



PUBLIC ART ADVISORY COMMITTEE MEMO

Meeting Date: 4/28/2025

To: Public Art Advisory Committee

From: Noreen Leek, Parks & Recreation Director

Subject: Ensure alignment between the City's Public Art Ordinance, Implementation Guidelines, and Master Plan

Recommendation

Review the existing public art ordinance and implementation guidelines and consider updating to ensure consistency with the newly adopted Public Art Master Plan.

Background & Discussion

The Public Art Ordinance (Attachment 1) was adopted in 2014 to increase citizens' appreciation of art, to improve quality of life, and to enhance Brisbane's identity as a unique community within the greater Bay Area. Shortly after, the city adopted the Public Art implementation guidelines to ensure community involvement, provide for a diverse art collection, create a sense of place, and engage artists. The guidelines were last amended in 2021 and are incorporated here as Attachment 2. The guidelines detail general policies and procedures for the procurement of public art in Brisbane as well as the use of funds appropriated for public art.

In 2023, the City of Brisbane, with support from NINEdotARTS, embarked on journey to develop its first Public Art Master Plan, intended to integrate public art into the fabric of the city and thereby promote beauty, creativity, and community engagement. The master plan, adopted in March 2025, provides long-term guidance and direction to the Public Art Advisory Committee and the City Council on the planning and processes necessary to administer and maintain a successful public art program.

It is incumbent upon the Public Art Advisory Committee and the City Council to ensure that the Master Plan aligns with the city's public art ordinance and implementation guidelines. The Committee is being asked to review these documents and provide proposed edits to staff for future consideration by the City Council.

Attachments

1. Public Art Ordinance
2. Public Art Implementation Guidelines
3. [Link to Public Art Master Plan](#)

Noreen Leek, Parks & Recreation Director

ORDINANCE NO. 588

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING CHAPTER 15.12 AND ADDING CHAPTER 15.85 TO THE MUNICIPAL CODE

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Chapter 15.85 of the Municipal Code is added to read as follows:

§ 15.85.010 Title.

This Chapter shall be known as the City's "Art in Public Places Program" and may be so cited.

§ 15.85.020 Purpose.

The purpose of the City's Art in Public Places Program is to promote the visual arts by requiring the inclusion of a public artwork component in certain new public and private development projects in Brisbane. The City Council recognizes that public art has the power to energize our public spaces, arouse our thinking, and transform the places where we live, work, and play into more welcoming and beautiful environments that invite interaction. By its presence alone, public art can heighten our awareness, question our assumptions, transform a landscape, or express community values, and for these reasons it can have the power, over time, to transform a city's image. Public art helps define a community's identity and reveal the unique character of a specific neighborhood.

§ 15.85.030 Definitions.

For purposes of this Chapter, the following definitions shall apply:

- A. "Brisbane Public Art Fund" means the fund described in Section 15.85.040.
- B. "Building Development Costs" means construction costs, including grading and landscaping costs, for new private developments that do not include costs for hazardous materials abatement, land use planning consultants, feasibility studies, environmental review, land acquisition, legal fees, architecture/engineering, construction management, geotechnical surveys, historical surveys, and demolition. For public developments, "Building Development Costs" means public construction costs that do not include costs for park and landscape renovation projects; pipelines, power transmission lines and towers, switchyards and substations, dwellings in watershed areas; mechanical, plumbing and electrical system upgrades; seismic or structural upgrades; modifications for disabled access, unless occurring in conjunction with a new building construction. "Building Development Costs" for public developments shall include costs for bridges and overpasses, but shall not include costs for other transportation improvement projects.
- C. "Implementation Guidelines" means the guidelines for implementation of this Chapter to be developed by the Public Art Subcommittee.
- D. "In-Lieu Contribution" means a cash contribution equivalent to the percentage of

Building Development Costs required herein.

- E. "Public Art Subcommittee" means a broadly representative subcommittee appointed by the Parks and Recreation Commission.

