



CITY OF COSTA MESA

ARTS COMMISSION

Agenda

Thursday, June 1, 2023

6:00 PM

City Council Chambers

The Commission meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having system outages or experiencing other critical issues, the meeting will continue in person.

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Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81725255148?pwd=SIE4V2hFRVksZFAvejhRbkE5T3dhdz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 817 2525 5148 / Password: 811727

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- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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Call: 1 669 900 6833 Enter Webinar ID: 817 2525 5148 / Password: : 811727

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the pacscomments@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to pacscomments@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the Commission after distribution of the agenda packet (GC §54957.5): Any related documents provided to a majority of the Commission after distribution of the Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

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As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

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ARTS COMMISSION REGULAR MEETING**JUNE 1, 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. [NEWPORT MESA UNIFIED SCHOOL DISTRICT PRESENTATION BY 23-1233
TAMARA FAIRBANKS \(TOSA-Teacher on Special Assignment\)](#)

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](#) [23-1234](#)

Attachments: [05/04/2023 Arts Draft Minutes](#)

NEW BUSINESS:**1. [MURALS ON PRIVATE PROPERTY REVIEW](#) [23-1235](#)****RECOMMENDATION:**

It is the recommendation of the Arts Specialist that the Arts Commission review the new Mural Permit Application and Review Process for Private Property (Attachment 1).

Attachments: [Agenda Report](#)

- [1. Mural Permit Application and Review Process](#)
- [2. Costa Mesa Art in Public Places Report - REV 3-10-23](#)
- [3. Signs Standards](#)
- [4. City of San Fernando Permit Application](#)
- [5. City of San Clemente Mural Application](#)

MONTHLY REPORTS**1. [ARTS AND CULTURE REPORT](#) [23-1236](#)****Attachments:** [Arts and Culture Staff Report - June 2023](#)**ADDITIONAL COMMISSION MEMBER & STAFF COMMENTS****ADJOURNMENT**

Next Regularly Scheduled Meeting: Thursday, August 3, 2023



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1233

Meeting Date: 6/1/2023

TITLE:

NEWPORT MESA UNIFIED SCHOOL DISTRICT PRESENTATION BY TAMARA FAIRBANKS
(TOSA-Teacher on Special Assignment)

DEPARTMENT: **PARKS AND COMMUNITY SERVICES**



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1234

Meeting Date: 6/1/2023

THE COSTA MESA ARTS COMMISSION

MAY 4, 2023
6:00 P.M. – UNOFFICIAL MINUTES

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

PLEDGE OF ALLEGIANCE by Commissioner Ochoa.

ROLL CALL

☒ = Present ☐ = Absent

Commissioners	City Staff
<input checked="" type="checkbox"/> Charlene Ashendorf, Chair	<input checked="" type="checkbox"/> Jason Minter, Parks & Community Services Director
<input type="checkbox"/> Fisher Derderian	<input checked="" type="checkbox"/> Monique Villasenor, Recreation Manager
<input checked="" type="checkbox"/> Erica Lucia	<input checked="" type="checkbox"/> Ashley Thomas, Senior Recreation Supervisor
<input checked="" type="checkbox"/> Alisa Ochoa	<input checked="" type="checkbox"/> Laurette Garner, Arts Specialist
<input type="checkbox"/> Allison Mann	<input checked="" type="checkbox"/> Kathia Viteri, Office Specialist I
<input type="checkbox"/> Debora Wondercheck, Vice Chair	
<input checked="" type="checkbox"/> Heidi Zuckerman	

PUBLIC COMMENTS

Skeith Dewine: Introduced himself as an artist in the City, one of the founding members of the Santa Ana Arts District, and the creator of the Santa Ana arts walk. Shared LGBTQ issues around the world and advocated incorporating a mural project of LGBTQ athletes in the City and take a leadership role in support of humanitarian rights.

COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner Ochoa: Shared that Segerstrom would be hosting a series of events (music, dance, and film) in honor of Asian American Pacific Islander Heritage Month. Shared an interview line from Isamu Noguchi.

Commissioner Zuckerman: Acknowledged public commenter and agreed that actions have butterfly effect and that people are looking at Costa Mesa. Brought attention to the Otis College survey relating the impact of the creative economy in California. Shared the arts are important for all the reasons the commission talks about but also for the soul and living. Will be reaching out to the mayor and an additional council members to advocate for the budget that was proposed by the department, so that the Arts Commission can have an impact in Costa Mesa moving forward.

Commissioner Zuckerman: Thanked public commenter and reiterated that the commission is greatly interested in hearing community feedback and ideas.

Chair Ashendorf: Highlighted Newport Mesa Unified School District Senior Art Show. Shared the Register's Orange County Artists of the Year segment where 721 students were nominated for the prestigious award. From then, seven (7) students were chosen, representing six (6) high schools throughout the county and Costa Mesa Costa Mesa High School student, Alexandra Hernandez, was selected on her ceramics. Thanked Commissioner Zuckerman for filling in as Chair last month . Excited to have the symphony come to the Costa Mesa Senior Center shared details regarding the reception for the artist

display at the Senior Center exhibit.

OLD BUSINESS

1. MINUTES

04/06/2023 Arts Commission Draft Minutes

MOTION/SECOND: Chair Ashendorf made a motion to approve the April 6, 2023 minutes/Seconded by Commissioner Lucia.

The motion carried by the following roll call vote:

Ayes: Commissioner Lucia, Commissioner Ochoa, Commissioner Zuckerman, Chair Ashendorf

Nays: None

Absent: Commissioner Derderian, Commissioner Mann, Vice Chair Wondercheck

Motion Carried: 4-0

NEW BUSINESS:

1. APPROVAL OF FISCAL YEAR 2022-2023 ARTS GRANTS

Ms. Garner presented.

Chair Ashendorf: Expressed excitement of grant program and diversity within grant recipients.

Zuckerman: Expressed honor of serving on interview panel and enjoyed all of the applications. Was struck by diversity of applicants and the ways people are interested in spreading art and culture in Costa Mesa.

MOTION/SECOND: Commissioner Zuckerman made a motion to approve Fiscal Year 2022-2023 Arts Grants/Seconded by Commissioner Ochoa.

The motion carried by the following roll call vote:

Ayes: Commissioner Lucia, Commissioner Ochoa, Commissioner Zuckerman, Chair Ashendorf

Nays: None

Absent: Commissioner Derderian, Commissioner Mann, Vice Chair Wondercheck

Motion Carried: 4-0

2. PUBLIC ART CRITERIA AND GUIDELINES REVIEW

Ms. Garner presented.

Commissioner Zuckerman inquired about review guidelines.

Commissioner Lucia: Added to number 12, on site location ideas, such as incorporating public art into bus shelters.

Chair Ashendorf: Wants to ensure artist names are recognized with piece of artwork. Addressed including lighting in public places. Questioned whether there would be any sort of categorizing or keeping track of artworks as a means to notify the public so they may know which buildings spaces have accessible artworks.

PUBLIC COMMENT:

Skeith Dewine: Spoke about potentially implementing QVC codes to provide a historical element relating the artwork, artist, and other aspects pertaining to the artwork or area.

MOTION/SECOND: Chair Ashendorf made a motion to receive and file/Seconded by Commissioner Zuckerman.

The motion carried by the following roll call vote:

Ayes: Commissioner Lucia, Commissioner Ochoa, Commissioner Zuckerman, Chair Ashendorf

Nays: None

Absent: Commissioner Derderian, Commissioner Mann, Vice Chair Wondercheck

Motion Carried: 4-0

MONTHLY REPORTS

1. ARTS & CULTURE STAFF REPORT

Ms. Garner presented.

Commissioner Zuckerman requested an email of proposed reductions by the Governor.

Chair Ashendorf inquired is staff need help on finding youth sources for the Youth Art wall for the lobby at City Hall.

ADDITIONAL COMMISSIONER MEMBER & STAFF COMMENTS

ADJOURNMENT Chair Ashendorf adjourned at 6:33 P.M.

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



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1235

Meeting Date: 6/1/2023

TITLE:

MURALS ON PRIVATE PROPERTY REVIEW

DEPARTMENT: PARKS AND COMMUNITY SERVICES

RECOMMENDATION:

It is the recommendation of the Arts Specialist that the Arts Commission review the new Mural Permit Application and Review Process for Private Property (Attachment 1).



City of Costa Mesa

Agenda Report

77 Fair Drive Costa
Mesa, CA 92626

Arts Commission

File #: 23-1235

Meeting Date: 6/1/2023

TITLE: MURALS ON PRIVATE 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 the recommendation of the Arts Specialist that the Arts Commission review the new Mural Permit Application and Review Process for Private Property (Attachment 1).

BACKGROUND:

The Art in Public Places Report created by consultant, Arts Orange County was approved by the Arts Commission in April of 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.

