



# **CITY OF COSTA MESA**

## **ARTS COMMISSION**

### **Agenda**

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**Thursday, December 7, 2023**

**6:00 PM**

**City Council Chambers  
77 Fair Drive**

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**ARTS COMMISSION REGULAR MEETING****DECEMBER 7, 2023 – 6:00 P.M.****CHARLENE ASHENDORF**  
Chair**FISHER DERDERIAN**  
Commissioner**DEBORA WONDERCHECK**  
Vice Chair**ERICA LUCIA**  
Commissioner**ALLISON MANN**  
Commissioner**ALISA OCHOA**  
Commissioner**HEIDI ZUCKERMAN**  
Commissioner**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****PRESENTATION:**

1. [CERTIFICATE OF APPRECIATION: ELIZABETH MAY FELTMAN](#) [23-1471](#)
2. [ARTS GRANT PROGRAM AWARDEE: COSTA MESA HIGH SCHOOL BAND BOOSTERS](#) [23-1472](#)
3. [ARTS GRANT PROGRAM AWARDEE: WILD AND ENVIRONMENTAL FILM FESTIVAL](#) [23-1473](#)
4. [NEWPORT MESA UNIFIED SCHOOL DISTRICT REPORT](#) [23-1474](#)

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Comments are limited to three (3) minutes, or as otherwise directed.

**COMMISSIONER COMMENTS AND SUGGESTIONS**

Comments are limited to three (3) minutes, or as otherwise directed.

**OLD BUSINESS:**

1. **[MINUTES](#)** **[23-1475](#)**

RECOMMENDATION:

Approval of the minutes of the October 5, 2023 Arts Commission meeting.

**Attachments:** [10/05/23 Arts Draft Minutes](#)

2. **[MURALS ON PUBLIC PROPERTY REVIEW](#)** **[23-1476](#)**

RECOMMENDATION:

It is staff recommendation that the Arts Commission review and approve the updated Murals on Public Property process. (Attachment 1).

**Attachments:** [Agenda Report](#)

[1. Murals on Public Property Revisions](#)

[2. Costa Mesa Art in Public Places](#)

**NEW BUSINESS:**

1. **[PERMANENT PUBLIC ART ON PUBLIC PROPERTY](#)** **[23-1477](#)**

RECOMMENDATION:

It is staff recommendation that the Arts Commission review the new commissioning process for Permanent Public Art on Public Property (Attachment 1).

**Attachments:** [Agenda Report](#)

[1. Permanent Art on Public Property](#)

[2. Costa Mesa Public Art Report](#)

[3. City of Pasadena Capital Improvement Project Processes](#)

[4. Salt Lake City Request for Qualifications](#)

2. **[ARTS GRANT PROGRAM - FISCAL YEAR 2022/2023 FINAL REPORT](#)****[23-1478](#)**

RECOMMENDATION:

It is staff recommendation that the Arts Commission review the Arts Grant Program Final Report for fiscal year 2022/2023 (Attachment 1).

**Attachments:** [AGENDA REPORT](#)

[1. Arts Grants Final Report Data](#)

**MONTHLY REPORTS**

1. [ARTS AND CULTURE STAFF REPORT](#)

[23-1479](#)

**Attachments:** [Arts and Culture Staff Report](#)

**ADDITIONAL COMMISSION MEMBER & STAFF COMMENTS**

**ADJOURNMENT**

**Next Regularly Scheduled Meeting: Thursday, February 1, 2024**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1471

**Meeting Date:** 12/7/2023

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**TITLE:**

**CERTIFICATE OF APPRECIATION: ELIZABETH MAY FELTMAN**

**DEPARTMENT:                      PARKS AND COMMUNITY SERVICES**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1472

**Meeting Date:** 12/7/2023

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**TITLE:**

**ARTS GRANT PROGRAM AWARDEE: COSTA MESA HIGH SCHOOL BAND BOOSTERS**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1473

**Meeting Date:** 12/7/2023

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**TITLE:**

**ARTS GRANT PROGRAM AWARDEE: WILD AND ENVIRONMENTAL FILM FESTIVAL**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1474

**Meeting Date:** 12/7/2023

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**TITLE:**

**NEWPORT MESA UNIFIED SCHOOL DISTRICT REPORT**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**





# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1475

**Meeting Date:** 12/7/2023

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**TITLE:**

**MINUTES**

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**RECOMMENDATION:**

Approval of the minutes of the October 5, 2023 Arts Commission meeting.

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THE COSTA MESA ARTS COMMISSION

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OCTOBER 5, 2023  
6:00 P.M. – UNOFFICIAL MINUTES

**CALL TO ORDER** by Chair Ashendorf at 6:00 P.M.

**PLEDGE OF ALLEGIANCE** by Chair Ashendorf.

**ROLL CALL**

☒ = Present    ☐ = Absent

**Commissioners**

☒ Charlene Ashendorf, Chair  
☒ Fisher Derderian  
☒ Erica Lucia  
☒ Alisa Ochoa  
☒ Allison Mann  
☒ Debora Wondercheck, Vice Chair  
☒ Heidi Zuckerman

**City Staff**

☒ Monique Villasenor, Recreation Manager  
☒ Ashley Thomas, Sr. Recreation Supervisor  
☒ Laurette Garner, Arts Specialist  
☒ Laura Fautua, Executive Assistant

**PRESENTATION:**

**1. ARTS GRANT PROGRAM AWARDEE: PACIFIC CHORALE**

Pacific Chorale's Vice President, Director of Education and Community Programs, Molly Pontin presented.

**PUBLIC COMMENTS** - No in person or via Zoom comments.

**COMMISSIONER COMMENTS AND SUGGESTIONS**

**Commissioner Mann:** No comments.

**Commissioner Lucia:** No comments.

**Vice Chair Wondercheck:** Highlighted the Orange County Children's Book Festival that was held on October 1, 2023 at Orange Coast College.

**Commissioner Zuckerman:** No comments.

**Commissioner Ochoa:** Spoke about ARTventure and her experience as an art juror. Thanked staff for all their work to make the event happen. Would love hear from exhibiting artists and get feedback from the event.

**Commissioner Derderian:** No comments.

**Chair Ashendorf:** Thanked artists who presented at the last Commission meeting, highlighted staff for doing a Hispanic Cultural event, and putting together an all abilities Wicked Dance. Spoke about the OC Fairgrounds heroes' halls event, that will be presenting a Jewish American Medal of Honor recognizing recipients and a former Holocaust survivors.

## **OLD BUSINESS**

### **1. MINUTES**

09/07/2023 Arts Commission Draft Minutes

**MOTION/SECOND:** Commissioner Zuckerman made a motion to approve the September 7, 2023 minutes /Seconded by Commissioner Mann.

The motion carried by the following roll call vote:

**Ayes:** Commissioner Derderian, Commissioner Lucia, Commissioner Mann, Commissioner Ochoa, Commissioner Zuckerman, Vice Chair Wondercheck, Chair Ashendorf

**Nays:** None

**Absent:** None

**Motion Carried:** 7-0

## **NEW BUSINESS:**

### **1. MURALS ON PUBLIC PROPERTY REVIEW**

Ms. Laurette Garner, Arts Specialist, presented.

Commissioner Derderian thanked staff for bringing the item forward to the Commission. Inquired who the panel of five (5) or seven (7) would entail. provided input to page two (2) and three (3) of the draft document.

Commissioner Ochoa agreed with Commissioner Derderian's comments.

Commissioner Zuckerman explained her views on public art and explained how different criteria should be established based on the location of public art. Suggested the criteria selection should provide enough guidance to the City and open enough where the final art product is not watered down. Commented on wanting to see definitions in the review process to help bring out the objectives.

Chair Ashendorf agreed with identifying and clarifying descriptions that will help everyone in the process. Inquired about artists amounts.

Staff mentioned the amounts were a clerical error and meant to be left out as the artist monetary amounts will vary depending on the project.

Commissioner Zuckerman mentioned the City will get much better quality submissions when artists get paid for their time, so it should be seen as a really great early investment in in the project.

Chair Ashendorf would like to also ensure there is a conservation survey and maintenance plan to ensure the piece are taken care of and transparency for all.

Commissioner Lucia agreed with Commissioner Zuckerman's definition request and inquired to staff about the selection process for the panel. Commmissioner would also like to see clarification on the selection process and the preliminary procedures.

**Public Comment:** No in person or via Zoom comments.

**MOTION/SECOND:** Chair Ashendorf made a recommendation to incorporate the comments made by the Commission / Seconded by Commissioner Lucia.

The motion carried by the following roll call vote:

**Ayes:** Commissioner Derderian, Commissioner Lucia, Commissioner Mann, Commissioner Ochoa, Commissioner Zuckerman, Vice Chair Wondercheck, Chair Ashendorf

**Nays:** None

**Absent:** None

**Motion Carried:** 7-0

## **MONTHLY REPORTS**

### **1. ARTS & CULTURE STAFF REPORT**

Ms. Laurette Garner, Arts Specialist, presented.

Commissioner Zuckerman inquired if we are capturing emails.

Chair Ashendorf requested staff clarification on pre-registration for ARTventure.

Commissioners thanked Ms. Garner with all her accomplishments.

## **ADDITIONAL COMMISSIONER MEMBER & STAFF COMMENTS**

Commissioner Zuckerman highlighted Orange County Museum of Art's upcoming celebration events for their first-year anniversary in Costa Mesa.

**ADJOURNMENT** Chair Ashendorf adjourned at 6:53 P.M.

**NEXT REGULAR ARTS COMMISSION MEETING: Thursday, February 1, 2023 at 6:00 P.M.**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1476

**Meeting Date:** 12/7/2023

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**TITLE:**

**MURALS ON PUBLIC PROPERTY REVIEW**

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**RECOMMENDATION:**

It is staff recommendation that the Arts Commission review and approve the updated Murals on Public Property process. (Attachment 1).



## Agenda Report

Arts Commission

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Item #: 23-1476

Meeting Date: 12/7/2023

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<b>TITLE:</b>	<b>MURALS ON PUBLIC PROPERTY REVIEW</b>
<b>DEPARTMENT:</b>	<b>PARKS AND COMMUNITY SERVICES</b>
<b>PRESENTED BY:</b>	<b>LAURETTE GARNER, ARTS SPECIALIST</b>
<b>CONTACT INFORMATION:</b>	<b>LAURETTE GARNER, ARTS SPECIALIST, (714) 754-5322</b>

### **RECOMMENDATION:**

It is staff recommendation that the Arts Commission review and approve the updated Murals on Public Property process. (Attachment 1).

### **BACKGROUND:**

Art in Public Places Report created by consultant, Arts Orange County was approved by the Arts Commission on April 6, 2023, to address aspects of the Arts and Culture Master Plan's Goal #2: Expand Public Art throughout the City. The following initiatives were recommended as follows:

**Action 2.1:** Continue the City-operated program of temporary utility box art, which affords opportunities to local artists, established and emerging, to create images that offer the community beautification. Review additional sites that are suitable for such installations, including wayfinding signage.

**Action 2.2:** Develop a plan for more ambitious temporary and permanent public art, including the identification of potential locations around the City, creation of policies with respect to selection and acquisition of artworks, and determination of the funding sources to be used.

**Action 2.3:** Temporary art programs are very popular with the public because they are constantly refreshed with new works, offering a variety of themes, styles, shapes, colors, and scale to the cityscape. Create a new program of temporary installations of large-scale sculptures. We recommend two-year loans, placed at sites inclusive of all the City's districts. This can be ramped up gradually by installing three works in Year 1 (one in each of three districts), adding three (3) in Year 2 (in the remaining districts), and then continuing to rotate the works on expiring loans annually.

**Action 2.4:** City may consider adopting a policy mandating fees for public art from new development projects.

**Action 2.5:** Create a new program of permanent public art and implement the process of selecting and installing a first work.

**Action 2.6:** Incorporate imaginative design in all the City's functional elements and fixtures. There are artists and existing companies that specialize in the custom fabrication of creatively designed elements such as street lights, playground equipment, fitness stations, bus shelters, benches. After a period of research, the City should conduct a call for artists to submit designs, which would be selected by the City through a process involving the Arts Commission, Planning Commission, City staff and Council. Based on budget, the City can choose to transform the chosen elements over a short period of time or phase them in as replacement of older elements.

The new commissioning process for Murals on Public Property is part of Action 2.2: to develop a plan for more ambitious temporary and permanent public art. Murals and the commissioning process can also be found within the Art in Public Places Report beginning on page 29 (Attachment 2).

The Arts Commission reviewed a first draft of the Murals on Public Property document on October 5, 2023.

### **ANALYSIS:**

The Art in Public Places Report is a comprehensive report of recommendations for programs and policies and provides detailed specifics as to how the six (6) initiatives from the Arts and Culture Master Plan may be executed in the next three (3) years. Each of the components below detailed in the Art in Public Places Report, will be crucial to assisting staff in creating new policies and processes:

1. Public Art Commissioning Process
2. Public Art Collection Management
3. Murals and the Commissioning Process
4. Public Art Donations and the Criteria
5. Public Art inclusion in City Public Works Development Projects
6. Public Art inclusion in Private Development Projects

The newly drafted commissioning process for Murals on Public Property will address numbers three (3) and five (5) from the Arts & Culture Master Plan initiatives, and will also be part of a larger Public Art Policy document created by City staff in the coming months.

The first step of Action 2.2 was to establish Public Art Criteria and Guidelines to assist with new temporary and permanent public art projects in the future, which was brought to the Arts Commission in May of 2023. The Murals on Private Property permit application and process was brought to the Arts Commission in June of 2023. Murals on Public Property is one of the next steps in this process.

Staff made the Arts Commission's recommended changes to the initial draft of the Murals on Public Property document which included a "Definitions" section be added and clarification be made in the "Selecting a Public Art Panel" section of the document.

Staff will be working on the individual public art initiatives from the Arts & Culture Master Plan, and implementing them one by one. Once reviewed and approved, staff will create sustainable processes and procedures for the City moving forward.

**FISCAL REVIEW:**

There are currently no costs associated with this process.

**LEGAL REVIEW:**

There is no legal review required for this report.

**CONCLUSION:**

Review and approve the revised process for Murals on Public Property for citywide implementation.





## **MURALS ON PUBLIC PROPERTY**

### **TEMPORARY PUBLIC ART PROGRAMS**

The purpose of the Temporary Public Art programs is to encourage the creative uses of public art throughout the community through the promotion of opportunities, establishment of guidelines, and minimum maintenance requirements.

#### **Definitions:**

**Permanent Public Art:** Art in public spaces, created by an Artist and fabricated with materials and methods with an expected lifespan of twenty-five years or more.

**Temporary Public Art:** Art in public spaces, created by an Artist which is designed to be exhibited for a limited, articulated period of time, typically 5 years or less.

**Mural:** A one-of-a-kind original artwork created by a Mural Artist, or through a community engagement process led by a Mural Artist that is fabricated directly upon an exterior wall of a building, that is hand-painted or hand-tiled and does not contain commercial messaging. For definition purposes, a commercial message is any text, image, logo, or other visual communication that advertises or references a business conducted, services rendered, commercial enterprise, or goods produced or sold on or off the premises.

**Mural Artist:** A person who has established a reputation of artistic excellence in the visual arts, as judged by peers and/or experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist's creative output shall primarily consist of the production of unique fine art.

#### **Developing Temporary Public Art Program Parameters**

1. Developing Program Parameters. To help guide program location and artist(s) selection. Based on knowledge of the site and the project's design possibilities, a number of possible locations and general types of art that would work for the project should be identified. Feedback should be sought on these ideas from other staff and or the City of Costa Mesa Arts Commission.
2. Duration. Temporary Public Art should be limited in display for approximately five (5) years. Display of public art beyond five (5) years should require Council's approval to convert a temporary public art to a regular ongoing program/permanent art exhibition.

### **METHODS FOR SELECTING PUBLIC ART MURALS**

Since murals are often such a prominent visual feature, it is important that each artwork be thought through carefully. Early public participation is a key part of the process. Another key aspect is involving the artist in the overall project design phase early on so that the work of art is well integrated with the site and/or buildings.

1. Developing Artwork Parameters. Before hiring an artist, some general parameters should be set to help guide artist selection. Based on knowledge of the site and the project's design possibilities, a number of possible locations and general

types of art that would work for the project should be identified. Feedback should be sought on these ideas from other staff, or the City of Costa Mesa Arts Commission.

2. Selection Strategies. Typically, an artist is selected in one of the following manners:

a) Request for Qualifications. A Request for Qualifications (RFQ) followed by a Request for Proposals (RFP) is the most common method used for selecting an artist. The Arts Specialist will notify a current list of potential artists and art organizations regarding the Call for Artists.

b) Sole Source. This approach reflects the fact that public art is fundamentally different from most other types of public work projects. With art, the main goal is to look for an individual expression or unique idea -- not price comparisons for one plan or idea. In some cases, the City Council or Arts Specialist may have a specific artist or type of art in mind, and may choose to request a proposal from an individual artist without going through competitive selection. This approach depends on the total cost of the project. See Finance Department and Public Works Department.

c) Acquisition. Acquisition of an art piece that has already been completed by an artist may be appropriate in some very rare circumstances. The purchase price and the cost of installation comes from the percent-for-art budget. Arts Commission approval is recommended.

## EVALUATING AND SELECTING PUBLIC ART

In cities throughout the U.S. there has been growing support for public art. However, some projects have been widely criticized for placement in areas without consulting the communities the artwork resides in. Understanding what to look for and integrating artists in the early stages of a project can help to avoid any controversy.

**1. Public Works Department Review.** Prior to beginning the panel/jury review, the Arts Specialist arranges for the project to be reviewed by appropriate staff in the Public Works Department. The purpose of this review is to uncover any significant engineering or maintenance issues that may arise out of the placement of art or the choice of materials for the artwork for the particular site. If the artwork is part of a larger construction project, it may be valuable to have the project contractor present, as well. This information will be presented to the panel to help guide their decisions when selecting a piece.

**2. Selecting a Public Art Panel.** The majority of City public art projects will use the Request for Qualifications (RFQ) selection method. Public art panels help staff evaluate the qualifications received and make a final selection to proceed through the remainder of the approval process. The preferred approach is for City staff to create a five to seven member panel for each public art project. In some cases, a slightly larger panel may be necessary to accommodate all the parties impacted by the artwork. Each public art panel will exist for the duration of one public art project. A new panel will be selected for a new project. The panel composition will vary depending on the type of art project but should include a selection of the following, as appropriate:

- ☐ An Arts Commissioner (on a rotating basis)
- ☐ As least one (1) professional artist
- ☐ A neighbor or representative of a neighborhood association when a neighborhood will be impacted by the project
- ☐ A for-profit or non-profit business representative, preferably one whose business will be impacted by the project
- ☐ An educator/historian, or someone aware of the historical implications of the artwork in the community
- ☐ City staff, as appropriate

## 3. The Selection Process

*Stage 1.* Applications submitted in response to this Request for Qualifications (RFQ) will be reviewed by the Arts Specialist and the Parks & Community Services staff. Upon evaluating the qualifications provided in the applications, staff will shortlist three to five semi-finalists to be invited to participate in an RFP (Request for Proposals) process as well as an interview and discussion of project concepts. NO PROPOSAL FOR ARTWORK IS REQUIRED DURING THE STAGE 1 SELECTION PROCESS.

*Stage 2.* Only semi-finalists will be able to participate in Stage 2. Those artists selected will each receive an honorarium (depending on the total cost of the project) for the development of specific concepts (up to three concepts per artist/team). As part of the process, prior to creating a concept design(s), each semi-finalist/team will travel to the City of Costa Mesa for a site visit and meeting with the public art panel and City staff to understand the opportunities and limitations within the site and to witness the local environment. As a part of the Stage 2 Proposal, each semi-finalist/team shall provide a detailed, all-inclusive estimated budget including costs associated with the fabrication and installation of the work including engineering, lighting and landscaping. Semi-finalists/teams will be given four (4) weeks to adequately undertake the Concept Proposal(s) and estimated costs. The proposals may be publicly displayed for community viewing and response.

Project concepts will be evaluated on the following criteria:

- ☐ Understanding of the work required by the City
- ☐ Evaluation of artistic excellence
- ☐ Appropriateness of scale, form material, content and design relative to the site
- ☐ Relationship to the social, cultural and/or historical identity of the site
- ☐ Appropriateness of proposed materials in regards to structural and surface integrity, public safety, weathering and its protection against theft and vandalism
- ☐ Appropriateness of proposed method of installation of artwork, and the safety and structural factor involved in installation
- ☐ Ease of maintenance
- ☐ Evaluation of proposed budget and the artist's ability to successfully complete the project within the proposed budget
- ☐ Experience in working on comparable projects

*Stage 3: Final Selection.* The public art panel will conduct artist interviews, review the designs of the top proposals and select a final design that then proceeds forward for review by the Arts Commission and any other Commissions and or City Council as needed.



# Art in Public Places

## Program and Policy Recommendations



Prepared by





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The Ram by Charles O. Perry



# EXECUTIVE SUMMARY

## INTRODUCTION

In 2017, the Costa Mesa City Council approved unanimously the development of the City's first Arts & Culture Master Plan. This initiative signaled the Council's belief that the time had come to appraise the value of the City's cultural resources, to identify what strengths and weaknesses those who live, work or visit here feel exist in the local cultural landscape, and to envision ways that the City can support and advance arts and culture in Costa Mesa. Arts Orange County, the County's nonprofit arts agency, was engaged as consultant for the project. On March 16, 2021, the City Council approved the Arts & Culture Master Plan.



### The Vision of the Plan stated:

The City of Costa Mesa rededicates itself to the distinction of being a "City of the Arts," a place where:

- Creativity and creative people can flourish
- Imagination, inspiration and innovation are held in high regard
- The arts are agreed to be essential to everyone's education
- Arts and culture enrich lives and uplift the human spirit
- Arts and culture promote civic pride

In 2022, the City implemented two important recommendations from the Arts & Culture Master Plan:

- Hiring an Arts Specialist
- Creating an Arts Commission

Also in 2022, the City determined that it wished to take steps toward fulfilling Goal #2 of the Plan:

- Expand Public Art throughout the City, both indoor and outdoor, through donation, loan and purchase

Because the City has no policy or procedure for acquiring and displaying Public Art, it engaged Arts Orange County in June 2022 to prepare and present its recommendations.

## THIS REPORT

The purpose of the consultancy was to recommend formal policy guidelines and procedures for the Art in Public Places program based on industry best practices that incorporate existing policies and any recommended policy updates and cover the following elements:

- Establish purpose, goals and objectives for citywide Public Art Policy that ties into and utilizes data from relevant stakeholders collected from the Arts & Culture Master Plan;
- Criteria for the siting of Public Art projects;
- Definitions and distinctions between Temporary and Permanent Public Art projects;
- Distinctive policies and procedures between Temporary and Permanent Public Art projects which should include the current Utility Art Box Program, permit processes for murals on private property as part of temporary Public Art processes and a general process by which artists are commissioned and selected for temporary and permanent Public Art;
- Guidelines for inclusion of Public Art in public and private development projects;
- Policies for the management of commissioned art projects including, but not limited to, City/artist/stakeholder roles and responsibilities, contracting requirements, and any applicable regulatory requirements;
- Standards for maintenance plan and managing Public Art inventory;
- Develop funding considerations and or plan;
- Policies for acceptance of donated/gifted artwork;
- Policies and procedures for deaccession of artwork;
- Process for incorporating imaginative design in all of the City's functional elements and fixtures: streetlights, playground equipment, fitness stations, bus shelters and benches;
- Comparison and or case study of comparable Public Art policies in other Orange County cities.

In 2022, the City's newly-appointed Arts Specialist immediately sought to address the lack of a written policy for the City's existing temporary Public Art program (established in 2015) by preparing a Draft Utility Art Box Program Handbook. The consultant's scope of work included reviewing that Draft Handbook and recommending revisions.





# City of Costa Mesa Public Art Recommendations

The information and recommendations in this report are offered to support a program offering opportunities for artists and serve the community through varied approaches and perspectives. The adoption of any and all recommendations are at the City's sole discretion, and any modifications to current ordinances, policies and procedures should only be made under further guidance from the City Attorney and are subject to final approval of the Costa Mesa Arts Commission and the City Council.

  
Costa Mesa  
*City of the Arts*

Thalo Sun by Gabriella Kohr



# Criteria for the Siting of Public Art

The commissioning of Public Art can have a significant effect on a location as an environmental enhancement, source of pride, and place maker. Public Art can reflect and highlight the culture, history, goals, and/or values of a community.

In order to ensure the artwork achieves the highest level of positive impact, care must be taken in the selection of locations. This should include consideration of thematic and aesthetic appropriateness, audience, community and cultural equity, and public access. Conditions affecting ongoing maintenance and use of materials are also important in ensuring the long life of an artwork for the enjoyment of the community.

The following are questions to consider when contemplating a location and the overall commissioning of Public Art. The questions and criteria offered are intended to be flexible and allow for individual case by case commissions to be established using best practices in the field.

Costa Mesa City Hall and other public locations with high pedestrian traffic, such as the Costa Mesa Donald Dungan Library and Lions Park, are visible and natural sites for Public Art placement. Public Art in these locations can become iconic markers reflecting the importance of the work of the government or community amenities in these locations.

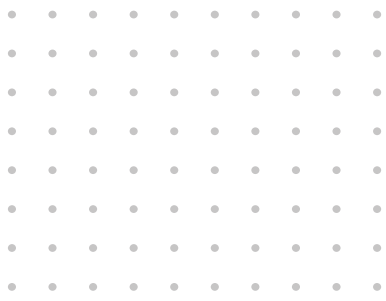
That being said, when considering the development of a Public Art collection, it is recommended that the City also look at smaller community gathering, or pedestrian centers spread throughout the municipality to ensure an equitable distribution of cultural assets across the City. Varying the size and types of projects within a City collection will result in balancing a range of large highly visible artworks with equally impactful intimate and midsize artworks that can enliven smaller parks or facilities.

Before settling on a specific location and format for an artwork, the commissioning body should establish the goals and concepts the work should encompass. While the following are not mutually exclusive, within a project one aspect may form the overriding purpose in the establishment of a Public Art project. Questions to consider and possibilities include:

- Are there high levels of pedestrian traffic? Is there a specific purpose for the artwork in relation to celebrating the community's history, services, culture, or heroes? If so, will a specific location (or locations) resonate more than others with this purpose?
- Is the artwork intended to enhance the aesthetics of a location and bring a moment of visual respite to a viewer's day? Are there locations that can particularly benefit from this intervention?
- Is the goal to bring an arts experience to a site for the sake of establishing an uplifting cultural moment? Are there locations with many pedestrians that can benefit from this intercession?
- Is there an equitable distribution of artwork in the community? How will an artwork location balance the entirety of the Public Art offerings in the city?

While it is tempting to consider free-standing sculpture as the norm when evaluating the placement and commissioning of Public Art, artwork can take many forms from artist designed functional objects or artwork integrated into architecture, to stand-alone artistic expressions enhancing single or multiple areas within a project site.

On-site locations for Public Art projects include, but are not limited to, walls, floors, ceilings, windows, exterior facades, stairways, rooftops and patios. Locations can encompass parks, plazas, civic centers, roadway medians, traffic islands, and bridges among other possibilities.





If funding for the artwork is attached to a particular site relating to a capital improvement development or other Public Works opportunity, site considerations within the development should include public access hours and visibility. If the site has a history of vandalism, the height or accessibility of the artwork siting if placed on the building structure or monitored locations such as lobbies or interior welcome areas should be contemplated.

Other considerations after a general location such as a specific park or municipal facility are selected, and the opportunity is under discussion include:

- Is the artwork placement in a well-traveled area visible during regular working hours?
- Will the artwork block windows or entryways?
- Is the placement accessible for required maintenance?
- Will normal pedestrian pathways remain unobstructed?
- Will the scale of the artwork be appropriate to the environment (surrounding architecture, signage etc.)?

Because of the almost unlimited options for placement and the form Public Art can take, the City should invite artists to visit the selected location if it is a preexisting site, or view plans in an early stage of development to allow the artist to bring their creativity and concepts to bear. This can result in fresh and unique perspectives in site placement within the location and the formation of the artwork project.

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# TEMPORARY VS. PERMANENT PUBLIC ART, DEFINITIONS AND DISTINCTIONS

There are many commonalities to the commissioning and placement of both temporary and permanent Public Art, such as the need for the work to be appropriate the audience, reflect the community’s values, be fabricated with safe, appropriate materials and methods, be commissioned in an equitable fashion, be site-specific, be maintainable for the expected life of the project, be visible and contribute to the site as a place-making enhancement, etc.

## Permanent Public Art

Within the field, municipalities commonly designate that permanent artwork has a lifespan expectation of a minimum of 25 to 30 years. This expectation leads to materials and methods that have a track record of longevity such as metal, glass, concrete, terrazzo, stone, mosaic, tile or other similar products. Because of the permanent nature of the work, artwork themes and concepts have an expectation of being broader or more universal, so as to not become dated in 10 or 15 years.

There are many reasons to pursue permanent Public Art projects. Permanent Public Art programs commonly have funding tied to a percentage of the cost of construction for public works projects. It is normal for a percentage or all the funding for these projects to be grants from entities requiring the use of the funds to be restricted to capital improvements. Permanent Public Art projects are generally eligible costs in this regard.

Permanent Public Art projects result in an artwork that will serve the community for many years and will become a City asset that may increase in value through the years.

## Temporary Public Art

Temporary Public Art can range from an expected lifespan of a day for event connected work, to months, to a limited number of years. Because of the transitory nature of the work, edgier concepts, current affairs, and contemporary themes can be explored and experimental materials and methods can be employed. Because of the flexibility of temporary artwork, smaller budgets are generally needed, and sites can be activated with art to see how it is received prior to consideration of a more expensive permanent piece being commissioned at the location.

Materials such as vinyl, paper, canvas, wood, found objects, etc. can be employed, leaving a wide array of options for artists to consider. A temporary art program can also be a great way to bring artists inexperienced with Public Art to the table to learn how to work within the public sphere, complete contract milestones, and stay within time and budget. This is ideal as a stepping stone for artists to break into Public Art, and encourages diversity and equity in the field.

Advantages to temporary art include minimal or no required maintenance. When a Public Art program cannot commit to the cost of maintenance for an artwork for the foreseeable future, works of temporary art are an attractive choice. Temporary art also works well as a series of art elements activating several locations along a pedestrian path within civic spaces or areas.

Temporary art projects often give communities a chance to become involved in Public Art making, as they are often suitable to artist/community collaborations. This allows communities to become actively involved in their creative environment. Local artists can be engaged, and they can then gain experience and pursue other opportunities with larger budgets and greater complexities.

## Definitions

There can be some fluidity in the practice of commissioning permanent vs. temporary Public Art, but as municipalities often have need for definitions to inform policies and practices, the following are offered as recommendations:

## Permanent Public Art:

Art in public spaces, created by an Artist and fabricated with materials and methods with an expected lifespan of twenty-five years or more.

## Temporary Public Art:

Art in public spaces, created by an Artist which is designed to be exhibited for a limited, articulated period of time, typically 5 years or less.

## Artist:

A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual, or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.



Food for the Soul by Brian Peterson and Damin Lujan

# Public Art Commissioning Process

The commissioning of Public Art is an exciting endeavor and can be the final step in a long planning process involving numerous stakeholders and location, budget, and other scoping considerations.

This report will break down the commissioning process into distinct steps with a discussion and recommendations for each component. However, there is flexibility to each process and variations are possible.

## Scoping and Planning

Prior to the advertisement of a Public Art opportunity, there should be a process for stakeholders to provide input as to the type of opportunity, goals, and potential themes of the artwork. A discussion of the types of questions to be considered have been offered in the “Criteria for the Siting of Public Art” above.

Stakeholder groups and the type of advance engagement will change depending on the type of project and the site under consideration. Stakeholders can include representatives of departmental staff working in the facility, local community members, special “friends” groups, Commissioners, or other invested parties. Engagement can encompass a public meeting letting the community know of the opportunity and soliciting feedback on the type of themes that they find important to convey in the artwork. However, this should not be construed as an opportunity to dictate the imagery, design, or specific concept for the artwork. Other ways to obtain feedback are through surveys or interactive activities at City events.

This type of community engagement can be solidified once an artist is selected by requiring the artist, as part of their scope of work, to incorporate an engagement process at an appropriate level of interaction as fits their artistic process and the needs of the project. Community engagement with the artist can involve feedback, identifying actual design elements for incorporation into the final artwork, or simply engaging with community through a workshop to engender appreciation for the artwork and offer a chance to meet the artist.





Artist Selection

The identification of an artist should be conducted in an open transparent process. Best practices as articulated by the Americans for the Arts and exhibited by the practices of established programs at other municipalities recommend a two-step process of artist selection. This process starts with the advertisement and issuance of a Request for Qualifications (RFQ) wherein the project’s budget, parameters, artwork priorities and goals are articulated along with the artist selection criteria, scoring breakdown, and expectations regarding the selected artist’s experience, interest, and past work images.

The following is an example of the types of materials that may be requested from artists responding to the RFQ:

- 1. Work Samples. Ten (10) images of artwork. Work samples should include the date of completion, project budget, artist, client/agency (if applicable), medium, location (if applicable), brief description of the project.
- 2. Artist Statement/Description of Work. 500 words (maximum) describing the themes, inspiration and questions explored throughout your work, as well as the materials, methods and techniques you use to create your work.
- 3. Resume/CV. 1-2 pages (maximum) outlining your professional art qualifications, which may include previous projects, experience, education/training and other related credentials.
- 4. Questions. Response to the following questions through written response:
  - a. Why are you interested in completing a project for XXXX (department/location/etc./name of project)? 500 words (maximum).
  - b. How do you see your artistic practice or existing work aligning with the XXXX (department/location/etc./name of project) artwork priorities and diverse audiences? 500 words (maximum).

The following is an example of the types of selection criteria and scoring.  
(Should be listed in the RFQ.)

Artists’ applications will be evaluated according to the following criteria listed below and scored up to 100 points.

- Criterion 1:** Technical and Aesthetic Quality of Past Work (50% - Max 50 Points)  
The applicant’s past works and creative practice as expressed through their images, artist statement/description of work and resume/CV demonstrate a high level of aesthetic quality and technical execution. The concepts reflect originality and evoke a response.
- Criterion 2:** Suitability For This Project (50% - Max 50 Points)  
The applicant’s images, artist statement/description of work, resume/CV and answers to the application questions demonstrate the applicant’s suitability for the artwork priorities outlined in the RFQ.