§ 15.85.040 Brisbane public art fund.

- A. The City Manager shall establish a Brisbane Public Art Fund to receive In-Lieu Contributions, donations, and other funds contributed in support of the Art in Public Places Program. Unspent monies in the Brisbane Public Art Fund shall be carried over to the next fiscal year, unless prohibited by the source of the funds, or applicable laws or regulations.
- B. The Brisbane Public Art Fund may be used to acquire, place, and maintain public art on public or private property throughout the City, as described in the Implementation Guidelines.

§ 15.85.050 Contribution requirements.

- A. Private Developments

1. Commercial Projects

- a. Private nonresidential and non-live-work building developments with Building Development Costs from one million dollars (\$1,000,000.00) through five million dollars (\$5,000,000.00) shall contribute in an amount equal to at least one percent (1.0%) of their Building Development Costs into the Brisbane Public Art Fund as an In-Lieu Contribution. This Section shall apply to both new projects and building alterations/additions.
- b. Private nonresidential and non-live-work building developments with Building Development Costs above five million dollars (\$5,000,000.00) shall contribute in an amount equal to at least one percent (1.0%) of their Building Development Costs into the Brisbane Public Art Fund as an In-Lieu Contribution. Alternatively, at the discretion of the owner or developer, such projects may devote in an amount equal to at least one percent (1.0%) of their Building Development Costs for the acquisition and installation of publicly accessible art on the development site, subject to the provisions of Section 15.85.060. This Section shall apply to both new projects and building alterations/additions.

2. Residential Projects

- a. Single and multiple family residential and live-work developments with ten (10) through twenty (20) units shall contribute in an amount equal to at least one-half percent (0.5%) of their Building Development Costs into the Brisbane Public Art Fund as an In-Lieu Contribution.

- b. Single and multiple family residential and live-work developments with more than twenty (20) units shall contribute in an amount equal to at least one percent (1.0%) of their Building Development Costs into the Brisbane Public Art Fund as an In-Lieu Contribution.
 - c. Single and multiple family residential and live-work developments with Building Development Costs above ten million dollars (\$10,000,000.00), regardless of the number of units, shall contribute in an amount equal to at least one percent (1.0%) of their Building Development Costs into the Brisbane Public Art Fund as an In-Lieu Contribution. Alternatively, at the discretion of the owner or developer, such projects may devote in an amount equal to at least one percent (1.0%) of their Building Development Costs for the acquisition and installation of publicly accessible art on the development site, subject to the provisions of Section 15.85.060.
 - d. Private residential and live-work building developments designated as low or moderate income housing shall be exempt from the requirements of this Chapter.
- 3. Compliance with the provisions of Section 15.85.050(A) shall be demonstrated by the owner or developer prior to the issuance of a Building Permit as follows: (a) payment of the full amount of the In-Lieu Contribution; or (b) written proof to the Building Department of a contractual agreement to commission or purchase and to install the requested artwork on the development site. The owner or developer shall provide the City with proof of installation of the requested artwork on the development site before issuance of the certificate of occupancy, unless the City has approved some other method of assuring compliance with the provisions of this Chapter.
 - 4. An In-Lieu Contribution shall not necessarily change the characterization of the project as a private development.
- B. Public Developments. Building developments by the City with Building Development Costs above five hundred thousand dollars (\$500,000.00) shall devote in an amount equal to at least one-half percent (0.5%) of their Building Development Costs for the acquisition and installation of publicly accessible art on the development site or for contribution into the Brisbane Public Art Fund as an In-Lieu Contribution.

§ 15.85.060 Implementation guidelines.

The Public Art Subcommittee shall create Implementation Guidelines for the Art in Public Places Program, which shall be approved by the City Council. These Implementation Guidelines shall include, among other things, provisions regarding:

- A. The selection and location of public art pieces;
- B. Contributions into, expenditures from, and maintenance of the Brisbane Public Art Fund;

- C. The conditions for removing, re-siting, or replacing public art;
- D. The installation of project-specific publicly accessible art in lieu of contribution to the Brisbane Public Art Fund;
- E. The process and specifications for waiving the provisions in this Chapter; and
- F. Requirements for demonstrating compliance with provisions of this Chapter.