Murals on private property procedures and requirements and art mural application document are 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).

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 City 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 Mural Permit Application and Review Process for Private Property will address numbers three (3) and six (6) 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. Murals on private property is one of the next steps in this process. In the coming months, a new policy for public art donations and criteria will be brought to a future Arts Commission meeting.

Mural requirements and definitions could be incorporated into the Costa Mesa Zoning Codes for signs (Attachment 3).

The Mural Permit Application could also be included in the citywide software; Land Management Services and could be connected to other pertinent city departments and also be automatically part of

public record.

Two (2) other city examples have been added for comparison (Attachment 4 and 5).

FISCAL REVIEW:

There are currently no costs associated with this process.

LEGAL REVIEW:

There is no legal review required for this report.

CONCLUSION:

As mentioned above and brought forward in the Arts in Public Places Report brought to the Arts Commission in April of 2023, City 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. Review and discuss the Mural Permit Application and Review Process for Private Property for citywide implementation.



MURAL PERMIT APPLICATION AND REVIEW PROCESS

Private Property

APPLICATION AND REVIEW PROCESS

This application is for private property murals (public art on city-owned facilities are subject to Parks and Community Services Department separate procedure and application). This application encourages the display of art murals on publicly visible or accessible areas on private property on a content-neutral basis under certain terms and conditions.

APPLICATION PROCEDURE

1. Any person, firm, corporation, or other entity desiring to place a mural on private property will need to submit an application to the Parks and Community Services Department. A mural permit application can be found on the next page.
2. The Parks and Community Services Department shall submit each completed application to the Arts Commission for review.
 - a. Applicants must attend and present at an Arts Commission meeting at the City Council chambers at least 14 days prior to the start of the mural fabrication. This meeting is to allow for the public and the Arts Commissioners to see the design, ask questions, and provide comments.
 - b. All Arts Commission agendas are posted 72 hours before the meeting and are open and available to the public. To be placed on the agenda, all mural permit applicants must contact the Arts Specialist at least 14 days before a scheduled Arts Commission meeting, which occur every first Thursday of the month at 6pm, unless otherwise posted.

MURAL 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. Materials or paint shall be weatherproof or resistant to wear.
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. No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.
8. 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 (see attached documents for reference).
9. Mural permits are valid for one image at a time. Property owners wishing to change the mural design or replace it with another artwork or have more than one mural on a property must apply for a new permit.

MURAL PERMIT APPLICATION AND REVIEW PROCESS

Private Property

APPLICANT(S) CREATOR(S) INFORMATION			
APPLICANT #1 NAME		PHONE NUMBER	
MAILING ADDRESS		CITY	ZIP CODE
EMAIL			
APPLICANT #2		PHONE NUMBER	
MAILING ADDRESS		CITY	ZIP CODE
EMAIL			
PROPOSED MURAL INFORMATION			
PROJECT SITE ADDRESS		ORIENTATION OF MURAL	
DESCRIPTION AND NARRATIVE OF PROPOSED MURAL: <i>Attach a detailed drawing or mockup at scale of the proposed mural in color. Provide dimensions, mediums and any other descriptive information.</i>			
PROPERTY OWNER'S INFORMATION: <i>Authorization Signature Required</i>			
NAME		PHONE NUMBER	
MAILING ADDRESS		CITY	ZIP CODE
EMAIL			
PROPERTY OWNER(S) AUTHORIZATION			
PROPERTY OWNER(S) SIGNATURE(S)		DATE	
ACKNOWLEDGEMENT #1: <i>I understand that the granting of this permit is contingent upon compliance with all regulation of the City of Costa Mesa zoning ordinances and other applicable City, State and federal regulations. I hereby certify that I have read the statements contained in this application and that they are true and correct.</i>			
APPLICANT #1 SIGNATURE		DATE	
APPLICANT #2 SIGNATURE		DATE	
ACKNOWLEDGEMENT #2: <i>I understand and am aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) artist rights laws, and acknowledge that I, not the City, am responsible for compliance with these laws. Should the property be sold, I am aware that I must provide subsequent owners with maintenance information, anti-graffiti requirement and artist rights information.</i>			
APPLICANT #1 SIGNATURE		DATE	
APPLICANT #1 SIGNATURE		DATE	

MURAL PERMIT APPLICATION AND REVIEW PROCESS

Private Property

FOR OFFICE USE ONLY

ISSUE DATE: _____ PERMIT NUMBER: _____

ISSUED BY: _____

TITLE: _____

SIGNATURE: _____

DRAFT

Visual Artists Rights Act

Federal Law TITLE 17 — COPYRIGHTS

Title 17 United States Code, Section 106A: Rights of certain authors to attribution and integrity

a. Rights of Attribution and Integrity.

Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art —

1. shall have the right —
 - A. to claim authorship of that work, and
 - B. to prevent the use of his or her name as the author of any work of visual art which he or she did not create;
2. shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and
3. subject to the limitations set forth in section 113(d), shall have the right
 - A. to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and
 - B. to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

b. Scope and Exercise of Rights.

Only the author of a work of visual art has the rights conferred by subsection (a.) in that work, whether or not the author is the copyright owner. The authors of a joint work of visual art are co-owners of the rights conferred by subsection (a.) in that work.

c. Exceptions.

1. The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a distortion, mutilation, or other modification described in subsection (a.3.A.).
2. The modification of a work of visual art which is the result of conservation, or of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.
3. The rights described in paragraphs (1.) and (2.) of subsection (a.) shall not apply to any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with any item described in subparagraph (A.) or (B.) of the definition of "work of visual art" in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a.).

d. Duration of Rights.

1. With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a.) shall endure for a term consisting of the life of the author.
2. With respect to works of visual art created before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, but title to which has not, as of such effective date, been transferred from the author, the rights conferred by subsection (a.) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.
3. (3) In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a.) shall endure for a term consisting of the life of the last surviving author.
4. All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

e. Transfer and Waiver.

1. The rights conferred by subsection (a.) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.
2. Ownership of the rights conferred by subsection (a.) with respect to a work of visual art is distinct from ownership of any copy of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a.) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work.

-SOURCE-

(Added Pub. L. 101-650, title VI, Sec. 603(a), Dec. 1, 1990, 104 Stat. 5128.)

Title 17 United States Code, Section 113d.

- I. In a case in which —
 - A. a work of visual art has been incorporated in or made part of a building in such a way that removing the work from the building will cause the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a.3.), and

- B. the author consented to the installation of the work in the building either before the effective date set forth in section 610(a.) of the Visual Artists Rights Act of 1990, or in a written instrument executed on or after such effective date that is signed by the owner of the building and the author and that specifies that installation of the work may subject the work to destruction, distortion, mutilation, or other modification, by reason of its removal, then the rights conferred by paragraphs (2.) and (3.) of section 106A(a.) shall not apply.
- 2. If the owner of a building wishes to remove a work of visual art which is a part of such building and which can be removed from the building without the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), the author's rights under paragraphs (2.) and (3.) of section 106A(a.) shall apply unless —
 - A. the owner has made a diligent, good faith attempt without success to notify the author of the owner's intended action affecting the work of visual art, or
 - B. the owner did provide such notice in writing and the person so notified failed, within 90 days after receiving such notice, either to remove the work or to pay for its removal. For purposes of subparagraph (A), an owner shall be presumed to have made a diligent, good faith attempt to send notice if the owner sent such notice by registered mail to the author at the most recent address of the author that was recorded with the Register of Copyrights pursuant to paragraph (3). If the work is removed at the expense of the author, title to that copy of the work shall be deemed to be in the author.
- 3. The Register of Copyrights shall establish a system of records whereby any author of a work of visual art that has been incorporated in or made part of a building, may record his or her identity and address with the Copyright Office. The Register shall also establish procedures under which any such author may update the information so recorded, and procedures under which owners of buildings may record with the Copyright Office evidence of their efforts to comply with this subsection.

-SOURCE-

(Pub. L. 94-553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2560;
Pub. L. 101-650, title VI, Sec. 604, Dec. 1, 1990, 104 Stat. 5130.)