The selection panel is key to the process. Other municipalities and the Americans for the Arts recommend as best practice site- or project-specific selection panels with a diverse perspective including experts in Public Art, site end-users, community, and professional project design participation. In this configuration there is Arts Commission participation by 1 or 2 members (who rotate among projects). A sample of the panel composition is as follows:

- 1 or 2 Arts Commissioners
- 1 or 2 Public Art professionals (can be curators, arts administrators, or experienced peer Public Artists)
- The Architect of the project (if applicable)
- A representative of the City Department with oversight of the Public Art location (i.e. Police Department or Parks & Community Services)
- 1 or 2 Community members at large with a link to the art location, such as “friends” or other support group members

In this manner the artist selection has professional design expertise as well as provides a voice to the groups that will experience the artwork daily. The inclusion of Public Art professionals ensures a high design aesthetic and fabrication proficiency. In this configuration, there is a stipend provided to the non-city employee (or non-Arts Commission) panelists for their service ranging from \$150-\$300 per day.

The selection panel selects 3-4 Finalists from the review of the RFQ applicants based on the stated criteria and submission materials.

The next step is the second Request for Proposals (RFP) stage. Proposals are requested only from the 3-4 Finalists. The artists should be provided with a list of expectations for the proposal including a narrative of the concept, design sketches and drawings (in-situ if possible), with dimensions and materials. The proposal should also include a preliminary budget, the fabrication timeline and any installation considerations. Additionally, the proposals should include any type of public engagement anticipated to be provided in tandem with the project. Artists should be provided with the criteria for evaluation of the proposals with an indication of the scoring breakdown based the stated criteria.

Artists are generally given 4-6 weeks to develop their proposal. In order to ensure all the Finalists are provided with the same information, there should be a proposal meeting with all the Finalists wherein the department staff from the relevant location will describe the activity, services provided, and constituents using the site, as well as the goals of the project. If the project is tied to a public works construction project, someone from the design team should provide information regarding the site and any technical considerations. This is an opportunity for all of the artists to hear the same information and ask questions.

It is important to note that it is a basic tenet within Public Art programs that professional artists are paid for the development of proposals. Professional practices require that artists be paid for their work, and the development of a proposal requires considerable research, time, and effort. The amount of the proposal fee per artist finalist in large part is dependent on the project budget and can range from \$1,000 for a project budget of \$100,000 or less, to \$5,000 or more for a project with a \$1M budget or higher.

The selection panel meets a second time to review the proposals as presented by each artist one-after-another, in an in-person meeting, wherein the selection panel can ask questions directly. After all the artists have presented, the panel will deliberate, score the proposals, and select the recommended artist and work.

Many municipalities allow for the selection panel (with its range of perspectives) to make the final recommendation, with the full Arts Commission providing the final review of the recommended work and issuing the final approval to ensure the selection is in accordance with the safety, durability, and programmatic requirements. In this instance, the Arts Commission reviews the final recommendation only and they do not compare it to other submissions.

If Costa Mesa decides the City Council has the final review and approval, as with the Arts Commission they would review the panel recommended proposal only and not every final submission. In this manner the panel's wide range of perspectives are acknowledged. As the full Arts Commission or City Council are not privy to the artist presentations and discussions, it respects the panel process.

A variation to the above process is possible when community engagement is so vital to the artwork design and development, that the City requires the design to be developed through an intensive community process. In this scenario, it is not feasible for the design proposal to be developed in advance of contracting with the Artist. This process would have a similar RFQ process, but an important submission requirement to the RFQ would be a narrative about the type of engagement process they envision to develop the design, their approach to design, with an indication of their interest in the project, and a listing of previous projects they completed wherein the community engagement was paramount to the artwork design process. Instead of the second step incorporating a proposal review, the panel would interview the Finalists with open ended questions to ascertain the community appropriateness of the artist's process to select the most appropriate artist for the commission. The contract with the artist in this case includes design development and approval milestones.



Poderosas by Alicia Rojas, Camilo Romero and Santa Ana Community Artists





# Public Art Collection Management

Costa Mesa already has begun to build a collection of Public Artworks through commissions and donations. As the permanent works are now City assets, management of these works is paramount to ensure they are well maintained and remain in good condition for future enjoyment and to retain their value.

## Roles and Responsibilities

Management of the works would ideally be the responsibility of a designated Arts staff member and includes the oversight of a database to track the artworks. The database should include artists' information including a biography, narrative from the artists describing the concepts behind the work, artwork dimensions, budget, materials, methods of fabrication, maintenance requirements and artist contact information, and photos of the artwork. A digital file on the commissioning process should be retained including proposal files, correspondence, budget and final records, the selection panel, dedication event documentation, a copy of the agreement with the artist and any other applicable information reflecting the commission process.

Additionally, a plaque should be placed at the site of the work with the artist's name, the title of the work, date, materials, and the department to contact in case of maintenance needs.



Artist contact information should be retained, should there be a need for unanticipated maintenance or repair, artwork removal, or alteration.

The City should consider sharing their collection on the City website with images of the works and their location. Some cities include a map of the City showing the artwork locations with artist and artwork information.

## Maintenance

The City of Costa Mesa is in the early stages of developing a Public Art collection. The single most important aspect in ensuring the value of this asset is the regular maintenance of the artworks. Regular maintenance will help avoid costly future repairs. As part of the artist's contracting process, the city should require the artist to provide a professional art conservator's assessment of the materials and methods with recommendations for maintenance.

It is recommended that staff work with art conservators to monitor the condition of the artwork in the collection and assess Public Art maintenance requirements and costs. The costs should be allocated as part of the city budget process on an annual basis for this purpose.







Contracting

When developing contracts with artists, it is important to keep in mind that art making and standards within the art industry require unique considerations and understandings regarding the scope of work, artist’s rights, copyright/use of image, milestones, payments, etc. within the agreement. Standard municipal contracts for services rendered rarely have the needed clauses, and sometimes contain clauses that are not recommended or applicable to art making and artists’ practices.

This report is not intended to be interpreted as legal advice, but as a point of discussion to advise the City of Costa Mesa on issues and concerns unique to artists’ contracting and to offer examples of ways others address these concerns. Any decisions regarding the language to be incorporated into contract templates should be made in tandem and with the approval of the City of Costa Mesa City Attorney.

A copy of the agreement template for Artist Services used by the Los Angeles County Department of Arts and Culture is provided as an example for consideration.

The following areas of contracting reflect where the City’s standard contract language is recommended to reflect artwork specific standards and best practices.



Taco Mesa mural



Artist’s Rights

Commissioning artwork for the City’s collection will result in the City obtaining ownership of the artwork as an object, with all the associated rights and responsibilities. However, there is more than one type of ownership to consider. While the City as the commissioning agent will have ownership of a work of art as an object, this does not necessarily extend to ownership of the image and copyrights as articulated in the federal Visual Artists Rights Act (VARA) or the California Arts Preservation Act (CAPA).

These laws provide for a series of artists rights including the rights of authorship and rights surrounding the removal, alteration, or destruction of artwork. There is a range of ways in which municipalities address these rights.

Because of the risk of litigation associated with incorrectly destroying artwork in violation of these laws, the handling of artist’s rights varies among agencies. For example, the Los Angeles County Department of Arts and Culture expressly acknowledges and accepts artists’ copyright by incorporating it into their Public Art policy, referencing it in artist agreements, and requiring artists to register their works with the U.S. Copyright Office. Agencies such as the L.A. County Metropolitan Transportation Agency (Metro) and the City of Los Angeles Department of Cultural Affairs both require that artists waive their rights under CAPA and VARA while simultaneously reinstating specific rights back into artists contracts.

The VARA and CAPA laws require that 90 days written notice be provided to an artist prior to the removal, alteration, or destruction of an artist’s work. It is also understandable that an agency would want the ability to remove an artwork immediately if issues of safety arise. As such, a clause waiving the VARA and CAPA 90 day requirement can be considered. However, even when the 90 day notice requirement is contractually waived, it is common for policies to be put into place to provide good faith advance notice to artists where possible should this need occur. While it is generally accepted in artist agreements that the agencies can freely depict artworks for non-commercial educational or program promotional activity, activities resulting in commercial gain from the depiction of an artist’s work (such as t-shirts, posters, or mugs) should be negotiated with an artist independently.

Performance Bonds and Payment Milestones

It is common practice for municipalities to put a requirement for a Performance Bond in place for construction projects in the unlikely occurrence that a contractor defaults on a project. While this may be a practice that is tempting for use in artist’s contracts, it is unadvisable. The performance bond industry is not tailored for artworks, the cost would be unwieldy to the budget, and it is unlikely that a performance bond company would insure this type of project.



Untitled by Joshua Madrid



The Americans for the Arts puts it this way:

“Performance bonds are intended to guarantee the satisfactory completion of work. If a contractor is unable to finish a project, then a performance bond ensures that the work will be finished, usually by hiring a third party to complete any missing or unsatisfactory work. These bonds are commonly used in the construction industry and many cities’ public works departments require city contractors to hold them.

However, performance bonds have little applicability to the commissioning of fine art. For one, most commissions can only be completed by the artist who made the initial proposal, making the hiring of a third-party a nonstarter. More over, most performance bonds are prohibitively expensive for individual artists, and the desired objective (ensuring a satisfactory final project) is better achieved through alternative actions, like withholding final payment on a contract.

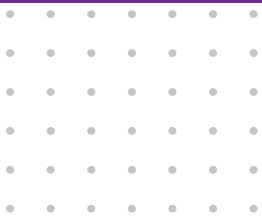
The best practice is for the use of project milestones to be incorporated into the agreement with a final payment left for the completion of services. A sample of this construction is as follows:

- 1. 10 percent (\$\_\_\_\_\_) upon Execution of the Contract.
- 2. 30 percent (\$\_\_\_\_\_) upon Acceptance of Final Design Drawings and Issuance of the Notice to Proceed.
- 3. 20 percent (\$\_\_\_\_\_) upon Completion of 50% of Fabrication.
- 4. 20 percent (\$\_\_\_\_\_) upon Completion of 100% of Fabrication.
- 5. 10 percent (\$\_\_\_\_\_) upon Completion of Installation and Issuance of Artwork Acceptance Notice.
- 6. 10 percent (\$\_\_\_\_\_) upon Completion of Project Close-out including documents, photography etc.

Scope of Work

It is to the City’s advantage to provide a clear list of expectations in the contract through the scope of work. The more specifically this is articulated, the less confusion there will be as to the responsibilities of the City and Artist.

Areas to describe include the overall responsibilities of the City and Artist, and Artist specific responsibilities related to design development, approvals, permitting, schedule, community engagement, budget, fabrication, installation, and any closing documents required such as final photography, artist narrative and biography, maintenance plan, etc.





# Murals

Murals have been embraced as a valued art form by a diverse array of cultures and communities, providing an enlivening way to interject art to the street life of cities nationwide. They can celebrate the culture, heroes, and history through abstract or figurative imagery or any number of approaches conceivable. The possibilities are unlimited.

Painted murals are an art form with a rich history and deep appreciation. The expected vs. actual lifespan is dependent on several factors, and realities can be vastly different from project plans. Murals expected to remain intact for generations can come up against conditions requiring their removal after a limited lifespan, and murals developed with a limited expectation of longevity can become community icons intact for many years. The following is intended to provide guidelines to maintain a collection of mural works in good condition for their lifespan.



Welcome Home by Shepard Fairey





# Murals Commissioning Process

## Murals on City Property

Murals to be placed on City property can be commissioned through a process similar to the commissioning of Public Art projects as described in the section on Public Art commissioning in this report. However, because of the unique needs of murals regarding their maintenance and the unfortunate proclivity for them to be targets for graffiti vandalism, it is recommended that murals commissioned for placement on City property be required to have an anti-graffiti coating applied that is maintainable by the City, and the mural is fabricated/painted on a well prepared wall that has been assessed in advance by an art conservator with murals expertise to confirm the suitability for the murals’ longevity, and so they can provide recommendations for wall preparation and materials.

The mural should be evaluated every five years to assess the condition to evaluate if the artwork should be maintained or removed. If the mural is in poor condition and the City does not have the resources for a restoration, the applicable artist’s rights laws (VARA and CAPA) require that artist be provided with 90 days advance notice of its removal. The five-year review process and expected lifespan should be articulated in the City’s agreement with the artist.

Generally, murals on public property are considered government speech and, as a result, are not subject to the Free Speech Clause of the First Amendment. Municipalities may regulate murals on City-owned property to control the time, place and manner of its placement as well as regulate the design and content of the mural itself.



## Murals on Private Property

While it may be tempting for a municipality to regulate the design and content of murals on private property, First Amendment rights of the property owner limit the oversight of mural approval processes to regulations such as the mural lifespan, placement, size, materials and methods, and process of permitting. These areas of oversight can still ensure that mural projects are developed with the full awareness of the community, with technical and legal considerations in relation to materials, maintenance, and artist’s rights, adhered to and understood.

Murals have also been the subject of controversies and legal battles in relation to First Amendment rights and clashes over the ways in which fine art murals are sometimes treated differently than commercial mural-sized signs or general signage.

As a result of these issues, which have now found resolution in cities such as the City of Los Angeles and Portland, Oregon, guidelines can be recommended in relation to the development of a murals ordinance for the City of Costa Mesa in consideration of these concerns.

The following are guidelines recommended to use in the development of an ordinance for the placement of murals on private property. This assumes that the murals will be funded by the property owner without city support.

It is important to note that as the mural permit requirements are design and content neutral, the process of review and approval can be completed in a “counter permit” process by city staff by qualified to confirm that the materials, manner, and processes follow requirements.



DEFINITIONS

An essential first step is the establishment of a mural definition to ensure that murals are original, artistic expressions that are not confused with advertising or signage which is regulated separately.

The following is recommended as a definition for this purpose:

Mural:

A one-of-a-kind original artwork created by a Mural Artist, or through a community engagement process led by a Mural Artist that is fabricated directly upon an exterior wall of a building, that is hand-painted or hand-tiled and does not contain commercial messaging. For definition purposes, a commercial message is any text, image, logo, or other visual communication that advertises or references a business conducted, services rendered, commercial enterprise, or goods produced or sold on or off the premises.

Mural Artist:

A person who has established a reputation of artistic excellence in the visual arts, as judged by peers and/or experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist’s creative output shall primarily consist of the production of unique fine art.

Requirements and Process:

The following are technical requirements designed to address the placement, scale, materials, and maintenance needs of the mural. Maintenance is of the upmost importance to ensure that murals do not deteriorate, become graffiti magnets, or cause blighted conditions. They are offered as a manner to allow murals within the face of a building, within commercial or business districts.

It is recommended that the City consider if the requirements for numbers 1-5 are in accordance with Costa Mesa’s vision and if not, adjustments can be made as appropriate. Recommendations for numbers 6-8 will ensure maintenance, artists rights and each artwork design are reviewed and addressed.

Recommended Requirements

1. No part of a mural shall exceed the height or width of the structure to which it is tiled, painted or affixed.
2. No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed.
3. No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
4. Murals shall be placed on non-residential commercial or industrial property only.
5. Only one mural will be permitted per business location or structure.
6. A specialized anti-graffiti coating must be applied to the mural and maintained for the life of the mural. Varnish, other coatings or finishes that are not specifically designed as graffiti abatement products as part of a graffiti removal system do not comply with this requirement.
7. The property owner is required to maintain the mural in good condition and free of vandalism. If the property owner is negligent in this regard after sufficient warning, they can be issued a 120-day order to remove the artwork at their own cost. If removal is ordered, the property owner is responsible for the proper 90-days written advance notification to the artist as applicable by the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) laws.
8. Mural permits are valid for one image at a time. Property owners wishing to change the mural design or replace it with another artwork must apply for a new permit.





# Recommended Process

The following processes allow for the mural designs to be reviewed by the community in advance of its placement. This review cannot be considered an opportunity for the community to veto the mural’s content or design, but it does allow for community input and dialog.

As a rule, business owners wish to establish and maintain good relations with the community, so it is to their advantage to install a mural that will be welcomed by the neighborhood.

It is also essential that property owners are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA). Property owners will be responsible for compliance with all aspects of these laws (including requirements for 90-day advance written notice prior to the removal, destruction, or alteration of the mural) or negotiating waivers of any aspects of these laws through advance written agreements with artists.



Home Sweet Home by Brian Peterson

The following are recommendations for the process requirements:

1. Applicants must hold a meeting at a publicly accessible location at least 30 days prior to the start of the mural fabrication. This meeting is to allow for the public to see the design, ask questions, and provide comments. Should an in-person meeting not be feasible due to public health mandates, a well-advertised virtual meeting can be substituted in a manner as approved in advance by City staff.
2. Applicants for mural approval must post notice of the public meeting 15 calendar days in advance of the meeting on the proposed mural site. This notice must include the intended mural size and location with a color depiction of the proposed mural design, in full and easy view of the community. The notice must also be mailed, or hand delivered to properties located within a half-mile mile radius of the proposed mural location.
3. No mural shall be permitted until the applicant certifies that he or she has completed this neighborhood involvement requirement. Certification shall include photo documentation of the posted notices and documentation of the meeting through a sign-in sheet, or other confirmation the meeting was held as indicated.
4. Property owners must sign a declaration that they are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) artist rights laws, acknowledging they, and not the city, are responsible for compliance with these laws.
5. Should the property be sold, property owners must provide subsequent owners with maintenance information, anti-graffiti requirements, and artist rights information.



# Public Art Donations

How exciting it can seem for a municipality to be offered artwork as a donation. While it can be tempting to accept all art donations, there are considerations that should be understood to ensure donated artwork fits within the city’s goals and environment and will not become a burden to the city’s resources.

The following will discuss areas and issues to consider in the acceptance of artwork and areas in which background information and assurances should be considered prior to the acceptance of a donation.

There are many sometimes complex reasons that a donor will be motivated to gift artwork to a city. Reasons can range from a sincere desire to share a work with the community, the understanding that a work of art has a special connection to a site or part of the city’s history, to the desire for a tax deduction, the need to find a home for a large or unwieldy work that the owner no longer can store or no longer has the resources to provide upkeep. Regardless of the motivation, any offer has the potential to be a welcome and uplifting addition to a city’s collection. There may also be valid reasons to deny acceptance of a Public Art donation.



# Art Collection Goals

Of fundamental importance to the development of an art collection and the subsequent acceptance of donations is the understanding and establishment of the goals of the collection. For example, the donation of a 19th century European religious painting may have high monetary value, but does it relate to the City and is there an appropriate place for its display? The following are questions to guide the establishment of art collection goals.

What is important to the city regarding the art it owns and maintains? For example, is it important for artwork to relate to the city’s location, history, and interests inherent in the cultural context of Costa Mesa? Should it represent the City in an interesting and expanded manner? Can the collection be used as a mechanism to support and uplift artists that reside in Costa Mesa? What is the storage or physical capacity to keep portable artworks? Are there limitations that restrict the number of donated items?

In addition to permanent Public Artwork installations, are there programs and opportunities to display portable paintings, drawings, photography, textiles or other art mediums?

Some municipalities have internal loan programs allowing departments and civic offices to borrow portable artworks for a designated time period to enhance their surroundings for the benefit of staff and visitors. Costa Mesa may want to consider this as a mechanism to accept donations of artwork into the collection with a purpose and display opportunity.





## Donation Process

An application process should be established up front to capture the relevant information for an informed decision and to identify any additional considerations to the donation offer. The following identifies main areas in which information should be captured.

### Object Ownership and Valuation

As has been discussed, there is more than one type of ownership as related to art, and this needs to be considered in the acceptance of an artwork. While a donor may have ownership of a work of art as an object, this does not necessarily extend to the donor having ownership of the image and copyrights as articulated in the federal Visual Artists Rights Act (VARA) or the California Arts Preservation Act (CAPA).

To establish the donor's ownership of the artwork as an object, a donation application needs to be developed with a requirement for information about the provenance and procurement of the object, including documentation such as a receipt or other proof of ownership. Copies of any agreements the owner has with the artist or gallery should be included if applicable.

The value of the object should be established as part of the consideration of acceptance. This value can be established through:

- a. Appraisal Report: An appraisal report including, but not limited to, dollar amount value, description, disclaimers, and additional support for valuation conclusions by a certified third-party appraiser affiliated with at least one of the four appraisal organizations: Appraisers Association of America, the American Society for Appraisers, Appraisal Foundation, or the International Society of Appraisers.
- b. A receipt for the purchase of the artwork
- c. Other documentation establishing the value of similar artworks by the same artist

This valuation is essential as the artwork will become a physical asset for the city, and as such, a documented value is needed for asset accounting. Also, donors commonly request a letter from the city acknowledging the donation with the value indicated for their use as a tax donation. The city should have confirmation of the value for this purpose.

### Copyright Ownership

As indicated, while a donor may have ownership of the artwork as an object, the artist may have retained the copyright ownership as established by the VARA and CAPA laws. The application should include artist information including contact, resume or bio, birth/death dates, and any known copyright information as available. This is particularly important if the donation is a work to be installed as a permanent Public Artwork as the artist should be notified of the donation and location of the installation.

The application should indicate the copyright owner of the object. If the donor is the copyright owner, the application should include documentation of this and should ask if the donor intends to transfer the copyright to the City of Costa Mesa should the donation be accepted by the city.

The City Attorney should identify if and how the acceptance of the artwork and installation will make the city subject to any applicable VARA and CAPA notifications or copyright requirements in the future. It is recommended that the City Attorney weigh in regarding these considerations and requirements prior to the acceptance of the donation.



Floyd's 99 Barbershop by Jonas Never





## Materials, Maintenance, Conservation

The application should identify the materials and any known maintenance or conservation needs. A condition report should be provided by the donor or obtained by the city to identify any issues and immediate or future costs associated with keeping the artwork in good condition.

## Transportation and Installation

If the artwork is a large sculpture or other Public Artwork, it is important for the city to understand the costs to transport the artwork and install it at the desired location. Questions to consider are the need for any footings or special attachment systems, permits, insurance, storage, installation, and any conservation and maintenance needed in the immediate future. It should be established if these costs and the responsibility for this activity will be borne by the donor or if the city is expected to handle these costs and the scope of work to see to the full completion the installation.

## Other Information

In addition to the above information the application should request any exhibition history, edition certifications or other pertinent information about the artwork as applicable and available.



Pablo Universal by David Flores



# Criteria for Acceptance of Public Art Donations

The identification of collection goals and the information above will greatly aid in evaluation of the donation application. It is recommended that the Arts Commission evaluate the donation based on the criteria for an acceptance recommendation to City Council. The City Council should maintain final approval, considering the Arts Commission recommendation.



Reclining Figure by Henry Moore

The following are recommended criteria to utilize as applicable in assessing the acceptance of an art donation:

1. The artwork supports the goals of the art collection and would contribute positively to the City’s Public Art, meeting the standards for Public Art commissioned by the city.
2. The artwork is of high quality and aesthetic excellence.
3. There is an identified location to site the artwork if it requires a public installation, or there is a program or mechanism to display the artwork if it is a portable piece.
4. The scale, form, context, and design of the artwork are appropriate for the setting and audience.
5. The donor has committed to cover all applicable costs associated with permits, bonding, insurance, transportation and installation of the artwork or the city has committed the resources to cover these applicable items.
6. The future maintenance and conservation need of the artwork is understood and the city has identified the resources to attend to these requirements.
7. The legal considerations of ownership, copyright, liabilities, maintenance, and de-accessioning are understood and acceptable to the city.
8. The artwork supports an equitable collection inventory, allowing for a diverse range of artists to be represented, considering if there are already multiple donations of the same artist’s work.

## De-accession of Public Art

There are numerous reasons that a city may wish to de-accession an artwork. These considerations can include safety, condition, change in the physical location of the artwork so it is no longer supported physically, community complaints, or other controversies.

As city owned artwork is a civic asset, the process should require a staff report addressing the applicable issues related to the de-accession criteria including the review of any restrictions which may apply to the artwork based on legal or contractual requirements. The report should include an analysis of the reasons for de-accessioning, options for storage or disposition of the artwork, and the appraised value of the artwork, if obtainable.

If the de-accession is the result of the destruction of the supporting structure (such as the wall, building, or plaza to which the artwork is attached), consideration should be made regarding the appropriateness and feasibility of relocating the artwork to another location.

Any considerations or requirements associated with VARA and CAPA laws, including notice to the artist, if applicable, should be carefully followed in accord with the City Attorney's direction.

The following represent acknowledged criteria for de-accession and are recommended for Costa Mesa's consideration.

1. The artwork's present condition poses a safety hazard to the public.
2. The artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork.
3. The restoration of the artwork's structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds the resources of the city.
4. The architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation.
5. The use of this particular public space may have changed, and/or the artwork may have lost its contextual meaning and it cannot be re-sited, or re-siting the artwork would be inappropriate.
6. The artwork requires excessive and inappropriate conservation and/or maintenance or has faults of design or workmanship which can be termed inherent vice.
7. An artwork is not, or is rarely, on display because of lack of a suitable site.
8. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
9. The artwork was not installed or fabricated as proposed, is incomplete, or does not meet the requirements of the commission.
10. The artwork does not meet the goals of the collection.
11. Removal has been requested by the artist in writing and it has been determined by the Arts Commission to be a reasonable request.
12. The artwork has reached the end of its original anticipated lifespan.
13. The artwork is proved to be inauthentic or in violation of existing copyright laws.
14. The artwork has received documented and ongoing adverse reaction from community members where the artwork is located, and the City Council has determined the artwork no longer reflects the values of the community.



## Public Art and Development Mandates in Orange County

Among Orange County's 34 cities, there are currently four that mandate Public Art within their communities: Brea, Buena Park, Dana Point, and Laguna Beach. Two more cities are expected to join that list upon approval of Public Art Plans they are completing: Anaheim and Huntington Beach. Four cities currently have programs encouraging Public Art in development without a binding mandate: Anaheim, Huntington Beach, Newport Beach and Santa Ana. The mechanism used most frequently is the assessment of a fee ranging from 0.5% to 1.25% on the total cost of new construction or renovations on projects valued at or above a baseline amount. Fees may apply to City capital improvements, private development, or both. Policies vary, with private developers, in some cities, permitted to acquire and install art on their property to fulfill the requirement (with City review and approval), or instead to pay into an in-lieu fund managed by the City to acquire and install Public Art on City-owned property.

See p. 80-81 for more information about other Orange County cities' Public Art policies and programs.



# Inclusion of Public Art in Public Works Development Projects

The inclusion of Arts and Culture into public spaces is known to enhance the livability or civic life and is a contributor to the quality of the environment while engendering community pride. Incorporation of Public Art into Public Works projects are a natural way to uplift the quality of these spaces for the enjoyment of the community.

Many Public Works projects are funded by grants or other sources requiring that the use of monies is restricted to capital improvements. Permanent Public Art incorporated into the project is generally acknowledged as a capital improvement for this purpose.

With other internal sources incorporated, facility funding can be less restrictive, allowing for a wide array of arts programming on the site of the development. Municipalities have allocated between 1-2% of the cost of construction for these projects as part of the regular budgeting process.

A mandate by City Council for Public Art inclusion into Public Works construction projects declares the importance and value the City places on arts and culture in civic life. Should the City decide to mandate a Public Art requirement for private development, it would be a reasonable expectation that the City has a policy in place for Public Art within its own public works projects.

It is recommended that policies framing the approach to projects and the commissioning of artists are put in place to ensure that there is an equitable distribution of funds to diverse artists.

The City of Pasadena’s Public Art Program guidelines can serve as model of how goals and values can be realized. The following from the City of Pasadena is offered as an example for consideration for the City of Costa Mesa:

1. The commissioning of artists at a variety of points in their careers, but whose work is of the highest artistic merit, and who bring innovative artwork of all media and disciplines into the public realm;
2. The commissioning of artists and artwork which are reflective of cultural diversity and the city’s international populations, recognize the values and contributions of various cultures to the community, and contribute to the characteristics, aspirations and unique expressions of Pasadena’s values;
3. The encouragement of local artistic endeavors and support of local artists;
4. The encouragement of public dialogue and interaction with art in public places, through appropriate education forums, public meetings, citizen task forces and programs;
5. The commissioning of works of art varying in style, scale, medium, form and intent representative of the arts on a local, regional, national and international level;
6. The broad distribution of commissions among artists. To ensure this objective, no more than one City of Pasadena Public Art commission per artist/team shall be awarded in a three-year period. An artist may not apply for a subsequent commission until the aforementioned has been completed and has received final approval;
7. The geographic distribution of artworks throughout the City of Pasadena;
8. The inclusion of the artist and design team at the inception of the project.

## Local Artists

A healthy arts ecosystem should include opportunities for local artist participation and will provide opportunities for professional growth. Recommended opportunities for artists new to Public Art include temporary Public Art projects. These projects can be singular, as a series along a path or walkway or grouped together in a park or other venues in a multi-artist festival or “happening” atmosphere to build excitement and space activation.

Similarly, a purchase program geared toward local artists that are new to Public Art can build a collection of artworks for offices and other public interior spaces. It is a great opportunity for participation and community engagement.



# Inclusion of Public Art in Private Development Projects

As indicated above, there are two paths cities have taken regarding the inclusion of Public Art in private development, encouragement for voluntary participation or mandates through ordinances. There are basic concepts applicable to either effort that warrant discussion.

## DEFINITIONS

So that all parties understand what types of projects are to be considered when referring to Public Art, basic definitions are needed to define who is an artist in this context and what is to be considered as Public Art.

It is essential that the eligibility of Public Art projects as falling within the program requirements include the definition of an artist to ensure that the project is truly unique, can be considered within a contemporary fine art dialog, and encourages a diversity of artistic approaches. The following are examples of this type of definition:

“

City of **San Diego**:

“Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner’s body of work, educational background, experience, public performances, past public commissions, exhibition record, publications, and production of artwork.”

“

**Los Angeles** County:

“Artist. A person who has established a reputation of artistic excellence in the arts, including but not limited to visual, performing or literary arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment.”

The purpose in establishing this definition is to ensure that the artwork is created by an artist and not the result of commercial design or product development.

While the first step is the definition of an artist, there is also a basic need to define Public Art for the context of approving artwork integrated into private developments. A comprehensive definition will allow for an objective review of a developer’s proposal for artwork.



Welcome to Costa Mesa by Brian Peterson and Damin Lujan



For the City of Costa Mesa, the following definitions are recommended for consideration:

Artist:

A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.

Public Art:

Artistic and cultural facilities, objects, and amenities created as original works by an Artist that do not contain a commercial message, text, logo, trademark, or other product, business, or service messaging, and are not mass produced or reproductions. Qualifying projects include:

- Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials.
- Murals or portable paintings: In any materials or variety of materials, with or without the addition of nontraditional materials and means.
- Works on paper: Photographs, prints, watercolors, drawings of any media and other paper works.
- Textiles: Tapestries, quilts, embroideries and other forms of woven or non-woven fiber art.
- New media: Including but not limited to new technologies in light, sound, film, holograms, virtual reality, digital media, and any hybrids of media and new genres.
- Other media: Neon, glass, earthworks, mosaics, tile, ceramics, printmaking, collage, mixed media, assemblage.
- Standardized fixtures or enhanced functional architectural elements: If rendered by an Artist as unique features, including but not limited to, grates, facade enhancements, stairways, fencing, and other design elements.

- Cultural Facilities: Public gallery, exhibition space, public performance spaces, theaters, Public Artistic studio spaces, and Public Art education facilities; and
- Performing Arts: Theatre, dance, music and performance art.
- Literary Art: Poetry readings, storytelling and creative writing.
- Media Art: Film, video, or digital media.
- Education: Lectures, presentations, and training in and about arts and culture.
- Special events: Parades, festivals, and celebrations; and
- Similar arts services, facilities and amenities as approved by the City of Costa Mesa.

Similarly, as the oversight of artist selection, fabrication, and installation requires expertise of a specialized nature, it is recommended that developers are able to obtain the services of an Art Consultant as a legitimate line-item cost for their project. The Art Consultant can assist them with services related to the identification of an Artist, arts opportunity, facilitation and oversight of artwork fabrication and installation, or performing as the liaison to the city regarding providing reports, application materials, and other information related to the review and approval of the artwork. Indeed, the utilization of an Art Consultant who will have a network of artists and contacts can go far in aiding the developer in identifying a qualified artist and art project that is integrated into the development in exciting and innovative ways for the enjoyment of the visitors to the site. Typically, municipalities allow for Art Consultant services as 10-20% of the project budget depending on the specific services rendered.



The following is offered for consideration as a definition of an Art Consultant:

## Art Consultant:

An organization or individual working as a professional administrator of the arts, who realizes income through the provision of services relating to the arts such as, but not limited to, identifying artists and on-site art opportunities, and contracting with artists for venues with public audiences, or providing oversight of on-site logistics, demonstrates previous success in project management, and provides leadership in completion of Public Art projects.

As a further aid to developers, the City of Costa Mesa may want to pursue a call for Arts Consultants to be pre-qualified and placed on a roster that can be shared with developers looking for Art Consultant services.

## Voluntary Participation Program

As indicated, four Orange County cities have a voluntary Public Art in private development program. As this type of effort relies on the developer to embrace the benefits of integrating Public Art into their development, it is recommended that the City of Costa Mesa offer guidance where possible to developers to assist them in this endeavor. Further, it is recommended that the City of Costa Mesa identify what incentives can be offered to developers during the zoning and development planning processes to encourage Public Art participation. Without incentives, it is difficult to imagine developers participating in the processes required, and to subject artwork they will own to the City's approval.

## Ownership and Maintenance

Artwork created through a Public Art program for placement on private property, and funded by the developer, is the property of the developer, who will be required to maintain the artwork for the life of the piece. However, development owners should be made aware of the same artists' rights and the differences between object and image ownership discussed elsewhere, as they will hold the responsibility for following the mandates of these laws.

Public Art mandated and receiving credit for compliance is commonly considered long term/permanent in nature. An expectation of 25 years or more is commonly anticipated. For the artwork to be well maintained by the current and future property owners, a notarized Covenant and Agreement registered with the Orange County Clerk-Recorder describing the artwork and requiring that current and subsequent owners maintain the work for the expected lifetime is recommended as being required. The document should indicate the term of the maintenance requirement, and that an earlier termination of the agreement is possible with the City's approval though a written release by the City.

