. MEETINGS

Section 3.1. Time and date of Regular Meeting. Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Public meetings shall be held a minimum of four (4) times per year but may meet more frequently or on an ad hoc basis, as needed. Quarterly meetings shall be scheduled annually with the quarterly meeting schedule for the upcoming year will be set by November of the previous year.

City of San Rafael

Public Art Review Guidelines

Introduction

The City of San Rafael recognizes the critical value that public art provides to our community. Public art is accessible and free for all to enjoy. From providing cultural enrichment to driving economic development, public art plays an important role in developing thriving, vibrant communities. In 2017, the City of San Rafael's Downtown corridor was selected as one of ten California Cultural Districts by the California Arts Council. The arts district provides a unique place to create and appreciate arts and culture – San Rafael arts partners provide programming for people to come together, make connections, and get involved in the larger community.

Recently, the City has experienced an increase in interest in public art projects from the community, with individuals and groups across the City exploring opportunities to develop public art projects. In response to this increase in demand, the City of San Rafael is looking to partner with and support those interested in pursuing public art projects.

To facilitate the public art approval process, the City has developed a Public Art Review Board (Board) and a streamlined Public Art Review Process. This document outlines the roles and responsibilities of the Board, along with the process and selection criteria for those interested in partnering with the City on a public art project. As the City moves forward with this new program, there will be ongoing review and iteration to build a strong program that is responsive to community needs and that incorporates lessons learned.

Definitions of Public Art

Art, Work(s) of Art or Art Works

The objects or activities resulting from the application of skill and taste to production of tangible objects, designs, performances, and/or environments according to aesthetic principles, including, but not limited to: painting, sculptures, engravings, carvings, frescoes, murals, collages, mosaics, statues, tapestries, photographs, drawings, crafts, installations, digital and light-based works, fabric, and textile works, earthworks, performance art, and conceptual works.

Public Art

Works of art, both publicly and privately owned, which are located on property that is owned, occupied, or managed by the City.

Public Art Review Board

The Public Art Review Board (the Board) is the entity appointed by the City Council to help administer the public art review process and to advise the City Council on public art installations.

Role and Responsibilities

The Public Art Review Board will:

- Work with Staff in the review and approval of public art projects.
- Review all proposals for public art and recommend select projects to City Council for approval.

- Monitor the overall development of public art projects, encouraging balance over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.
- Provide opportunities for community input and resident participation.
- Use the criteria established in the City’s Public Art Review Process to:
 - Provide recommendations to City Council regarding long-term (greater than one year) public art installations.
 - Approve applications for short-term (one year or less) public art exhibitions. At staff’s discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

Membership

The Public Art Review Board membership will consist of:

- A total of 5 voting members including:
 - One Design Review Board voting member
 - One Park & Recreation Commission voting member
 - Three at large voting members that reflect the diversity of San Rafael, with professional qualifications in the visual arts and/or civic design, such as artists, architects, landscape architects, arts educators, arts administrators, urban designers, urban planners, or owners/managers of a creative business.
 - Members of the Board shall be at least 18 years of age and reside within the City limits.
- The Councilmember in whose district the public art is proposed will participate as a non-voting liaison to the City Council as part of the selection process.

The at-large members will be selected by the City Council and will serve a maximum of two (2) four (4) year terms. The representatives from the Design Review Board and the Park and Recreation Commission will be selected by the Design Review Board and the Park and Recreation Commission, respectively, and will serve a maximum of two (2) two (2) year terms. However, if there is a vacancy, the Design Review Board or Park and Recreation Commission has the authority to extend the current representative’s term at their discretion. Board Members serve at will and are subject to appointment and/or removal at the discretion of City Council. Board members will select a Chair and Vice Chair, who will serve two (2) year terms.

Meetings

The Board holds publicly noticed meetings on a quarterly basis but may meet more frequently or schedule ad hoc meetings, as needed. A member who fails to attend two (2) consecutive meetings without notifying the staff liaison, or six (6) absences in any term, shall automatically be removed from the board, and the City Council shall promptly fill that vacancy.