California Art Preservation Act

State Law

California Civil Code §987

- a. The Legislature hereby finds and declares that the physical alteration or destruction of fine art, which is an expression of the artist's personality, is detrimental to the artist's reputation, and artists therefore have an interest in protecting their works of fine art against any alteration or destruction; and that there is also a public interest in preserving the integrity of cultural and artistic creations.
- b. As used in this section:
 1. "Artist" means the individual or individuals who create a work of fine art.
 2. "Fine art" means an original painting, sculpture, or drawing, or an original work of art in glass, of recognized quality, but shall not include work prepared under contract for commercial use by its purchaser.
 3. "Person" means an individual, partnership, corporation, limited liability company, association or other group, however organized.
 4. "Frame" means to prepare, or cause to be prepared, a work of fine art for display in a manner customarily considered to be appropriate for a work of fine art in the particular medium.
 5. "Restore" means to return, or cause to be returned, a deteriorated or damaged work of fine art as nearly as is feasible to its original state or condition, in accordance with prevailing standards.
 6. "Conserve" means to preserve, or cause to be preserved, a work of fine art by retarding or preventing deterioration or damage through appropriate treatment in accordance with prevailing standards in order to maintain the structural integrity to the fullest extent possible in an unchanging state.
 7. "Commercial use" means fine art created under a work-for-hire arrangement for use in advertising, magazines, newspapers, or other print and electronic media.
- c.
 1. No person, except an artist who owns and possesses a work of fine art which the artist has created, shall intentionally commit, or authorize the intentional commission of, any physical defacement, mutilation, alteration, or destruction of a work of fine art.
 2. In addition to the prohibitions contained in paragraph (1), no person who frames, conserves, or restores a work of fine art shall commit, or authorize the commission of, any physical defacement, mutilation, alteration, or destruction of a work of fine art by any act constituting gross negligence. For purposes of this section, the term "gross negligence" shall mean the exercise of so slight a degree of care as to justify the belief that there was an indifference to the particular work of fine art.

- d. The artist shall retain at all times the right to claim authorship, or, for a just and valid reason, to disclaim authorship of his or her work of fine art. To effectuate the rights created by this section, the artist may commence an action to recover or obtain any of the following:
 - 1. Injunctive relief.
 - 2. Actual damages.
 - 3. Punitive damages. In the event that punitive damages are awarded, the court shall, in its discretion, select an organization or organizations engaged in charitable or educational activities involving the fine arts in California to receive any punitive damages.
 - 4. Reasonable attorneys' and expert witness fees.
 - 5. Any other relief which the court deems proper.
- e. In determining whether a work of fine art is of recognized quality, the trier of fact shall rely on the opinions of artists, art dealers, collectors of fine art, curators of art museums, and other persons involved with the creation or marketing of fine art. The rights and duties created under this section:
 - 1. Shall, with respect to the artist, or if any artist is deceased, his or her heir, beneficiary, devisee, or personal representative, exist until the 50th anniversary of the death of the artist.
 - 2. Shall exist in addition to any other rights and duties which may now or in the future be applicable.
 - 3. Except as provided in paragraph (1) of subdivision (h), may not be waived except by an instrument in writing expressly so providing which is signed by the artist.
- f.
 - 1. If a work of fine art cannot be removed from a building without substantial physical defacement, mutilation, alteration, or destruction of the work, the rights and duties created under this section, unless expressly reserved by an instrument in writing signed by the owner of the building, containing a legal description of the property and properly recorded, shall be deemed waived. The instrument, if properly recorded, shall be binding on subsequent owners of the building.
 - 2. If the owner of a building wishes to remove a work of fine art which is a part of the building but which can be removed from the building without substantial harm to the fine art, and in the course of or after removal, the owner intends to cause or allow the fine art to suffer physical defacement, mutilation, alteration, or destruction, the rights and duties created under this section shall apply unless the owner has diligently attempted without success to notify the artist, or, if the artist is deceased, his or her heir, beneficiary, devisee, or personal representative, in writing of his or her intended action affecting the work of fine art, or unless he or she did provide notice and that person failed within 90 days either to remove the work or to pay for its removal. If the work is removed at the expense of the artist, his or her heir, beneficiary, devisee, or personal representative, title to the fine art shall pass to that person.

3. If a work of fine art can be removed from a building scheduled for demolition without substantial physical defacement, mutilation, alteration, or destruction of the work, and the owner of the building has notified the owner of the work of fine art of the scheduled demolition or the owner of the building is the owner of the work of fine art, and the owner of the work of fine art elects not to remove the work of fine art, the rights and duties created under this section shall apply, unless the owner of the building has diligently attempted without success to notify the artist, or, if the artist is deceased, his or her heir, beneficiary, devisee, or personal representative, in writing of the intended action affecting the work of fine art, or unless he or she did provide notice and that person failed within 90 days either to remove the work or to pay for its removal. If the work is removed at the expense of the artist, his or her heir, beneficiary, devisee, or personal representative, title to the fine art shall pass to that person.
4. Nothing in this subdivision shall affect the rights of authorship created in subdivision (d) of this section.
- g. No action may be maintained to enforce any liability under this section unless brought within three years of the act complained of or one year after discovery of the act, whichever is longer.
- h. This section shall become operative on January 1, 1980, and shall apply to claims based on proscribed acts occurring on or after that date to works of fine art whenever created.
- i. If any provision of this section or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect any other provisions or applications of this section which can be effected without the invalid provision or application, and to this end the provisions of this section are severable.

California Civil Code, Section 989

- a. The Legislature hereby finds and declares that there is a public interest in preserving the integrity of cultural and artistic creations. As used in this section:
 1. "Fine art" means an original painting, sculpture, or drawing, or an original work of art in glass, of recognized quality, and of substantial public interest.
 2. "Organization" means a public or private not-for-profit entity or association, in existence at least three years at the time an action is filed pursuant to this section, a major purpose of which is to stage, display, or otherwise present works of art to the public or to promote the interests of the arts or artists.
 3. "Cost of removal" includes reasonable costs, if any, for the repair of damage to the real property caused by the removal of the work of fine art.

- b. An organization acting in the public interest may commence an action for injunctive relief to preserve or restore the integrity of a work of fine art from acts prohibited by subdivision (c) of Section 987.
- c. In determining whether a work of fine art is of recognized quality and of substantial public interest the trier of fact shall rely on the opinions of those described in subdivision (f) of Section 987.
- d.
 - 1. If a work of fine art cannot be removed from real property without substantial physical defacement, mutilation, alteration, or destruction of such work, no action to preserve the integrity of the work of fine art may be brought under this section. However, if an organization offers some evidence giving rise to a reasonable likelihood that a work of art can be removed from the real property without substantial physical defacement, mutilation, alteration, or destruction of the work, and is prepared to pay the cost of removal of the work, it may bring a legal action for a determination of this issue. In that action the organization shall be entitled to injunctive relief to preserve the integrity of the work of fine art, but shall also have the burden of proof. The action shall commence within 30 days after filing. No action may be brought under this paragraph if the organization's interest in preserving the work of art is in conflict with an instrument described in paragraph (1) of subdivision (h) of Section 987.
 - 2. If the owner of the real property wishes to remove a work of fine art which is part of the real property, but which can be removed from the real property without substantial harm to such fine art, and in the course of or after removal, the owner intends to cause or allow the fine art to suffer physical defacement, mutilation, alteration, or destruction the owner shall do the following:
 - A. If the artist or artist's heir, legatee, or personal representative fails to take action to remove the work of fine art after the notice provided by paragraph (2) of subdivision (h) of Section 987, the owner shall provide 30 days' notice of his or her intended action affecting the work of art. The written notice shall be a display advertisement in a newspaper of general circulation in the area where the fine art is located. The notice required by this paragraph may run concurrently with the notice required by subdivision (h) of Section 987.
 - i. If within the 30-day period an organization agrees to remove the work of fine art and pay the cost of removal of the work, the payment and removal shall occur within 90 days of the first day of the 30-day notice.
 - ii. If the work is removed at the expense of an organization, title to the fine art shall pass to that organization.
 - B. If an organization does not agree to remove the work of fine art within the 30-day period or fails to remove and pay the cost of

- removal of the work of fine art within the 90-day period the owner may take the intended action affecting the work of fine art.
- e. To effectuate the rights created by this section, the court may do the following:
 - 1. Award reasonable attorney's and expert witness fees to the prevailing party, in an amount as determined by the court.
 - 2. Require the organization to post a bond in a reasonable amount as determined by the court.
 - f. No action may be maintained under this section unless brought within three years of the act complained of or one year after discovery of such act, whichever is longer.
 - g. This section shall become operative on January 1, 1983, and shall apply to claims based on acts occurring on or after that date to works of fine art, whenever created.
 - h. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.



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.

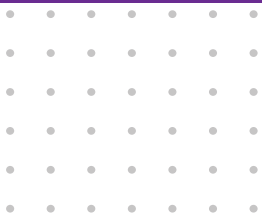
The best practice is for the use of project milestones to be incorporated into the agreement with a final payment left for the completion of services. A sample of this construction is as follows:

- 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.



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.