## Approval of Public Art Projects

City approval for Public Art proposed by developers for credit in the case of a mandated ordinance being in place, or for voluntary compliance if incentives have been offered in exchange for Public Art participation is required. With a robust criterion defining Public Art, agencies address approval in one of two ways: Either the review and approval is considered as an objective review based on the criteria and performed by the arts program city staff (such as the City of Los Angeles, Los Angeles County, or San Diego), or the staff performs a preliminary review and the Arts Commission performs the final review and approval based on the criteria (such as the City of Brea or Culver City).

## Criteria, Artwork Identification and Artist Selection

In addition to the requirement that the Public Artwork fit within the definition, the proposed art should uplift the development environment and be accessible for the community's enjoyment. As with Public Art that the City commissions, care should be taken to select a location with high visibility, work that is in harmony with the surroundings, and is accessible by the community during regular business hours. The artwork should be complimentary to the built environment, and constructed of appropriate long-term materials such as metal, stone, glass, tile, etc.

As they are the owners of the work, the identification of the specific project and artist are under the purview of the developer. However, the developer bringing an Art Consultant on board can greatly aid in the quality of the project as a wide range of artists with diverse styles and new ideas can be brought in for consideration.



## Process

Developers should be made aware of the Public Art mandate if an ordinance is in place or the possibility of gaining incentives if participation is voluntary as early as possible in the project planning stage. It is at this early juncture that the developer can discuss the options and possibilities with City staff.

### Preliminary Approval

Prior to the developer obtaining their building permit, they would file a preliminary Art Plan Application indicating the type of project being pursued, the preliminary budget schedule, and the process for artist identification.

The Parks and Community Services Director or their designee should review the preliminary Art Plan Application, and if it is found complete and in compliance with the ordinance or voluntary participation requirements, approve the preliminary plan. This approval will be deemed sufficient for the issuance of a Building Permit.

Within 60 days of the applicant obtaining a Building Permit, a final Art Plan Application for placement of artwork on private property should be submitted to the department with information including, but not limited to:

- Final sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork and its compliance with the ordinance requirements.
- An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs.
- Preliminary plans containing such detailed information as may be required by the department to adequately evaluate the site location of the artwork in relation to the proposed development and its compatibility with the neighborhood in which it is located. A narrative statement indicating how the artwork will be displayed in a public place freely available to the public at least ten (10) hours each day, or equivalent alternatives acceptable to the city.

## Final Approval

The Parks and Community Services Director or their designee shall review the final application, and if it is found complete and in compliance with the requirements of the ordinance, prepare a recommendation to the Arts Commission.

The commission shall be responsible for review and approval of the proposed artwork for its compliance with the ordinance requirements, aesthetic quality, and the proposed location of and public accessibility to the artwork.

An applicant may appeal the decision of the commission to the City Council. Action by the City Council is final.

### Project Completion

At the completion of the project the developer should provide a copy of the registration receipt for the Covenant and Agreement, photos of the completed artwork, final expenditure report, information about the artist and artwork, etc. City staff should perform a site visit to confirm the work is completed and satisfactory. A plaque identifying the artist, title of the work and crediting the program should be placed by the artwork by the developer as part of the project.



## Financial Securities and Project Completion Guarantees

Municipalities handle the process of ensuring the satisfactory completion of the project in different ways. Developers receive compliance credit for their project in the form of an Approved Art Plan prior to a Building Permit being issued. Once the Developer has the Building Permit in hand, the City will require a way to ensure the project is completed satisfactorily as approved in advance.

If the project will be guaranteed to be completed in tandem with the building construction, then the Certificate of Occupancy can be tied to the satisfactory completion of the Art Plan and receipt of all closing documents such as the registration of the Covenant and Agreement, project documentation etc.

However, the completion of the art project may not coincide with the completion of the building and the City may not wish to withhold the Certificate of Occupancy waiting for the artwork.

In this instance, the best practice is to allow the developer to provide a Certificate of Deposit or a Letter of Credit to the benefit of the City that can be held and cashed in should the developer default on the project. This financial security would be automatically renewing to remain viable past the building completion date. Once the project is complete the Director of the Parks and Community Services Department can sign a release of the document back to the developer.

It may be tempting to utilize the Performance Bond process to guarantee the project, but this form of security is not recommended and is not appropriate for Public Art as discussed earlier.



The Storyteller by Jason Meadows

# Budgeting for Public Art Projects

## Utility Box Program

“The City of Costa Mesa owns over 120 utility boxes at signalized intersections throughout the city and is dedicated to incorporating art into public spaces. A Utility Box Art Program was launched in early 2015 to spotlight a handful of utility boxes as beautiful art pieces. The city currently has over 40 utility art boxes that display artwork from local artists.” From City of Costa Mesa 2022 Utility Box Program Handbook (see Appendix). Current budget is \$12,500 which covers up to 10 new artworks per year, including maintenance expenses. The artist honorarium for creating a work to be placed on a utility box is \$300. The City invites sponsorships of utility boxes (\$1,500 to \$2,500) and permits up to 20% of the space for sponsor branding. Complete details may be found in the Handbook.



## Temporary Public Art Programs

Sculpture Program: Annual program costs can range from \$100,000 to \$500,000 (not including City Staff time), depending upon the number of sculptures to be displayed each year and the length of the exhibition for each work. Costs include project management consultant, artists fees, site preparation, installation, and de-installation. Site preparation costs will vary based on the number of concrete pads needed each year—more in the beginning, diminishing in subsequent years because the program reuses existing pads for replacement sculptures. The Sculpture Exhibition in Newport Beach Civic Center Park, now entering its eighth phase, has an annual budget of approximately \$175,000. It exhibits twenty works concurrently, with ten works rotated in and out each year. For more information, visit: <https://www.newportbeachca.gov/government/departments/library-services/cultural-arts/sculpture-in-civic-center-park-exhibition>.

## Permanent Public Art Projects

Murals: Cost is projected at \$50,000 to \$300,000, depending upon the mural size and the number of murals commissioned – budget includes project management consultant, artists fees, installation, and annual maintenance costs based upon artist’s maintenance manual, but not City staff time.

Sculptures: Costs range from \$100,000 to \$1,000,000, including project management consultant and artist fees, site preparation, installation, and annual maintenance costs based upon the artist’s maintenance manual, but not City staff time.



# Funding Mechanisms for Public Art Projects

Municipalities commonly use the following sources to fund art endeavors in general and Public Art specifically, aside from the allocation of these endeavors through usage of the General Fund.

## Transit Occupancy Tax

As arts and culture offerings enhance the desirability of a community and support the appeal of a City as a destination, cities will commonly provide a percentage of the Transit Occupancy Tax as a line-item revenue stream. For example, the City of Los Angeles identifies 1% of the tax for (1) acquisition or placement of publicly accessible works of art; (2) acquisition or construction of arts and cultural facilities; (3) the providing of arts and cultural services; (4) restoration or preservation of existing works of art; (5) the City's costs of administering the Public Works Improvement Arts Program; and, (6) support to programs and operations of the Cultural Affairs Department.

Using a slightly different approach, the City of Laguna Beach established more than 20 years ago a Business Improvement District comprised of its hotels, which added a 2% fee per night on hotel room stays. The program mandated that half of the proceeds are distributed to the arts in a formula that supports its three mainstay institutions (Laguna Art Museum, Laguna College of Art + Design, Laguna Playhouse), its Arts Commission's Public Art Program, and more than a dozen small community arts organizations. More than \$1 million is generated for the arts annually from this mechanism. The rationale for funding the arts through this program was that it supports year-round arts activities that contribute to filling hotel rooms during the off-season.

## Public Works and/or Private Development Percent for Art Policies

A natural enhancement to public works development is the integration of Public Art into the construction and improvement of City facilities. As permanent Public Art is considered a capital improvement, it is generally eligible as an expense in tandem with grants or other outside funding for these projects. Depending on the source, facility funding can be less restrictive, allowing for a wide array of arts programming on the site of the development.

Municipalities have allocated between 1-2% of the cost of construction for these projects as part of the regular budgeting process. Among Orange County's 34 cities, there are currently 7 that mandate Public Art within their communities: Brea, Buena Park, Dana Point, Laguna Beach, Santa Ana, Tustin, and Westminster. Two more cities are expected to join that list upon approval of Public Art Plans they are completing: Anaheim and Huntington Beach. (See Appendix for more details.)

The mechanism used most frequently is the assessment of a fee ranging from 0.5% to 1.25% on the total cost of new construction or renovations on projects valued at or above a baseline amount. Fees may apply to City capital improvements, private development, or both. Policies vary, with private developers, in some cities, permitted to acquire and install art on their property to fulfill the requirement (with City review and approval), or instead to pay into an in-lieu fund managed by the City to acquire and install Public Art on City-owned property.

## Quimby Funds

Restricted to parks, there are instances where the integration of Public Art into park enhancements can be eligible and a great use of the fund. This is a consideration that merits exploration on a case-by-case basis.



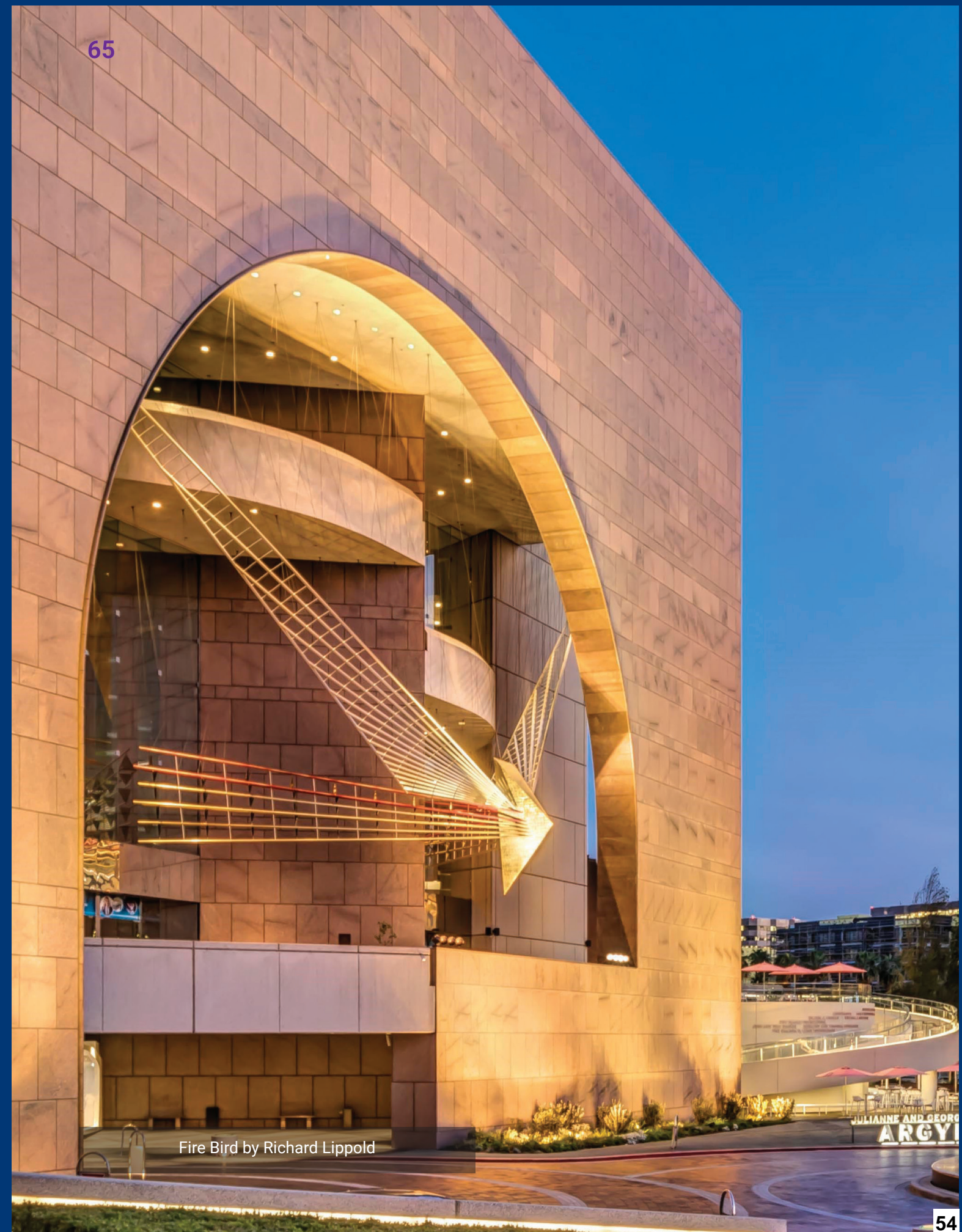


## New State of California Funding

In June 2022, the Legislature approved and the Governor signed a State budget that includes a \$25 million one-time General Fund appropriation for the California Department of Parks and Recreation to create a new California Cultural and Art Installations in the Parks program for state and local parks, in partnership with the California Arts Council. Installations will reflect local cultural heritages, connect the public to natural resources of state and local parks, and provide contemporary experiences to visitors. Details are forthcoming.

## Private Funds

The success of most robust municipal art in public places programs is due to the investment of public funds, regarding the value of Public Art as similar to libraries, community centers and parks. Nevertheless, opportunities exist for raising private support to augment public dollars for such programs, ranging from “crowdfunding” small contributions (often used for commemorative monuments) to major gifts enabling a municipality to acquire an especially costly work of art by an internationally-renowned artist. An example of this was the \$1 million gift by a donor toward the cost of commissioning art to be installed at the Golden 1 Center (a new sports arena) in Sacramento.

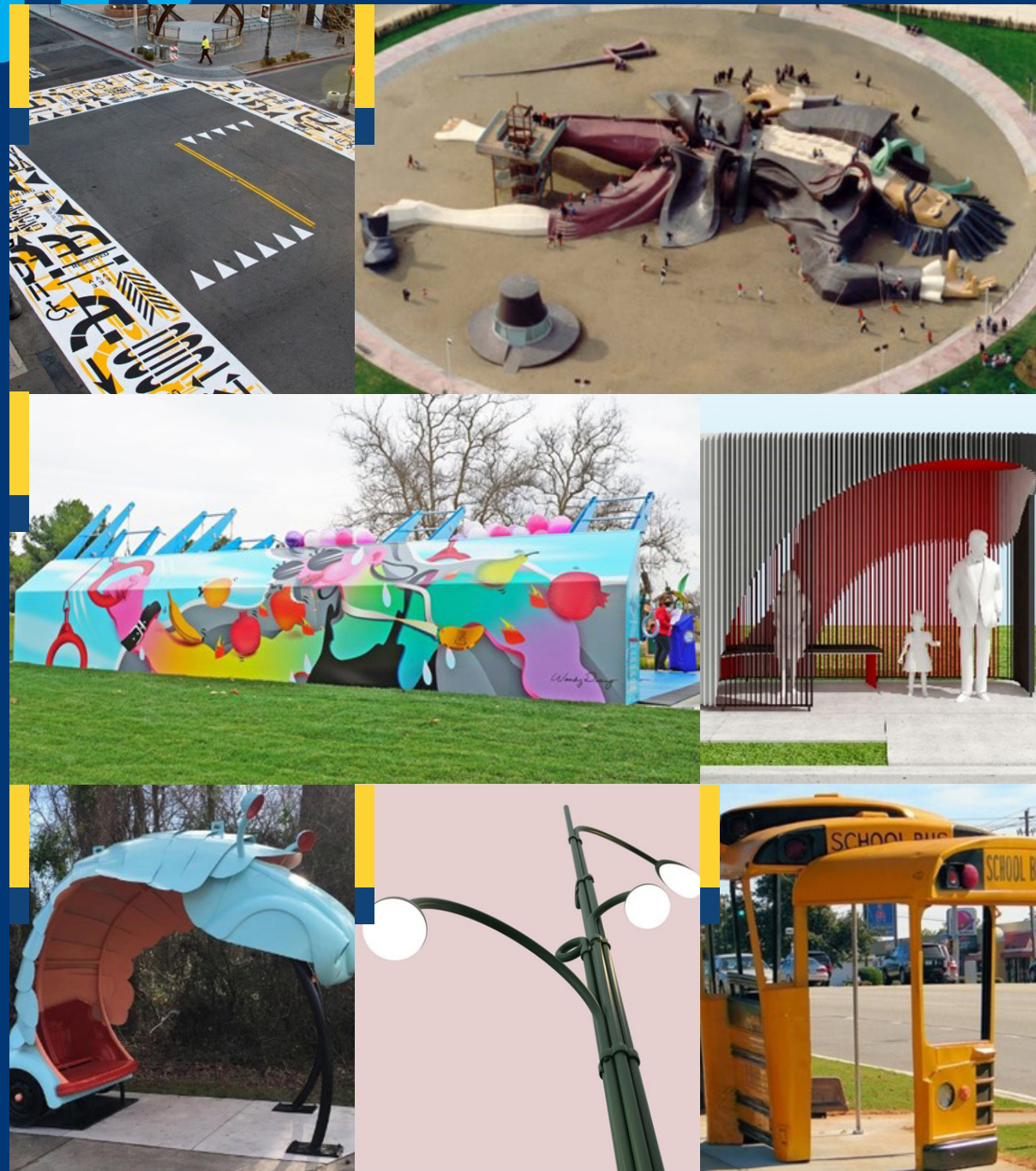


Fire Bird by Richard Lippold



Under the Public Art Goal #2:

## Imaginative Design in Functional Elements



As described in the Arts & Culture Master Plan:

**Action 2.6:** Incorporate imaginative design in all the City's functional elements and fixtures.

"There are artists and existing companies that specialize in the custom fabrication of creatively designed elements such as streetlights, playground equipment, fitness stations, bus shelters, benches. After a period of research, the City should conduct a call for artists to submit designs, which would be selected by the City through a process involving the Cultural Arts Committee, Planning Commission, City staff and Council. Based on budget, the City can choose to transform the chosen elements over a short period of time or phase them in as replacement of older elements."

## Streetlights

Streetlights comprise a prolific functional element in the urban environment that require routine replacement over the years and addition to the cityscape when new land use developments take place.

Some cities have embellished their appearance in subtle or dramatic ways. Historic "old town" districts of cities are often emphasized through the use of "Gaslamp"-style fixtures. Contemporary developments have gravitated to more geometrical designs for their exterior lighting needs on pathways and sometimes adjacent streets.

Many decorative designs for streetlights are commercially available through a wide variety of sources and meet the latest eco-friendly standards by using LED lamps and solar or wind energy.

But "off the shelf" products don't precisely fulfill the vision of the Arts & Culture Master Plan, which indicates a desire for uniqueness and authenticity.





## Imaginative Design in Functional Elements

### Mission Viejo

When the planned community (now city of) Mission Viejo was developed in the 1960s, the Mission Viejo Company designed a distinctive streetlight modeled on the El Camino Real bells along the historic highway and the bells at nearby Mission San Juan Capistrano. At that time, experts said it could not be created, but representatives from General Electric and Edison worked together to transform the concept into reality and today thousands of the “Mission Bell Luminaire” streetlights illuminate the city. It is a hallmark of that community, reflecting its self-defined character.



### Los Angeles

Other cities have held open competitions for such designs, and a recent example was “LA Lights the Way,” a 2019 call for designers in architecture, design, and engineering by the City of Los Angeles to submit concepts for a new design to replace its streetlights. LA has over 210,000 streetlights in over 400 different designs citywide.

Three competitions were conducted: one open to professional designers, one for students in professional design programs, and one for all other students. Guidelines included adherence to the City’s strict public works specifications required for safe, efficient and durable streetlights. Juries for each program included representation from designers, architects, engineers, and City staff. Full program details may be found here: <https://www.lalightstheway.org/>

The winning design was announced by Los Angeles Mayor Eric Garcetti in front of the famous Chris Burden “Urban Light” installation at the Los Angeles County Museum of Art in 2020.





## Imaginative Design in Functional Elements

### Benches

Benches provide another opportunity to beautify functional elements in a City. The City of Laguna Beach includes an Artist-Designed Bench program among its Public Art programs. The selection follows their normal Public Art processes, though guidelines for the benches, as functional elements on which people may sit or lie down, are more specific as to materials and design.



The following are a few examples of **Laguna Beach** artist-designed benches:



### Bus Shelters

The City of Athens, Georgia, is widely known for artist-designed bus shelters, selected to open competitions similar to those described above. In their words, “The unique installations have sparked conversations, prompted explorations and brought the uniqueness of being an Athenian to our well-regarded Transit System. These shelters serve a practical need as well as connect with people who might not ordinarily seek out Public Art.”



## Street Calming, Pedestrian Crosswalks, Bike Lanes

“Asphalt art had a strong positive correlation with improved safety benefits across aggregated and most individual study sites,” researchers wrote in the study. “Road user behavior clearly improved across the observed study sites in the after analysis periods.” This was reported by Bloomberg Philanthropies about their Asphalt Art Initiative, which they define as “visual interventions on roadways (intersections and crosswalks), pedestrian spaces (plazas and sidewalks), and vertical infrastructure (utility boxes, traffic barriers, and underpasses).”

<https://asphaltart.bloomberg.org/>





The City of Portland, Oregon has more than 100 street art paintings. A recent article by BikePortland cited the following statistics from the Bloomberg Philanthropies report: “a 50% decrease in the rate of crashes involving pedestrians or other vulnerable road users, a 37% decrease in the rate of crashes leading to injuries, and a 17% decrease in the total crash rate. The user behavior assessment yielded similar results; a 25% decrease in pedestrian crossings involving a conflict with drivers, a 27% increase in frequency of drivers immediately yielding to pedestrians with the right of way, and a 38% decrease in pedestrians crossing against the walk signal.” They did so in order to rebut “For years, the official stance from the Portland Bureau of Transportation has been that intersection paintings have no traffic safety impacts and are simply a tool to build community and bring people together around a shared neighborhood identity.”



In September 2020, with support from the nonprofit Costa Mesa Alliance for Better Streets, Costa Mesa installed traffic calming street art on a temporary basis to test the concept and the public’s response. The artwork was created by Costa Mesa artist Salina Mendoza.



Monrovia & 19th Streets, Costa Mesa



Wallace & Center Streets, Costa Mesa



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Imaginative Design in  
Functional Elements

## Playgrounds and Fitness Stations

Playgrounds worldwide for decades have showcased artist-designed equipment and whimsical experiences for children. While off-the-shelf playground themes are readily available, this is another opportunity for a city to demonstrate its uniqueness by commission artists in the creation of playground equipment.

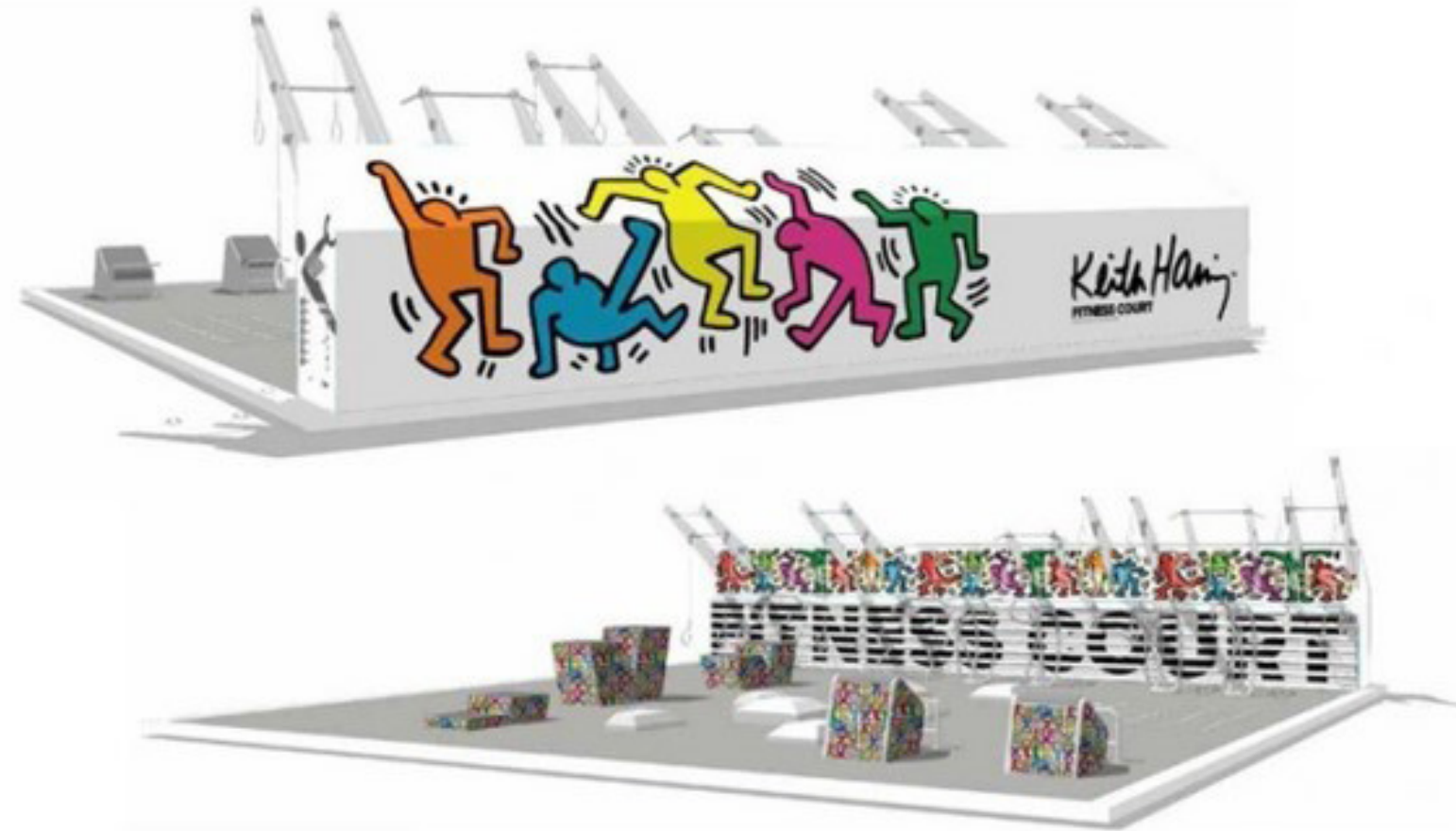
Interestingly, just a few years ago, the National Fitness Campaign partnered with the Keith Haring Foundation (administrator of the famous artist's estate) to offer communities a number of options to license stock outdoor fitness courts with Haring's easily recognizable art emblazoned on their walls. However, in response to many communities' requests, the National Fitness Campaign also opened up the opportunity for its fitness courts to be designed by artists chosen by local communities through commissions and competitions.

A playground depicting the literary character of Gulliver in Portugal



75

National Fitness Campaign's fitness court using licensed art by the late Keith Haring can instead feature the work of artists chosen by local communities



Example of a National Fitness Campaign fitness court with art by a locally-chosen artist.





# Utility Boxes

Costa Mesa already has a successful and growing Utility Box Art Program. See p. 94 and following for its June 2022 Handbook.

## Costa Mesa

- Utility Art Box Program Handbook (draft 6/2022). The Handbook outlines the process:
- Use of vinyl wraps
  - Maintenance & Repair – City responsible
  - Submission for Artists – Artist Honorarium (\$300)
  - Submission for Sponsorships – can use name & logo on box plus artwork (\$1,500 to \$2,000 for private, for-profit businesses and \$600 to \$1,000 for public and non-profit organizations.)
  - Review & evaluation by staff and Costa Mesa Cultural Arts Committee (which was converted to Commission status in 2022)

Orange County cities with Utility Box Art Programs Include:

## Buena Park

New Art in Public Places Program specifically for city public locations. Program does utility boxes (vinyl wrap) and murals (public pool).

## Dana Point

Dana Point just completed Phase 3 of the Utility Box Public Art Program. Priority is given to local artists for the vinyl wrap boxes. Artwork is selected by the City of Dana Point Arts & Culture Commission. Each selected artist receives a \$250 honorarium.

## San Clemente

The City of San Clemente and the San Clemente Art Association created this pilot beautification project, “Street Art” in 2012. Each artist selected received a \$500 honorarium and a supply voucher up to \$200.

The boxes are painted with the predominant themes of nature and the surf culture.

## Santa Ana

In 2020, the City of Santa Ana Arts & Culture Office did a Call for Art for their Utility Box Art Program. This was for artists who live, work, or study in Santa Ana. Artists painted the boxes and received an honorarium of \$400.

## Tustin

Creative Signals, Traffic Signal Cabinet Public Art Program. This was established in 2018 working with the Public Art Committee. Individuals, organizations, and businesses are invited to donate a Public Art project to the City of Tustin by having an original vinyl wrap designed and



Utility Box 39 by Jason Maloney

# Functionality and Cost

Adding imaginative design or artistic treatments to functional elements in the cityscape requires adherence to specifications for safety, energy efficiency, durability, ease of maintenance, and other concerns. This can sometimes add to the cost of acquisition, which should be taken into account when planning such projects. But the costs should also be weighed against the value to the City in terms of beautification, community engagement, and contribution to the image and “brand” of Costa Mesa as “City of the Arts.”





# About the Consultant

Arts Orange County (ArtsOC) is the leader in building appreciation of, participation in, and support for the arts and arts education in Orange County, California. A countywide nonprofit arts council, Arts Orange County is designated by the County's Board of Supervisors as its official Local Arts Agency and State-Local Partner. Founded in 1995, ArtsOC offers a broad range of traditional arts council programs and services that are augmented by an innovative portfolio of consulting and project management services for government, education and nonprofit organizations.

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# Appendix

Historic  
COSTA MESA

Historic Costa Mesa by Allyson Jones Wong



## Mandatory Public Art – 4 Cities

These cities have ordinances requiring the acquisition and installation of art as part of public and/or private development.

### Brea

Development projects with a total project valuation of between \$1,500,000 and \$3,999,999 have the option of contributing sculpture allocation funds to Brea's Art Fund in lieu of installing sculpture at the project site. Development projects with a total project building valuation of \$4,000,000 or more must install sculpture at the project site. 1% of total project valuation. Program has been in place since 1975 with more than 180 artworks on display citywide.

### Buena Park

New public parks and City capital improvements must include Public Art component (enacted 2019)

### Dana Point

0.5% on private and public development projects (except County of Orange Dana Point Harbor)

### Laguna Beach

All new commercial and industrial development, residential development (including subdivisions) of more than four lots or units, remodeling, repair, or reconstruction of buildings in the above two categories when the value exceeds \$225,000.00, and certain City public works projects when the value exceeds \$225,000.00.

Acquire and install an artwork on the project site which is of at least 1% of the total project valuation, or pay an in-lieu fee which is a contribution to the Art In-Lieu fund and will be equal to 1.25% of the total project valuation.

In 2020, Temporary Public Art Installations were developed with funding from the Arts Commission Special Program Budget. Arts Commission budget generated from revenues from the Business Improvement District, Transient Occupancy Tax (TOT), and donations.

## Non-Mandatory Programs – 4 Cities

These cities encourage private developers to incorporate Public Art into their projects and provide guidelines with varying degrees of detail.

### Anaheim

Anaheim is at beginning stages in preparing a Public Art Plan. They are doing research on all the different communities in the city, looking at both cultural and historical aspects.

### Huntington Beach

There is a draft Public Art Master Plan (2020) that has not been approved. The purpose of the Plan is to guide the process for Public Art within the City. Plan proposes to form an ad hoc Art In Public Places Committee to develop policies and procedures for the use of currently available Public Art in Parks funds.

### Newport Beach

Newport Beach recognizes the importance of Public Art to enhance and beautify the city under an Art in Public Places Council Policy. For the past 10 years, emphasis has been on the temporary Sculpture Exhibition in Civic Center Park, where 10 pieces are loaned for a 2-year period (20 works on display simultaneously). Phase VII was just installed and will be up through June 2024. The City has utilized various sources to pay for it over the years, including proceeds from a development fee, General Fund, contribution from a hotel fee (Business Improvement District), a State of California grant, and supplemental funds from a fundraising auxiliary to the City's Arts Commission.

### Santa Ana

Santa Ana just developed Public Art Guidelines, Chapter 15, as part of the Citywide Design Guidelines. In that, Public Art associated with commercial development is encouraged. Public Art projects such as fitness court murals, utility boxes, and a beautification project (Willits and Sullivan) have been implemented recently primarily as special projects directed by the City Council.