§ 15.85.070 Violations of chapter.

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any discretionary permit granted to any owner or developer who violates the provisions of this Chapter.

SECTION 2: Chapter 15.12 of the Municipal Code is amended to read as follows:

§ 15.12.280 Public art fund fees.

All development projects exceeding the size and valuation thresholds set forth in Chapter 15.85 shall make contributions to the Brisbane Public Art Fund in the amounts specified in Chapter 15.85.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.



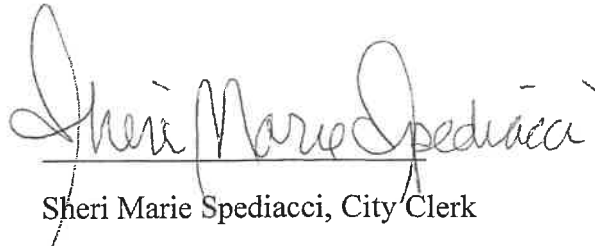
Terry O'Connell, Mayor Pro Tem

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the 2nd day of October, 2014.

AYES: Councilmembers Lentz, Liu, Miller, and Mayor Pro Tem O'Connell

NOES: None

ABSENT: Mayor Conway



Sheri Marie Spediacci, City Clerk

Public Arts Implementation Guidelines

City of Brisbane

Approved by Council 06.17.21

Purpose:

The City of Brisbane adopted a Public Arts Ordinance in 2014 in order to increase citizens' appreciation of art, to improve quality of life, and to enhance Brisbane's identity as a unique community within the greater Bay Area. Additionally, public art should stimulate creativity, imagination, induce creative conflict, and add a unique human quality to the community environment and enrich public spaces. A city rich in art becomes an outdoor cultural museum accessible to everyone.

Public art can and should be an integral part of the design and the planning process of all development.

Goals:

1. **Community Involvement** – A community develops a specific identity and character over time. Residents are uniquely qualified to provide insight into the types of public artwork that are best suited for the community depending on the size of the project. Those who reside in the community are encouraged to participate in the selection process of public art pieces by participating at public meetings.
2. **Diversity of Art** – The collection should be diverse in its representation of artists and artistic styles and be reflective of the ethnic and cultural diversity of the community.
3. **Creation of Sense of Place** – Art is important to our common experience because it brings focus, importance, and cohesion to public spaces. Public art develops images and provides experiences that reflect the historical and cultural essence of a community. Public art transforms public spaces by giving them a context and relevance and making them places of community interest and pride. Public art has the potential to improve the appearance of an entire business block; to heighten the ethnic, historical or cultural aspects of the community and to attract foot traffic to an area that formerly had little or none.
4. **Artist Participation** – By encouraging collaboration between artist, architects, and engineers, we can provide an aesthetic dimension that expands possibilities for creating public spaces for the community.

Definitions:

- **Artist:** An individual or team of individual artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts. Members of architectural, engineering, design or landscaping firms retained for the design and construction of a

development project covered by these Guidelines shall not be considered artists for the purpose of meeting the requirement to provide public art.