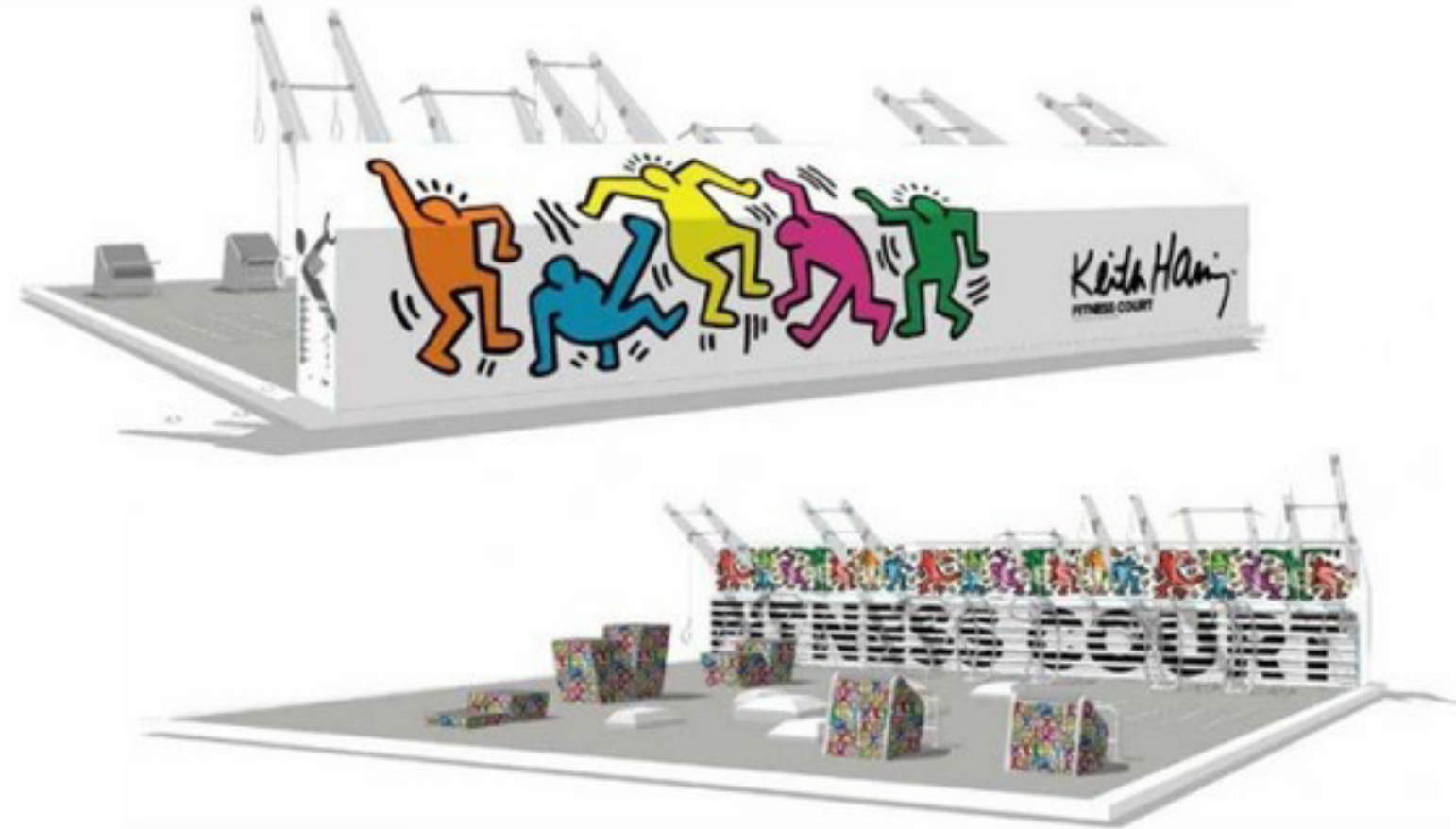
Interestingly, just a few years ago, the National Fitness Campaign partnered with the Keith Haring Foundation (administrator of the famous artist's estate) to offer communities a number of options to license stock outdoor fitness courts with Haring's easily recognizable art emblazoned on their walls. 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.

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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”



Costa Mesa Zoning Code**CHAPTER VIII. SIGNS****ARTICLE 1. PURPOSE AND SCOPE****Sec. 13-109. PURPOSE AND INTENT**

The purpose of this chapter is to regulate the type, size and placement of signs on properties in the city in such a way as to balance the identification and communication needs of businesses with traffic safety and the needs of the citizens for a pleasant, uncluttered environment in which to live, work and play. It is the intent of this chapter to implement the goals of the General Plan to create and maintain an aesthetically pleasing and functional environment and to create an environment where business can succeed while being in harmony with other City goals.

Sec. 13-110. SCOPE

The scope of this chapter is limited to the physical regulation of on-site and off-site signs. This chapter does not limit the informational contents of a sign, nor does it limit the use of signs not visible from off site. This chapter does not regulate product displays, flags of any nation or of the State of California, governmental signs, or any display or construction not defined herein as a sign.

Costa Mesa Zoning Code
ARTICLE 2. GENERAL PROVISIONS

Sec. 13-111. DEFINITIONS

As used in this chapter, the following terms shall have the meanings set forth below:

Advertising statuary. An imitation, representation or similitude of a person or thing which is sculptured, molded, modeled, or cast in any solid or plastic substance, material, or fabric and used for commercial purposes.

Area (of sign). The area included within the outer dimensions of a sign. The area of multiple face signs and advertising statuary shall mean one-half the total surface area. In the case of "skeleton letters" or other signs placed on a wall without any border, the area shall be the sum of the areas of each letter or figure. The area of each letter or figure shall be computed by enclosing the letter or figure within sets of parallel lines.

Balloon sign. Any inflatable object having no dimension that exceeds 24 inches, including, but not limited to, objects made of plastic, cloth, rubber, or canvas, having the shape of any object, and regardless of whether or not it contains copy.

Banner, flag, or pennant. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on private property and not within the public right-of-way. Flags of a nation or of the State of California, displayed as such in an appropriate manner, are excepted from these regulations. See also **Street banner.**

Billboard. A sign that advertises a business, product, service or activity, which is not available at or is not conducted on the premises on which the sign is located.

Changeable copy sign. A sign whose copy consists of non-electronic detachable lettering or numbers that must be manually installed, usually on a series of parallel tracks, including, but not limited to, service station price signs and theater marquees.

Construction site sign. A sign located on a construction site used to identify the name of the future site occupant and which may include the names, addresses, and telephone numbers of businesses directly related to the construction project, including but not limited to the architect, engineer, contractor and financing entity.

Contiguous window area. Total surface area of a window or individual windowpanes separated only by vertical or horizontal mullions.

Convenience sign. A sign not larger than 9 square feet, providing directional information and designed to be viewed on site or adjacent to the site by pedestrians and/or motorists. The term convenience sign shall also include electronic time/temperature signs.

Electronic changeable copy sign. A sign that uses video displays, lamps, fiber optics, light emitting diodes (LEDs) liquid crystal displays, plasma displays, or any other mechanical or light emitting medium to convey messages, movement, or animation imagery during or between messages.

For sale sign. A real estate sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

Freestanding sign. A sign supported permanently upon the ground by poles, braces or other supports, and not attached to any building.

Governmental sign. A sign installed by the City or other public agency pursuant to City approval, including, but not limited to, signs for motorist or pedestrian safety.

Height (of sign). The vertical distance from grade to the highest point of the sign or sign structure.

Illegal sign. Any sign installed or modified in violation of the Costa Mesa Municipal Code at the time the sign was installed or modified.

Illumination - exterior. Illumination cast on a sign from an exterior source, such as a floodlight.

Illumination - interior. Illumination generated from the interior of a sign.

Costa Mesa Zoning Code

Illumination - interior with opaque background. Interior illumination of a sign where the background of the sign face is opaque and only the copy is illuminated.

Inflatable sign. Any inflatable object having any dimension in excess of 24 inches, including, but not limited to, objects made of plastic, cloth, rubber, or canvas, having the shape of any object, and regardless of whether or not it contains copy.

Mural or super graphic. A large image, picture, or design painted on or affixed to the exterior of a building or structure. A mural or super graphic is a sign only if it is related by language and/or logo to the advertisement of any product or service or the identification of any business.

Neighborhood identification sign. A sign identifying the entrance to a residential area consisting of 5 or more acres.

Nonconforming sign. A sign which was legally installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this chapter.

Open house sign. A real estate sign with the words "Open House" as the primary copy for the premises on which the sign is located.

Painted wall sign. Any sign painted directly on the exterior surface of a building or structure, except awnings or canopies. (See "mural or super graphic".)

Permanent window sign. A sign that is placed on or behind a window for a period of time in excess of 60 days. Paper or cardboard signs, or signs painted directly onto the surface of a window, are not considered permanent window signs, regardless of the duration of display.

Political campaign sign. A sign indicating the name and/or picture of an individual seeking election to a public office, or concerning any issue, ballot measure or ballot proposition in a municipal, community, state or federal election, or pertaining to the advocating by persons, groups, or parties of political views or policies regarding a matter to be voted on in a forthcoming election.

Portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building. The term portable sign includes, but is not limited to, any sign affixed to an automobile, truck, trailer, or other vehicle where such sign solicits patronage to a specific business by means of parking such a vehicle primarily for the purpose of advertising such business. The term portable sign shall also include a sign posted in or on a vehicle parked on public or private property without written consent of the property owner, advertising that vehicle for sale.

Public baseball/softball field. Any baseball and/or softball field owned, rented, or leased by the City or used by the City under a joint use agreement.

Public property. Any building, park, grounds, structures, or other real property (collectively referred to as "property" for the purpose of this definition) owned, rented, or leased by the City not within the public right-of-way or any such property used by the City under a joint use agreement. For the purposes of this definition, public property does not include public baseball and softball fields.

Public right-of-way. Any public sidewalk, street, alley or highway improved to allow vehicular and pedestrian access and adjacent City landscape areas including trees therein, traffic control devices, street name signs, fire hydrants and other structures, under the ownership and jurisdiction of the City or the State.

Real estate sign. A temporary sign placed for the purposes of advertising the premises on which the sign is located as either for sale, lease or rent, and includes "for sale sign" and "open house sign".

Sign. Any medium for visual communication, including its copy, structure and component parts, which is used or intended to be used to attract attention to, or identify, or advertise a business, product, service, activity, or location or to provide information. "Sign" includes statuary and graphic wall designs used for advertising purposes. "Sign" includes billboards, but does not include handbills.

Site. One or more parcels of land identified by the assessor's records and for which an integrated building development exists or has been proposed.

Street banner. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes on

a light standard within the public right-of-way.

Street. A public or private alley, street or highway improved to allow vehicular access.

Temporary window sign. A non-illuminated sign placed on or behind a window for a period of time not in excess of 60 days for the purpose of advertising special sales, prices, products or services, including paper or cardboard signs, or signs painted directly onto the surface of a window.

Sec. 13-112. PROHIBITED SIGNS

The following types of signs are prohibited in all zones:

- (a) Signs which incorporate any flashing, moving, or intermittent lighting;
- (b) Signs which by color, wording, design, location, or illumination resemble, obstruct, or conflict with any traffic-control device or with safe and efficient flow of traffic;
- (c) Signs that create a safety hazard by obstructing the clear view of or passage of pedestrian and vehicular traffic;
- (d) Banners, flags, and pennants except as authorized in Table 13-115;
- (e) Street banners in the public right-of-way, except as authorized by Section 13-118;
- (f) Signs projecting into or located in the public right-of-way, except governmental signs or other types of signs as authorized by Sections 13-123.5 and 127 or Chapter II of Title 19;
- (g) Inflatable signs (and balloons) larger than 24 inches in any dimension;
- (h) Portable signs, except as authorized by Section 13-123.5 and Table 13-115;
- (i) Mechanical movement;
- (j) Signs which project above a parapet or the highest point of the roof;
- (k) Signs on public property; and
- (l) Electronic changeable copy signs, except theater marquees and time/temperature signs.

Costa Mesa Zoning Code
ARTICLE 3. SIGN REGULATIONS

Sec. 13-113. GENERAL REQUIREMENTS

Unless otherwise provided in this chapter, erection, relocation or modification of all signs shall be in accordance with the requirements of this article, including the specific regulations listed in Table 13-115.

Sec. 13-114. PERMITS REQUIRED

Where indicated in Table 13-115 and Section 13-118 the erection, relocation, or modification of signs shall require permits and payment of fees as described in Article 7 Administration and Enforcement of this chapter.

No permit shall be required under this chapter for maintenance of a sign or for change of copy on a changeable copy sign. The requirements of this chapter are in addition to the requirements of the Uniform Building Code, National Electrical Code and other applicable codes.

Sec. 13-115. SIGNS REGULATIONS AND DESIGN STANDARDS

Table 13-115 indicates the maximum allowed area, height, number, and other design restrictions for both permanent and temporary signs.

TABLE 13-115. SIGN REGULATIONS

PERMANENT SIGNS			
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES
TOTAL SIGN AREA PER STREET FRONTAGE	Residential uses: 1.0 sq. ft. per unit, not to exceed 90 sq. ft. (25 sq. ft. minimum for sites with 4 or more units). Permitted non-residential uses: 30 sq. ft. for sites less than 1 acre. 45 sq. ft. for sites of 1 acre or more.	1.0 sq. ft. per ft. of lot width + 0.5 sq. ft. per ft. of lot depth	30 sq. ft. for sites less than 1 acre. 45 sq. ft. for sites of 1 acre or more.
	Total area of all permanent signs (freestanding signs and building signs) may not exceed TOTAL SIGN AREA PER STREET FRONTAGE. See Section 13-116 for commercial or industrial signs located within 200 ft. of residentially-zoned property.		
FREESTANDING SIGNS			
PERMIT REQUIRED	Yes		
DEVELOPMENT STANDARDS	1. Must be located in landscaped planter equal to twice the sign area. 2. May not obstruct visibility for motorists or pedestrians at driveways or intersections. 3. May not obstruct visibility of legal signs on adjacent site(s). 4. May not consist of a pole sign with a visible cylindrical pole structure(s). 5. Planning Division may require freestanding signs to incorporate street address if address on building is not visible from public streets: 6 inches high minimum in residential zones 8 inches high minimum in non-residential zones The address area, up to 6 sq. ft., is not counted against allowable sign area. Address must be integrated into the design of the sign and placed at such an elevation so as not to be obstructed by landscaping. See Section 13-116 if located within 200 ft. of residentially-zoned property.		

TABLE 13-115. SIGN REGULATIONS

PERMANENT SIGNS (continued)

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
FREESTANDING SIGNS (continued)				
MAXIMUM AREA	30 sq. ft. (Includes both on-site and neighborhood identification signs.)	Total area of all freestanding signs may not exceed 50% of total allowed sign area per street frontage.		15 sq. ft. for sites less than 1 acre. 30 sq. ft. for sites of 1 acre or more.
MAXIMUM HEIGHT	7 ft.	12 ft.	7 ft.	
NUMBER & SEPARATION	300 ft. separation between freestanding signs on same site.			
ILLUMINATION	Exterior, or interior with opaque background. No flashing or blinking allowed.	No flashing or blinking allowed.		Exterior, or interior with opaque background. No flashing or blinking allowed.
VERTICAL CLEARANCE	8 ft. minimum clearance over pedestrian circulation areas. 16 ft. minimum clearance over parking and vehicular circulation areas.			

TABLE 13-115. SIGN REGULATIONS

PERMANENT SIGNS (continued)

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
FREEWAY-ORIENTED FREESTANDING SIGNS				
PERMIT REQUIRED	Prohibited	Yes	Prohibited	
MAXIMUM AREA AND HEIGHT	N/A	For commercial properties of one acre or more, within 300 feet of a freeway exit: One freeway-oriented sign may be allowed, not to exceed 230 sq. ft. and 32 ft. high.	N/A	
ILLUMINATION	N/A	No flashing or blinking	N/A	
VERTICAL CLEARANCE	N/A	8 ft. minimum clearance over pedestrian circulation areas. 16 ft. minimum clearance over parking and vehicular circulation areas.	N/A	

TABLE 13-115. SIGN REGULATIONS

PERMANENT SIGNS (continued)

BUILDING WALL SIGNS PERMIT REQUIRED	PERMANENT SIGNS (continued)			
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
Yes				
MAXIMUM AREA	Total area of all permanent building wall signage may not exceed TOTAL SIGN AREA PER STREET FRONTAGE.	Each single tenant may be allowed a maximum of 1.5 sq. ft. of building wall signage per lineal foot of building frontage of the business. If the building frontage of any such use is less than 25 lineal feet, only one sign, having a maximum area of 25 square feet, may be permitted.		
ILLUMINATION	Exterior, or interior with opaque background. No flashing or blinking allowed.	No flashing or blinking allowed.		Exterior, or interior with opaque background. No flashing or blinking allowed.
NUMBER	N/A	<p>Single tenant buildings: A maximum of three wall signs per street frontage.</p> <p>Multi-tenant buildings: One wall sign per business on each street frontage. <i>Exception:</i> A tenant with more than 10,000 square feet of floor area in a multi-tenant building shall be permitted a maximum of three wall signs per business/street frontage.</p> <p>Buildings with more than 2 stories and 30 feet in height: No sign is permitted above the first floor of any building except for a single sign per street frontage on the uppermost portion of the building fascia identifying either the street address, name of the building, major tenant and/or logo. Street address up to 6 square feet per story shall not be counted toward allowable sign area.</p>		

TABLE 13-115 SIGN REGULATIONS (CONTINUED)