# Inventory of Public Artworks in the City of Costa Mesa

Permanent Artworks (58)

**California Scenario** (Award Winning, 1994) / stone, water, metal, plantings / 1980-1982  
**Artist:** Isamu Noguchi  
**Location:** Pacific Arts Plaza, 611 Anton Boulevard

**Connector** (Award Winning, 2006) /weatherproofed steel sculpture / 2006  
**Artist:** Richard Serra  
**Location:** Segerstrom Center for the Arts, 600 Town Center Drive

**Costa Mesa Bloom** / mural / 2019  
**Artist:** Aaron Glasson  
**Location:** Triangle Square, Harbor Boulevard and 19th Street

**Cytocast** / ultra-high performance concrete and micro-rebar sculpture/ 2018  
**Artist:** Joseph Sarafian and Orange Coast College Architecture students  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Dick Church’s Restaurant Mural** / mural / date unknown  
**Artist:** Jennifer Bloomfield  
**Location:** Dick Church’s Restaurant, 2698 Newport Boulevard

**Dolly Parton Mural** / mural / 2021  
**Artist:** David Gilmore  
**Location:** The Strut Bar and Club, 719 West 19th Street

**Electric Bike Company Mural** / mural / 2021  
**Artist:** Jennifer Bloomfield  
**Location:** Electric Bike Company, 1945 Placentia Avenue

**Fermi** / marble modular sculpture / 1975  
**Artist:** Tony Smith  
**Location:** 650 Town Center Drive

**Fire Bird** / gold, silver, and red stainless steel sculpture / 1986  
**Artist:** Richard Lippold

**Location:** Segerstrom Center for the Arts, 600 Town Center Drive

**Floyd’s 99 Barbershop Mural** / spray paint mural / 2017  
**Artist:** Jonas Never  
**Location:** Former Floyd’s 99 Barbershop, 124 East 17th Street

**Food for the Soul** / spray paint mural / 2021  
**Artist:** Brian Peterson and Damin Lujan  
**Location:** Someone Cares Soup Kitchen, 720 West 19th Street



**Four Lines Oblique Gyratory-Square IV** / kinetic steel sculpture / 1973  
**Artist:** George Rickey  
**Location:** 650 Town Center Drive

**Friends of Brentwood Park** / wall mural / 2017  
**Artist:** Becky Feltman  
**Location:** Brentwood Park, 260 Brentwood Street

**Historic Costa Mesa** / painted mural / 2012  
**Artist:** Allyson Jones Wong  
**Location:** Sparks Enterprises, 1500 Adams Avenue

**Hombre and Mujer** / 2 sculptures / 2001  
**Artist:** Vladimir Cora  
**Location:** Mesa Art and Framing, 789 West 19th Street

**Home Sweet Home** / wall mural / 2019  
**Artist:** Brian Peterson  
**Location:** First United Methodist Church, 420 West 19th Street

**Jonah and the Whale** / bronze sculpture in pool / 1918  
**Artist:** Carl Milles  
**Location:** 650 Town Center Drive

**Kobe and Gianna Bryant Tribute Mural** / mural / 2020  
**Artist:** Tyke Witnes  
**Location:** 739 West 19th Street

**Kobe Bryant Mural** / mural / 2020  
**Artist:** Efren Andaluz  
**Location:** SOCIAL Costa Mesa, 512 West 19th Street

**Las Poderosas Mural** / mural / 2020  
**Artists:** Alicia Rojas, Camilo Romero, and the Santa Ana Community Artist(a) Coalition  
**Location:** Baker Street and Killybrooke Lane

**Mustang Legacy Wall Project** / brick wall mural / 2017  
**Artist:** Costa Mesa High School Foundation  
**Location:** Costa Mesa High School, 2650 Fairview Road

**Neptune Water Spouts** / ceramic fountain heads and fountain / 1975  
**Artist:** Betty Davenport Ford  
**Location:** 686 Anton Boulevard

**Night Shift** / Sierra white granite and stainless steel sculpture / 1982  
**Artist:** Jim Huntington  
**Location:** 686 Anton Boulevard

**Oiseau** / bronze sculpture / 1981  
**Artist:** Joan Miro  
**Location:** 650 Town Center Drive

**Orange County Graffiti Mural** / mural / date unknown  
**Artist:** Graffiti LA  
**Location:** Former Rollin Deep Ice Cream, 891 Baker Street, Suite B-19





**Pablo Universal** / painted mural on building / 2013  
**Artist:** David Flores  
**Location:** Former DAX Gallery, 2951 Randolph Street

**Reclining Figure** / bronze sculpture / 1981  
**Artist:** Henry Moore  
**Location:** 600 Town Center Drive

**Sun Glitter** / bronze sculpture / 1932  
**Artist:** Henry Moore  
**Location:** 650 Town Center Drive

**Sun Ribbon** / glass and metal windscreen sculpture / 1980  
**Artist:** Claire Falkenstein  
**Location:** 686 Anton Boulevard

**Table of Dignity** / installation and murals / 2017  
**Artists:** Ricardo Mendoza, Josh Sarantitis, and Emigdio Vasquez Jr.  
**Location:** 88 Fair Drive

**Taco Mesa Mural** / mural on exterior wall / date unknown  
**Artist:** Unknown  
**Location:** Taco Mesa, 647 West 19th Street

**The Artist's Vision** / metal sculpture / 2004  
**Artist:** James McDeamas  
**Location:** 77 Fair Drive

**The Free Britney Mural** / mural / 2021  
**Artist:** David Gilmore  
**Location:** Donkey D's, 820 West 19th Street

**The Ram** / painted steel sculpture / 1979  
**Artist:** Charles O. Perry  
**Location:** 686 Anton Boulevard

**The Storyteller, Upstage / Downstage, The Herald** (Spatio Virtuo Teatro) / 3 painted steel sculptures / 2006  
**Artist:** Jason Meadows  
**Location:** Terrace at South Coast Repertory, 655 Town Center Drive

**Thalo Sun** / paint on wood mural / 2021  
**Artist:** Gabriella Kohr  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Tour Aux Jambes** / polystyrene, polyester, and epoxy sculpture / 1973-1980  
**Artist:** Jean Dubuffet  
**Location:** 695 Town Center Drive

**Untitled – B-24 Mural** / mural / 2021  
**Artist:** Nancy Hadley  
**Location:** 17th Street

**Untitled – Bootleggers Brewery Mural** / mural / date unknown  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street



**Untitled – Crack Shack Mural** / mural / date unknown  
**Artist:** Unknown  
**Location:** The Crack Shack, 196 East 17th Street

**Untitled** / acrylic, spray paint mural / 2009  
**Artists:** El Mac and Retna  
**Location:** RVCA Headquarters, 960 West 16th Street

**Untitled** / exterior color primer paint mural on building / 2018  
**Artist:** Joshua Madrid  
**Location:** Volcom Skate Park, 900 Arlington Drive

**Untitled** / 7 paint on wall-mounted canvas panels / 2018  
**Artist:** Joshua Madrid  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled CD Tunnel** / compact discs installation / unknown date  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled Gazebo** / sculpture / unknown date  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled – Faces Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled – Industrious Costa Mesa Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** Industrious Costa Mesa, 3090 Bristol Street

**Untitled – Parking Lot Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** Industrious Costa Mesa, 3090 Bristol Street

**Untitled – Parking Lot Mural 2** / mural / unknown date  
**Artist:** Unknown  
**Location:** Industrious Costa Mesa, 3090 Bristol Street



**Untitled** / spray paint mural / unknown date  
**Artist:** Barry McGee  
**Location:** RVCA Headquarters, 960 West 16th Street

**Untitled – Save Our Youth Mural** / mural / unknown date  
**Artist:** Save Our Youth  
**Location:** Save Our Youth Foundation, 2045 Meyer Place

**Untitled – Social Costa Mesa Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** SOCIAL Costa Mesa, 512 West 19th Street





**Mural** / mural painted on exterior wall / unknown date  
**Artist:** Unknown  
**Location:** Tewinkle Intermediate School, 3224 California Street

**Untitled – RVCA Headquarters Mural** / spray paint mural / unknown date  
**Artist:** Unknown  
**Location:** RVCA Headquarters, 960 West 16th Street



**Utsurohi 91 – Costa Mesa** / chromium-plated steel and ceramic tile sculpture / 1991  
**Artist:** Aiko Miyawaki  
**Location:** 695 Town Center Drive

**Welcome Home** / acrylic spray paint mural / 2017  
**Artist:** Shepard Fairey  
**Location:** 125 Baker Street

**Welcome to Costa Mesa** / spray paint mural / date unknown

**Artists:** Brian Peterson and Damin Lujan  
**Location:** 21st Street

**Wilson Elementary Mural** / mural / 2022  
**Artist:** Jennifer Bloomfield  
**Location:** 801 West Wilson Street

**Yes, No, Maybe (Neon Art)** / neon art / date unknown  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Utility Box Art Program**  
**Current:** 51  
**Former:** 11  
("Former" refers to previous artworks that have been removed.)

**Utility Box 1 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Al McCoy  
**Location:** Formerly 19th Street and Placentia Avenue

**Utility Box 2** / sticker wrapped utility box / 2015  
**Artist:** Michael Ward  
**Location:** Placentia Avenue and Wilson Street

**Utility Box 3 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Scott Kennedy  
**Location:** Formerly Placentia Avenue and 16th Street

**Utility Box 4 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Gina Clark  
**Location:** Formerly Fair Drive and Civic Center

**Utility Box 5** / sticker wrapped utility box / unknown date  
**Artist:** City of Costa Mesa – City Manager's Office  
**Location:** Park Avenue and 19th Street

**Utility Box 6 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Abby Garcia  
**Location:** Formerly Placentia Avenue and 17th Street

**Utility Box 7** / painted utility box / 2015  
**Artist:** Estancia High School Artists  
**Location:** 2323 Placentia Avenue

**Utility Box 8** / sticker wrapped utility box / 2015  
**Artist:** Segerstrom Center for the Arts Graphic Design Team  
**Location:** Bristol Street and Town Center Drive

**Utility Box 9** / sticker wrapped utility box / 2016  
**Artist:** Thomas Griffithe  
**Location:** Newport Boulevard and Victoria Street

**Utility Box 11** / sticker wrapped utility box / 2016  
**Artist:** Marie Lavallee  
**Location:** 17th Street and Westminster Avenue

**Utility Box 12** / sticker wrapped utility box / date unknown  
**Artist:** Julie Bird Mattson  
**Location:** East 17th Street and Tustin Avenue

**Utility Box 12 (Former)** / sticker wrapped utility box / 2017  
**Artist:** Papa Murphy's Graphic Design Team  
**Location:** Formerly Wilson Street and Harbor Boulevard

**Utility Box 13** / sticker wrapped utility box / 2017  
**Artist:** David Levy  
**Location:** Mesa Drive and Santa Ana Street

**Utility Box 14** / painted utility box / 2017  
**Artist:** Senior Center Artists  
**Location:** 19th Street and Pomona Avenue

**Utility Box 15** / sticker wrapped utility box / 2017  
**Artist:** Ben Brough  
**Location:** 17th Street and Santa Ana Avenue

**Utility Box 16** / sticker wrapped utility box / 2017  
**Artist:** Marie Lavallee  
**Location:** 19th Street and Anaheim Avenue

**Utility Box 17** / sticker wrapped utility box / 2017  
**Artist:** Craig Barker  
**Location:** Adams Avenue and Mesa Verde East

**Utility Box 18** / sticker wrapped utility box / 2017  
**Artist:** Bill Anderson  
**Location:** Bristol Street and Anton Boulevard

**Utility Box 19** / sticker wrapped utility box / 2017  
**Artist:** Segerstrom Center for the Arts  
**Location:** Bristol Street and Sunflower Avenue

Utility Box 20 / sticker  
wrapped utility box / 2018  
**Artist:** The Costa Mesa  
Historical Society  
**Location:** Harbor Boulevard  
and 19th Street

Utility Box 21 / sticker  
wrapped utility box / 2018  
**Artist:** The Costa Mesa  
Historical Society  
**Location:** Harbor Boulevard  
and Mesa Verde Drive

Utility Box 22 / sticker  
wrapped utility box / 2017  
**Artist:** Sharon Hurd  
**Location:** Placentia Avenue  
and Goat Hill Junction

Utility Box 23 (Former) /  
sticker wrapped utility box /  
2018  
**Artist:** Jason Carrougher  
**Location:** Formerly Placentia  
Avenue and 18th Street

Utility Box 24 / sticker  
wrapped utility box / 2018  
**Artist:** Orange Coast College  
**Location:** Fairview Road and  
Arlington Drive

Utility Box 25 / sticker  
wrapped utility box / 2018  
**Artist:** Orange Coast College  
**Location:** Fairview Road and  
Monitor Way

Utility Box 26 / sticker  
wrapped utility box / 2018  
**Artist:** Orange Coast College  
**Location:** Fairview Road and  
Merrimac Way

Utility Box 27 / sticker  
wrapped utility box / date  
unknown

**Artist:** Victor Briseno  
**Location:** Hamilton Street  
and Harbor Boulevard

Utility Box 29 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Orange County  
Fairgrounds  
**Location:** Wilson Street and  
Harbor Boulevard

Utility Box 30 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Orange County  
Fairgrounds  
**Location:** Fair Drive

Utility Box 31 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Maria Reverberi  
**Location:** Adams Avenue and  
Pinecreek Drive

Utility Box 32 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Barbara Owens  
**Location:** Milbro Street and  
Baker Street

Utility Box 33 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Iriet Peshkess  
**Location:** Baker Street and  
Fairview Road

Utility Box 34 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Wade McDonald  
**Location:** Paularino Avenue  
and Bristol Street

Utility Box 35 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Al McCoy  
**Location:** West 19th Street  
and Placentia Avenue

Utility Box 36 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Frank Gutierrez  
**Location:** Bristol Street and  
Randolph Avenue

Utility Box 37 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Bill Anderson  
**Location:** SOBECA Way and  
Bristol Street

Utility Box 38 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Scott Kennedy  
**Location:** West 16th Street  
and Placentia Avenue

Utility Box 39 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Jason Maloney  
**Location:** Bristol Street and  
Baker Street

Utility Box 40 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Costa Mesa Historical  
Preservation Society  
**Location:** Placentia Avenue  
and Fairview Park

Utility Box 41 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Julie Bird Mattson  
**Location:** National Avenue  
and Victoria Street

Utility Box 42 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Rebekah Corum  
**Location:** Newport Boulevard  
and 22nd Street

Utility Box 43 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Tanya Lozano  
**Location:** Bear Street and  
South Coast Drive

Utility Box 44 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Jeff Gillette  
**Location:** Harbor Boulevard  
and Fair Drive

Utility Box 46 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Bob Hogue  
**Location:** South Coast Drive  
and Harbor Boulevard

Utility Box 47 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Costa Mesa Historical  
Preservation Society  
**Location:** Harbor Boulevard  
and Merrimac Way  
Utility Box 48 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Marco de Jesus Nino  
**Location:** Mesa Drive and  
Newport Avenue



Utility Box 49 / sticker  
wrapped utility box / 2021  
**Artist:** Jennifer Bloomfield  
**Location:** Newport Boulevard  
and Del Mar Avenue

Utility Box 50 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Richard Walsh  
**Location:** Red Hill Avenue and  
Baker Street East



Utility Box 51 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Costa Mesa Historical  
Preservation Society  
**Location:** Newport Boulevard  
and Bay Street

Utility Box 52 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Jeff Lee  
**Location:** West Sunflower  
Avenue and Susan Street

Utility Box 53 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Johnathan Schiesel  
**Location:** American Avenue  
and Victoria Street

Utility Box 54 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Ronald Chee  
**Location:** Adams Avenue and  
Royal Palm Drive

Utility Box 55 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Sonya Teymourian  
**Location:** Superior Avenue  
and Industrial Way

Utility Box 56 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Ana Paula Lima  
**Location:** East 17th Street  
and Newport Boulevard

Utility Box 57 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Britt Bastedo  
**Location:** Harbor Boulevard  
and West Bay Street

Utility Box 58 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Sonya Teymourian  
**Location:** Fairview Road and  
Fair Drive

Utility Box 59 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Bob Hogue  
**Location:** West 19th Street  
and Meyer Place

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / 2020  
**Artist:** Bonnie Matthews  
**Location:** Formerly Bear  
Street and Baker Street

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / 2015  
**Artist:** Bridget Bourgon  
**Location:** Formerly 19th  
Street and Harbor Boulevard

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / 2018  
**Artist:** Chris Simmons  
**Location:** Formerly Fairview  
Road and Fair Drive

Utility Box (Former -  
Unnumbered) / painted utility  
box / 2015  
**Artist:** Marilyn Scott-Waters  
**Location:** Placentia Avenue  
and 18th Street

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / date  
unknown  
**Artist:** Raising Canes  
**Location:** Harbor Boulevard  
and Baker Street

SAMPLE PUBLIC ART IN PRIVATE DEVELOPMENT

# Definitions and Eligibilities from Other Municipalities



City of **San Diego**:

“Artwork – An artwork may be in any style, expression, genre or media, provided that it is designed by an artist as defined herein. Artworks may be stand-alone, functional, or integrated into the architecture or landscaping and should encompass the broadest range of expression, media and materials.

Artwork includes:

Sculpture: may be made of any material or combination of materials; may be free standing, wall supported or suspended, kinetic, electronic or mechanical. Murals or paintings: may be made of any material or variety of materials with or without collage; may be made with traditional or non-traditional materials and means.

Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, literary expression, calligraphy, any combination of media, including audio, video, film, CD-ROM, DVD, holographic or computer-generated technologies, or new genres.

Artwork as defined herein may be permanent, fixed, or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals.”

The City of Los Angeles listing of projects eligible for their Arts Development Fee Credit, please note that the City of Los Angeles has a broader range of cultural services eligible for compliance:

“

“Credits.

(b) Cultural and artistic facilities are defined as follows:

(i) Exhibit/Performance Space: Public gallery/exhibition space, public performance spaces, Public Artistic studio spaces, Public Arts education facilities.

(ii) Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials.

(iii) Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of non-traditional materials and means.

(iv) Earthworks, fireworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media, including sound, film, holographic, and video systems, hybrids of any media and new genres.

(v) Standardized fixtures such as grates, streetlights, signage, and other design enhancements, as are rendered by an artist for unique or limited editions.

(vi) Similar facilities on culture and the arts as determined by the Cultural Affairs Department.

(c) Cultural and artistic services are defined as follows:

(i) Performing arts: Theatre, dance, music, and performance art.

(ii) Literary arts: Poetry readings and story telling.

(iii) Media arts: Film and video, screenings, and installations.

(iv) Education: Lectures, presentations, and training in and about arts and culture.

(v) Special events: Parades, festivals, and celebrations.

(vi) Similar services on culture and the arts as determined approved by the Cultural Affairs Department.”

Connector by Richard Serra

Equally important is the listing of works not eligible for compliance. The following are examples of this aspect:

“

City of Los Angeles:

“The following facilities, services and community amenities are ineligible costs for a credit provided herein:

(i) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art.

(ii) Art objects which are mass produced of standard design such as playground equipment, fountains, or statuary objects.

(iii) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.

(iv) Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this design enhancement purpose.

(v) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.

(vi) Services or utilities necessary to operate or maintain the artwork over time.”

Los Angeles County includes the following as an ineligible project to ensure the artwork does not contain a commercial message:

“

“Artworks that contain a commercial message by referencing, presenting, or promoting a product or service that is available on or off site of the subject property through text, image, logo, trademark, or other mechanism”







# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1477

**Meeting Date:** 12/7/2023

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**TITLE:**

**PERMANENT PUBLIC ART ON PUBLIC PROPERTY**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**

**RECOMMENDATION:**

It is staff recommendation that the Arts Commission review the new commissioning process for Permanent Public Art on Public Property (Attachment 1).





## Agenda Report

Arts Commission

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Item #: 23-1477

Meeting Date: 12/7/2023

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**TITLE:** PERMANENT PUBLIC ART ON PUBLIC PROPERTY REVIEW

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**PRESENTED BY:** LAURETTE GARNER, ARTS SPECIALIST

**CONTACT INFORMATION:** LAURETTE GARNER, ARTS SPECIALIST, (714) 754-5322

### **RECOMMENDATION:**

It is staff recommendation that the Arts Commission review the new commissioning process for Permanent Public Art on Public Property (Attachment 1).

### **BACKGROUND:**

The Art in Public Places Report created by consultant, Arts Orange County was approved by the Arts Commission on April 6, 2023, to address aspects of the Arts and Culture Master Plan's Goal #2: Expand Public Art throughout the City. The following initiatives were recommended as follows:

**Action 2.1:** Continue the City-operated program of temporary utility box art, which affords opportunities to local artists, established and emerging, to create images that offer the community beautification. Review additional sites that are suitable for such installations, including wayfinding signage.

**Action 2.2:** Develop a plan for more ambitious temporary and permanent public art, including the identification of potential locations around the City, creation of policies with respect to selection and acquisition of artworks, and determination of the funding sources to be used.

**Action 2.3:** Temporary art programs are very popular with the public because they are constantly refreshed with new works, offering a variety of themes, styles, shapes, colors, and scale to the cityscape. Create a new program of temporary installations of large-scale sculptures. We recommend two-year loans, placed at sites inclusive of all the City's districts. This can be ramped up gradually by installing three works in Year 1 (one in each of three districts), adding three (3) in Year 2 (in the remaining districts), and then continuing to rotate the works on expiring loans annually.

**Action 2.4:** City may consider adopting a policy mandating fees for public art from new development projects.

**Action 2.5:** Create a new program of permanent public art and implement the process of selecting and installing a first work.

**Action 2.6:** Incorporate imaginative design in all the City's functional elements and fixtures. There are artists and existing companies that specialize in the custom fabrication of creatively designed elements such as street lights, playground equipment, fitness stations, bus shelters, benches. After a period of research, the City should conduct a call for artists to submit designs, which would be selected by the City through a process involving the Arts Commission, Planning Commission, City staff and Council. Based on budget, the City can choose to transform the chosen elements over a short period of time or phase them in as replacement of older elements.

The new commissioning process for Permanent Public Art on Public Property is part of Action 2.2: to develop a plan for more ambitious temporary and permanent public art and 2.5: to create a new program of permanent public art and implement the process of selecting and installing a first work. Permanent public art and the commissioning process can also be found within the Art in Public Places Report beginning on page 14 (Attachment 2).

The first step of Action 2.2 was to establish Public Art Criteria and Guidelines to assist with new temporary and permanent public art projects in the future, which was brought to the Arts Commission on May 4, 2023. The Murals on Private Property permit application and process was brought to the Arts Commission in June of 2023 and Murals on Public Property was presented in October of 2023. Permanent Public Art on Public Property is one of the next steps in this process.

### **ANALYSIS:**

The Art in Public Places Report is a comprehensive report of recommendations for programs and policies and provides detailed specifics as to how the six (6) initiatives from the Arts and Culture Master Plan may be executed in the next three (3) years. Each of the components below detailed in the Art in Public Places Report, will be crucial to assisting staff in creating new policies and processes:

1. Public Art Commissioning Process
2. Public Art Collection Management
3. Murals and the Commissioning Process
4. Public Art Donations and the Criteria
5. Public Art inclusion in City Public Works Development Projects
6. Public Art inclusion in Private Development Projects

The newly drafted commissioning process for Permanent Public Art on Public Property will address numbers one (1) and five (5) from the Arts & Culture Master Plan initiatives, and will also be part of a larger Public Art Policy document created by staff in the coming months.

Staff reviewed public art program examples from various cities and provided an example of a Capital Improvement Public Art Program from the City of Pasadena (Attachment 3) and a Public Art Request for Qualifications from Salt Lake City (Attachment 4).

Staff will be working on the individual public art initiatives from the Arts & Culture Master Plan, and implementing them one by one. Once reviewed, staff will begin work to create sustainable processes and procedures for the City moving forward.



**FISCAL REVIEW:**

There are currently no costs associated with this process.

**LEGAL REVIEW:**

There is no legal review required for this report.

**CONCLUSION:**

Review and discuss the commissioning process for Permanent Public Art on Public Property for citywide implementation.



## **PERMANENT PUBLIC ART ON PUBLIC PROPERTY**

### **CRITERIA FOR THE SITING OF PERMANENT PUBLIC ART**

#### **Permanent Public Art should be placed:**

- Where there are high levels of pedestrian traffic
- For a specific purpose and in a specific location; celebrating Costa Mesa history, services, culture, and heroes
- To enhance the aesthetics of specific areas of Costa Mesa; areas that are lacking public art (westside of the City)
- In an environment that accommodate the proposed scale of the artwork

#### **Permanent Public Art can be:**

- Free-standing sculpture
- Artist designed functional objects or artwork integrated into architecture
- Placed on walls, floors, ceilings, windows, exterior facades, stairways, rooftops and patios
- Placed at parks, plazas, civic centers, roadway medians, traffic islands, and bridges

#### **Permanent Public Art should not:**

- Be placed in areas that are inaccessible to the general public
- Block windows and or entryways
- Be inaccessible for required and routine maintenance
- Obstruct pedestrian pathways

#### **Definitions:**

**Permanent Public Art:** Art in public spaces, created by an Artist and fabricated with materials and methods with an expected lifespan of twenty-five years or more.

**Artist:** A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual, or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.

### **INCLUSION OF PUBLIC ART IN PUBLIC WORKS DEVELOPMENT PROJECTS**

The inclusion of Arts and Culture into public spaces is known to enhance the livability or civic life and is a contributor to the quality of the environment while engendering community pride. Incorporation of Public Art into Public Works projects are a natural way to uplift the quality of these spaces for the enjoyment of the community.



Many Public Works projects are funded by grants or other sources requiring that the use of monies is restricted to capital improvements. Permanent Public Art incorporated into the project is generally acknowledged as a capital improvement for this purpose.

With other internal sources incorporated, facility funding can be less restrictive, allowing for a wide array of arts programming on the site of the development. Municipalities have allocated between 1-2% of the cost of construction for these projects as part of the regular budgeting process.

A mandate by City Council for Public Art inclusion into Public Works construction projects declares the importance and value the City places on arts and culture in civic life. Should the City decide to mandate a Public Art requirement for private development, it would be a reasonable expectation that the City has a policy in place for Public Art within its own public works projects.

*If the City of Costa Mesa were to include public art into Capital Improvement Projects (CIP), there would be an added layer to the application process that may include PlanetBids, a software that would automatically include the Public Works Department as part of the planning processes for all new public art projects tied to CIP funding.*

## **METHODS FOR SELECTING PERMANENT PUBLIC ART**

As permanent public art pieces are long term projects, it is important that each artwork be thought through carefully. Early public participation is a key part of the process. Another key aspect is involving the artist in the overall project design phase early on so that the work of art is well integrated with the site and/or buildings.

1. Developing Artwork Parameters. Before hiring an artist, some general parameters should be set to help guide artist selection. Based on knowledge of the site and the project's design possibilities, a number of possible locations and general types of art that would work for the project should be identified. Feedback should be sought on these ideas from other staff, or the City of Costa Mesa Arts Commission.

2. Selection Strategies. Typically, an artist is selected in one of the following manners:

a) Request for Qualifications. A Request for Qualifications (RFQ) followed by a Request for Proposals (RFP) is the most common method used for selecting an artist. The Arts Specialist will notify a current list of potential artists and art organizations regarding the Call for Artists.

b) Sole Source. This approach reflects the fact that public art is fundamentally different from most other types of public work projects. With art, the main goal is to look for an individual expression or unique idea -- not price comparisons for one plan or idea. In some cases, the City Council or Arts Specialist may have a specific artist or type of art in mind, and may choose to request a proposal from an individual artist without going through competitive selection. This approach depends on the total cost of the project. See Finance Department and Public Works Department.

c) Acquisition. Acquisition of an art piece that has already been completed by an artist may be appropriate in some very rare circumstances. The purchase price and the cost of installation comes from the percent-for-art budget. Arts Commission approval is recommended.

## **EVALUATING AND SELECTING PUBLIC ART**

In cities throughout the U.S. there has been growing support for public art. However, some projects have been widely criticized for placement in areas without consulting the communities the artwork resides in. Understanding what to look for and integrating artists in the early stages of a project can help to avoid any controversy.

**1. Selecting a Public Art Panel.** The majority of City public art projects will use the Request for Qualifications (RFQ) selection method. Public art panels help staff evaluate the qualifications received and make a final selection to proceed

through the remainder of the approval process. The preferred approach is for City staff to create a five to seven member panel for each public art project. In some cases, a slightly larger panel may be necessary to accommodate all the parties impacted by the artwork. Each public art panel will exist for the duration of one public art project. A new panel will be selected for a new project. The panel composition will vary depending on the type of art project but should include a selection of the following, as appropriate:

- ☐ An Arts Commissioner (on a rotating basis)
- ☐ As least one (1) professional artist
- ☐ A neighbor or representative of a neighborhood association when a neighborhood will be impacted by the project
- ☐ A for-profit or non-profit business representative, preferably one whose business will be impacted by the project
- ☐ An educator/historian, or someone aware of the historical implications of the artwork in the community
- ☐ City staff, as appropriate

## **2. The Selection Process**

*Stage 1.* Applications submitted in response to this Request for Qualifications (RFQ) will be reviewed by the Arts Specialist and the Parks & Community Services staff. Upon evaluating the qualifications provided in the applications, staff will shortlist three to five semi-finalists to be invited to participate in an RFP (Request for Proposals) process as well as an interview and discussion of project concepts. NO PROPOSAL FOR ARTWORK IS REQUIRED DURING THE STAGE 1 SELECTION PROCESS.

*Stage 2.* Only semi-finalists will be able to participate in Stage 2. Those artists selected will each receive an honorarium (depending on the total cost of the project) for the development of specific concepts (up to three concepts per artist/team). As part of the process, prior to creating a concept design(s), each semi-finalist/team will travel to the City of Costa Mesa for a site visit and meeting with the public art panel and City staff to understand the opportunities and limitations within the site and to witness the local environment. As a part of the Stage 2 Proposal, each semi-finalist/team shall provide a detailed, all-inclusive estimated budget including costs associated with the fabrication and installation of the work including engineering, lighting and landscaping. Semi-finalists/teams will be given four (4) weeks to adequately undertake the Concept Proposal(s) and estimated costs. The proposals will be publicly displayed for community viewing and response and or public comment.

Project concepts will be evaluated on the following criteria:

- ☐ Understanding of the work required by the City
- ☐ Evaluation of artistic excellence
- ☐ Appropriateness of scale, form material, content and design relative to the site
- ☐ Relationship to the social, cultural and/or historical identity of the site
- ☐ Appropriateness of proposed materials in regards to structural and surface integrity, public safety, weathering and its protection against theft and vandalism
- ☐ Appropriateness of proposed method of installation of artwork, and the safety and structural factor involved in installation
- ☐ Ease of maintenance
- ☐ Evaluation of proposed budget and the artist's ability to successfully complete the project within the proposed budget
- ☐ Experience in working on comparable projects



*Stage 3: Final Selection.* The public art panel will conduct artist interviews, review the designs of the top proposals and select a final design that then proceeds forward for review by the Arts Commission and any other Commissions and or City Council as needed.



# Art in Public Places

## Program and Policy Recommendations



Prepared by





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The Ram by Charles O. Perry



# EXECUTIVE SUMMARY

## INTRODUCTION

In 2017, the Costa Mesa City Council approved unanimously the development of the City's first Arts & Culture Master Plan. This initiative signaled the Council's belief that the time had come to appraise the value of the City's cultural resources, to identify what strengths and weaknesses those who live, work or visit here feel exist in the local cultural landscape, and to envision ways that the City can support and advance arts and culture in Costa Mesa. Arts Orange County, the County's nonprofit arts agency, was engaged as consultant for the project. On March 16, 2021, the City Council approved the Arts & Culture Master Plan.



### The Vision of the Plan stated:

The City of Costa Mesa rededicates itself to the distinction of being a "City of the Arts," a place where:

- Creativity and creative people can flourish
- Imagination, inspiration and innovation are held in high regard
- The arts are agreed to be essential to everyone's education
- Arts and culture enrich lives and uplift the human spirit
- Arts and culture promote civic pride

In 2022, the City implemented two important recommendations from the Arts & Culture Master Plan:

- Hiring an Arts Specialist
- Creating an Arts Commission

Also in 2022, the City determined that it wished to take steps toward fulfilling Goal #2 of the Plan:

- Expand Public Art throughout the City, both indoor and outdoor, through donation, loan and purchase

Because the City has no policy or procedure for acquiring and displaying Public Art, it engaged Arts Orange County in June 2022 to prepare and present its recommendations.

## THIS REPORT

The purpose of the consultancy was to recommend formal policy guidelines and procedures for the Art in Public Places program based on industry best practices that incorporate existing policies and any recommended policy updates and cover the following elements:

- Establish purpose, goals and objectives for citywide Public Art Policy that ties into and utilizes data from relevant stakeholders collected from the Arts & Culture Master Plan;
- Criteria for the siting of Public Art projects;
- Definitions and distinctions between Temporary and Permanent Public Art projects;
- Distinctive policies and procedures between Temporary and Permanent Public Art projects which should include the current Utility Art Box Program, permit processes for murals on private property as part of temporary Public Art processes and a general process by which artists are commissioned and selected for temporary and permanent Public Art;
- Guidelines for inclusion of Public Art in public and private development projects;
- Policies for the management of commissioned art projects including, but not limited to, City/artist/stakeholder roles and responsibilities, contracting requirements, and any applicable regulatory requirements;
- Standards for maintenance plan and managing Public Art inventory;
- Develop funding considerations and or plan;
- Policies for acceptance of donated/gifted artwork;
- Policies and procedures for deaccession of artwork;
- Process for incorporating imaginative design in all of the City's functional elements and fixtures: streetlights, playground equipment, fitness stations, bus shelters and benches;
- Comparison and or case study of comparable Public Art policies in other Orange County cities.

In 2022, the City's newly-appointed Arts Specialist immediately sought to address the lack of a written policy for the City's existing temporary Public Art program (established in 2015) by preparing a Draft Utility Art Box Program Handbook. The consultant's scope of work included reviewing that Draft Handbook and recommending revisions.





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# City of Costa Mesa Public Art Recommendations

The information and recommendations in this report are offered to support a program offering opportunities for artists and serve the community through varied approaches and perspectives. The adoption of any and all recommendations are at the City's sole discretion, and any modifications to current ordinances, policies and procedures should only be made under further guidance from the City Attorney and are subject to final approval of the Costa Mesa Arts Commission and the City Council.



Thalo Sun by Gabriella Kohr



# Criteria for the Siting of Public Art

The commissioning of Public Art can have a significant effect on a location as an environmental enhancement, source of pride, and place maker. Public Art can reflect and highlight the culture, history, goals, and/or values of a community.

In order to ensure the artwork achieves the highest level of positive impact, care must be taken in the selection of locations. This should include consideration of thematic and aesthetic appropriateness, audience, community and cultural equity, and public access. Conditions affecting ongoing maintenance and use of materials are also important in ensuring the long life of an artwork for the enjoyment of the community.

The following are questions to consider when contemplating a location and the overall commissioning of Public Art. The questions and criteria offered are intended to be flexible and allow for individual case by case commissions to be established using best practices in the field.

Costa Mesa City Hall and other public locations with high pedestrian traffic, such as the Costa Mesa Donald Dungan Library and Lions Park, are visible and natural sites for Public Art placement. Public Art in these locations can become iconic markers reflecting the importance of the work of the government or community amenities in these locations.

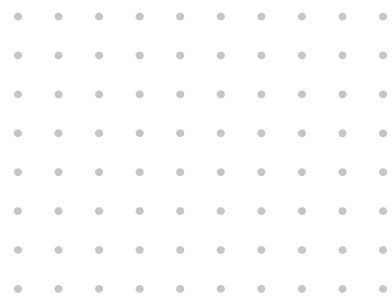
That being said, when considering the development of a Public Art collection, it is recommended that the City also look at smaller community gathering, or pedestrian centers spread throughout the municipality to ensure an equitable distribution of cultural assets across the City. Varying the size and types of projects within a City collection will result in balancing a range of large highly visible artworks with equally impactful intimate and midsize artworks that can enliven smaller parks or facilities.

Before settling on a specific location and format for an artwork, the commissioning body should establish the goals and concepts the work should encompass. While the following are not mutually exclusive, within a project one aspect may form the overriding purpose in the establishment of a Public Art project. Questions to consider and possibilities include:

- Are there high levels of pedestrian traffic? Is there a specific purpose for the artwork in relation to celebrating the community's history, services, culture, or heroes? If so, will a specific location (or locations) resonate more than others with this purpose?
- Is the artwork intended to enhance the aesthetics of a location and bring a moment of visual respite to a viewer's day? Are there locations that can particularly benefit from this intervention?
- Is the goal to bring an arts experience to a site for the sake of establishing an uplifting cultural moment? Are there locations with many pedestrians that can benefit from this intercession?
- Is there an equitable distribution of artwork in the community? How will an artwork location balance the entirety of the Public Art offerings in the city?