Conflict of Interest

A member of the Board who has a financial, business, familial or personal relationship regarding a matter coming before the Board shall disqualify themselves from all participation in that matter.

Public Art Review Process

The City of San Rafael welcomes proposals for the creation and display of public artworks and exhibitions on property that is owned, occupied, or managed by the City.

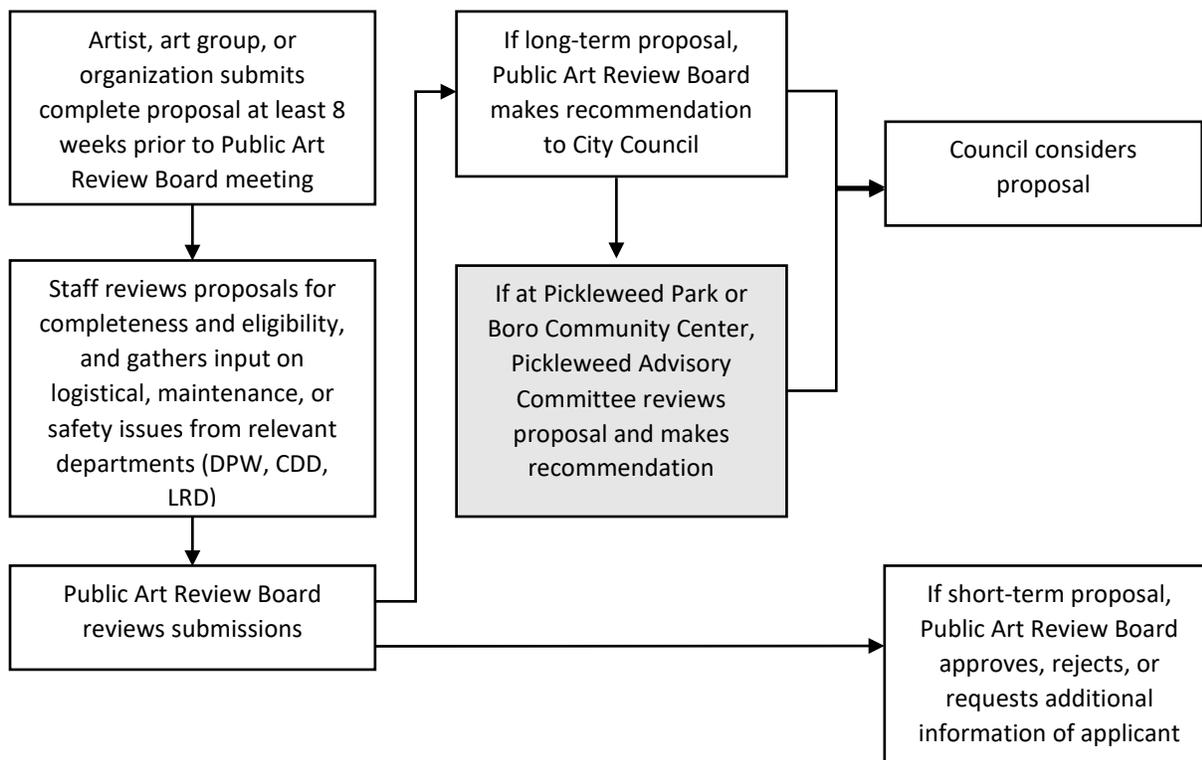
The Public Art review process is overseen by the Public Art Review Board, with support from the Library and Recreation Department. The process encompasses both short-term (one year or less) and long-term (more than one year) projects. Those seeking letters of support from the City for a project or grant application would also utilize this process.

Process Overview

For short-term proposals, the Public Art Review Board has the authority to approve exhibitions. For long-term projects, the Public Art Board will issue a recommendation to City Council to approve or reject a proposal. At staff's discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

Completed proposals must be received no later than eight (8) weeks prior to the Public Art Review Board meeting at which they will be reviewed. Proposals will be deemed complete at the discretion of staff. The Public Art Review Board holds quarterly public meetings, with an annual schedule of meetings and proposal deadlines published on the City's website. The Board may meet more frequently or schedule ad hoc meetings, as needed.

This flow chart outlines the steps in the public art review process.