PERMANENT SIGNS (continued) and TEMPORARY SIGNS			
	RESIDENTIAL	COMMERCIAL ZONES	INDUSTRIAL ZONES
LOCATION	Signs may only be attached to a building wall abutting a public street or on-site parking area serving the subject building, unless otherwise approved by the Planning Division.		
VERTICAL CLEARANCE	Awning, canopy and projecting signs: 8 ft. minimum clearance over pedestrian circulation areas. 16 ft. minimum clearance over parking and vehicular circulation areas.		
MURALS AND SUPER GRAPHICS PERMIT REQUIRED	Yes		
DEVELOPMENT STANDARDS	Subject to approval by the Planning Division. The purpose of the Planning Division approval is to verify that it is not a sign.		
PAINTED WALL SIGNS PERMIT REQUIRED	Yes		
MAXIMUM AREA	Total area of all painted wall signs may not exceed 10% of total allowed sign area per street frontage.		
PERMANENT WINDOW SIGNS PERMIT REQUIRED	Yes		
MAXIMUM AREA	1. 20% of contiguous window area maximum. 2. Window sign area in excess of the above maximum may be permitted if it can be shown that the merchandise offered for sale cannot be adequately displayed and, therefore, justifies substitution of additional window signage for merchandise display, subject to written approval by the Planning Division or Zoning Administrator. Total of permanent and temporary window sign area shall not exceed 50% of contiguous window area.		
CONVENIENCE SIGNS PERMIT REQUIRED	Yes		
DEVELOPMENT STANDARDS	1. 9 sq. ft. maximum per sign. 2. Not counted against allowable sign area. 3. Placement and height subject to approval of Planning Division.		
SIGNAGE IN MIXED-USE OVERLAY DISTRICT	Refer to the appropriate Urban Plan for signage regulations in the mixed-use overlay district.		

TABLE 13-115 SIGN REGULATIONS (CONTINUED)

TEMPORARY SIGNS				
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
CONSTRUCTION SIGNS PERMIT REQUIRED	Yes			
DEVELOPMENT STANDARDS	1. One per street frontage. 2. 64 sq. ft. maximum. 3. 16 ft. high maximum. 4. Must be removed within 1 year after installation, or within 30 days of final inspection, whichever occurs first.			
REAL ESTATE SIGNS (No permits are required.)				
FOR SALE SIGNS	1. One per street frontage. 2. 5 sq. ft. maximum. 3. 6 ft. high maximum.	1. One per street frontage. 2. 32 sq. ft. maximum. 3. 12 ft. high maximum.		
OPEN HOUSE SIGNS	1. One per street frontage. 2. 3 sq. ft. maximum. 3. 5 ft. high maximum.	Prohibited		
155				
POLITICAL CAMPAIGN SIGNS ON PRIVATE PROPERTY	5 sq. ft. maximum per sign. Subject to Section 13-123.	Subject to Section 13-123.		
PORTABLE SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY	Subject to Section 13-123.5.			
TEMPORARY SIGNS ON PUBLIC PROPERTY	Subject to Section 13-118.1			
PERMIT REQUIRED				

TABLE 13-115 SIGN REGULATIONS (CONTINUED)

TEMPORARY SIGNS				
	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
TEMPORARY WINDOW SIGNS (No permits are required.)	Prohibited	<ol style="list-style-type: none"> 1. 20% of contiguous window area maximum. 2. Window sign area in excess of the above maximum may be permitted if it can be shown that the merchandise offered for sale cannot be adequately displayed and, therefore, justifies substitution of additional window signage for merchandise display, subject to written approval by the Planning Division or Zoning Administrator. Total of permanent and temporary window sign area shall not exceed 50% of contiguous window area. 3. Time limit shall not exceed 60 days. 		Prohibited
APARTMENT FLAGS (No permits are required.) 156	<ol style="list-style-type: none"> 1. 1 per 60 ft. of lot frontage (minimum of 2). 2. 15 sq. ft. maximum. 3. 18 ft. high maximum. 4. Must be maintained in good condition; removed or replaced if torn, faded or dirty. 	Prohibited		
OTHER FLAGS AND PENNANTS	Flags of a nation or the State displayed in an appropriate manner are allowed. Flags displaying products, logos and/or business names are prohibited. Pennants are prohibited.			
BALLOON SIGNS (less than 24 inches) (No permits are required.)	Prohibited	<p>Allowed, subject to the following:</p> <ol style="list-style-type: none"> 1. May not extend beyond any property line or over any public right-of-way, regardless of wind conditions. 2. Must be securely anchored. 3. May not be released into the air. 4. Metallic balloons are prohibited. 		Prohibited
INFLATABLE SIGNS (over 24 in.)	Prohibited			

TABLE 13-115 SIGN REGULATIONS (CONTINUED)

TEMPORARY SIGNS (continued)				
	RESIDENTIAL	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
BANNERS ON PRIVATE PROPERTY PERMIT REQUIRED. MAXIMUM AREA	0.5 sq. ft. per unit. Maximum area: 100 sq. ft. per site.	0.5 sq. ft. per lineal foot of building frontage facing the street. Minimum entitlement: 25 sq. ft. per tenant. Maximum area: 75 sq. ft. per tenant.		
TIME LIMITS	A maximum display time of 60 days per calendar year. Exception: For residential developments of 100 units or more, a maximum display time of 120 days per calendar year.			
DEVELOPMENT STANDARDS	<ol style="list-style-type: none"> 1. The entire surface of the banner must be securely affixed to either a building wall of the business being advertised (the building wall must abut a public street or on-site parking area serving the business being advertised), or to the sign face of a freestanding sign. 2. May not be attached to any staff, pole, line, framing, vehicle or similar support. 3. May not project above roof. 4. Must be maintained in good condition; removed or replaced if torn, faded or dirty. 5. Limit one banner per tenant or building occupant on each street frontage maximum. 6. Banners are permitted only as a means of temporary advertisement, such as for new businesses, grand openings, or similar special events, and may not be used as permanent signs. 7. Prior to the installation of a banner, a permit shall be obtained from the Planning Division. A city-issued decal shall be attached to face of the banner in the lower right-hand corner. The banner and any support elements shall be promptly removed at the expiration of the banner permit. 			
BANNERS WITHIN THE PUBLIC RIGHT-OF-WAY	See Sec. 13-118 Street Banners			
BANNERS ON PUBLIC BASEBALL AND/OR SOFTBALL FIELDS PERMIT REQUIRED	Subject to Section 13-118.2			

Sec. 13-116. SIGNS ADJACENT TO RESIDENTIAL ZONES

In commercial and industrial zones, all signs located within 200 feet of residentially-zoned property shall conform to the following restrictions:

- (a) Freestanding signs shall be limited to 7 feet in height unless non-illuminated or placed in such a location that visibility from residentially-zoned property within 200 feet is completely obscured by permanent structures on the commercially- or industrially-zoned property.
- (b) Building signs shall be placed no higher than the first story level unless non-illuminated or located so as not to be visible from residentially-zoned property within 200 feet.
- (c) Signs that do not comply with the requirements of paragraphs (a) and (b) above may be authorized as part of a Planned Signing Program, if the Zoning Administrator finds that the proposed sign(s) will not have adverse visual impacts on residentially-zoned property within 200 feet.

Sec. 13-117. MAINTENANCE OF PERMANENT SIGNS

All signs shall be maintained in a safe, structurally sound condition and in good repair at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. Defective, damaged or substantially deteriorated signs may be ordered to be repaired or abated as provided for in applicable codes and ordinances.

Sec. 13-118. STREET BANNERS

Special event banners and holiday banners may be placed in the public right-of-way after obtaining the necessary approval as required by the applicable City Council Policy.

Sec. 13-118.1. TEMPORARY SIGNS ON PUBLIC PROPERTY

- (a) **Applicability.** The placement of temporary signs on public property shall be limited to only those signs that advertise City-sponsored or City-permitted events or activities. As used in this section, these include, but are not limited to, events or activities of Youth Program User Groups 1 and 3, as defined in the Athletic Field/Facility Use and Allocation Policy.
- (b) **Permit Required.** Temporary signs for City-sponsored events may be placed on public property after obtaining the necessary permit from the Recreation Manager.
- (c) **Standards.**
 - (1) **Acceptable Temporary Sign Location:** Signs may be placed only on a building wall or perimeter wall or fence of the public property. The sign shall not project above the building parapet or the highest point of the roof or above the perimeter wall and/or fence. The sign shall not be attached to any staff, pole, line, framing, vehicle, or similar support.
 - (2) **Illumination:** The sign shall not be illuminated.
 - (3) **Maximum Size:** The total signage shall not exceed 80 square feet, and individual signs shall not exceed 40 square feet.
 - (4) **Number of Signs:** Limit one temporary sign per User Group per street frontage at any given time.
 - (5) **Installation:** The entire surface of the sign must be securely fastened to the building or perimeter wall and/or fence.