While it is tempting to consider free-standing sculpture as the norm when evaluating the placement and commissioning of Public Art, artwork can take many forms from artist designed functional objects or artwork integrated into architecture, to stand-alone artistic expressions enhancing single or multiple areas within a project site.

On-site locations for Public Art projects include, but are not limited to, walls, floors, ceilings, windows, exterior facades, stairways, rooftops and patios. Locations can encompass parks, plazas, civic centers, roadway medians, traffic islands, and bridges among other possibilities.





If funding for the artwork is attached to a particular site relating to a capital improvement development or other Public Works opportunity, site considerations within the development should include public access hours and visibility. If the site has a history of vandalism, the height or accessibility of the artwork siting if placed on the building structure or monitored locations such as lobbies or interior welcome areas should be contemplated.

Other considerations after a general location such as a specific park or municipal facility are selected, and the opportunity is under discussion include:

- Is the artwork placement in a well-traveled area visible during regular working hours?
- Will the artwork block windows or entryways?
- Is the placement accessible for required maintenance?
- Will normal pedestrian pathways remain unobstructed?
- Will the scale of the artwork be appropriate to the environment (surrounding architecture, signage etc.)?

Because of the almost unlimited options for placement and the form Public Art can take, the City should invite artists to visit the selected location if it is a preexisting site, or view plans in an early stage of development to allow the artist to bring their creativity and concepts to bear. This can result in fresh and unique perspectives in site placement within the location and the formation of the artwork project.

---

## TEMPORARY VS. PERMANENT PUBLIC ART, DEFINITIONS AND DISTINCTIONS

There are many commonalities to the commissioning and placement of both temporary and permanent Public Art, such as the need for the work to be appropriate the audience, reflect the community's values, be fabricated with safe, appropriate materials and methods, be commissioned in an equitable fashion, be site-specific, be maintainable for the expected life of the project, be visible and contribute to the site as a place-making enhancement, etc.

### Permanent Public Art

Within the field, municipalities commonly designate that permanent artwork has a lifespan expectation of a minimum of 25 to 30 years. This expectation leads to materials and methods that have a track record of longevity such as metal, glass, concrete, terrazzo, stone, mosaic, tile or other similar products. Because of the permanent nature of the work, artwork themes and concepts have an expectation of being broader or more universal, so as to not become dated in 10 or 15 years.

There are many reasons to pursue permanent Public Art projects. Permanent Public Art programs commonly have funding tied to a percentage of the cost of construction for public works projects. It is normal for a percentage or all the funding for these projects to be grants from entities requiring the use of the funds to be restricted to capital improvements. Permanent Public Art projects are generally eligible costs in this regard.

Permanent Public Art projects result in an artwork that will serve the community for many years and will become a City asset that may increase in value through the years.

Temporary Public Art

Temporary Public Art can range from an expected lifespan of a day for event connected work, to months, to a limited number of years. Because of the transitory nature of the work, edgier concepts, current affairs, and contemporary themes can be explored and experimental materials and methods can be employed. Because of the flexibility of temporary artwork, smaller budgets are generally needed, and sites can be activated with art to see how it is received prior to consideration of a more expensive permanent piece being commissioned at the location.

Materials such as vinyl, paper, canvas, wood, found objects, etc. can be employed, leaving a wide array of options for artists to consider. A temporary art program can also be a great way to bring artists inexperienced with Public Art to the table to learn how to work within the public sphere, complete contract milestones, and stay within time and budget. This is ideal as a stepping stone for artists to break into Public Art, and encourages diversity and equity in the field.

Advantages to temporary art include minimal or no required maintenance. When a Public Art program cannot commit to the cost of maintenance for an artwork for the foreseeable future, works of temporary art are an attractive choice. Temporary art also works well as a series of art elements activating several locations along a pedestrian path within civic spaces or areas.

Temporary art projects often give communities a chance to become involved in Public Art making, as they are often suitable to artist/community collaborations. This allows communities to become actively involved in their creative environment. Local artists can be engaged, and they can then gain experience and pursue other opportunities with larger budgets and greater complexities.

Definitions

There can be some fluidity in the practice of commissioning permanent vs. temporary Public Art, but as municipalities often have need for definitions to inform policies and practices, the following are offered as recommendations:

Permanent Public Art:

Art in public spaces, created by an Artist and fabricated with materials and methods with an expected lifespan of twenty-five years or more.

Temporary Public Art:

Art in public spaces, created by an Artist which is designed to be exhibited for a limited, articulated period of time, typically 5 years or less.

Artist:

A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual, or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.





# Public Art Commissioning Process

The commissioning of Public Art is an exciting endeavor and can be the final step in a long planning process involving numerous stakeholders and location, budget, and other scoping considerations.

This report will break down the commissioning process into distinct steps with a discussion and recommendations for each component. However, there is flexibility to each process and variations are possible.

## Scoping and Planning

Prior to the advertisement of a Public Art opportunity, there should be a process for stakeholders to provide input as to the type of opportunity, goals, and potential themes of the artwork. A discussion of the types of questions to be considered have been offered in the “Criteria for the Siting of Public Art” above.

Stakeholder groups and the type of advance engagement will change depending on the type of project and the site under consideration. Stakeholders can include representatives of departmental staff working in the facility, local community members, special “friends” groups, Commissioners, or other invested parties. Engagement can encompass a public meeting letting the community know of the opportunity and soliciting feedback on the type of themes that they find important to convey in the artwork. However, this should not be construed as an opportunity to dictate the imagery, design, or specific concept for the artwork. Other ways to obtain feedback are through surveys or interactive activities at City events.

This type of community engagement can be solidified once an artist is selected by requiring the artist, as part of their scope of work, to incorporate an engagement process at an appropriate level of interaction as fits their artistic process and the needs of the project. Community engagement with the artist can involve feedback, identifying actual design elements for incorporation into the final artwork, or simply engaging with community through a workshop to engender appreciation for the artwork and offer a chance to meet the artist.



Artist Selection

The identification of an artist should be conducted in an open transparent process. Best practices as articulated by the Americans for the Arts and exhibited by the practices of established programs at other municipalities recommend a two-step process of artist selection. This process starts with the advertisement and issuance of a Request for Qualifications (RFQ) wherein the project’s budget, parameters, artwork priorities and goals are articulated along with the artist selection criteria, scoring breakdown, and expectations regarding the selected artist’s experience, interest, and past work images.

The following is an example of the types of materials that may be requested from artists responding to the RFQ:

- 1. Work Samples. Ten (10) images of artwork. Work samples should include the date of completion, project budget, artist, client/agency (if applicable), medium, location (if applicable), brief description of the project.
- 2. Artist Statement/Description of Work. 500 words (maximum) describing the themes, inspiration and questions explored throughout your work, as well as the materials, methods and techniques you use to create your work.
- 3. Resume/CV. 1-2 pages (maximum) outlining your professional art qualifications, which may include previous projects, experience, education/training and other related credentials.
- 4. Questions. Response to the following questions through written response:
  - a. Why are you interested in completing a project for XXXX (department/location/ etc./name of project)? 500 words (maximum).
  - b. How do you see your artistic practice or existing work aligning with the XXXX (department/location/etc./name of project) artwork priorities and diverse audiences? 500 words (maximum).

The following is an example of the types of selection criteria and scoring.  
(Should be listed in the RFQ.)

Artists’ applications will be evaluated according to the following criteria listed below and scored up to 100 points.

**Criterion 1:** Technical and Aesthetic Quality of Past Work (50% - Max 50 Points)

The applicant’s past works and creative practice as expressed through their images, artist statement/description of work and resume/CV demonstrate a high level of aesthetic quality and technical execution. The concepts reflect originality and evoke a response.

**Criterion 2:** Suitability For This Project (50% - Max 50 Points)

The applicant’s images, artist statement/description of work, resume/CV and answers to the application questions demonstrate the applicant’s suitability for the artwork priorities outlined in the RFQ.

The selection panel is key to the process. Other municipalities and the Americans for the Arts recommend as best practice site- or project-specific selection panels with a diverse perspective including experts in Public Art, site end-users, community, and professional project design participation. In this configuration there is Arts Commission participation by 1 or 2 members (who rotate among projects). A sample of the panel composition is as follows:

- 1 or 2 Arts Commissioners
- 1 or 2 Public Art professionals (can be curators, arts administrators, or experienced peer Public Artists)
- The Architect of the project (if applicable)
- A representative of the City Department with oversight of the Public Art location (i.e. Police Department or Parks & Community Services)
- 1 or 2 Community members at large with a link to the art location, such as “friends” or other support group members

In this manner the artist selection has professional design expertise as well as provides a voice to the groups that will experience the artwork daily. The inclusion of Public Art professionals ensures a high design aesthetic and fabrication proficiency. In this configuration, there is a stipend provided to the non-city employee (or non-Arts Commission) panelists for their service ranging from \$150-\$300 per day.

The selection panel selects 3-4 Finalists from the review of the RFQ applicants based on the stated criteria and submission materials.



The next step is the second Request for Proposals (RFP) stage. Proposals are requested only from the 3-4 Finalists. The artists should be provided with a list of expectations for the proposal including a narrative of the concept, design sketches and drawings (in-situ if possible), with dimensions and materials. The proposal should also include a preliminary budget, the fabrication timeline and any installation considerations. Additionally, the proposals should include any type of public engagement anticipated to be provided in tandem with the project. Artists should be provided with the criteria for evaluation of the proposals with an indication of the scoring breakdown based the stated criteria.

Artists are generally given 4-6 weeks to develop their proposal. In order to ensure all the Finalists are provided with the same information, there should be a proposal meeting with all the Finalists wherein the department staff from the relevant location will describe the activity, services provided, and constituents using the site, as well as the goals of the project. If the project is tied to a public works construction project, someone from the design team should provide information regarding the site and any technical considerations. This is an opportunity for all of the artists to hear the same information and ask questions.

It is important to note that it is a basic tenet within Public Art programs that professional artists are paid for the development of proposals. Professional practices require that artists be paid for their work, and the development of a proposal requires considerable research, time, and effort. The amount of the proposal fee per artist finalist in large part is dependent on the project budget and can range from \$1,000 for a project budget of \$100,000 or less, to \$5,000 or more for a project with a \$1M budget or higher.

The selection panel meets a second time to review the proposals as presented by each artist one-after-another, in an in-person meeting, wherein the selection panel can ask questions directly. After all the artists have presented, the panel will deliberate, score the proposals, and select the recommended artist and work.

Many municipalities allow for the selection panel (with its range of perspectives) to make the final recommendation, with the full Arts Commission providing the final review of the recommended work and issuing the final approval to ensure the selection is in accordance with the safety, durability, and programmatic requirements. In this instance, the Arts Commission reviews the final recommendation only and they do not compare it to other submissions.

If Costa Mesa decides the City Council has the final review and approval, as with the Arts Commission they would review the panel recommended proposal only and not every final submission. In this manner the panel's wide range of perspectives are acknowledged. As the full Arts Commission or City Council are not privy to the artist presentations and discussions, it respects the panel process.

A variation to the above process is possible when community engagement is so vital to the artwork design and development, that the City requires the design to be developed through an intensive community process. In this scenario, it is not feasible for the design proposal to be developed in advance of contracting with the Artist. This process would have a similar RFQ process, but an important submission requirement to the RFQ would be a narrative about the type of engagement process they envision to develop the design, their approach to design, with an indication of their interest in the project, and a listing of previous projects they completed wherein the community engagement was paramount to the artwork design process. Instead of the second step incorporating a proposal review, the panel would interview the Finalists with open ended questions to ascertain the community appropriateness of the artist's process to select the most appropriate artist for the commission. The contract with the artist in this case includes design development and approval milestones.



Poderosas by Alicia Rojas, Camilo Romero and Santa Ana Community Artists



# Public Art Collection Management

Costa Mesa already has begun to build a collection of Public Artworks through commissions and donations. As the permanent works are now City assets, management of these works is paramount to ensure they are well maintained and remain in good condition for future enjoyment and to retain their value.

## Roles and Responsibilities

Management of the works would ideally be the responsibility of a designated Arts staff member and includes the oversight of a database to track the artworks. The database should include artists information including a biography, narrative from the artists describing the concepts behind the work, artwork dimensions, budget, materials, methods of fabrication, maintenance requirements and artist contact information, and photos of the artwork. A digital file on the commissioning process should be retained including proposal files, correspondence, budget and final records, the selection panel, dedication event documentation a copy of the agreement with the artist and any other applicable information reflecting the commission process.

Additionally, a plaque should be placed at the site of the work with the artist’s name, the title of the work, date, materials, and the department to contact in case of maintenance needs.



Artist contact information should be retained, should there be need for unanticipated maintenance or repair, artwork removal, or alteration.

The City should consider sharing their collection on the City website with images of the works and their location. Some cities include a map of the City showing the artwork locations with artist and artwork information.

## Maintenance

The City of Costa Mesa is in the early stages of developing a Public Art collection. The single most important aspect in ensuring the value of this asset is the regular maintenance of the artworks. Regular maintenance will help avoid costly future repairs. As part of the artist’s contracting process the city should require the artist to provide a professional art conservator’s assessment of the materials and methods with recommendations for maintenance.

It is recommended that staff work with art conservators to monitor the condition of the artwork in the collection and assess Public Art maintenance requirements and costs. The costs should be allocated as part of the city budget process on an annual basis for this purpose.





Contracting

When developing contracts with artists, it is important to keep in mind that art making and standards within the art industry require unique considerations and understandings regarding the scope of work, artist’s rights, copyright/use of image, milestones, payments, etc. within the agreement. Standard municipal contracts for services rendered rarely have the needed clauses, and sometimes contain clauses that are not recommended or applicable to art making and artists’ practices.

This report is not intended to be interpreted as legal advice, but as a point of discussion to advise the City of Costa Mesa on issues and concerns unique to artists’ contracting and to offer examples of ways others address these concerns. Any decisions regarding the language to be incorporated into contract templates should be made in tandem and with the approval of the City of Costa Mesa City Attorney.

A copy of the agreement template for Artist Services used by the Los Angeles County Department of Arts and Culture is provided as an example for consideration.

The following areas of contracting reflect where the City’s standard contract language is recommended to reflect artwork specific standards and best practices.



Taco Mesa mural



Artist’s Rights

Commissioning artwork for the City’s collection will result in the City obtaining ownership of the artwork as an object, with all the associated rights and responsibilities. However, there is more than one type of ownership to consider. While the City as the commissioning agent will have ownership of a work of art as an object, this does not necessarily extend to ownership of the image and copyrights as articulated in the federal Visual Artists Rights Act (VARA) or the California Arts Preservation Act (CAPA).

These laws provide for a series of artists rights including the rights of authorship and rights surrounding the removal, alteration, or destruction of artwork. There is a range of ways in which municipalities address these rights.

Because of the risk of litigation associated with incorrectly destroying artwork in violation of these laws, the handling of artist’s rights varies among agencies. For example, the Los Angeles County Department of Arts and Culture expressly acknowledges and accepts artists’ copyright by incorporating it into their Public Art policy, referencing it in artist agreements, and requiring artists to register their works with the U.S. Copyright Office. Agencies such as the L.A. County Metropolitan Transportation Agency (Metro) and the City of Los Angeles Department of Cultural Affairs both require that artists waive their rights under CAPA and VARA while simultaneously reinstating specific rights back into artists contracts.

The VARA and CAPA laws require that 90 days written notice be provided to an artist prior to the removal, alteration, or destruction of an artist’s work. It is also understandable that an agency would want the ability to remove an artwork immediately if issues of safety arise. As such, a clause waiving the VARA and CAPA 90 day requirement can be considered. However, even when the 90 day notice requirement is contractually waived, it is common for policies to be put into place to provide good faith advance notice to artists where possible should this need occur. While it is generally accepted in artist agreements that the agencies can freely depict artworks for non-commercial educational or program promotional activity, activities resulting in commercial gain from the depiction of an artist’s work (such as t-shirts, posters, or mugs) should be negotiated with an artist independently.

Performance Bonds and Payment Milestones

It is common practice for municipalities to put a requirement for a Performance Bond in place for construction projects in the unlikely occurrence that a contractor defaults on a project. While this may be a practice that is tempting for use in artist’s contracts, it is unadvisable. The performance bond industry is not tailored for artworks, the cost would be unwieldy to the budget, and it is unlikely that a performance bond company would insure this type of project.



Untitled by Joshua Madrid



The Americans for the Arts puts it this way:

“Performance bonds are intended to guarantee the satisfactory completion of work. If a contractor is unable to finish a project, then a performance bond ensures that the work will be finished, usually by hiring a third party to complete any missing or unsatisfactory work. These bonds are commonly used in the construction industry and many cities’ public works departments require city contractors to hold them.

However, performance bonds have little applicability to the commissioning of fine art. For one, most commissions can only be completed by the artist who made the initial proposal, making the hiring of a third-party a nonstarter. More over, most performance bonds are prohibitively expensive for individual artists, and the desired objective (ensuring a satisfactory final project) is better achieved through alternative actions, like withholding final payment on a contract.

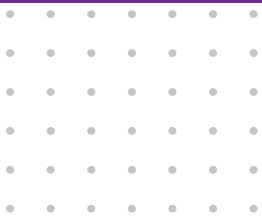
The best practice is for the use of project milestones to be incorporated into the agreement with a final payment left for the completion of services. A sample of this construction is as follows:

- 1. 10 percent (\$\_\_\_\_\_) upon Execution of the Contract.
- 2. 30 percent (\$\_\_\_\_\_) upon Acceptance of Final Design Drawings and Issuance of the Notice to Proceed.
- 3. 20 percent (\$\_\_\_\_\_) upon Completion of 50% of Fabrication.
- 4. 20 percent (\$\_\_\_\_\_) upon Completion of 100% of Fabrication.
- 5. 10 percent (\$\_\_\_\_\_) upon Completion of Installation and Issuance of Artwork Acceptance Notice.
- 6. 10 percent (\$\_\_\_\_\_) upon Completion of Project Close-out including documents, photography etc.

Scope of Work

It is to the City’s advantage to provide a clear list of expectations in the contract through the scope of work. The more specifically this is articulated, the less confusion there will be as to the responsibilities of the City and Artist.

Areas to describe include the overall responsibilities of the City and Artist, and Artist specific responsibilities related to design development, approvals, permitting, schedule, community engagement, budget, fabrication, installation, and any closing documents required such as final photography, artist narrative and biography, maintenance plan, etc.





# Murals

Murals have been embraced as a valued art form by a diverse array of cultures and communities, providing an enlivening way to interject art to the street life of cities nationwide. They can celebrate the culture, heroes, and history through abstract or figurative imagery or any number of approaches conceivable. The possibilities are unlimited.

Painted murals are an art form with a rich history and deep appreciation. The expected vs. actual lifespan is dependent on several factors, and realities can be vastly different from project plans. Murals expected to remain intact for generations can come up against conditions requiring their removal after a limited lifespan, and murals developed with a limited expectation of longevity can become community icons intact for many years. The following is intended to provide guidelines to maintain a collection of mural works in good condition for their lifespan.



Welcome Home by Shepard Fairey





# Murals Commissioning Process

## Murals on City Property

Murals to be placed on City property can be commissioned through a process similar to the commissioning of Public Art projects as described in the section on Public Art commissioning in this report. However, because of the unique needs of murals regarding their maintenance and the unfortunate proclivity for them to be targets for graffiti vandalism, it is recommended that murals commissioned for placement on City property be required to have an anti-graffiti coating applied that is maintainable by the City, and the mural is fabricated/painted on a well prepared wall that has been assessed in advance by an art conservator with murals expertise to confirm the suitability for the murals’ longevity, and so they can provide recommendations for wall preparation and materials.

The mural should be evaluated every five years to assess the condition to evaluate if the artwork should be maintained or removed. If the mural is in poor condition and the City does not have the resources for a restoration, the applicable artist’s rights laws (VARA and CAPA) require that artist be provided with 90 days advance notice of its removal. The five-year review process and expected lifespan should be articulated in the City’s agreement with the artist.

Generally, murals on public property are considered government speech and, as a result, are not subject to the Free Speech Clause of the First Amendment. Municipalities may regulate murals on City-owned property to control the time, place and manner of its placement as well as regulate the design and content of the mural itself.



## Murals on Private Property

While it may be tempting for a municipality to regulate the design and content of murals on private property, First Amendment rights of the property owner limit the oversight of mural approval processes to regulations such as the mural lifespan, placement, size, materials and methods, and process of permitting. These areas of oversight can still ensure that mural projects are developed with the full awareness of the community, with technical and legal considerations in relation to materials, maintenance, and artist’s rights, adhered to and understood.

Murals have also been the subject of controversies and legal battles in relation to First Amendment rights and clashes over the ways in which fine art murals are sometimes treated differently than commercial mural-sized signs or general signage.

As a result of these issues, which have now found resolution in cities such as the City of Los Angeles and Portland, Oregon, guidelines can be recommended in relation to the development of a murals ordinance for the City of Costa Mesa in consideration of these concerns.

The following are guidelines recommended to use in the development of an ordinance for the placement of murals on private property. This assumes that the murals will be funded by the property owner without city support.

It is important to note that as the mural permit requirements are design and content neutral, the process of review and approval can be completed in a “counter permit” process by city staff by qualified to confirm that the materials, manner, and processes follow requirements.



DEFINITIONS

An essential first step is the establishment of a mural definition to ensure that murals are original, artistic expressions that are not confused with advertising or signage which is regulated separately.

The following is recommended as a definition for this purpose:

Mural:

A one-of-a-kind original artwork created by a Mural Artist, or through a community engagement process led by a Mural Artist that is fabricated directly upon an exterior wall of a building, that is hand-painted or hand-tiled and does not contain commercial messaging. For definition purposes, a commercial message is any text, image, logo, or other visual communication that advertises or references a business conducted, services rendered, commercial enterprise, or goods produced or sold on or off the premises.

Mural Artist:

A person who has established a reputation of artistic excellence in the visual arts, as judged by peers and/or experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist’s creative output shall primarily consist of the production of unique fine art.

Requirements and Process:

The following are technical requirements designed to address the placement, scale, materials, and maintenance needs of the mural. Maintenance is of the upmost importance to ensure that murals do not deteriorate, become graffiti magnets, or cause blighted conditions. They are offered as a manner to allow murals within the face of a building, within commercial or business districts.

It is recommended that the City consider if the requirements for numbers 1-5 are in accordance with Costa Mesa’s vision and if not, adjustments can be made as appropriate. Recommendations for numbers 6-8 will ensure maintenance, artists rights and each artwork design are reviewed and addressed.

Recommended Requirements

- 1. No part of a mural shall exceed the height or width of the structure to which it is tiled, painted or affixed.
- 2. No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed.
- 3. No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
- 4. Murals shall be placed on non-residential commercial or industrial property only.
- 5. Only one mural will be permitted per business location or structure.
- 6. A specialized anti-graffiti coating must be applied to the mural and maintained for the life of the mural. Varnish, other coatings or finishes that are not specifically designed as graffiti abatement products as part of a graffiti removal system do not comply with this requirement.
- 7. The property owner is required to maintain the mural in good condition and free of vandalism. If the property owner is negligent in this regard after sufficient warning, they can be issued a 120-day order to remove the artwork at their own cost. If removal is ordered, the property owner is responsible for the proper 90-days written advance notification to the artist as applicable by the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) laws.
- 8. Mural permits are valid for one image at a time. Property owners wishing to change the mural design or replace it with another artwork must apply for a new permit.





# Recommended Process

The following processes allow for the mural designs to be reviewed by the community in advance of its placement. This review cannot be considered an opportunity for the community to veto the mural’s content or design, but it does allow for community input and dialog.

As a rule, business owners wish to establish and maintain good relations with the community, so it is to their advantage to install a mural that will be welcomed by the neighborhood.

It is also essential that property owners are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA). Property owners will be responsible for compliance with all aspects of these laws (including requirements for 90-day advance written notice prior to the removal, destruction, or alteration of the mural) or negotiating waivers of any aspects of these laws through advance written agreements with artists.



The following are recommendations for the process requirements:

1. Applicants must hold a meeting at a publicly accessible location at least 30 days prior to the start of the mural fabrication. This meeting is to allow for the public to see the design, ask questions, and provide comments. Should an in-person meeting not be feasible due to public health mandates, a well-advertised virtual meeting can be substituted in a manner as approved in advance by City staff.
2. Applicants for mural approval must post notice of the public meeting 15 calendar days in advance of the meeting on the proposed mural site. This notice must include the intended mural size and location with a color depiction of the proposed mural design, in full and easy view of the community. The notice must also be mailed, or hand delivered to properties located within a half-mile mile radius of the proposed mural location.
3. No mural shall be permitted until the applicant certifies that he or she has completed this neighborhood involvement requirement. Certification shall include photo documentation of the posted notices and documentation of the meeting through a sign-in sheet, or other confirmation the meeting was held as indicated.
4. Property owners must sign a declaration that they are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) artist rights laws, acknowledging they, and not the city, are responsible for compliance with these laws.
5. Should the property be sold, property owners must provide subsequent owners with maintenance information, anti-graffiti requirements, and artist rights information.



# Public Art Donations

How exciting it can seem for a municipality to be offered artwork as a donation. While it can be tempting to accept all art donations, there are considerations that should be understood to ensure donated artwork fits within the city’s goals and environment and will not become a burden to the city’s resources.

The following will discuss areas and issues to consider in the acceptance of artwork and areas in which background information and assurances should be considered prior to the acceptance of a donation.

There are many sometimes complex reasons that a donor will be motivated to gift artwork to a city. Reasons can range from a sincere desire to share a work with the community, the understanding that a work of art has a special connection to a site or part of the city’s history, to the desire for a tax deduction, the need to find a home for a large or unwieldy work that the owner no longer can store or no longer has the resources to provide upkeep. Regardless of the motivation, any offer has the potential to be a welcome and uplifting addition to a city’s collection. There may also be valid reasons to deny acceptance of a Public Art donation.



# Art Collection Goals

Of fundamental importance to the development of an art collection and the subsequent acceptance of donations is the understanding and establishment of the goals of the collection. For example, the donation of a 19th century European religious painting may have high monetary value, but does it relate to the City and is there an appropriate place for its display? The following are questions to guide the establishment of art collection goals.

What is important to the city regarding the art it owns and maintains? For example, is it important for artwork to relate to the city’s location, history, and interests inherent in the cultural context of Costa Mesa? Should it represent the City in an interesting and expanded manner? Can the collection be used as a mechanism to support and uplift artists that reside in Costa Mesa? What is the storage or physical capacity to keep portable artworks? Are there limitations that restrict the number of donated items?

In addition to permanent Public Artwork installations, are there programs and opportunities to display portable paintings, drawings, photography, textiles or other art mediums?

Some municipalities have internal loan programs allowing departments and civic offices to borrow portable artworks for a designated time period to enhance their surroundings for the benefit of staff and visitors. Costa Mesa may want to consider this as a mechanism to accept donations of artwork into the collection with a purpose and display opportunity.





## Donation Process

An application process should be established up front to capture the relevant information for an informed decision and to identify any additional considerations to the donation offer. The following identifies main areas in which information should be captured.

### Object Ownership and Valuation

As has been discussed, there is more than one type of ownership as related to art, and this needs to be considered in the acceptance of an artwork. While a donor may have ownership of a work of art as an object, this does not necessarily extend to the donor having ownership of the image and copyrights as articulated in the federal Visual Artists Rights Act (VARA) or the California Arts Preservation Act (CAPA).

To establish the donor's ownership of the artwork as an object, a donation application needs to be developed with a requirement for information about the provenance and procurement of the object, including documentation such as a receipt or other proof of ownership. Copies of any agreements the owner has with the artist or gallery should be included if applicable.

The value of the object should be established as part of the consideration of acceptance. This value can be established through:

- a. Appraisal Report: An appraisal report including, but not limited to, dollar amount value, description, disclaimers, and additional support for valuation conclusions by a certified third-party appraiser affiliated with at least one of the four appraisal organizations: Appraisers Association of America, the American Society for Appraisers, Appraisal Foundation, or the International Society of Appraisers.
- b. A receipt for the purchase of the artwork
- c. Other documentation establishing the value of similar artworks by the same artist

This valuation is essential as the artwork will become a physical asset for the city, and as such, a documented value is needed for asset accounting. Also, donors commonly request a letter from the city acknowledging the donation with the value indicated for their use as a tax donation. The city should have confirmation of the value for this purpose.

### Copyright Ownership

As indicated, while a donor may have ownership of the artwork as an object, the artist may have retained the copyright ownership as established by the VARA and CAPA laws. The application should include artist information including contact, resume or bio, birth/death dates, and any known copyright information as available. This is particularly important if the donation is a work to be installed as a permanent Public Artwork as the artist should be notified of the donation and location of the installation.

The application should indicate the copyright owner of the object. If the donor is the copyright owner, the application should include documentation of this and should ask if the donor intends to transfer the copyright to the City of Costa Mesa should the donation be accepted by the city.

The City Attorney should identify if and how the acceptance of the artwork and installation will make the city subject to any applicable VARA and CAPA notifications or copyright requirements in the future. It is recommended that the City Attorney weigh in regarding these considerations and requirements prior to the acceptance of the donation.



Floyd's 99 Barbershop by Jonas Never





## Materials, Maintenance, Conservation

The application should identify the materials and any known maintenance or conservation needs. A condition report should be provided by the donor or obtained by the city to identify any issues and immediate or future costs associated with keeping the artwork in good condition.

## Transportation and Installation

If the artwork is a large sculpture or other Public Artwork, it is important for the city to understand the costs to transport the artwork and install it at the desired location. Questions to consider are the need for any footings or special attachment systems, permits, insurance, storage, installation, and any conservation and maintenance needed in the immediate future. It should be established if these costs and the responsibility for this activity will be borne by the donor or if the city is expected to handle these costs and the scope of work to see to the full completion the installation.

## Other Information

In addition to the above information the application should request any exhibition history, edition certifications or other pertinent information about the artwork as applicable and available.



Pablo Universal by David Flores



# Criteria for Acceptance of Public Art Donations

The identification of collection goals and the information above will greatly aid in evaluation of the donation application. It is recommended that the Arts Commission evaluate the donation based on the criteria for an acceptance recommendation to City Council. The City Council should maintain final approval, considering the Arts Commission recommendation.



Reclining Figure by Henry Moore

The following are recommended criteria to utilize as applicable in assessing the acceptance of an art donation:

1. The artwork supports the goals of the art collection and would contribute positively to the City’s Public Art, meeting the standards for Public Art commissioned by the city.
2. The artwork is of high quality and aesthetic excellence.
3. There is an identified location to site the artwork if it requires a public installation, or there is a program or mechanism to display the artwork if it is a portable piece.
4. The scale, form, context, and design of the artwork are appropriate for the setting and audience.
5. The donor has committed to cover all applicable costs associated with permits, bonding, insurance, transportation and installation of the artwork or the city has committed the resources to cover these applicable items.
6. The future maintenance and conservation need of the artwork is understood and the city has identified the resources to attend to these requirements.
7. The legal considerations of ownership, copyright, liabilities, maintenance, and de-accessioning are understood and acceptable to the city.
8. The artwork supports an equitable collection inventory, allowing for a diverse range of artists to be represented, considering if there are already multiple donations of the same artist’s work.

# De-accession of Public Art

There are numerous reasons that a city may wish to de-accession an artwork. These considerations can include safety, condition, change in the physical location of the artwork so it is no longer supported physically, community complaints, or other controversies.

As city owned artwork is a civic asset, the process should require a staff report addressing the applicable issues related to the de-accession criteria including the review of any restrictions which may apply to the artwork based on legal or contractual requirements. The report should include an analysis of the reasons for de-accessioning, options for storage or disposition of the artwork, and the appraised value of the artwork, if obtainable.

If the de-accession is the result of the destruction of the supporting structure (such as the wall, building, or plaza to which the artwork is attached), consideration should be made regarding the appropriateness and feasibility of relocating the artwork to another location.

Any considerations or requirements associated with VARA and CAPA laws, including notice to the artist, if applicable, should be carefully followed in accord with the City Attorney’s direction.



The following represent acknowledged criteria for de-accession and are recommended for Costa Mesa’s consideration.

1. The artwork’s present condition poses a safety hazard to the public.
2. The artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork.
3. The restoration of the artwork’s structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds the resources of the city.
4. The architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation.
5. The use of this particular public space may have changed, and/or the artwork may have lost its contextual meaning and it cannot be re-sited, or re-siting the artwork would be inappropriate.
6. The artwork requires excessive and inappropriate conservation and/or maintenance or has faults of design or workmanship which can be termed inherent vice.
7. An artwork is not, or is rarely, on display because of lack of a suitable site.
8. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
9. The artwork was not installed or fabricated as proposed, is incomplete, or does not meet the requirements of the commission.
10. The artwork does not meet the goals of the collection.
11. Removal has been requested by the artist in writing and it has been determined by the Arts Commission to be a reasonable request.
12. The artwork has reached the end of its original anticipated lifespan.
13. The artwork is proved to be inauthentic or in violation of existing copyright laws.
14. The artwork has received documented and ongoing adverse reaction from community members where the artwork is located, and the City Council has determined the artwork no longer reflects the values of the community.







## Public Art and Development Mandates in Orange County

Among Orange County's 34 cities, there are currently four that mandate Public Art within their communities: Brea, Buena Park, Dana Point, and Laguna Beach. Two more cities are expected to join that list upon approval of Public Art Plans they are completing: Anaheim and Huntington Beach. Four cities currently have programs encouraging Public Art in development without a binding mandate: Anaheim, Huntington Beach, Newport Beach and Santa Ana. The mechanism used most frequently is the assessment of a fee ranging from 0.5% to 1.25% on the total cost of new construction or renovations on projects valued at or above a baseline amount. Fees may apply to City capital improvements, private development, or both. Policies vary, with private developers, in some cities, permitted to acquire and install art on their property to fulfill the requirement (with City review and approval), or instead to pay into an in-lieu fund managed by the City to acquire and install Public Art on City-owned property.

See p. 80-81 for more information about other Orange County cities' Public Art policies and programs.



# Inclusion of Public Art in Public Works Development Projects

The inclusion of Arts and Culture into public spaces is known to enhance the livability or civic life and is a contributor to the quality of the environment while engendering community pride. Incorporation of Public Art into Public Works projects are a natural way to uplift the quality of these spaces for the enjoyment of the community.

Many Public Works projects are funded by grants or other sources requiring that the use of monies is restricted to capital improvements. Permanent Public Art incorporated into the project is generally acknowledged as a capital improvement for this purpose.