- **Arts professional:** An individual who works in the fine arts field (such as arts consultant, fine arts curators, fine arts collectors, art critics, or art educators).
- **Artwork or work of art:** All forms of original creations of visual arts, including but not limited to: 1) sculpture in any material or combination of materials; 2) painting- all media including portable and permanently affixed works, such as murals and frescoes; 3) graphic arts, print making and drawing; 4) mosaics; 5) photography; 6) crafts in clay, fiber and textiles, wood, metal, plastics and other materials; 7) calligraphy; 8) stained glass; and 9) mixed media – any combination of forms or media, including collage.
- **Artwork cost:** Artwork cost is the total amount budgeted by the City for a public artwork project.
- **Building valuation:** The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.
- **Conceptual design plan:** The initial phase of the approval of public artwork that includes review of the artist's or artist team's qualifications, conceptual artwork design, and artwork location.
- **Design:** Artwork detailing project design, including scale drawings within site context, sealed by an engineer, if required.
- **Fabrication:** A detailed description of the methods of fabrication as well as any uncommon or unusual details regarding the approach to creating an artwork piece.
- **Final design plan:** The final phase of the approval of public artwork that involves consideration of a highly defined proposal that conforms to the concept previously considered and approved by the Committee.
- **In-lieu contribution:** In place of an approved artwork on the site, a developer may elect to pay to the City an amount equal to the program allocation set forth in the Public Arts Ordinance. In-lieu fees shall be submitted to the City and deposited into the Public Art Fund before issuance of a building permit for the development project except when a different time period is approved by the Community Development Director and Parks and Recreation Director.
- **Installation:** A detailed description of the installation procedure if the artwork will not be fabricated directly on the selected site. Installation would include the construction of any required footings or foundation.
- **Public art:** Any permanent display of a work of visual art that was specifically designed to be located on a site where it would be easily accessible to the public, either on private or public property within the City of Brisbane.
- **Public art advisory committee:** A committee made of 2 Parks and Recreation Commissioners as designated by the Parks and Recreation Commission, 2 Council Members (the Council's Parks and Recreation Commission Liaisons), and 3 Brisbane Community members, appointed by City Council. The Community members shall serve two-year terms and one of whom will be professionally engaged in the art community, one of whom will be an employee or owner of a business located in Brisbane, and the other member may be either a resident of Brisbane or an owner or employee of a business located in Brisbane. Members of the Public Art Advisory

Committee will be ineligible to propose public art projects while they serve on the Committee and for 1 year after they leave the Committee.

- **Public art fund:** An interest-bearing account that is managed by the City Manager, or designee, into which public art funds, including donated funds, in-lieu funds and/or public art grant funds are deposited.
- **Public place:** An interior or exterior area on public or private property that is easily accessible by and highly visible to the general public.

General Procedure:

Public artwork is limited to permanent visual works of art, as opposed to performing, written, or temporary art. Visual art includes but is not limited to, murals, sculptures, artist-designed landscape features, streetscape features, earthworks, environmental installations, and water and digital displays.

Any money donated to or collected through the Building Permit process will be deposited in the Public Art Fund. The City Manager, or designee, shall administer the funds and establish accounting records according to Generally Accepted Accounting Principles (GAAP). The City Manager or designee will authorize all disbursements from the Public Art Fund. The account shall not be added to the City's General Fund.

The process for selecting the public piece to be installed will depend on whether or not the artwork is commissioned by the City of Brisbane or by a private person or entity.

All privately installed Public Art will be reviewed by a Public Art Advisory Committee. The Public Art Advisory Committee is responsible for reviewing and making decisions on conceptual design plans submitted by a developer of a project subject to the public art requirement.

Additionally, on an annual basis the Public Art Advisory Committee will meet to review the balance of funds in the Public Art Fund to determine if they should propose any projects be initiated and commissioned by the City.

The Public Art Advisory Committee shall ensure all public art projects meet the program criteria and guidelines for selection of an artist or artist team, artwork, and artwork location established in this procedure, before submittal of the Final Design Plan to the City Council.

The following procedure will be used to review and approve public art projects:

Privately Installed Public Art

1. The project contact will meet with the designated staff from the City prior to submitting concept design plans.
2. The developer must contract the services of an artist for any public art project. The developer will provide the work vitae of the art consultant or artist.