Costa Mesa Zoning Code

- (6) **Maintenance Required:** The applicant shall maintain all signs in good condition, and the applicant shall remove or replace any sign that is torn, faded, dirty, or defaced, including by graffiti.
- (7) **Installation Period:** Temporary signs may be displayed a maximum of 30 days. Specific dates and time for the signs' installation and removal may be subject to change by the City in order to minimize impacts to the public.
- (8) **Sign Removal:** All signs that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City.

Sec. 13-118.2. BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS

- (a) **Applicability.** Only Youth Program User Groups 1 and 3 shall be able to request approval to install banners on a public baseball or softball field that has been permitted for their use by the City. Youth Program User Groups 1 and 3 are defined in the City of Costa Mesa Athletic Field/Facility Use and Allocation Policy.
- (b) **Permit Required.** Banners may be placed on public baseball and/or softball fields after obtaining the necessary permit from the Recreation Manager.
- (c) **Standards.**
 - (1) **Acceptable Banner Location:** Banners shall only be displayed on the field's outfield fence and shall only face the field's interior.
 - (2) **Banner Composition:** Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of durable cloth, bunting, plastic, or similar material.
 - (3) **Maximum Size:** Individual banners shall not exceed 40 square feet.
 - (4) **Installation:** The banner's surface must be tautly and securely fastened to the outfield fence of the field by a minimum of four contact points.
 - (5) **Maintenance Required:** The applicant shall maintain all banners in good condition, and the applicant shall remove or replace any banner that is torn, faded, dirty or defaced, including by graffiti.
 - (6) **Installation Period:** Banners shall be installed no sooner than seven days prior to the baseball and/or softball season's commencement and shall be removed within seven days of the season's close. Specific dates and time for the banners' installation and removal may be subject to change by the City in order to minimize impacts to the public.
 - (7) **Banner Removal:** All banners that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City.

Sec. 13-119. BILLBOARDS

The area of any billboard that was legally erected before October 6, 1984, shall not be included in the calculation of sign area for the site on which it is located until any new building is placed or constructed on that site, after which the calculation of sign area shall include the area of all billboards on the site, regardless of time of construction.

ARTICLE 4. SPECIAL PROCEDURES

Sec. 13-120. PLANNED SIGNING PROGRAMS

Signs may be authorized as part of a Planned Signing Program even if they do not conform to all specific regulations contained elsewhere in this chapter. A Planned Signing Program is intended to provide maximum incentive and latitude to encourage variety and good design, and to allow response to special circumstances, but shall not be used to circumvent the objectives of this chapter.

- (a) To encourage consistency of design and regulation, an association of similar businesses may submit a Planned Signing Program for a number of non-contiguous sites.
- (b) **Procedure.** A Planned Signing Program shall be processed as a minor conditional use permit in accordance with provisions contained in CHAPTER III PLANNING APPLICATIONS.
- (c) **Review Standards.** A Planned Signing Program may be approved only if the following findings are made:
 - (1) The proposed signing is consistent with the intent of this chapter and the General Plan.
 - (2) The proposed signs are consistent with each other in design and construction - taking into account sign style and shape, materials, letter style, colors and illumination.
 - (3) The proposed signs are compatible with the buildings and developments they identify - taking into account materials, colors and design motif.
 - (4) Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard ordinance provisions allow.

ARTICLE 5. NONCONFORMING SIGNS

Sec. 13-121. DETERMINATION OF LEGAL NONCONFORMITY

An existing sign which does not conform to the specific provisions of this chapter may be eligible for the designation "legal nonconforming" and may continue to be used and maintained, including change of copy, provided that:

- (a) The sign was installed in conformance with a valid permit and complied with all applicable laws and ordinances on the date it was installed.
- (b) The sign is properly maintained and does not in any way endanger the public.

Sec. 13-122. LOSS OF LEGAL NONCONFORMING STATUS

- (a) A legal nonconforming sign may lose this designation if:
 - (1) The sign is removed or relocated for any period of time except to be replaced by a new sign of the same type which reduces the nonconformity by at least 50 percent;
 - (2) The structure or size of the sign is altered in any way except to reduce its nonconformity by at least 50 percent; or
 - (3) The sign is damaged or destroyed by any means to an extent of more than 50 percent of its total replacement cost.
- (b) When a legal nonconforming sign loses this designation, it shall be brought into conformance with the provisions of this chapter or removed from the site within 90 days.
- (c) Per Section 5491.1(e) of the Business and Professions Code, any amendment to Chapter VIII of Title 13 applies only to new on-premises advertising displays as defined in Business and Professions Code Section 5490.

Sec. 13-122.1. ELECTRONIC CHANGEABLE COPY SIGNS

Existing, legal nonconforming electronic changeable copy signs shall, no later than September 1, 2002, be modified so that no message or display shall contain movement or animation, nor be displayed for a duration of less than four seconds.

ARTICLE 6. POLITICAL CAMPAIGN SIGNS

Sec. 13-123. POLITICAL CAMPAIGN SIGNS

- (a) Any person, party, entity, or group posting political campaign signs within the boundaries of the City shall first file a statement with the City Clerk designating the person or entity responsible for posting the political campaign signs in the City and liable for the estimated actual cost of removal of the political campaign signs to ensure compliance with the provisions of this ordinance, and such statement shall certify to the City Clerk that consent has been obtained from the owners, lessees or occupants of non-publicly owned real property prior to placement of political campaign signs thereon. Only one political campaign sign statement is required of any party or group, regardless of the number of individuals posting signs on its behalf.
- (b) All political campaign signs shall be removed not later than 10 days following the date of any election to which they pertain, if any.
- (c) No political campaign sign shall be placed or posted on any public property or utility pole, except on or within a public right-of-way pursuant to the provisions of Section 13-123.5 Portable Signs within Public Right-of-Way.
- (d) No political campaign sign shall be lighted, either internally or externally.
- (e) No political campaign sign shall be placed in a manner that would obstruct visibility to pedestrian or vehicular traffic.

ARTICLE 6.5 PORTABLE SIGNS WITHIN PUBLIC RIGHT-OF-WAY

Sec. 13-123.5 PORTABLE SIGNS WITHIN PUBLIC RIGHT-OF-WAY.

- (a) **Standards.** A portable sign may be placed on or within the public right-of-way without a permit, provided it complies with the following requirements:
- (1) **Size and height.** The maximum size shall not exceed five square feet and the maximum height shall not be more than three feet above grade.
 - (2) **Identification.** The owner of the sign(s) shall affix its name, address and telephone number to the sign prior to installation of the sign.
 - (3) **Location.** The location for installation of a portable sign within the public right-of-way shall be subject to the following:
 - a. The sign may be placed in any landscaped parkway but not within the center median of any street or highway. Tree wells shall not be considered a landscaped parkway for the purposes of this section;
 - b. The sign shall not overhang any street, curb, sidewalk, or driveway;
 - c. The sign shall not be within 15 feet of any fire hydrant;
 - d. The sign shall not be within 15 feet of the edge of any driveway nor within 15 feet of any intersection of an alley, street, or highway, as measured from the midpoint of the corner radius;
 - e. The sign shall not be placed within the public right-of-way adjacent to any property zoned I & R, or I & R-S;
 - f. The sign shall not be affixed to traffic control devices, government signs, light standards, utility poles, bus shelters, or other structures, posts, fences, shrubs or trees.
 - (4) **Installation.** The installation of the portable sign shall not cause damage to the public right-of-way;
 - (5) **Time period.** A portable sign shall only be displayed during the time period between 6 a.m. on Friday to 6 p.m. on Sunday of any week period.
 - (6) **Number.** The total number of portable signs per owner or its agent pursuant to this section shall not exceed 10 signs in the city at any one time.
- (b) **Exceptions.** The requirements of this section shall not apply to a portable sign with a total area of not more than five square feet that is carried by a person within the public right-of-way unless prohibited by Section 13-112.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

Sec. 13-124. APPLICATION FOR PERMITS

Application for a permit for the erection, relocation or modification of a sign shall be made to the Development Services Department on forms provided, and shall be accompanied by plans and other necessary information as required by the Development Services Department.

Sec. 13-125. FEES

Fees for sign permits and Planned Signing Programs shall be established by resolution of the City Council.

Sec. 13-126. SIGNS RELATING TO INOPERATIVE ACTIVITIES

When a business or activity is no longer in operation on a site, all signs relating to the activity shall be removed, or copy obliterated, within 60 days after the activity has vacated the premises.