With other internal sources incorporated, facility funding can be less restrictive, allowing for a wide array of arts programming on the site of the development. Municipalities have allocated between 1-2% of the cost of construction for these projects as part of the regular budgeting process.

A mandate by City Council for Public Art inclusion into Public Works construction projects declares the importance and value the City places on arts and culture in civic life. Should the City decide to mandate a Public Art requirement for private development, it would be a reasonable expectation that the City has a policy in place for Public Art within its own public works projects.

It is recommended that policies framing the approach to projects and the commissioning of artists are put in place to ensure that there is an equitable distribution of funds to diverse artists.

The City of Pasadena’s Public Art Program guidelines can serve as model of how goals and values can be realized. The following from the City of Pasadena is offered as an example for consideration for the City of Costa Mesa:

1. The commissioning of artists at a variety of points in their careers, but whose work is of the highest artistic merit, and who bring innovative artwork of all media and disciplines into the public realm;
2. The commissioning of artists and artwork which are reflective of cultural diversity and the city’s international populations, recognize the values and contributions of various cultures to the community, and contribute to the characteristics, aspirations and unique expressions of Pasadena’s values;
3. The encouragement of local artistic endeavors and support of local artists;
4. The encouragement of public dialogue and interaction with art in public places, through appropriate education forums, public meetings, citizen task forces and programs;
5. The commissioning of works of art varying in style, scale, medium, form and intent representative of the arts on a local, regional, national and international level;
6. The broad distribution of commissions among artists. To ensure this objective, no more than one City of Pasadena Public Art commission per artist/team shall be awarded in a three-year period. An artist may not apply for a subsequent commission until the aforementioned has been completed and has received final approval;
7. The geographic distribution of artworks throughout the City of Pasadena;
8. The inclusion of the artist and design team at the inception of the project.

## Local Artists

A healthy arts ecosystem should include opportunities for local artist participation and will provide opportunities for professional growth. Recommended opportunities for artists new to Public Art include temporary Public Art projects. These projects can be singular, as a series along a path or walkway or grouped together in a park or other venues in a multi-artist festival or “happening” atmosphere to build excitement and space activation.

Similarly, a purchase program geared toward local artists that are new to Public Art can build a collection of artworks for offices and other public interior spaces. It is a great opportunity for participation and community engagement.



# Inclusion of Public Art in Private Development Projects

As indicated above, there are two paths cities have taken regarding the inclusion of Public Art in private development, encouragement for voluntary participation or mandates through ordinances. There are basic concepts applicable to either effort that warrant discussion.

## DEFINITIONS

So that all parties understand what types of projects are to be considered when referring to Public Art, basic definitions are needed to define who is an artist in this context and what is to be considered as Public Art.

It is essential that the eligibility of Public Art projects as falling within the program requirements include the definition of an artist to ensure that the project is truly unique, can be considered within a contemporary fine art dialog, and encourages a diversity of artistic approaches. The following are examples of this type of definition:

“

City of **San Diego**:

“Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner’s body of work, educational background, experience, public performances, past public commissions, exhibition record, publications, and production of artwork.”

“

**Los Angeles** County:

“Artist. A person who has established a reputation of artistic excellence in the arts, including but not limited to visual, performing or literary arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment.”

The purpose in establishing this definition is to ensure that the artwork is created by an artist and not the result of commercial design or product development.

While the first step is the definition of an artist, there is also a basic need to define Public Art for the context of approving artwork integrated into private developments. A comprehensive definition will allow for an objective review of a developer’s proposal for artwork.



Welcome to Costa Mesa by Brian Peterson and Damin Lujan



For the City of Costa Mesa, the following definitions are recommended for consideration:

Artist:

A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.

Public Art:

Artistic and cultural facilities, objects, and amenities created as original works by an Artist that do not contain a commercial message, text, logo, trademark, or other product, business, or service messaging, and are not mass produced or reproductions. Qualifying projects include:

- Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials.
- Murals or portable paintings: In any materials or variety of materials, with or without the addition of nontraditional materials and means.
- Works on paper: Photographs, prints, watercolors, drawings of any media and other paper works.
- Textiles: Tapestries, quilts, embroideries and other forms of woven or non-woven fiber art.
- New media: Including but not limited to new technologies in light, sound, film, holograms, virtual reality, digital media, and any hybrids of media and new genres.
- Other media: Neon, glass, earthworks, mosaics, tile, ceramics, printmaking, collage, mixed media, assemblage.
- Standardized fixtures or enhanced functional architectural elements: If rendered by an Artist as unique features, including but not limited to, grates, facade enhancements, stairways, fencing, and other design elements.

- Cultural Facilities: Public gallery, exhibition space, public performance spaces, theaters, Public Artistic studio spaces, and Public Art education facilities; and
- Performing Arts: Theatre, dance, music and performance art.
- Literary Art: Poetry readings, storytelling and creative writing.
- Media Art: Film, video, or digital media.
- Education: Lectures, presentations, and training in and about arts and culture.
- Special events: Parades, festivals, and celebrations; and
- Similar arts services, facilities and amenities as approved by the City of Costa Mesa.

Similarly, as the oversight of artist selection, fabrication, and installation requires expertise of a specialized nature, it is recommended that developers are able to obtain the services of an Art Consultant as a legitimate line-item cost for their project. The Art Consultant can assist them with services related to the identification of an Artist, arts opportunity, facilitation and oversight of artwork fabrication and installation, or performing as the liaison to the city regarding providing reports, application materials, and other information related to the review and approval of the artwork. Indeed, the utilization of an Art Consultant who will have a network of artists and contacts can go far in aiding the developer in identifying a qualified artist and art project that is integrated into the development in exciting and innovative ways for the enjoyment of the visitors to the site. Typically, municipalities allow for Art Consultant services as 10-20% of the project budget depending on the specific services rendered.





The following is offered for consideration as a definition of an Art Consultant:

## Art Consultant:

An organization or individual working as a professional administrator of the arts, who realizes income through the provision of services relating to the arts such as, but not limited to, identifying artists and on-site art opportunities, and contracting with artists for venues with public audiences, or providing oversight of on-site logistics, demonstrates previous success in project management, and provides leadership in completion of Public Art projects.

As a further aid to developers, the City of Costa Mesa may want to pursue a call for Arts Consultants to be pre-qualified and placed on a roster that can be shared with developers looking for Art Consultant services.

## Voluntary Participation Program

As indicated, four Orange County cities have a voluntary Public Art in private development program. As this type of effort relies on the developer to embrace the benefits of integrating Public Art into their development, it is recommended that the City of Costa Mesa offer guidance where possible to developers to assist them in this endeavor. Further, it is recommended that the City of Costa Mesa identify what incentives can be offered to developers during the zoning and development planning processes to encourage Public Art participation. Without incentives, it is difficult to imagine developers participating in the processes required, and to subject artwork they will own to the City's approval.

## Ownership and Maintenance

Artwork created through a Public Art program for placement on private property, and funded by the developer, is the property of the developer, who will be required to maintain the artwork for the life of the piece. However, development owners should be made aware of the same artists' rights and the differences between object and image ownership discussed elsewhere, as they will hold the responsibility for following the mandates of these laws.

Public Art mandated and receiving credit for compliance is commonly considered long term/permanent in nature. An expectation of 25 years or more is commonly anticipated. For the artwork to be well maintained by the current and future property owners, a notarized Covenant and Agreement registered with the Orange County Clerk-Recorder describing the artwork and requiring that current and subsequent owners maintain the work for the expected lifetime is recommended as being required. The document should indicate the term of the maintenance requirement, and that an earlier termination of the agreement is possible with the City's approval though a written release by the City.

## Approval of Public Art Projects

City approval for Public Art proposed by developers for credit in the case of a mandated ordinance being in place, or for voluntary compliance if incentives have been offered in exchange for Public Art participation is required. With a robust criterion defining Public Art, agencies address approval in one of two ways: Either the review and approval is considered as an objective review based on the criteria and performed by the arts program city staff (such as the City of Los Angeles, Los Angeles County, or San Diego), or the staff performs a preliminary review and the Arts Commission performs the final review and approval based on the criteria (such as the City of Brea or Culver City).

## Criteria, Artwork Identification and Artist Selection

In addition to the requirement that the Public Artwork fit within the definition, the proposed art should uplift the development environment and be accessible for the community's enjoyment. As with Public Art that the City commissions, care should be taken to select a location with high visibility, work that is in harmony with the surroundings, and is accessible by the community during regular business hours. The artwork should be complimentary to the built environment, and constructed of appropriate long-term materials such as metal, stone, glass, tile, etc.

As they are the owners of the work, the identification of the specific project and artist are under the purview of the developer. However, the developer bringing an Art Consultant on board can greatly aid in the quality of the project as a wide range of artists with diverse styles and new ideas can be brought in for consideration.

## Process

Developers should be made aware of the Public Art mandate if an ordinance is in place or the possibility of gaining incentives if participation is voluntary as early as possible in the project planning stage. It is at this early juncture that the developer can discuss the options and possibilities with City staff.

### Preliminary Approval

Prior to the developer obtaining their building permit, they would file a preliminary Art Plan Application indicating the type of project being pursued, the preliminary budget schedule, and the process for artist identification.

The Parks and Community Services Director or their designee should review the preliminary Art Plan Application, and if it is found complete and in compliance with the ordinance or voluntary participation requirements, approve the preliminary plan. This approval will be deemed sufficient for the issuance of a Building Permit.

Within 60 days of the applicant obtaining a Building Permit, a final Art Plan Application for placement of artwork on private property should be submitted to the department with information including, but not limited to:

- Final sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork and its compliance with the ordinance requirements.
- An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs.
- Preliminary plans containing such detailed information as may be required by the department to adequately evaluate the site location of the artwork in relation to the proposed development and its compatibility with the neighborhood in which it is located. A narrative statement indicating how the artwork will be displayed in a public place freely available to the public at least ten (10) hours each day, or equivalent alternatives acceptable to the city.

## Final Approval

The Parks and Community Services Director or their designee shall review the final application, and if it is found complete and in compliance with the requirements of the ordinance, prepare a recommendation to the Arts Commission.

The commission shall be responsible for review and approval of the proposed artwork for its compliance with the ordinance requirements, aesthetic quality, and the proposed location of and public accessibility to the artwork.

An applicant may appeal the decision of the commission to the City Council. Action by the City Council is final.

### Project Completion

At the completion of the project the developer should provide a copy of the registration receipt for the Covenant and Agreement, photos of the completed artwork, final expenditure report, information about the artist and artwork, etc. City staff should perform a site visit to confirm the work is completed and satisfactory. A plaque identifying the artist, title of the work and crediting the program should be placed by the artwork by the developer as part of the project.



## Financial Securities and Project Completion Guarantees

Municipalities handle the process of ensuring the satisfactory completion of the project in different ways. Developers receive compliance credit for their project in the form of an Approved Art Plan prior to a Building Permit being issued. Once the Developer has the Building Permit in hand, the City will require a way to ensure the project is completed satisfactorily as approved in advance.

If the project will be guaranteed to be completed in tandem with the building construction, then the Certificate of Occupancy can be tied to the satisfactory completion of the Art Plan and receipt of all closing documents such as the registration of the Covenant and Agreement, project documentation etc.

However, the completion of the art project may not coincide with the completion of the building and the City may not wish to withhold the Certificate of Occupancy waiting for the artwork.

In this instance, the best practice is to allow the developer to provide a Certificate of Deposit or a Letter of Credit to the benefit of the City that can be held and cashed in should the developer default on the project. This financial security would be automatically renewing to remain viable past the building completion date. Once the project is complete the Director of the Parks and Community Services Department can sign a release of the document back to the developer.

It may be tempting to utilize the Performance Bond process to guarantee the project, but this form of security is not recommended and is not appropriate for Public Art as discussed earlier.



The Storyteller by Jason Meadows

# Budgeting for Public Art Projects

## Utility Box Program

“The City of Costa Mesa owns over 120 utility boxes at signalized intersections throughout the city and is dedicated to incorporating art into public spaces. A Utility Box Art Program was launched in early 2015 to spotlight a handful of utility boxes as beautiful art pieces. The city currently has over 40 utility art boxes that display artwork from local artists.” From City of Costa Mesa 2022 Utility Box Program Handbook (see Appendix). Current budget is \$12,500 which covers up to 10 new artworks per year, including maintenance expenses. The artist honorarium for creating a work to be placed on a utility box is \$300. The City invites sponsorships of utility boxes (\$1,500 to \$2,500) and permits up to 20% of the space for sponsor branding. Complete details may be found in the Handbook.



## Temporary Public Art Programs

**Sculpture Program:** Annual program costs can range from \$100,000 to \$500,000 (not including City Staff time), depending upon the number of sculptures to be displayed each year and the length of the exhibition for each work. Costs include project management consultant, artists fees, site preparation, installation, and de-installation. Site preparation costs will vary based on the number of concrete pads needed each year—more in the beginning, diminishing in subsequent years because the program reuses existing pads for replacement sculptures. The Sculpture Exhibition in Newport Beach Civic Center Park, now entering its eighth phase, has an annual budget of approximately \$175,000. It exhibits twenty works concurrently, with ten works rotated in and out each year. For more information, visit: <https://www.newportbeachca.gov/government/departments/library-services/cultural-arts/sculpture-in-civic-center-park-exhibition>.

## Permanent Public Art Projects

**Murals:** Cost is projected at \$50,000 to \$300,000, depending upon the mural size and the number of murals commissioned – budget includes project management consultant, artists fees, installation, and annual maintenance costs based upon artist’s maintenance manual, but not City staff time.

**Sculptures:** Costs range from \$100,000 to \$1,000,000, including project management consultant and artist fees, site preparation, installation, and annual maintenance costs based upon the artist’s maintenance manual, but not City staff time.



# Funding Mechanisms for Public Art Projects

Municipalities commonly use the following sources to fund art endeavors in general and Public Art specifically, aside from the allocation of these endeavors through usage of the General Fund.

## Transit Occupancy Tax

As arts and culture offerings enhance the desirability of a community and support the appeal of a City as a destination, cities will commonly provide a percentage of the Transit Occupancy Tax as a line-item revenue stream. For example, the City of Los Angeles identifies 1% of the tax for (1) acquisition or placement of publicly accessible works of art; (2) acquisition or construction of arts and cultural facilities; (3) the providing of arts and cultural services; (4) restoration or preservation of existing works of art; (5) the City's costs of administering the Public Works Improvement Arts Program; and, (6) support to programs and operations of the Cultural Affairs Department.

Using a slightly different approach, the City of Laguna Beach established more than 20 years ago a Business Improvement District comprised of its hotels, which added a 2% fee per night on hotel room stays. The program mandated that half of the proceeds are distributed to the arts in a formula that supports its three mainstay institutions (Laguna Art Museum, Laguna College of Art + Design, Laguna Playhouse), its Arts Commission's Public Art Program, and more than a dozen small community arts organizations. More than \$1 million is generated for the arts annually from this mechanism. The rationale for funding the arts through this program was that it supports year-round arts activities that contribute to filling hotel rooms during the off-season.

## Public Works and/or Private Development Percent for Art Policies

A natural enhancement to public works development is the integration of Public Art into the construction and improvement of City facilities. As permanent Public Art is considered a capital improvement, it is generally eligible as an expense in tandem with grants or other outside funding for these projects. Depending on the source, facility funding can be less restrictive, allowing for a wide array of arts programming on the site of the development.

Municipalities have allocated between 1-2% of the cost of construction for these projects as part of the regular budgeting process. Among Orange County's 34 cities, there are currently 7 that mandate Public Art within their communities: Brea, Buena Park, Dana Point, Laguna Beach, Santa Ana, Tustin, and Westminster. Two more cities are expected to join that list upon approval of Public Art Plans they are completing: Anaheim and Huntington Beach. (See Appendix for more details.)

The mechanism used most frequently is the assessment of a fee ranging from 0.5% to 1.25% on the total cost of new construction or renovations on projects valued at or above a baseline amount. Fees may apply to City capital improvements, private development, or both. Policies vary, with private developers, in some cities, permitted to acquire and install art on their property to fulfill the requirement (with City review and approval), or instead to pay into an in-lieu fund managed by the City to acquire and install Public Art on City-owned property.

## Quimby Funds

Restricted to parks, there are instances where the integration of Public Art into park enhancements can be eligible and a great use of the fund. This is a consideration that merits exploration on a case-by-case basis.



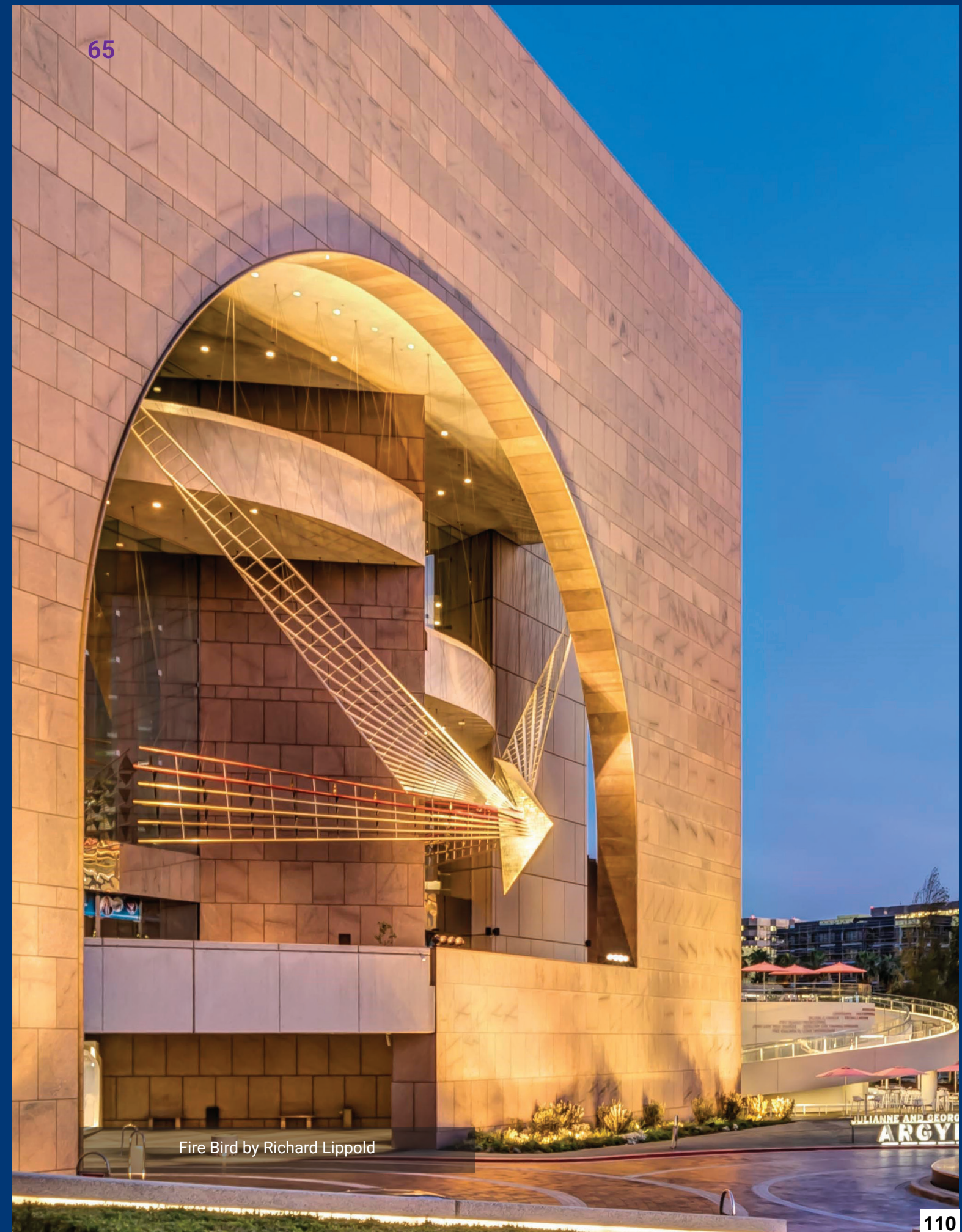


## New State of California Funding

In June 2022, the Legislature approved and the Governor signed a State budget that includes a \$25 million one-time General Fund appropriation for the California Department of Parks and Recreation to create a new California Cultural and Art Installations in the Parks program for state and local parks, in partnership with the California Arts Council. Installations will reflect local cultural heritages, connect the public to natural resources of state and local parks, and provide contemporary experiences to visitors. Details are forthcoming.

## Private Funds

The success of most robust municipal art in public places programs is due to the investment of public funds, regarding the value of Public Art as similar to libraries, community centers and parks. Nevertheless, opportunities exist for raising private support to augment public dollars for such programs, ranging from “crowdfunding” small contributions (often used for commemorative monuments) to major gifts enabling a municipality to acquire an especially costly work of art by an internationally-renowned artist. An example of this was the \$1 million gift by a donor toward the cost of commissioning art to be installed at the Golden 1 Center (a new sports arena) in Sacramento.

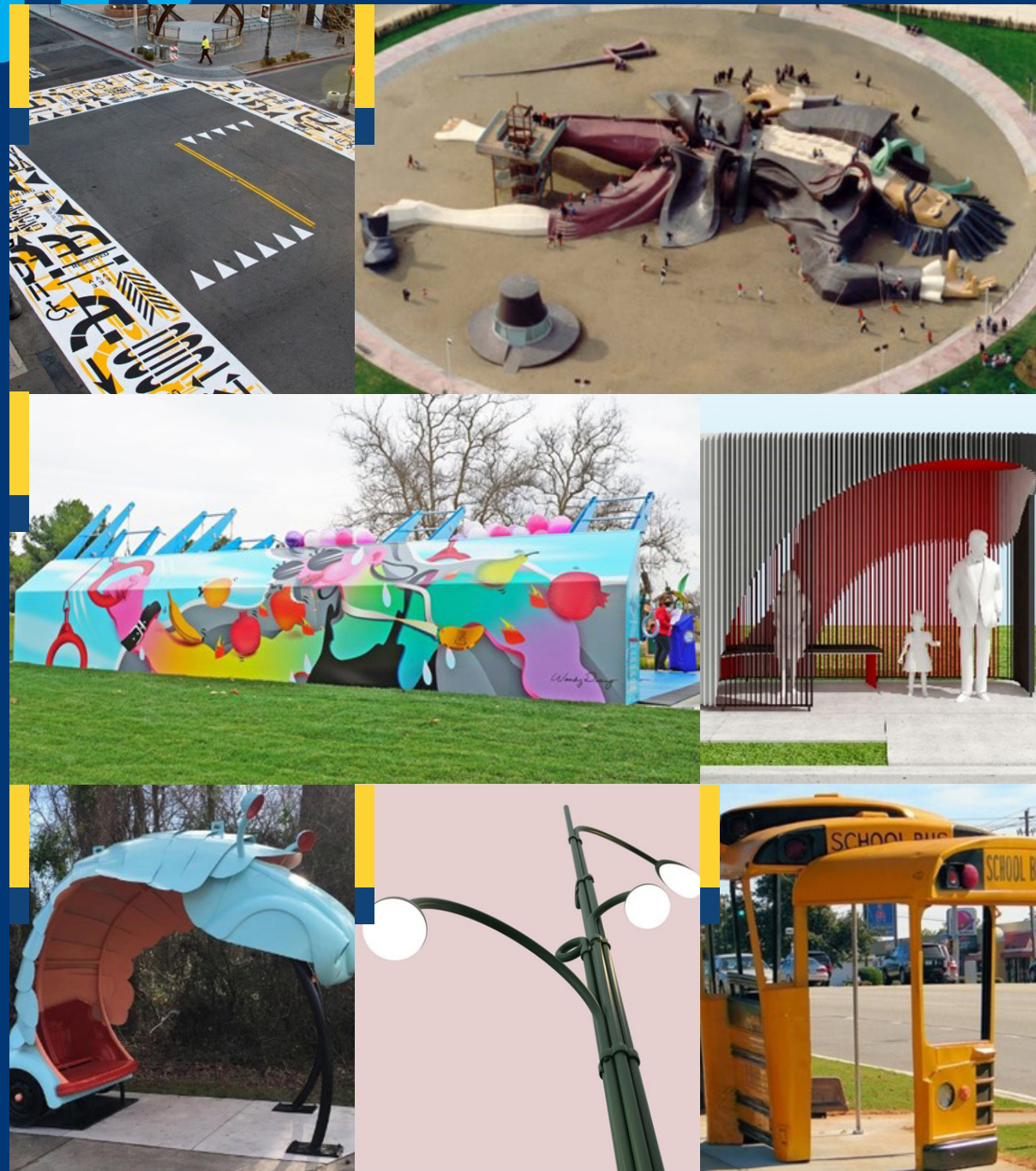


Fire Bird by Richard Lippold



Under the Public Art Goal #2:

## Imaginative Design in Functional Elements



As described in the Arts & Culture Master Plan:

**Action 2.6:** Incorporate imaginative design in all the City's functional elements and fixtures.

"There are artists and existing companies that specialize in the custom fabrication of creatively designed elements such as streetlights, playground equipment, fitness stations, bus shelters, benches. After a period of research, the City should conduct a call for artists to submit designs, which would be selected by the City through a process involving the Cultural Arts Committee, Planning Commission, City staff and Council. Based on budget, the City can choose to transform the chosen elements over a short period of time or phase them in as replacement of older elements."

## Streetlights

Streetlights comprise a prolific functional element in the urban environment that require routine replacement over the years and addition to the cityscape when new land use developments take place.

Some cities have embellished their appearance in subtle or dramatic ways. Historic "old town" districts of cities are often emphasized through the use of "Gaslamp"-style fixtures. Contemporary developments have gravitated to more geometrical designs for their exterior lighting needs on pathways and sometimes adjacent streets.

Many decorative designs for streetlights are commercially available through a wide variety of sources and meet the latest eco-friendly standards by using LED lamps and solar or wind energy.

But "off the shelf" products don't precisely fulfill the vision of the Arts & Culture Master Plan, which indicates a desire for uniqueness and authenticity.





## Imaginative Design in Functional Elements

### Mission Viejo

When the planned community (now city of) Mission Viejo was developed in the 1960s, the Mission Viejo Company designed a distinctive streetlight modeled on the El Camino Real bells along the historic highway and the bells at nearby Mission San Juan Capistrano. At that time, experts said it could not be created, but representatives from General Electric and Edison worked together to transform the concept into reality and today thousands of the “Mission Bell Luminaire” streetlights illuminate the city. It is a hallmark of that community, reflecting its self-defined character.



### Los Angeles

Other cities have held open competitions for such designs, and a recent example was “LA Lights the Way,” a 2019 call for designers in architecture, design, and engineering by the City of Los Angeles to submit concepts for a new design to replace its streetlights. LA has over 210,000 streetlights in over 400 different designs citywide.

Three competitions were conducted: one open to professional designers, one for students in professional design programs, and one for all other students. Guidelines included adherence to the City’s strict public works specifications required for safe, efficient and durable streetlights. Juries for each program included representation from designers, architects, engineers, and City staff. Full program details may be found here: <https://www.lalightstheway.org/>

The winning design was announced by Los Angeles Mayor Eric Garcetti in front of the famous Chris Burden “Urban Light” installation at the Los Angeles County Museum of Art in 2020.





## Imaginative Design in Functional Elements

### Benches

Benches provide another opportunity to beautify functional elements in a City. The City of Laguna Beach includes an Artist-Designed Bench program among its Public Art programs. The selection follows their normal Public Art processes, though guidelines for the benches, as functional elements on which people may sit or lie down, are more specific as to materials and design.



The following are a few examples of **Laguna Beach** artist-designed benches:



### Bus Shelters

The City of Athens, Georgia, is widely known for artist-designed bus shelters, selected to open competitions similar to those described above. In their words, “The unique installations have sparked conversations, prompted explorations and brought the uniqueness of being an Athenian to our well-regarded Transit System. These shelters serve a practical need as well as connect with people who might not ordinarily seek out Public Art.”



## Street Calming, Pedestrian Crosswalks, Bike Lanes

“Asphalt art had a strong positive correlation with improved safety benefits across aggregated and most individual study sites,” researchers wrote in the study. “Road user behavior clearly improved across the observed study sites in the after analysis periods.” This was reported by Bloomberg Philanthropies about their Asphalt Art Initiative, which they define as “visual interventions on roadways (intersections and crosswalks), pedestrian spaces (plazas and sidewalks), and vertical infrastructure (utility boxes, traffic barriers, and underpasses).”

<https://asphaltart.bloomberg.org/>





The City of Portland, Oregon has more than 100 street art paintings. A recent article by BikePortland cited the following statistics from the Bloomberg Philanthropies report: “a 50% decrease in the rate of crashes involving pedestrians or other vulnerable road users, a 37% decrease in the rate of crashes leading to injuries, and a 17% decrease in the total crash rate. The user behavior assessment yielded similar results; a 25% decrease in pedestrian crossings involving a conflict with drivers, a 27% increase in frequency of drivers immediately yielding to pedestrians with the right of way, and a 38% decrease in pedestrians crossing against the walk signal.” They did so in order to rebut “For years, the official stance from the Portland Bureau of Transportation has been that intersection paintings have no traffic safety impacts and are simply a tool to build community and bring people together around a shared neighborhood identity.”



In September 2020, with support from the nonprofit Costa Mesa Alliance for Better Streets, Costa Mesa installed traffic calming street art on a temporary basis to test the concept and the public’s response. The artwork was created by Costa Mesa artist Salina Mendoza.



Monrovia & 19th Streets, Costa Mesa



Wallace & Center Streets, Costa Mesa



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Imaginative Design in  
Functional Elements

## Playgrounds and Fitness Stations

Playgrounds worldwide for decades have showcased artist-designed equipment and whimsical experiences for children. While off-the-shelf playground themes are readily available, this is another opportunity for a city to demonstrate its uniqueness by commission artists in the creation of playground equipment.

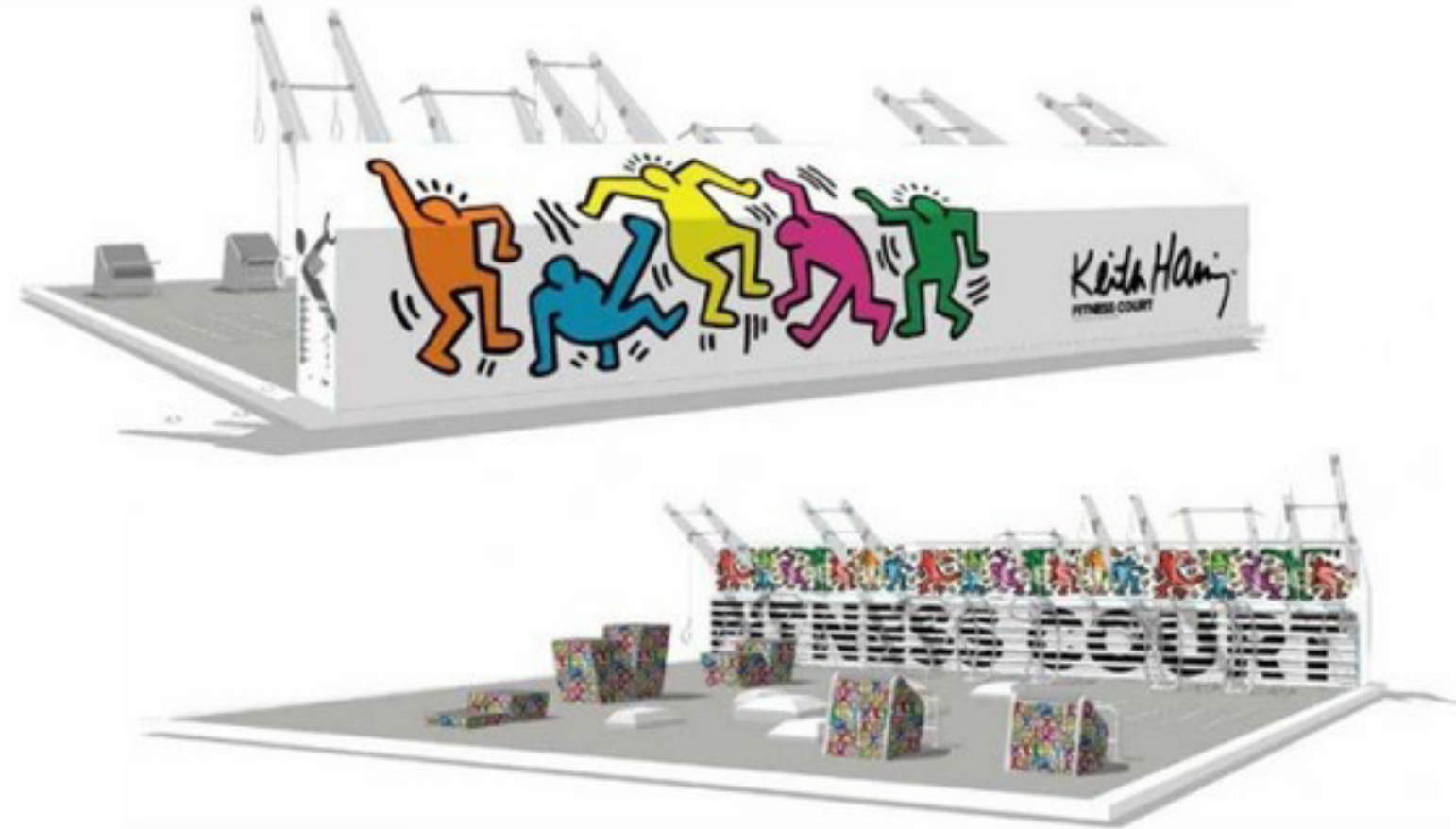
Interestingly, just a few years ago, the National Fitness Campaign partnered with the Keith Haring Foundation (administrator of the famous artist's estate) to offer communities a number of options to license stock outdoor fitness courts with Haring's easily recognizable art emblazoned on their walls. However, in response to many communities' requests, the National Fitness Campaign also opened up the opportunity for its fitness courts to be designed by artists chosen by local communities through commissions and competitions.

A playground depicting the literary character of Gulliver in Portugal



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National Fitness Campaign's fitness court using licensed art by the late Keith Haring can instead feature the work of artists chosen by local communities



Example of a National Fitness Campaign fitness court with art by a locally-chosen artist.





## Utility Boxes

Costa Mesa already has a successful and growing Utility Box Art Program. See p. 94 and following for its June 2022 Handbook.