Public Art Selection Criteria

The Public Art Review Board will use the following criteria when reviewing and prioritizing submissions for art on public property.

Project Readiness: Projects can demonstrate readiness through completeness of design, skill/experience of the artist(s) or project manager(s), secured funding for art piece and cost of installation, successful community engagement, identification of an appropriate site, and proposed schedule. The Public Art Review Board may encourage an applicant to reapply, if they deny a proposal as not sufficiently ready but with specific promise to demonstrate future readiness.

Qualifications: Artists, artist teams, or project manager must be able to demonstrate, through past work – as evidenced in a resume, portfolio, and reference – their ability to create quality artwork and act with the utmost professionalism. In most cases, artists have considerable training and experience working professionally at and have been compensated for their art. For certain projects, the City will consider emerging or non-professional artists, who are working under the guidance of a professional mentor or art teacher.

Funding: Projects should have a funding source identified and project implementation will be contingent upon receipt of full funding for the project. The City does not provide project funding for public art.

Community Engagement: Proposed projects that have completed their own public engagement process will be prioritized.

For long-term projects (installation planned for more than one (1) year):

- A minimum of one (1) public meeting and three (3) letters of support are recommended. Successful public meetings might involve the local homeowner's association (HOA), neighborhood associations, or business owners. The Public Art Review Board must be informed of these meetings ahead of time and allowed the opportunity to attend.

For short-term projects that are viewable within the public right-of-way:

- A minimum of two (2) letters of support is recommended.

In both instances, it is recommended that one of the letters of support be from the local HOA or neighborhood association(s), if applicable. Short-term projects inside a public facility are not required to conduct community engagement, outside of that undertaken through the Public Art Review Board process.

Maintenance: Works of art will have reasonable maintenance requirements and these requirements shall be compatible with routine City maintenance procedures. For projects that require more maintenance than current City budgets and staffing allow or a specific expertise, the project must set

aside sufficient maintenance funding for the duration of the project and must develop an agreement for maintenance to be performed by private parties, as approved by City staff.

Design: Works of art will be designed in consideration of the relevance and appropriateness of the work to the context of the site and in alignment with public safety and decency.

- The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability. The artwork will not contain content, signage, names, logos, or subject matter that could be construed as advertising or as religious or sexual in nature nor will it promote a political candidate or include political text. Any content considered obscene or indecent by community standards will be denied.
- The design of the artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
- The design of the artworks will consider the specific needs and use patterns of the public space in which they will be located. For example, in parks, works of art will not block critical view corridors or impede public usage of key open space.

Diversity: Artists and the City's public art collection should reflect the diversity of San Rafael's community. The Public Art Review Board shall monitor the overall development of public art projects, encouraging balance in the City's collection over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.

Timeframe for Artworks

For artworks on City property, all works approved by the Public Art Review Board shall be considered temporary installations, with specific provisions regarding future disposition. The Board shall determine the timeframe for the artwork to be displayed with input from the artist, after which the artwork will be reviewed and the timeframe extended, the work purchased, donated, removed, or moved. It is anticipated that some artworks will have a timeframe of five or ten years, while others may be longer-term. Setting a timeframe allows for both artist and the City to define the terms of display and to reassess the work within its larger context, such as changes to the site/location, in the community, to the artwork itself, and other factors. The Board shall set review criteria for reviewing future actions in relation to the artwork at the end of the work's timeframe.

Criteria for Reviewing Artwork Upon Completion of Timeframe

When the negotiated timeframe for a work of art has expired, the City will act in accordance with the terms of the artist agreement. Under the agreement it may, in its discretion, choose to extend the time period of the work, make it a permanent part of the collection, accept it as a donation, or purchase, remove, or move it. The Board will decide according to the following criteria, which would support continuation of the artwork.

- The community supports the continued presence of the artwork.
- The artwork is of high artistic quality and/or offers alternative artistic value, such as an educational piece.
- The artwork and/or artist add to the diversity of the collection.

- Maintenance and conservation of the artwork are manageable.
- The site is and will continue to be City property and a suitable location for the artwork.