3. Proposals must include preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed work.
4. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs. If the value of a proposed artwork (by past records of comparable work sold, etc.) cannot be verified, City staff may choose to have the artist's proposal and or/other completed works appraised by a qualified art appraiser selected by the City. The developer will pay up-front for any art appraisal service fees. This expense will be deducted from the total artwork allocation cost.
5. Preliminary plans must contain such detailed information as may be required by the Public Art Advisory Committee to adequately evaluate the location of the artwork in relation to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary.
6. A preliminary budget must show the proposed public art project is consistent with the public art ordinance requirements.
7. Within 30 days of receiving a completed application, the Advisory Committee will hold an open meeting to discuss the proposed project. The meeting will be noticed to all properties within 1,000 feet of the property and posted as required by law. With the agreement of the developer, the meeting may take place more than 30 days from receiving the completed application.

The proposed artwork project will be reviewed using the following criteria as applied to the supporting documentation and past projects: Artistic quality (vision, originality, and craftsmanship); Context (architectural, historical, geographical, and socio-cultural context of the site); quality and permanency of materials; maintenance; safety; diversity of artists; representation in the existing collection of publicly-accessible artworks; and diversity of artworks (media, scale, style, intention) in the existing collection of publicly accessible artworks.

8. The Public Art Advisory Committee will make a recommendation on the proposed artwork to the City Council.
9. The City Council will have the final approval for any public artwork project. If the Council does not approve the proposed project, it can refer the item back to the Advisory Committee for reconsideration.
10. All costs of maintaining a privately installed Public Art work will be the expense of the private entity unless the City accepts the Public Art piece as a donation.

Public Installed Public Art

1. The Public Art Advisory Committee will recommend to the City Council the amount of money from the Public Art Fund to be used on any publicly installed public art pieces and the breakout between Administrative and Maintenance costs of the project. The Public Art Advisory Committee will also recommend a location for the art project, type of artwork when appropriate, process for involving the community in the process, and method of calling for artists.

2. The Council will approve available funds for the artwork and solicit members to be part of an Art Selection Committee, if needed.
3. The Public Art Committee shall select an artist, or group of artists, through a public process using one of the following methods:
 - a. Request for qualifications (RFQ)
 - b. Request for proposals (RFP)
 - c. Invitational competition.
4. The City Council shall make a decision on the Public Art Committee's recommendations on the artist or artist group.
5. The Public Art Committee, any outside professional hired by the City for assisting with the selection of the artwork, and the appropriate City staff (as needed for the particular project) shall meet regularly with the selected artist, or group of artists, in developing the Conceptual Design Plan that meets the artwork and location criteria.
6. Once the Conceptual Plan has been approved by the Public Art Committee, the artist or artist's team shall refine the project objectives and the Conceptual Design Plan according to the direction of the Public Art Committee.
7. The Final Design will be approved by the City Council.

Use of Funds

All funds appropriated for public art will be deposited in the Public Art Fund. The City Council shall authorize projects for funding as prescribed in the public art implementation guidelines. In circumstances where it is not feasible to incorporate artistic features into a particular project, such money will be pooled and used for art in other projects. Disbursements shall be made in connection with projects approved by City Council. Nothing herein prohibits the City from soliciting or receiving grants, donations, bequests or gifts from private or public sources.

For individual pieces of art, the Art Advisory Committee will recommend to the City Council what percentage of the funds will be set aside for the Public Art, Maintenance and Administration, and Education based on the guidelines below:

1. Public Art Funds

No less than sixty-five percent (65%) of the fees collected shall be directed for Public Art Acquisition and may be spent for the following purposes:

- a) Artists' services and fees.
- b) Acquisition of art.
- c) Artist selection processes, including jury selection costs and model or design fees.

No more than fifteen percent (15%) of the money collected may be directed for maintenance and curatorial services:

- a) Identifying plaques
- b) Repair, maintenance, surveys, curatorial services, and other conservation work necessary to keep all artworks in the City collection in standard condition.

No more than twenty percent (20%) of the fee may be directed for Public Art Administration and may be spent for the following purposes:

- a) Project administration.
- b) Community education programs, publicity, dedications, and other purposes as recommended by the Public Art Committee and approved by the City Council.