### Costa Mesa

Utility Art Box Program Handbook (draft 6/2022). The Handbook outlines the process:

- Use of vinyl wraps
- Maintenance & Repair – City responsible
- Submission for Artists – Artist Honorarium (\$300)
- Submission for Sponsorships – can use name & logo on box plus artwork (\$1,500 to \$2,000 for private, for-profit businesses and \$600 to \$1,000 for public and non-profit organizations.)
- Review & evaluation by staff and Costa Mesa Cultural Arts Committee (which was converted to Commission status in 2022)

Orange County cities with Utility Box Art Programs Include:

### Buena Park

New Art in Public Places Program specifically for city public locations. Program does utility boxes (vinyl wrap) and murals (public pool).

### Dana Point

Dana Point just completed Phase 3 of the Utility Box Public Art Program. Priority is given to local artists for the vinyl wrap boxes. Artwork is selected by the City of Dana Point Arts & Culture Commission. Each selected artist receives a \$250 honorarium.

### San Clemente

The City of San Clemente and the San Clemente Art Association created this pilot beautification project, “Street Art” in 2012. Each artist selected received a \$500 honorarium and a supply voucher up to \$200.

The boxes are painted with the predominant themes of nature and the surf culture.

### Santa Ana

In 2020, the City of Santa Ana Arts & Culture Office did a Call for Art for their Utility Box Art Program. This was for artists who live, work, or study in Santa Ana. Artists painted the boxes and received an honorarium of \$400.

### Tustin

Creative Signals, Traffic Signal Cabinet Public Art Program. This was established in 2018 working with the Public Art Committee. Individuals, organizations, and businesses are invited to donate a Public Art project to the City of Tustin by having an original vinyl wrap designed and



## Functionality and Cost

Adding imaginative design or artistic treatments to functional elements in the cityscape requires adherence to specifications for safety, energy efficiency, durability, ease of maintenance, and other concerns. This can sometimes add to the cost of acquisition, which should be taken into account when planning such projects. But the costs should also be weighed against the value to the City in terms of beautification, community engagement, and contribution to the image and “brand” of Costa Mesa as “City of the Arts.”



# About the Consultant

Arts Orange County (ArtsOC) is the leader in building appreciation of, participation in, and support for the arts and arts education in Orange County, California. A countywide nonprofit arts council, Arts Orange County is designated by the County's Board of Supervisors as its official Local Arts Agency and State-Local Partner. Founded in 1995, ArtsOC offers a broad range of traditional arts council programs and services that are augmented by an innovative portfolio of consulting and project management services for government, education and nonprofit organizations.

## ARTS ORANGE COUNTY CONSULTING TEAM

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Pat Gomez, Public Art Consultant

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# Appendix

Historic  
COSTA MESA

Historic Costa Mesa by Allyson Jones Wong



## Mandatory Public Art – 4 Cities

These cities have ordinances requiring the acquisition and installation of art as part of public and/or private development.

### Brea

Development projects with a total project valuation of between \$1,500,000 and \$3,999,999 have the option of contributing sculpture allocation funds to Brea's Art Fund in lieu of installing sculpture at the project site. Development projects with a total project building valuation of \$4,000,000 or more must install sculpture at the project site. 1% of total project valuation. Program has been in place since 1975 with more than 180 artworks on display citywide.

### Buena Park

New public parks and City capital improvements must include Public Art component (enacted 2019)

### Dana Point

0.5% on private and public development projects (except County of Orange Dana Point Harbor)

### Laguna Beach

All new commercial and industrial development, residential development (including subdivisions) of more than four lots or units, remodeling, repair, or reconstruction of buildings in the above two categories when the value exceeds \$225,000.00, and certain City public works projects when the value exceeds \$225,000.00.

Acquire and install an artwork on the project site which is of at least 1% of the total project valuation, or pay an in-lieu fee which is a contribution to the Art In-Lieu fund and will be equal to 1.25% of the total project valuation.

In 2020, Temporary Public Art Installations were developed with funding from the Arts Commission Special Program Budget. Arts Commission budget generated from revenues from the Business Improvement District, Transient Occupancy Tax (TOT), and donations.

## Non-Mandatory Programs – 4 Cities

These cities encourage private developers to incorporate Public Art into their projects and provide guidelines with varying degrees of detail.

### Anaheim

Anaheim is at beginning stages in preparing a Public Art Plan. They are doing research on all the different communities in the city, looking at both cultural and historical aspects.

### Huntington Beach

There is a draft Public Art Master Plan (2020) that has not been approved. The purpose of the Plan is to guide the process for Public Art within the City. Plan proposes to form an ad hoc Art In Public Places Committee to develop policies and procedures for the use of currently available Public Art in Parks funds.

### Newport Beach

Newport Beach recognizes the importance of Public Art to enhance and beautify the city under an Art in Public Places Council Policy. For the past 10 years, emphasis has been on the temporary Sculpture Exhibition in Civic Center Park, where 10 pieces are loaned for a 2-year period (20 works on display simultaneously). Phase VII was just installed and will be up through June 2024. The City has utilized various sources to pay for it over the years, including proceeds from a development fee, General Fund, contribution from a hotel fee (Business Improvement District), a State of California grant, and supplemental funds from a fundraising auxiliary to the City's Arts Commission.

### Santa Ana

Santa Ana just developed Public Art Guidelines, Chapter 15, as part of the Citywide Design Guidelines. In that, Public Art associated with commercial development is encouraged. Public Art projects such as fitness court murals, utility boxes, and a beautification project (Willits and Sullivan) have been implemented recently primarily as special projects directed by the City Council.



# Inventory of Public Artworks in the City of Costa Mesa

Permanent Artworks (58)

**California Scenario** (Award Winning, 1994) / stone, water, metal, plantings / 1980-1982  
**Artist:** Isamu Noguchi  
**Location:** Pacific Arts Plaza, 611 Anton Boulevard

**Connector** (Award Winning, 2006) /weatherproofed steel sculpture / 2006  
**Artist:** Richard Serra  
**Location:** Segerstrom Center for the Arts, 600 Town Center Drive

**Costa Mesa Bloom** / mural / 2019  
**Artist:** Aaron Glasson  
**Location:** Triangle Square, Harbor Boulevard and 19th Street

**Cytocast** / ultra-high performance concrete and micro-rebar sculpture/ 2018  
**Artist:** Joseph Sarafian and Orange Coast College Architecture students  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Dick Church’s Restaurant Mural** / mural / date unknown  
**Artist:** Jennifer Bloomfield  
**Location:** Dick Church’s Restaurant, 2698 Newport Boulevard

**Dolly Parton Mural** / mural / 2021  
**Artist:** David Gilmore  
**Location:** The Strut Bar and Club, 719 West 19th Street

**Electric Bike Company Mural** / mural / 2021  
**Artist:** Jennifer Bloomfield  
**Location:** Electric Bike Company, 1945 Placentia Avenue

**Fermi** / marble modular sculpture / 1975  
**Artist:** Tony Smith  
**Location:** 650 Town Center Drive

**Fire Bird** / gold, silver, and red stainless steel sculpture / 1986  
**Artist:** Richard Lippold

**Location:** Segerstrom Center for the Arts, 600 Town Center Drive

**Floyd’s 99 Barbershop Mural** / spray paint mural / 2017  
**Artist:** Jonas Never  
**Location:** Former Floyd’s 99 Barbershop, 124 East 17th Street

**Food for the Soul** / spray paint mural / 2021  
**Artist:** Brian Peterson and Damin Lujan  
**Location:** Someone Cares Soup Kitchen, 720 West 19th Street



**Four Lines Oblique Gyratory-Square IV** / kinetic steel sculpture / 1973  
**Artist:** George Rickey  
**Location:** 650 Town Center Drive

**Friends of Brentwood Park** / wall mural / 2017  
**Artist:** Becky Feltman  
**Location:** Brentwood Park, 260 Brentwood Street

**Historic Costa Mesa** / painted mural / 2012  
**Artist:** Allyson Jones Wong  
**Location:** Sparks Enterprises, 1500 Adams Avenue

**Hombre and Mujer** / 2 sculptures / 2001  
**Artist:** Vladimir Cora  
**Location:** Mesa Art and Framing, 789 West 19th Street

**Home Sweet Home** / wall mural / 2019  
**Artist:** Brian Peterson  
**Location:** First United Methodist Church, 420 West 19th Street

**Jonah and the Whale** / bronze sculpture in pool / 1918  
**Artist:** Carl Milles  
**Location:** 650 Town Center Drive

**Kobe and Gianna Bryant Tribute Mural** / mural / 2020  
**Artist:** Tyke Witnes  
**Location:** 739 West 19th Street

**Kobe Bryant Mural** / mural / 2020  
**Artist:** Efren Andaluz  
**Location:** SOCIAL Costa Mesa, 512 West 19th Street

**Las Poderosas Mural** / mural / 2020  
**Artists:** Alicia Rojas, Camilo Romero, and the Santa Ana Community Artist(a) Coalition  
**Location:** Baker Street and Killybrooke Lane

**Mustang Legacy Wall Project** / brick wall mural / 2017  
**Artist:** Costa Mesa High School Foundation  
**Location:** Costa Mesa High School, 2650 Fairview Road

**Neptune Water Spouts** / ceramic fountain heads and fountain / 1975  
**Artist:** Betty Davenport Ford  
**Location:** 686 Anton Boulevard

**Night Shift** / Sierra white granite and stainless steel sculpture / 1982  
**Artist:** Jim Huntington  
**Location:** 686 Anton Boulevard

**Oiseau** / bronze sculpture / 1981  
**Artist:** Joan Miro  
**Location:** 650 Town Center Drive

**Orange County Graffiti Mural** / mural / date unknown  
**Artist:** Graffiti LA  
**Location:** Former Rollin Deep Ice Cream, 891 Baker Street, Suite B-19



**Pablo Universal** / painted mural on building / 2013  
**Artist:** David Flores  
**Location:** Former DAX Gallery, 2951 Randolph Street

**Reclining Figure** / bronze sculpture / 1981  
**Artist:** Henry Moore  
**Location:** 600 Town Center Drive

**Sun Glitter** / bronze sculpture / 1932  
**Artist:** Henry Moore  
**Location:** 650 Town Center Drive

**Sun Ribbon** / glass and metal windscreen sculpture / 1980  
**Artist:** Claire Falkenstein  
**Location:** 686 Anton Boulevard

**Table of Dignity** / installation and murals / 2017  
**Artists:** Ricardo Mendoza, Josh Sarantitis, and Emigdio Vasquez Jr.  
**Location:** 88 Fair Drive

**Taco Mesa Mural** / mural on exterior wall / date unknown  
**Artist:** Unknown  
**Location:** Taco Mesa, 647 West 19th Street

**The Artist's Vision** / metal sculpture / 2004  
**Artist:** James McDeamas  
**Location:** 77 Fair Drive

**The Free Britney Mural** / mural / 2021  
**Artist:** David Gilmore  
**Location:** Donkey D's, 820 West 19th Street

**The Ram** / painted steel sculpture / 1979  
**Artist:** Charles O. Perry  
**Location:** 686 Anton Boulevard

**The Storyteller, Upstage / Downstage, The Herald** (Spatio Virtuo Teatro) / 3 painted steel sculptures / 2006  
**Artist:** Jason Meadows  
**Location:** Terrace at South Coast Repertory, 655 Town Center Drive

**Thalo Sun** / paint on wood mural / 2021  
**Artist:** Gabriella Kohr  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Tour Aux Jambes** / polystyrene, polyester, and epoxy sculpture / 1973-1980  
**Artist:** Jean Dubuffet  
**Location:** 695 Town Center Drive

**Untitled – B-24 Mural** / mural / 2021  
**Artist:** Nancy Hadley  
**Location:** 17th Street

**Untitled – Bootleggers Brewery Mural** / mural / date unknown  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street



**Untitled – Crack Shack Mural** / mural / date unknown  
**Artist:** Unknown  
**Location:** The Crack Shack, 196 East 17th Street

**Untitled** / acrylic, spray paint mural / 2009  
**Artists:** El Mac and Retna  
**Location:** RVCA Headquarters, 960 West 16th Street

**Untitled** / exterior color primer paint mural on building / 2018  
**Artist:** Joshua Madrid  
**Location:** Volcom Skate Park, 900 Arlington Drive

**Untitled** / 7 paint on wall-mounted canvas panels / 2018  
**Artist:** Joshua Madrid  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled CD Tunnel** / compact discs installation / unknown date  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled Gazebo** / sculpture / unknown date  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled – Faces Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Untitled – Industrious Costa Mesa Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** Industrious Costa Mesa, 3090 Bristol Street

**Untitled – Parking Lot Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** Industrious Costa Mesa, 3090 Bristol Street

**Untitled – Parking Lot Mural 2** / mural / unknown date  
**Artist:** Unknown  
**Location:** Industrious Costa Mesa, 3090 Bristol Street



**Untitled** / spray paint mural / unknown date  
**Artist:** Barry McGee  
**Location:** RVCA Headquarters, 960 West 16th Street

**Untitled – Save Our Youth Mural** / mural / unknown date  
**Artist:** Save Our Youth  
**Location:** Save Our Youth Foundation, 2045 Meyer Place

**Untitled – Social Costa Mesa Mural** / mural / unknown date  
**Artist:** Unknown  
**Location:** SOCIAL Costa Mesa, 512 West 19th Street





**Mural** / mural painted on exterior wall / unknown date  
**Artist:** Unknown  
**Location:** Tewinkle Intermediate School, 3224 California Street

**Untitled – RVCA Headquarters Mural** / spray paint mural / unknown date  
**Artist:** Unknown  
**Location:** RVCA Headquarters, 960 West 16th Street



**Utsurohi 91 – Costa Mesa** / chromium-plated steel and ceramic tile sculpture / 1991  
**Artist:** Aiko Miyawaki  
**Location:** 695 Town Center Drive

**Welcome Home** / acrylic spray paint mural / 2017  
**Artist:** Shepard Fairey  
**Location:** 125 Baker Street

**Welcome to Costa Mesa** / spray paint mural / date unknown

**Artists:** Brian Peterson and Damin Lujan  
**Location:** 21st Street

**Wilson Elementary Mural** / mural / 2022  
**Artist:** Jennifer Bloomfield  
**Location:** 801 West Wilson Street

**Yes, No, Maybe (Neon Art)** / neon art / date unknown  
**Artist:** Unknown  
**Location:** The LAB Anti-Mall, 2930 Bristol Street

**Utility Box Art Program**  
**Current:** 51  
**Former:** 11  
("Former" refers to previous artworks that have been removed.)

**Utility Box 1 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Al McCoy  
**Location:** Formerly 19th Street and Placentia Avenue

**Utility Box 2** / sticker wrapped utility box / 2015  
**Artist:** Michael Ward  
**Location:** Placentia Avenue and Wilson Street

**Utility Box 3 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Scott Kennedy  
**Location:** Formerly Placentia Avenue and 16th Street

**Utility Box 4 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Gina Clark  
**Location:** Formerly Fair Drive and Civic Center

**Utility Box 5** / sticker wrapped utility box / unknown date  
**Artist:** City of Costa Mesa – City Manager's Office  
**Location:** Park Avenue and 19th Street

**Utility Box 6 (Former)** / sticker wrapped utility box / 2015  
**Artist:** Abby Garcia  
**Location:** Formerly Placentia Avenue and 17th Street

**Utility Box 7** / painted utility box / 2015  
**Artist:** Estancia High School Artists  
**Location:** 2323 Placentia Avenue

**Utility Box 8** / sticker wrapped utility box / 2015  
**Artist:** Segerstrom Center for the Arts Graphic Design Team  
**Location:** Bristol Street and Town Center Drive

**Utility Box 9** / sticker wrapped utility box / 2016  
**Artist:** Thomas Griffithe  
**Location:** Newport Boulevard and Victoria Street

**Utility Box 11** / sticker wrapped utility box / 2016  
**Artist:** Marie Lavallee  
**Location:** 17th Street and Westminster Avenue

**Utility Box 12** / sticker wrapped utility box / date unknown  
**Artist:** Julie Bird Mattson  
**Location:** East 17th Street and Tustin Avenue

**Utility Box 12 (Former)** / sticker wrapped utility box / 2017  
**Artist:** Papa Murphy's Graphic Design Team  
**Location:** Formerly Wilson Street and Harbor Boulevard

**Utility Box 13** / sticker wrapped utility box / 2017  
**Artist:** David Levy  
**Location:** Mesa Drive and Santa Ana Street

**Utility Box 14** / painted utility box / 2017  
**Artist:** Senior Center Artists  
**Location:** 19th Street and Pomona Avenue

**Utility Box 15** / sticker wrapped utility box / 2017  
**Artist:** Ben Brough  
**Location:** 17th Street and Santa Ana Avenue

**Utility Box 16** / sticker wrapped utility box / 2017  
**Artist:** Marie Lavallee  
**Location:** 19th Street and Anaheim Avenue

**Utility Box 17** / sticker wrapped utility box / 2017  
**Artist:** Craig Barker  
**Location:** Adams Avenue and Mesa Verde East

**Utility Box 18** / sticker wrapped utility box / 2017  
**Artist:** Bill Anderson  
**Location:** Bristol Street and Anton Boulevard

**Utility Box 19** / sticker wrapped utility box / 2017  
**Artist:** Segerstrom Center for the Arts  
**Location:** Bristol Street and Sunflower Avenue

Utility Box 20 / sticker  
wrapped utility box / 2018  
**Artist:** The Costa Mesa  
Historical Society  
**Location:** Harbor Boulevard  
and 19th Street

Utility Box 21 / sticker  
wrapped utility box / 2018  
**Artist:** The Costa Mesa  
Historical Society  
**Location:** Harbor Boulevard  
and Mesa Verde Drive

Utility Box 22 / sticker  
wrapped utility box / 2017  
**Artist:** Sharon Hurd  
**Location:** Placentia Avenue  
and Goat Hill Junction

Utility Box 23 (Former) /  
sticker wrapped utility box /  
2018  
**Artist:** Jason Carrougher  
**Location:** Formerly Placentia  
Avenue and 18th Street

Utility Box 24 / sticker  
wrapped utility box / 2018  
**Artist:** Orange Coast College  
**Location:** Fairview Road and  
Arlington Drive

Utility Box 25 / sticker  
wrapped utility box / 2018  
**Artist:** Orange Coast College  
**Location:** Fairview Road and  
Monitor Way

Utility Box 26 / sticker  
wrapped utility box / 2018  
**Artist:** Orange Coast College  
**Location:** Fairview Road and  
Merrimac Way

Utility Box 27 / sticker  
wrapped utility box / date  
unknown

**Artist:** Victor Briseno  
**Location:** Hamilton Street  
and Harbor Boulevard

Utility Box 29 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Orange County  
Fairgrounds  
**Location:** Wilson Street and  
Harbor Boulevard

Utility Box 30 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Orange County  
Fairgrounds  
**Location:** Fair Drive

Utility Box 31 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Maria Reverberi  
**Location:** Adams Avenue and  
Pinecreek Drive

Utility Box 32 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Barbara Owens  
**Location:** Milbro Street and  
Baker Street

Utility Box 33 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Iriet Peshkess  
**Location:** Baker Street and  
Fairview Road

Utility Box 34 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Wade McDonald  
**Location:** Paularino Avenue  
and Bristol Street

Utility Box 35 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Al McCoy  
**Location:** West 19th Street  
and Placentia Avenue

Utility Box 36 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Frank Gutierrez  
**Location:** Bristol Street and  
Randolph Avenue

Utility Box 37 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Bill Anderson  
**Location:** SOBECA Way and  
Bristol Street

Utility Box 38 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Scott Kennedy  
**Location:** West 16th Street  
and Placentia Avenue

Utility Box 39 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Jason Maloney  
**Location:** Bristol Street and  
Baker Street

Utility Box 40 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Costa Mesa Historical  
Preservation Society  
**Location:** Placentia Avenue  
and Fairview Park

Utility Box 41 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Julie Bird Mattson  
**Location:** National Avenue  
and Victoria Street

Utility Box 42 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Rebekah Corum  
**Location:** Newport Boulevard  
and 22nd Street

Utility Box 43 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Tanya Lozano  
**Location:** Bear Street and  
South Coast Drive

Utility Box 44 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Jeff Gillette  
**Location:** Harbor Boulevard  
and Fair Drive

Utility Box 46 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Bob Hogue  
**Location:** South Coast Drive  
and Harbor Boulevard

Utility Box 47 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Costa Mesa Historical  
Preservation Society  
**Location:** Harbor Boulevard  
and Merrimac Way  
Utility Box 48 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Marco de Jesus Nino  
**Location:** Mesa Drive and  
Newport Avenue



Utility Box 49 / sticker  
wrapped utility box / 2021  
**Artist:** Jennifer Bloomfield  
**Location:** Newport Boulevard  
and Del Mar Avenue

Utility Box 50 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Richard Walsh  
**Location:** Red Hill Avenue and  
Baker Street East



Utility Box 51 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Costa Mesa Historical  
Preservation Society  
**Location:** Newport Boulevard  
and Bay Street

Utility Box 52 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Jeff Lee  
**Location:** West Sunflower  
Avenue and Susan Street

Utility Box 53 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Johnathan Schiesel  
**Location:** American Avenue  
and Victoria Street

Utility Box 54 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Ronald Chee  
**Location:** Adams Avenue and  
Royal Palm Drive

Utility Box 55 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Sonya Teymourian  
**Location:** Superior Avenue  
and Industrial Way

Utility Box 56 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Ana Paula Lima  
**Location:** East 17th Street  
and Newport Boulevard

Utility Box 57 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Britt Bastedo  
**Location:** Harbor Boulevard  
and West Bay Street

Utility Box 58 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Sonya Teymourian  
**Location:** Fairview Road and  
Fair Drive

Utility Box 59 / sticker  
wrapped utility box / date  
unknown  
**Artist:** Bob Hogue  
**Location:** West 19th Street  
and Meyer Place

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / 2020  
**Artist:** Bonnie Matthews  
**Location:** Formerly Bear  
Street and Baker Street

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / 2015  
**Artist:** Bridget Bourgon  
**Location:** Formerly 19th  
Street and Harbor Boulevard

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / 2018  
**Artist:** Chris Simmons  
**Location:** Formerly Fairview  
Road and Fair Drive

Utility Box (Former -  
Unnumbered) / painted utility  
box / 2015  
**Artist:** Marilyn Scott-Waters  
**Location:** Placentia Avenue  
and 18th Street

Utility Box (Former -  
Unnumbered) / sticker  
wrapped utility box / date  
unknown  
**Artist:** Raising Canes  
**Location:** Harbor Boulevard  
and Baker Street

SAMPLE PUBLIC ART IN PRIVATE DEVELOPMENT

# Definitions and Eligibilities from Other Municipalities



City of **San Diego**:

“Artwork – An artwork may be in any style, expression, genre or media, provided that it is designed by an artist as defined herein. Artworks may be stand-alone, functional, or integrated into the architecture or landscaping and should encompass the broadest range of expression, media and materials.

Artwork includes:

Sculpture: may be made of any material or combination of materials; may be free standing, wall supported or suspended, kinetic, electronic or mechanical. Murals or paintings: may be made of any material or variety of materials with or without collage; may be made with traditional or non-traditional materials and means.

Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, literary expression, calligraphy, any combination of media, including audio, video, film, CD-ROM, DVD, holographic or computer-generated technologies, or new genres.

Artwork as defined herein may be permanent, fixed, or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals.”

The City of Los Angeles listing of projects eligible for their Arts Development Fee Credit, please note that the City of Los Angeles has a broader range of cultural services eligible for compliance:

“

“Credits.

(b) Cultural and artistic facilities are defined as follows:

(i) Exhibit/Performance Space: Public gallery/exhibition space, public performance spaces, Public Artistic studio spaces, Public Arts education facilities.

(ii) Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials.

(iii) Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of non-traditional materials and means.

(iv) Earthworks, fireworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media, including sound, film, holographic, and video systems, hybrids of any media and new genres.

(v) Standardized fixtures such as grates, streetlights, signage, and other design enhancements, as are rendered by an artist for unique or limited editions.

(vi) Similar facilities on culture and the arts as determined by the Cultural Affairs Department.

(c) Cultural and artistic services are defined as follows:

(i) Performing arts: Theatre, dance, music, and performance art.

(ii) Literary arts: Poetry readings and story telling.

(iii) Media arts: Film and video, screenings, and installations.

(iv) Education: Lectures, presentations, and training in and about arts and culture.

(v) Special events: Parades, festivals, and celebrations.

(vi) Similar services on culture and the arts as determined approved by the Cultural Affairs Department.”

Equally important is the listing of works not eligible for compliance. The following are examples of this aspect:

“

City of Los Angeles:

“The following facilities, services and community amenities are ineligible costs for a credit provided herein:

(i) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art.

(ii) Art objects which are mass produced of standard design such as playground equipment, fountains, or statuary objects.

(iii) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.

(iv) Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this design enhancement purpose.

(v) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.

(vi) Services or utilities necessary to operate or maintain the artwork over time.”

Los Angeles County includes the following as an ineligible project to ensure the artwork does not contain a commercial message:

“

“Artworks that contain a commercial message by referencing, presenting, or promoting a product or service that is available on or off site of the subject property through text, image, logo, trademark, or other mechanism”





## CITY OF PASADENA PUBLIC ART PROGRAM



### GUIDELINES FOR CITY CONSTRUCTION (CIP) PROJECTS

*Cultural Affairs is the City of Pasadena's facilitator for art, design, film, and cultural initiatives. A division of the City of Pasadena Planning and Development Department, Cultural Affairs supports the arts, culture, cultural heritage, design and film in Pasadena. It also promotes Pasadena in Southern California and nationally as a center of American cultural history as well as a vibrant arena for the creation of new art, design and film. Other programs managed by Cultural Affairs include "Cultural Pasadena" (a cultural tourism initiative), Cultural Grants, and international initiatives.*

#### PURPOSE

The purpose of these guidelines is to record the goals for the City of Pasadena Capitol Improvement Program (CIP) Public Art Program, and identify a process, including a method for funding, location, installation and maintenance for public art in City construction projects determined appropriate for public art.

#### GOALS AND OBJECTIVES

Art is both the permanent and changing record of what we hold important. Pasadena's CIP Public Art Program will reflect and communicate our values and enhance life in our community. It is the stated intent of the CIP Public Art Program to include art and provide space for the creation and presentation of art in CIP projects to create a more livable city, engage a wide spectrum of our citizens, stimulate the vitality and economy of the City of Pasadena and enhance the urban environment. These goals shall be realized through:

1. The commissioning of artists at a variety of points in their careers, but whose work is of the highest artistic merit, and who bring innovative artwork of all media and disciplines into the public realm.
2. The commissioning of artists and artwork which are reflective of cultural diversity and the city's international populations, recognize the values and contributions of various cultures to the community, and contribute to the characteristics, aspirations and unique expressions of Pasadena's values;



3. The encouragement of local artistic endeavors and support of local artists;
4. The encouragement of public dialogue and interaction with art in public places, through appropriate education forums, public meetings, citizen task forces and programs;
5. The commissioning of works of art varying in style, scale, medium, form and intent representative of the arts on a local, regional, national and international level;
6. The broad distribution of commissions among artists. To ensure this objective, no more than one City of Pasadena public art commission per artist/team shall be awarded in a three-year period. An artist may not apply for a subsequent commission until the aforementioned has been completed and has received final approval.
7. The geographic distribution of artworks throughout the City of Pasadena;
8. The inclusion of the artist and design team at the inception of the project.

#### **APPLICABILITY**

These guidelines do not apply to private development projects or donated works of art.

#### **SOURCE OF FUNDING: THE CIP PUBLIC ART FUND**

The CIP Public Art Fund is a standing account, which holds monies generated by CIP projects, identified to fund public art projects.

The CIP Public Art Program applies to all projects identified and implemented through the City of Pasadena's CIP planning process as well as those planned at the departmental level. One percent of each construction project is designated to fund public art. The Program is assessed against the actual construction cost, excluding architectural, engineering and administrative costs, costs for fees and permits, and indirect costs, such as interest during construction, advertising and legal fees. The minimum public art amount is the total City-funded portion of the construction cost divided by 100.

The assessment is not applied to those sources of capital funds restricted by law or regulation not to fund public art. Restricted funds include, but are not limited to, Residential Development Fees, Gas Tax, Sewer Fund, Commercial Development Impact Fees, Federal Urban Aid, Street Occupancy Fees, State Park Bonds and Underground Surtax.

The policy extends to the following: new construction and renovation or remodeling of structures costing \$250,000 or more, irrespective of their function; municipal buildings and facilities (including but not limited to recycling facilities, parking structures, access ramps and fire stations); street improvements; street lighting; traffic control and transit

facilities; sewers and storm drains; the Arroyo Seco Improvements Program; parks and landscaping; electric and water systems and Pasadena Center Improvements. The policy does not extend to exclusively internal projects (such as turbine overhauls) not accessible to the public, or staff.

### **PROJECT IDENTIFICATION**

The General Plan, district plans, park plans and specific plans have been developed for much of the City. (In addition, it is anticipated that in 2002 a community-wide cultural plan will be drafted and include a Public Art Priorities section.) These plans, in conjunction with the CIP Plan, provide a framework of short- and long-term identified CIP projects. The annual report submitted each year to City Council by Arts Commission will include an annual list of priority public art projects.

### **APPROPRIATE USE OF PUBLIC ART FUNDS AT A CIP SITE**

CIP Public Art monies may be used at any site, which is identified as a CIP site or a site, which is a public/private partnership. Monies may fund permanent site-specific artwork (as listed below), pre-existing original artwork (as listed below), an art site, or an integrated art component. An art site may include a sculpture or art garden, exhibition or auditorium space or facility for non-profit arts organizations. A public art project site may include streetscape or surface, sidewalks, lighting, signage, neighborhood identification, street furniture, etc. An integrated art component may include a bas relief, mural, etc. Monies may be used for one-time construction/purchase costs as well as conservation needs (in conjunction with the CIP Public Art Conservation Fund). Monies may not be used for routine maintenance, utilities or site staff (in the case of an auditorium, for example).

Each CIP art budget is developed and managed by the Public Art Coordinator. Public Art staff time and supplies is billable up to 25% of the project budget. Additional staff time from elsewhere in the City is billable against the project budget only if pre-approved by the Public Art Coordinator.

### **PLACEMENT AND INTEGRATION OF ARTWORK**

It is important that identification of the use of CIP Public Art monies at a site be identified early in the planning of a construction project. It is strongly recommended that the artist or team be selected before the architectural design work begins, so that the artist or team and the architect can work together toward a totally integrated design solution.

When a CIP project is identified to include visual artwork, the artwork shall be located on, in, or in the vicinity of the construction project. If the public art element is located in the interior of a structure, it should be located in an area, which is open and accessible to the public during normal business hours.

### **ELIGIBILITY**

CIP Public Art (visual artwork) competitions are open to any professional artist or a team led by a professional artist. Members of a review panel, any City of Pasadena



Council person or any Arts Commissioner or members of their families, including significant others, employees of the City of Pasadena or employees of any collaborating organizations shall be excluded from consideration. The Public Art Program is a public process allocating public funds. As such, it is necessary that panel and Arts Commission members do not have any real or perceived financial interest in the decisions that they make in connection with the program. Therefore, panelists and Arts Commissioners will be required to complete a Conflict of Interest Statement, listing the arts and cultural organizations and the individual artists with which they, their significant others or any member or their immediate family have had a financial, employment, professional, oversight or volunteer relationship during the last three years or have an agreement to have in the near future.

The Conflict of Interest Statement will be used by Cultural Affairs to ensure that the review panel and Arts Commission discussions are free from potential conflicts or the appearance of conflict of interest.

### **EXCLUSIONS TO PUBLIC ART ELEMENT REQUIREMENT**

The following items are not to be considered as artwork meeting the art requirement:

1. Art objects, which are mass-produced from a standard design such as playground equipment, flags, banners or fountains;
2. Reproductions, by mechanical or other means, of original fine art works;
3. Directional elements such as supergraphics, signage or color-coding. Unique (not of mass-produced design or imagery) artist-designed directional signage or unique supergraphics, which function as artworks may be appropriate;
4. Decorative, ornamental or functional elements, which are designed by the building, architect as opposed to artist commissioned for the purpose of creating fine art works;

### **CONSERVATION CLAUSE**

This pertains only to **structures of historical importance**. The change will be applied at the discretion of Arts Commission.

### **RENOVATION**

Major renovation to **at an historical structure** may receive a public art credit. The credited monies will be called "conservation funds".

Conservation funds may be used for conservation, restoration and replacement of historical art and design elements. The funds may not be used for structural, plumbing or mechanical work unless this work is directly related to conservation of historic features. The intent is to provide funds for the cost of restoration of unique elements demonstrating artistry and craft. Only features designed or created by an artist, artisan, craftsperson, landscape designer or architect may be considered. Examples of

appropriate use of conservation funds include: restoration of existing artwork at the site, including paintings owned by the City and other 2-dimensional artwork, sculpture and murals; restoration of furniture (including rugs, lighting, etc.) originally designed for and unique to the facility; re-fabrication of original features removed, damaged or destroyed; creation of objects and elements originally designed and intended for the building but not executed; and historic water and garden features and exterior lighting.

Use of conservation funds: These monies may be used in three ways: 1) as matching funds to preservation and conservation funds from outside sources (US Dept. of the Interior, Getty, California Heritage Grants, etc.); 2) as sole funding source for conservation; 3) or as supplemental funds to a project construction budget to restore historic features. In the case of #3, if the funds are used for a utilitarian object, the project budget must include the base cost of fabrication or replacement, utilizing the credit to fund conservation or the additional cost of historically - appropriate fabrication.

Art or historic preservation specialist: Before final approval of a project budget and scope of work, the City shall engage a specialist to identify appropriate use of the conservation funds.

### **OVERSIGHT**

Conservation funds will be managed by the project manager. All reporting documents will be prepared by the project manager and approved by Cultural Affairs staff and the director of Planning and Development

### **NEW CONSTRUCTION**

In the case of new construction of \$250,000 or more as an addition to or adjacent to the historical structure, the Public Art Mandate will apply. These monies will be managed as part of the CIP Public Art Program, and may be used on site or elsewhere at the discretion of the Arts Commission.