Criteria for Removal of Art Works

At any time, a work of art may be removed at City's sole discretion for one or more of the following reasons:

- The condition or security of the artwork cannot be reasonably guaranteed.
- There is an emergency event such as a fire, storm, or other climate-related event.
- The artwork is damaged, and repair is infeasible, or the cost of repair is disproportionate to the value of the artwork.
- The artwork requires unanticipated, excessive maintenance due to design flaws or other factors.
- The artwork endangers public safety.
- The site of the artwork is so severely altered or there are planned renovations/site improvements such that the artwork is no longer compatible or relevant.
- The property on which a site-specific artwork is located is no longer owned by the City of San Rafael.
- There has been sustained and overwhelming public objection to the artwork over a period of time.
- The artwork has been stolen or destroyed.

Danielle Jones

From: Craig Veramay
Sent: Wednesday, August 17, 2022 5:30 PM
To: Jeff Ballantine
Subject: RE: DRB Meeting on 9/7

Follow Up Flag: Flag for follow up
Flag Status: Flagged

They will meet quarterly, but they may meet on an ad-hoc basis as project proposals come our way. We're not expecting a ton of proposals right away, and I am only aware of one in the pipeline that will probably make it to them for their first meeting of 2023. I'm guessing a Jan/Apr/Jul/Oct cycle after the first meeting.

Craig Veramay | City of San Rafael
Assistant Library and Recreation Director
Office: (415) 485-3340
Pronouns: he, him, his



From: Jeff Ballantine <Jeff.Ballantine@cityofsanrafael.org>
Sent: Wednesday, August 17, 2022 4:56 PM
To: Craig Veramay <Craig.Veramay@cityofsanrafael.org>
Subject: FW: DRB Meeting on 9/7

Hi Craig,

A DRB member is asking how often would the public art board meet?

Best,
Jeff

Jeff Ballantine, AICP | City of San Rafael
Senior Planner, Community Development Department
1400 5th Avenue
San Rafael, CA 94901
(415) 485-3094



From: Sharon Kovalsky [REDACTED] >
Sent: Wednesday, August 17, 2022 4:52 PM
To: Jeff Ballantine <Jeff.Ballantine@cityofsanrafael.org>
Subject: Re: DRB Meeting on 9/7

How often would the public art board meet?

On Wed, Aug 17, 2022 at 4:46 PM Jeff Ballantine <Jeff.Ballantine@cityofsanrafael.org> wrote:

Hello DRB Members,

Thank you to all who confirmed your availability for September 7th. We have at least four confirmed members for this meeting so we will indeed plan to have it.

In advance of the meeting, I wanted to provide you all with some additional information regarding the Public Art Review Board. The Public Art Review Board is a newly formed group. We will have one rep from the Park and Recreation Commission, three at-large members that City Council just interviewed and appointed on August 8 and we're rounding out the Board with one rep from DRB. Here's some additional background info about the [Public Art](#) program, and the new [Public Art Review Board](#).

The first meeting of the Public Art Review Board is scheduled for September 27th at 6pm, and it will be virtual. If you are interested in being the DRB representative on the Public Art Review Board, then please put this on your calendar.

Sincerely,

Jeff

Jeff Ballantine, AICP | City of San Rafael

Senior Planner, Community Development Department

1400 5th [Avenue](#)

[San Rafael, CA 94901](#)

(415) 485-3094



From: Jeff Ballantine

Sent: Tuesday, August 16, 2022 5:41 AM

To: Jeff Ballantine <Jeff.Ballantine@cityofsanrafael.org>

Cc: Danielle Jones <Danielle.Jones@cityofsanrafael.org>; Leslie Mendez <Leslie.Mendez@cityofsanrafael.org>

Subject: DRB Meeting on 9/7

Hello Design Review Board Members,

Please confirm with me if you are available to attend the upcoming DRB meeting on Wednesday, September 7th.

We plan to bring Objective Design Standards for your consideration during this meeting. We will also need to elect a representative of the DRB to be on the Public Art Review Board.

Sincerely,

Jeff

Jeff Ballantine, AICP | City of San Rafael

Senior Planner, Community Development Department

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Sharon Kovalsky, 