### **FORMULATION OF STRATEGY TO IMPLEMENT CIP PUBLIC ART PROJECTS**

Staff shall research and compile information on the background of a funded, approved project, consulting with the appropriate City staff, project contractors and community representatives. Staff shall determine the strategy to implement the project by examining the following issues:

- Overall Site Plan
- Budget Parameters
- Administrative Costs
- Facility Use
- Maintenance Assessment
- Liability Issues
- Adjacent Community Composition
- Proposed Architectural and Landscape Design



Based on this analysis, staff will determine which of the following artist/team selection procedures to follow for implementing the City Construction Public Art Project and recommend a process to the Arts Commission:

### **PROCEDURES FOR SELECTING AN ARTIST/TEAM FOR CIP PUBLIC ART PROJECTS**

The procedures for selecting an artist/team for a CIP Public Art Project are as follows:

- A. A Call to Artists, Request for Qualifications, Request for Proposals or the City's Procurement Process geared to artists and other interested parties will be conducted;
- B. A community workshop, or advisory committee may be organized, if determined to be appropriate by staff;
- C. Proposals will be screened by staff for minimum eligibility requirements;
- D. The one-step panel focuses on recommending an artist/team or artist-oriented process, which consists of the panel being charged with the final selection of artist(s)/teams(s) to execute or purchase the submitted proposal, cultural programming or artistic services/opportunities;
- E. The two-step panel process focuses on recommending an artist/team and their project proposal and is project-oriented which consists of a first step of panel review where the panel is charged with the recommendation of semi-finalists to continue to the next phase of the competition. The second step consists of re-convening the original panel or a portion thereof, as determined by staff, to recommend the final artist/team.
- F. Departments impacted by the proposed project will review the panel's selection of the finalist or semi-finalists for technical feasibility. Questions and concerns will be referred to staff or, if necessary, the panel who recommended the finalist or semi-finalists.

### **PANEL ASSEMBLY PROCEDURES**

A panel shall select the artist/team for any City Construction Public Art Project. The panel to select the artist/team will be assembled by staff with assistance from the assigned Arts Commissioner to the project. The panel shall be composed of three to seven members including one Arts Commissioner in a non-voting, advisory capacity along with any combination of the following which reflects the diversity of Pasadena and the necessary expertise: arts professionals, City department representatives and representatives from the community in which the artwork will be placed.

Panelists shall serve on a volunteer basis, with no compensation being offered to them. No gallery owner, dealer or art agent may serve as a panelist due to the potential conflict of interest. No panelist may serve more than once in a two-year period.

Each panelist shall have one vote, with no panelist possessing the right of veto. No panelist can vote by proxy or in absentia.

If the panel needs to be reconvened for the purposes of clarification, either under the one-step or two-step panel processes, then a majority of panelists will be reconvened to consider the matter with the assigned Arts Commissioner and at least one arts professional included in the reconvened panel majority. If the original panel consisted of seven members, no fewer than five panelists must be reconvened, if there were five original panelists, no fewer than three must be reconvened and if the original panel was three members, all three panelists must be reconvened to consider the matter.

The panel shall have the option of not recommending any proposal, if there is no proposal judged to be of sufficient merit. In such instances the matter shall be referred back to staff for resolution through implementing another process or abandonment of the project.

#### **PANEL'S CRITERIA FOR ARTIST/TEAM SELECTION**

1. The quality of the concept/design/services offered, appropriateness to the project and willingness to fully participate in collaborative process;
2. The ability, capacity and skill of the artist/team to perform the project or provide the materials or services including the past experience of the artist, working in similar medium, environments or sites;
3. The artist/team's ability to successfully perform the project or provide the service promptly, or within the time specified, without delay or interference, according to the standard terms and conditions of the City contract;
4. The ability of the artist to perform the project within the budget timeline and without additional financial or in-kind resources being considered;
5. If applicable, the proposed project considers the design and its relationship to materials and construction for durability, including maintenance, security, and safety;
6. Evidence submitted by the artist of his/her commitment to comply with the City's affirmative action and other procurement ordinances;
7. Artist has not been awarded a City of Pasadena Public Art commission, exclusive of property development in the last three years, and no current public art contracts are open.



## **ARTS COMMISSIONS' REVIEW**

The Arts Commission will review the procedures followed to determine if the process for the artist/team selection was properly implemented. The Arts Commission will ratify and confirm the panel's recommendation by taking a formal vote. The City's Procurement Procedures will be followed in awarding the commission. If required by the Procurement Procedures, the Arts Commission's recommendation will be forwarded, in the form of an Agenda Report, to the City Council for approval. In the instance that the City Council disapproves, the matter shall be referred to staff to recommend an alternative process to the Arts Commission.

The Arts Commission supports the panel process and recognizes that individual aesthetic preferences do not play a role in reviewing the process. The Arts Commission has the duty to review the process to determine if the administrative procedures were properly implemented pursuant to the policy outlined in these Guidelines. If the Arts Commission determines that administrative procedures were not properly implemented, the following remedies shall be followed:

1. Re-convene the panel for clarification; or,
2. Refer the project back to the staff to recommend a new process.

## **CITY CONSTRUCTION PUBLIC ART PROJECT IMPLEMENTATION PLAN**

The proposed project may be exhibited in a publicly accessible facility for a period of no less than two weeks for public exposure with a press release or other appropriate media release, distributed announcement of the project.

The City department generating the construction project shall contract with the artist/team for services or for the purchase and installation of the panel-selected project according to the City's Procurement Procedures. The artist/team must comply with the City of Pasadena's Procurement Procedures.

The artist/team may be required to provide the City evidence of insurance. If required, the coverage and amounts of such insurance are shown on the copy of the City of Pasadena Certificate of Insurance form.

The Public Art Coordinator shall work with the sponsoring City department to monitor the project and determine if the services of a professional structural or civil engineer will be required prior to construction.

On site activity in connection with the installation of artwork shall be handled by the artist and the appropriate City representative within the department(s) having jurisdiction over the site and/or construction. Staff may be asked to assist, in an advisory capacity.

Staff shall be responsible for establishing and maintaining records on each project, which shall include records of the selection process, photo or video documentation of

the public art project, and all correspondence related to the project. A site plaque, brochure or other didactic information will be placed at the art site.

### **ELIGIBLE EXPENSES FOR CIP PUBLIC ART FUNDS**

All Public Art contracts shall require the artist/team to design, produce, deliver and install an artwork for a guaranteed maximum cost. This cost may include the work itself and any associated costs, which may be required by the City of Pasadena. Therefore, the following costs are eligible expenditures included in the total project commission:

1. Art work including:
  - a. Design fee and materials;
  - b. Any additional labor and contracted services required for the production and installation of the work;
  - c. The artist/team's operating expenses related to the project;
  - d. Travel related to the project;
  - e. Transportation of the work to the site; and
  - f. Installation of the work.
2. Identification, including labels, plaques, etc.
3. Materials necessary for the installation, location or security at the site as well as restrictions of the installation area.
4. Documentation of the completed work for archival purposes.
5. Permits, insurance, engineering or legal fees necessary for the installation of the artwork.
6. Public Art project related expenses (photocopy, artist's maquette fees, etc.)
7. Staff's direct and indirect administrative expenses, not to exceed a total of 25% of the 1% requirement.

### **MAINTENANCE**

Routine daily maintenance (such as light cleaning and operational costs such as water in the case of a fountain) is the responsibility of the host department. Maintenance as directed by the maintenance plan developed by the artist and approved by Public Art staff, however, is the responsibility of Public Works. Coordination of all conservation is the responsibility of Public Art staff in conjunction with Public Works.

The host department shall not move any artwork from the site for which it was selected, nor remove it from display, without written consent of the City Council upon recommendation from the Arts Commission and according to the provisions of the California Preservation of Works of Art Act and the Visual Artists Rights Act.



In the event an artwork requires repair, the City shall give the artist the opportunity to do that work for a reasonable fee. Disputes concerning what constitutes a reasonable fee shall be settled by a panel of three arts professionals with knowledge of curatorial concerns and an Arts Commissioner in a non-voting, advisory position, to be assembled by staff. If the artist is not available, or the artist chooses not to preserve the work, the staff shall secure the services of an appropriate party adhering to City contract services policies.

#### **REVIEW OF PUBLIC ART GUIDELINES FOR CIP PROJECTS**

These guidelines shall be periodically reviewed by the Arts Commission and revisions shall be recommended to the City Council for consideration as necessary.

4<sup>th</sup> revisions approved by City Council 10/11/04

4<sup>th</sup> revisions approved by Arts Commission: 7/20/04

3<sup>rd</sup> revisions approved by City Council: 7/22/02

3<sup>rd</sup> revisions approved by Arts Commission: 6/12/02

2nd revisions approved by City Council: 12/16/96

2nd revisions approved by Arts Commission: 11/14/96

1st revisions approved by City Council: 6/8/93 & 8/31/93

1st revisions approved by Arts Commission: 5/13/93

Original Guidelines approved by City Council: 1/21/92

Original Guidelines approved by Arts Commission: 1/13/92

(revised 01/19/05 SA)



# Call for Artists - Donner Trail Park

## REQUEST FOR QUALIFICATIONS (RFQ)

### DEADLINE FOR SUBMISSIONS

Wednesday, December 6th, 2023  
by 11:59 p.m. MST

### APPLY ONLINE

[Click Here](#)

Public art project located on 2903 Kennedy Drive, Salt Lake City, UT 84108

Salt Lake City, Utah | [City Council District 6](#)

**CALL FOR U.S. ARTISTS:** Request for Qualifications

**COMMISSION BUDGET: \$107,500**

**Eligibility:** This Call for Artists is open to all professional artists or artist-led teams currently residing in the United States regardless of race, religion, gender, gender identity, sexual orientation, national origin, age, religion, marital status, political opinion or affiliation, or mental or physical disability.

**Application:** [https://artist.callforentry.org/festivals\\_unique\\_info.php?ID=12633](https://artist.callforentry.org/festivals_unique_info.php?ID=12633)

No late submissions will be accepted under any circumstances

### PROJECT SCHEDULE\*\*

Request for Qualifications Opens	November 2nd, 2023
Virtual Information Session for Applicants	November 16th, 2023 at 12:00 pm MST*
<b>RFQ Submission Deadline</b>	<b>December 6th, 2023 by 11:59pm MST</b>
Notification of finalist selection	Early January, 2024
Required finalists meeting	Mid-to-late January, 2023
Proposal development	January - March 2024
Finalist proposal presentation	April 3rd, 202
Commissioned Artists Contracting	Spring 2024
Park Design Development & Artwork Integration	Summer 2024
Park Construction	Fall 2024 - Spring 2025
Artwork Fabrication & Installation	Fall 2024 - Spring 2025
Installation Completion & Ribbon-Cutting	Spring/Summer 2025

\* Attendance to Virtual Info Session is encouraged but it is not an application requirement.

\*\* Dates provided are estimates based upon current knowledge of preliminary project schedules and are only intended to assist artists in determining their own availability to participate. The above dates in no way represent final approved schedules and are subject to change through future iterations of design and construction phases.



## PROJECT BACKGROUND

Situated in the Salt Lake Valley at the base of the Wasatch foothills, Donner Trail Park is a 14.27-acre park in the East Bench neighborhood of Salt Lake City. It is located in the easternmost community within Salt Lake City, known for its residential neighborhoods comprised of older, distinctive homes in the western area of the community and new homes of contemporary design on the slopes of the eastern foothills. The area is also home to regionally significant institutional facilities and employment centers, such as the University of Utah, Research Park, and the Veteran's Administration Hospital. Attractions — such as Hogle Zoo, the Utah Museum of Fine Arts, This is the Place Heritage Park, the Natural History Museum of Utah, and Red Butte Gardens — and the abundance of open space and recreational opportunities are enjoyed by residents and bring visitors from all over the City and region. The adjacent foothills and the natural streams that bisect the community provide opportunities to enjoy the City's natural resources while also providing a critical habitat for wildlife.

Using funds from the Parks, Trails, and Open Space General Obligation Bond (approved by Salt Lake City voters in November 2022, [Donner Trail Park will be "reimagined"](#) to better reflect neighborhood needs and identities. Based on the feedback collected by the Public Lands Department, it is evident that community members value being able to connect to nature, experience solitude and quiet, and enjoy the views of the Salt Lake Valley that Donner Trail Park has to offer. Any improvements made to the park will need to maintain the views of the valley and the peaceful environment. The inclusion of a public art installation(s) within this site is supported by the voter-approved [Parks, Trails, and Open Space General Obligation \(GO Bond\)](#).

## PROJECT SCOPE & DESCRIPTION

Salt Lake City Public Lands, in collaboration with the Arts Council's Public Art Program, is pleased to provide an opportunity for artists and artist-led teams based in the United States to submit qualifications for the Donner Trail Park public art project. This opportunity will allow for the integration of an artist or artist-led team's artwork and concepts into the overall renovations of the park, in collaboration and consultation with the project's landscape architects.

A "reimagined" Donner Trail Park may include revamped amenities, new wayfinding signage, and new landscape architecture elements, including the planning and addition of a Memorial Tree Grove, designed to enhance the natural and contemplative elements found within the environment. This Memorial Tree Grove will allow community members to honor their loved ones and will create a needed tree canopy and wildlife habitat within the city. The Grove will establish a design that will tell a story over time as it grows, creating a contemplative space removed from distracting outside stimuli that is more secluded space that will promote a state of connection with nature and contemplation. The public art installation ultimately chosen through this RFQ process will serve as a centerpiece for this reimagined effort, symbolizing an arrival or destination that will enhance these elements. A final location for the artwork within the park has not been selected, allowing the selected artist and/or artist-led team to have creative direction in determining how their artwork should be integrated into the park's landscape architecture.

Currently, the park is primarily used by adults and seniors walking the loop sidewalk around the perimeter of the park. Apart from the loop trail, park users highlight the open space and nature setting of the site, in addition to the stunning views of the Salt Lake, particularly during sunsets. Families and children visiting the park mainly use the west playground within the park. The park is also used for small gatherings like picnics, light exercise, and dog walking.

Donner Trail Park is named for the infamous Donner-Reed Party that blazed a trail through Emigration Canyon (and through present-day Donner Trail Park) on their way to California from the Midwest. During their westward journey, the Donner-Reed Party elected to follow an alternate route, the Hastings Cutoff, instead of the typical route. In doing so, they lost valuable time, eventually leading to the fateful 1846-47 winter in the Sierra Nevada that they became known for. The Mormon pioneers would use this same route in 1847 as they trekked to what was then a territory of Mexico. The arrival of these pioneers to what would come to be known as Salt Lake City led to the displacement of the Shoshone, Paiute, Goshute, and Ute Indigenous tribes from their traditional homelands. Shortly thereafter, the Salt Lake Valley became a U.S. territory upon the ratification of the Treaty of Guadalupe Hidalgo in 1848, following the invasion of Mexico by the United States Army in 1846.

## **ARTWORK GOALS**

The Salt Lake Art Design Board seeks to create site-specific artwork that meets some or all the following conceptual and/or aesthetic goals:

- Is visually engaging and reflects, but doesn't detract, from the natural environment of the site and the views of the Salt Lake Valley seen from the park;
- May serve multiple purposes (examples: artwork that provides shade or seating, encourages contemplation, emphasizes the natural environment, or enhances improvements of the park, etc.);
- Responds to the park's contemplative setting, and/or the unique history of the site;
- Exemplifies strong, imaginative design and content and is integrated into the broader design of the park;
- Considers and incorporates sustainable concepts and materials;
- Does not require the use of electricity, audio/visual technology, water or other ongoing resources;
- Meets all public safety, structural, and maintenance standards and complies with the Americans for Disabilities Act (ADA), Salt Lake City requirements, and all other applicable laws, codes, and regulations.

## **PROJECT BUDGET**

The total commission for this project is \$107,500 and is inclusive of all artist's fees and related expenses for design, artwork engineering, materials, fabrication, insurance, transportation, travel, and installation of artwork on site.

The artist should include a contingency plan of at least 10% of the project's commission in the budget for their final proposal.



## **FINALIST SELECTION CRITERIA**

The Salt Lake Art Design Board, in consultation with project stakeholders and Public Lands representatives, will choose up to three finalists to prepare an artwork proposal for integration into Donner Trail Park.

The selection of an artist or artist-led team is subject to, but not limited by, the following qualifications:

- Artist's professional experience represents a developed and successful body of site-specific public art projects of a similar scope and scale as demonstrated by visual documentation;
- Ability to meet deadlines and budget and to perform work in a timely, professional manner;
- Willingness of the artist to consult and work collaboratively with the Art Design Board, community stakeholders, and City partners to successfully integrate the work into the site;
- Ability to understand sense of place and design in a context-sensitive manner as demonstrated by visual documentation;
- Artist's process and work reveals something about the world, communicating unique perspective/s, inviting the viewer to question, discover, explore new ideas—the story-telling is compelling, and exploration feels relevant and deeply considered;
- Artist has created works of permanent nature that do not require excessive maintenance or repair costs and meet public safety requirements (including transportation safety requirements), Salt Lake City requirements, and Americans for Disabilities Act (ADA) standards.

## **PROPOSAL/DESIGN DEVELOPMENT PROCESS & ARTIST SELECTION**

Finalists will be required to participate in at least two (2) meetings. The first meeting is meant to orient the selected artist/team with the project, meet with and ask questions to Public Lands staff, the contracted landscape architecture consultant, and other project stakeholders. During this initial meeting, the finalists will receive more site-specific information and supplemental documents to aid in the proposal development.

During the second meeting on April 3rd, 2024, the finalists will present their conceptual proposal to the Salt Lake Art Design Board and project stakeholders. The site-specific proposal should convey their ideas and plans through scale designs, renderings and/or scale models with a statement that describes, in detail, the project's intent, proposed materials, fabrication and installation methods, project schedule, and an itemized budget.

After proposal presentations, the Art Design Board will recommend an artist or artist-led team, and one alternate, for the commission to the Mayor for final approval. Only the selected artist or artist-led team will enter into an Artist Commissioned Work Agreement with the City. The alternate will enter into a commission agreement only in the case that the City and the selected artist are unable, for any reason and in City's sole discretion, to enter into the commission agreement.

After the artist/team's proposal is accepted by the Mayor of Salt Lake City, the artist/team and the City will enter into a two-party Artist Commissioned Work Agreement. The selected artist/team will be required to provide General Liability and Auto insurance as specified in the Agreement. The selected artist/team will be required to be present for installation and to remain on site for the duration of the installation, which will be coordinated by the Public Art Program Manager and Public Lands. The selected artist or artist-led team will be responsible for all expenses incurred for travel for the installation of the artwork and should budget accordingly from the awarded commission.

Finalists will receive a \$2,000 honorarium to prepare and present their proposals. Stipend is inclusive of any travel expenses, hotel, shipping, etc.

## SUBMISSION REQUIREMENTS

Artists may apply individually or as a team. Submissions that arrive on or before **11:59 pm MST on Wednesday, December 6th, 2023**, and meet all the application requirements will be reviewed.

The applicant's full name and contact information must appear on all submitted materials. If applying as a team, indicate the name and contact information of the team's representative. Artist-led team applications are welcomed. Each team must be led by a person with a demonstrated history of professional activity as an artist. Teams may not substitute team members after submission unless the Public Art Program consents to any proposed substitution. An artist may not apply as a member of more than one team and may not apply as an individual artist if already applying as a team – one person/one application.

To be considered for this project, applicants must submit all the required materials via the CaFÉ ([www.callforentry.org](http://www.callforentry.org)) website. There is no application fee. No other method of submission will be accepted. Assistance using CaFÉ is available [online](#), by [email](#), or by calling 303-629-1166 during business hours.

**Any materials not specifically requested as part of this application or exceeding the maximum page length or format requirements will not be considered or reviewed by the Art Design Board and may result in disqualification. Notifications of disqualifications will not be made.**

The applicant's full name must appear on all submitted materials. If applying as a team, indicate the name and contact information of the team's representative.

### 1. LETTER OF INTEREST

A letter not to exceed one page (500 words) outlining your interest, perspective, strength, and experience for this project. Letter must include address, email, phone number, and website of artist.

- Describe how your previous work addressed site and similar goals as stated for this project;
- Provide concrete examples of previous experience in collaborating with design and construction teams;
- **Do not submit a proposal for the commission at this time.**



**2. RÉSUMÉ OR CV**

A résumé or CV, **not to exceed two pages**, that outlines professional accomplishment and **includes two professional references** (name, affiliated organization, email address and phone number) for both individual applicants and teams (two per team).

- If applying as a team, submit a two-page résumé for each team member combined into one PDF.
- References will only be contacted during the interviewing process for the artists/teams selected as finalists.

**3. IMAGES OF PAST WORK**

These images are the primary way the quality of your work is judged. Five to ten (5-10) visuals (up to two videos) of past artwork that demonstrate your qualifications for this project.

- Provide the following information for each: title, year produced, dimensions, budget, medium, location, and a brief description.
- Images of designs for previously proposed projects that were not developed to completion may be submitted but should be clearly marked as such. Previous proposals cannot account for more than 3 of the requested 10 images.
- If applying as a team and the team has not collaborated previously, images of work from all team members as appropriate should be included (please note that teams are limited to 10 visuals total).

Complete all fields in the CaFÉ portfolio section and upload through the “CHOOSE WORK SAMPLES” section. Instructions on how to format images to CaFÉ specifications may be found at <https://www.callforentry.org/artist-help-cafe/uploading-media/>

**ARTIST COMMISSIONED WORK AGREEMENT & PROJECT ASSUMPTIONS**

Finalists will sign a Design/Proposal Development Agreement. If selected for commission, the artist/team will enter into a two-party Artist Commissioned Work Agreement with Salt Lake City Corporation. The selected artist/team must carry general liability and auto insurance and must either provide proof of Workers' Compensation Coverage or apply for a Workers' Compensation Coverage Waiver. The artist/team must submit engineering drawings for approval prior to the start date of fabrication.

Salt Lake City will retain the right to remove or relocate the artwork as may be deemed necessary in the future. The selected artist/team will retain copyright to their work but will grant Salt Lake City right to reproduction. In the performance of this project under agreement with Salt Lake City, artist/team shall comply with all applicable Salt Lake City requirements, laws, codes, ordinances, and regulations.

View a sample a sample [Artist Commissioned Work Agreement here](#).

## RFQ INFORMATION SESSION, QUESTIONS, AND APPLICATION SUPPORT

All questions regarding this Requests for Qualifications (RFQ) may only be directed to Salt Lake City Public Art Program staff at the email address listed below. Artists may be disqualified if any unsolicited contact related to this RFQ is made with a member of the Art Design Board or project stakeholders other than the Public Art Program staff during the selection process.

We do our best to respond to inquiries quickly, however we may not be able to respond in a timely manner during the final days prior to deadlines stated above. Please give yourself ample time to consider your participation in this project and reach out to our staff, at any stage in the process, with any questions or concerns.

**Contact:** [publicartprogram@slcgov.com](mailto:publicartprogram@slcgov.com)

**Website:** <https://saltlakepublicart.org/for-artists/calls-for-artists/>

If you do not have access to a computer or WiFi to apply, the [Salt Lake City Public Library branches](#) offer free computer and WiFi access. **If you require further resources or accommodations to complete the application materials, such as translation and interpretation services to other languages, please email [publicartprogram@slcgov.com](mailto:publicartprogram@slcgov.com) for assistance.**

**Information session:** Interested applicants are invited to attend an online info session, via Webex, on Thursday, November 16th, 2023 at 12:00 pm MST:

<https://us02web.zoom.us/j/82107674108>

Attendance at this meeting is not required to apply. A recording of the info session will be published on our website afterwards.

## ABOUT THE SALT LAKE CITY PUBLIC ART PROGRAM & THE SALT LAKE ART DESIGN BOARD

The Salt Lake City Public Art Program, which commissions artists' work for City-owned buildings and public spaces, was established by ordinance in 1984. The Program resides within the Salt Lake City Arts Council.

The Salt Lake Art Design Board is an advisory group of citizens representing different City Council districts, appointed by the Mayor and confirmed by the City Council, to oversee Salt Lake City's Public Art Program. They are selected for their related arts expertise and willingness to serve the community. During the Artist Selection Process, the Arts Design Board will consult with representatives from the Salt Lake City Department of Engineering and Transportation and other community representatives and stakeholders to help inform their artist/team selection for this project. The Art Design Board is directed, by ordinance, to select artists for public art commissions in Salt Lake City and recommend those artists to the Mayor for final approval.



The current Art Design Board members include Angela Dean, Jen Lopez, Colour Maisch, Michael Mejia, Alejandro Moya, Tiffini Porter, and Meggie Troili. The Art Design Board includes cultural equity in its values, policies, and practices to ensure that all people, including but not limited to those who have been historically under-represented based on race/ethnicity, age, disability, sexual orientation, gender identity, socioeconomic status, geography, citizenship status, or religion, are represented in the development of arts policy.

## **SALT LAKE CITY CORPORATION ADDITIONAL POLICIES**

The City may accept Request for Qualifications (RFQ) submittals as deemed to be in the public interest; proceed with further selection processes; reject any and all submissions; or may waive any irregularity, informality, or technicality in submittals received. The Art Design Board and the Public Art Program will determine, in their sole discretion, from the submitted information the most qualified Applicant to meet the stated duties as evaluated under the criteria set forth herein. The determination of the most advantageous proposal shall be final and conclusive.

The issuance of the RFQ and the receipt and evaluation of the submittals does not obligate the City to select an applicant submission or enter into any agreement. The City will not pay costs incurred in responding to the CFA unless specified in the RFQ. The City may cancel this process at any time prior to the execution of any agreement without liability.

The City reserves the right to revise the evaluation process. Such revision will be announced in writing to all RFQ respondents or short-listed teams, depending on the timing of the change. The City also reserves the right to reject any and all RFQ responses at any time, or to terminate any negotiations implied in this RFQ or initiated subsequent to it. If the Artist Selection Committee receives a submittal it deems incomplete or ambiguous, it reserves the right to request additional information or to reject the submittal.

The Salt Lake Art Design Board and Salt Lake City Corporation reserve the right to reject any or all applications, to reissue this Request for Qualifications (RFQ), or to terminate the selection process or project at any time without prior notice. No applicant shall have the right to make a claim against the Salt Lake City Corporation in the event the RFQ is canceled, or the City decides not to proceed with the selection or commissioning process with the selected artist or the alternate artist, awards a contract, or determines not to award any or all contracts specified in this document. No protests will be accepted or reviewed. All submissions are subject to [City Code 2.44](#), governing conflicts of interest.

The City reserves the right to, at any time and for any reason, discontinue negotiations with any initially selected Applicant, and to pursue negotiations with an alternative team. Applicants or their agents are instructed not to contact Arts Design Board members, City officials or employees or attempt to externally manipulate or influence the procurement process in any way, other than through the instructions contained herein, from the date of release of this RFQ to the date of execution of an agreement resulting from this solicitation. City, in its sole discretion, may disqualify applicants who violate this paragraph.

**DONNER PARK TRAIL VISUALS**

**Figure 1:** Donner Trail Park Boundry Map. Click [here](#) to see the park on Google Map

**Figure 2:** Donner Trail Park sign, located on the west end of the park, looking east. The Wasatch Range is in the background.





**DONNER PARK TRAIL VISUALS**

**Figure 3:** View looking west from the park's central field. The Salt Lake Valley and the Downtown skyline are seen in the background.



**Figure 4:** Secluded nature path loop located on the north side of the park.



## DONNER PARK TRAIL VISUALS



**Figure 5:** View eastward towards Emigration Canyon from the loop on the northern half of the park.





# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1478

**Meeting Date:** 12/7/2023

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**TITLE:**

**ARTS GRANT PROGRAM - FISCAL YEAR 2022/2023 FINAL REPORT**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**

**RECOMMENDATION:**

It is staff recommendation that the Arts Commission review the Arts Grant Program Final Report for fiscal year 2022/2023 (Attachment 1).



## Agenda Report

Arts Commission

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Item #: 23-1478

Meeting Date: 12/7/2023

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**TITLE:** ARTS GRANT PROGRAM - FISCAL YEAR 2022/2023  
FINAL REPORT

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**PRESENTED BY:** LAURETTE GARNER, ARTS SPECIALIST

**CONTACT INFORMATION:** LAURETTE GARNER, ARTS SPECIALIST, (714) 754-5322

### **RECOMMENDATION:**

It is staff recommendation that the Arts Commission review the Arts Grant Program Final Report for fiscal year 2022/2023 (Attachment 1).

### **BACKGROUND:**

The Cultural Arts Committee (CAC) implemented an Arts Grant Program in 2017, funded by money generated through ARTventure fees and Utility Box Art Program sponsorships.

As of May 25, 2021, the CAC Arts Grant Program has distributed \$11,375 to twenty-three art related projects within the City of Costa Mesa. \$5,000 was distributed to three (3) arts organizations and one (1) artist for the 2022-2023 fiscal year. The new Arts Grant application for the 2023-2024 fiscal year will open again in January of 2024.

### **ANALYSIS:**

Staff has reviewed three (3) out of four (4) of the Arts Grant Final Reports. The last applicant has until May 2024 to fill out a final report for how funds were used in the service of the arts in Costa Mesa.

### **FISCAL REVIEW:**

Funding for the Arts Grant program is currently supported with funds from the Arts & Culture Plan Fund as per the new Arts & Culture Master Plan. The fund currently has \$7,500 to distribute for the 2023-24 fiscal year.

(Arts & Culture Master Plan: Goal 4. Action 4.1.1)

### **LEGAL REVIEW:**

There is no legal review required for this report.

### **CONCLUSION:**

It is staff recommendation that the Arts Commission review the Arts Grant Program Final Report for fiscal year 2022/2023.



## **ARTS GRANTS FINAL REPORT DATA**

**2022-2023**

### **Costa Mesa High Band Boosters**

**Amount of Award:** \$500

**Type of Project:** Arts Education

**Project Title:** Mesa Jazz Festival

**Participation:** 8 local high school jazz bands (130 students) and over 200 guests, 12 music directors

**Paid artists/performers:** 4 judges

**Volunteers:** 25





## **Orange Coast Unitarian-Wild and Scenic Environmental Film Festival**

**Amount of Award:** \$2,000

**Type of Project:** Arts Education/Performance

**Project Title:** Orange Coast Wild and Scenic Environmental Film Festival

**Participation:** Over 100 attendees

**Paid artists/performers:** Licensing fees for filmmakers

**Volunteers:** 10







## **Pacific Chorale**

**Amount of Award:** \$2,000

**Type of Project:** Arts Education/Performance

**Project Title:** Pacific Chorale Choral Festival

**Participation:** 249 singers (149 came locally from 57 cities in southern California and others from around the nation: Illinois, Oregon, Colorado and Hawaii), 100 members of Pacific Chorale and 1,393 audience members for a total of 1,572 participants

**Paid artists/performers:** 16

**Volunteers:** 233







# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1479

**Meeting Date:** 12/7/2023

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**TITLE:**

**ARTS AND CULTURE STAFF REPORT**

**DEPARTMENT:                      PARKS AND COMMUNITY SERVICES**



## Agenda Report

Arts Commission

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Item #: 23-1479

Meeting Date: 12/7/2023

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**TITLE:** ARTS AND CULTURE STAFF REPORT  
**DEPARTMENT:** PARKS AND COMMUNITY SERVICES  
**PRESENTED BY:** LAURETTE GARNER, ARTS SPECIALIST  
**CONTACT INFORMATION:** LAURETTE GARNER, ARTS SPECIALIST, (714) 754-5322

### UPDATES:

#### ❖ Art Crawl Experience

- 25 participants for the theater arts experience. Overall, a good experience for all. Sent out a brief survey for participants. Next planned Art Crawl won't be until summer/fall of 2024 and may center around music or sculpture/three-dimensional arts.  
(*Arts & Culture Master Plan: Goal 1. Action 2.1*)

#### ❖ Arts Grants

- Application is set to open in January of 2024. This year we have \$7,500 for awards for arts projects, artists working in Costa Mesa.  
(*ACMP: Goal 4. Action 1.1 and 1.2*)

#### ❖ ARTventure

##### 2023

- Participating artists: **135**
- Artworks (2 submissions allowed): **240**
- Awards: **8 cash awards and 8 honorable mention awards with prizes**
- Community Arts Day attendance (approximate): **500- 800**
- Awards Ceremony attendance (approximate): **250-300**
- Juried Art Exhibition attendance for duration of the show: **500** (includes large number of people who viewed the exhibition during the Community Arts Day- about 300)

##### 2024

- Juried Art Exhibition would be on display at the Norma Hertzog Community Center from September 14 to 22, 2024
- Community Arts Day on the Lions Park Lawn on with artist reception on September 14, 2024
- Awards Ceremony at Orange County Museum of Art on September 21, 2024
- New application to open in May/June 2024  
(*ACMP: Goal 1. Action 2.1*)



**❖ Free at Segerstrom Center Campus**

- Currently rolling out this new program:
- This week, the City will shuttle participants from the Costa Mesa Senior Center and from Save Our Youth to see *A Christmas Carol* at South Coast Repertory (SCR) on December 7 and 8, 2023. Each performance will offer 50 free tickets to Costa Mesa residents.
- SCR will offer tickets for another performance in April
- Philharmonic Society will offer three performances from January through May 2024
- Pacific Symphony will offer tickets for two performances beginning in January until June 2024
- Other arts organization dates and shows still pending- a schedule will be posted online and the City will shuttle people to each show and provide free tickets to each participant, tickets can also be picked up at City Hall.

**❖ Free Park Performances****For 2023, the City of Costa Mesa hosted:**

- Symphony on the Go! with Pacific Symphony (4 concerts)
- INCA, The Peruvian Ensemble for Hispanic Heritage Month Celebration
- Los Santaneros, Mariachi Band for Hispanic Heritage Month Celebration
- Martin Espino for Day of the Dead & ARTventure
- Bob Baker Marionette Theater for ARTventure
- Kimmy Pidazo for ARTventure
- Velvet String Duo for ARTventure
- Joseph Yashar for ARTventure

Next round of performances will begin in mid-summer and be scheduled out until fall of 2024.

*(ACMP: Goal 1 Action 2.4)*

**❖ Poet Laureate Program**

- This new program will be brought to the Arts Commission in February for review.
- Creating a new concept with assistance from Chair Ashendorf and Commissioner Derderian.

*(ACMP: Goal 3 Action 3.1.4)*

**❖ Public Art & Utility Box Art Program (UBAP)**

- 12-15 designs for the Utility Box Art Program will be presented to the Arts Commission at the February meeting, for review and approval.
- Butterfly Garden sculptures to be installed this month. Ribbon cutting ceremony TBD.
- Sculpture Garden is still in planning stages for location and landscaping. This year will be a prep year with a goal to select sculptures for the following fiscal year for 2024-25.

*(ACMP: Goal 2 Action 2.1 to 2.6)*