Sec. 13-127. SIGNS PROHIBITED ON PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY REMOVAL; ABATEMENT COST RECOVERY

- (a) **Prohibition.** Except as provided in Sections 13-118 and 13-123.5 and Chapter II of Title 19, no person shall erect, place, paint, mark, or display or cause to be erected, placed, painted, marked, or displayed any sign in, under, on or over any public property or on or within any public right-of-way with respect to which the City has jurisdiction. As used in this section, "person" means a natural person, association, partnership, firm, corporation, or trust or the employee or agent thereof. A violation of this section may be prosecuted as a criminal violation pursuant to Section 1-33, or be subjected to civil fine pursuant to Section 1-34, et seq. Criminal prosecution or imposition of civil fine shall not preclude, nor be precluded by, abatement of such signs or parts thereof pursuant to this section.
- (b) **Removal.** Any sign posted in violating of the provisions of this section may be removed by any employee of the City duly authorized to do so by the Development Services Director. The owner of a seized sign will be given notice by the City within 10 days of the seizure in those cases where the name and address or other means of contact are provided upon the seized sign. The notice will indicate the seizure and the owner's right to a hearing and recovery of the sign. An owner who files a request for a hearing within 15 days of the seizure shall be given a hearing by the Director within 10 days of such request to determine if the seized sign was posted in violation of this section and/or if any abatement costs imposed are unreasonable. If at a hearing it is determined the sign was not posted in violation of this section, the owner may recover the sign without any cost or other charge for the removal. If a sign is not claimed by an owner by the end of 15 days after seizure nor is a hearing requested, the City may dispose of the sign without further notice.

Failure of the City to give or failure of the owner to receive notice of the seizure shall not subject the City or any of its officers or employees to any civil liability or invalidate any other action taken pursuant to this section.
- (c) **Exception.** The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of this state.
- (d) **Court Action.** The City Attorney is authorized and may institute an action in any court of competent jurisdiction to restrain, enjoin, or abate any sign(s) found to be in violation of this chapter and as provided by law.
- (e) **Abatement Cost Recovery.** Any sign posted in violation of the provisions of this section is a public nuisance. The owner of an illegally posted sign and the person or entity responsible for posting the sign shall be jointly and severally civilly liable and indebted to the City for the reasonable cost of removal and storage of the seized sign which shall be in addition to any other civil or criminal penalty

Costa Mesa Zoning Code

provided by law. The Development Services Director may determine and assess these costs. The City may require payment of these costs prior to returning a sign to an owner, unless a hearing has determined there was no violation or modifies the amount of the costs. The Development Services Director is authorized to recover abatement costs of less than \$5,000.00 in any lawful manner and may initiate a small claims court action to recover such costs.

Sec. 13-128. ENFORCEMENT

It shall be unlawful to construct, erect, install, alter, modify or maintain a sign except in compliance with the provisions of this chapter. The provisions of this chapter shall be enforceable, and violations shall be punishable, pursuant to Sections 13-16 and 13-127 and Section 1-33 et seq. of this Code.

ART MURAL PERMIT APPLICATION

APPLICATION AND REVIEW PROCESS

This application encourages the display of art murals on publicly visible or accessible areas on private property on a content-neutral basis under certain terms and conditions. Murals comprise a unique medium of expression that serves the public interest. Murals confer benefits including improved aesthetics, avenues for original artistic expression, public access to original works of art, community participation in the creation of original works of art, community-building through the presence of an identification with original works of art, education about the history of the City of San Fernando depicted in original works of art, and a reduction in the incidence of vandalism.

APPLICATION PROCEDURE

Murals shall only be permitted on:

1. properties in commercial, industrial, service commercial, and mixed-use zones that are not zoned exclusively residential, and
 2. residential walls directly adjacent to a city-designated alleyway.
- A. Any person, firm, corporation, or other entity desiring to place a mural on any property shall first submit an application to the Community Development Department. A mural permit application shall include the following information:
1. Name and address of the creator of the mural.
 2. Name and address of the owner, operator, or person in possession of the premises where the mural is proposed to be located.
 3. A detailed drawing or sketch of the proposed mural that is to scale and in color.
- B. A mural permit application shall be submitted with all required fees as established by resolution of the City Council. As of January 31, 2021, the mural permit application fee is \$130.00.
- C. The Community Development Department shall submit each completed application to the Park, Wellness and Recreation Commission ("Commission") for review as to the compatibility of the proposed mural in the location and on the specific structure the mural is proposed, and all other applicable requirements of Chapter 106 (Zoning) of the San Fernando Municipal Code.
- D. Prior to any action by the Commission, the Applicant shall post an 11"x17" color rendering of the proposed mural on site for no less than 10 calendar days prior to the scheduled public meeting at which the proposed mural is to be considered by the Commission. It shall be the applicant's responsibility to post the rendering and ensure that said rendering is posted for the entire 10-day period prior to the meeting. The rendering shall also include a notice advising the public of the date, time and location of the public hearing and that interested members of the public are invited to attend the public hearing and offer verbal or written comment by or before the conclusion of the public hearing. No mural shall be permitted until the Applicant has certified that notification has been completed.
- E. Each mural permit application will be considered at a public meeting of the Commission for final review. The application packet may include a written description of the mural, the purpose/significance of the proposed mural, photographic, digital and/or audio files, sketches, renderings, schematics, or any other documentation supporting the application. The Commission's decision to issue or deny the mural permit shall be final, unless any aggrieved party submits a written request for appeal of the Commission's decision (along with any applicable appeal fees established by City Council resolution) to the City Council pursuant to Section 22-503(F), care of the Office of the City Clerk, during City's regular business hours, within 7 calendar days from the date of the Commission's decision.
- F. A permit issued under this Article is granted for the specific design and one-time production of the mural as presented in the application. Any alterations must be submitted to the Community Development Director for review and may require additional public hearing and approval by the Commission for the same procedures and noticing requirements as would otherwise apply for a permit application for a new mural.



APPLICANT(S)/CREATOR(S) INFORMATION

APPLICANT NO. 1 NAME		PHONE NO.	
MAILING ADDRESS	CITY	ZIP CODE	
EMAIL ADDRESS			
APPLICANT NO. 2 NAME		PHONE NO.	
MAILING ADDRESS	CITY	ZIP CODE	
EMAIL ADDRESS			

PROPOSED MURAL INFORMATION

PROJECT SITE ADDRESS	ORIENTATION OF MURAL
DESCRIPTION AND NARRATIVE OF PROPOSED MURAL <i>Attach a detailed drawing at scale of the proposed mural in color. Provide dimensions, mediums, and any other descriptive information.</i>	

PROPERTY OWNER(S) INFORMATION *Authorization Signature Required*

NAME	PHONE NO.	
MAILING ADDRESS	CITY	ZIP CODE
EMAIL ADDRESS		

PROPERTY OWNER(S) AUTHORIZATION *I/We hereby grant authorization to applicant to place a mural according to the statements in this application.*

PROPERTY OWNER(S) SIGNATURE(S)	DATE
--------------------------------	------

ACKNOWLEDGMENT *I understand that the granting of this permit is contingent upon compliance with all regulations of the City of San Fernando Zoning Ordinance and other applicable City, State, and Federal regulations. I hereby certify that I have read the statements contained in this application and that they are true and correct.*

APPLICANT NO. 1 SIGNATURE	DATE	APPLICANT NO. 2 SIGNATURE	DATE
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OFFICE USE ONLY

MURAL PERMIT APPLICATION FEE	\$ 130.00	DATE FILED	ACCEPTED BY
TOTAL FEES	\$ 130.00	CASE NO.	ZONING

CONDITIONS OF APPROVAL *Applicant and Property Owner: Please initial to acknowledge each condition below.*

ALL MURALS MUST MEET ALL OF THE FOLLOWING REQUIREMENTS: <i>Failure of both Applicant(s) and Property Owner to acknowledge each condition will render the application incomplete</i>	APPLICANT INITIALS	PROPERTY OWNER INITIALS
<p>1. A new mural shall remain in place, without alteration, for a minimum period to be determined by the applicant, but not less than one-year. The artist or landowner must enter into a maintenance agreement with the City for the period specified in the application to provide an assurance that the mural will be repaired in case of vandalism, weathered wall surface damage, or chipping paint. A mural may be removed prior to the expiration of the permit under the following circumstances:</p> <ul style="list-style-type: none"> • The property on which the mural is located is sold; or • The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or • The property undergoes a change of use authorized the Building and Safety Division, the Planning Division or the Planning and Preservation Commission. 		
<p>2. The mural shall not cause a pedestrian or vehicular safety hazard, including hazards in the form of impediments to the ingress and egress of pedestrians or vehicles during the production of the mural or in the form of a distraction to motorists. Any encroachment permit shall be requested from the Public Works Department.</p>		
<p>3. A mural shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents in such a way that blocks or restricts access to the opening.</p>		
<p>4. No part of the mural shall exceed the height of the structure to which it is tiled, painted, or affixed.</p>		
<p>5. No part of the mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.</p>		
<p>6. No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.</p>		
<p>7. By the owner's signature below, the owner of the property on which a mural is installed consents to its installation and agrees, jointly and severally with the applicant, to ensure that the mural will be installed and at all times maintained in full compliance with requirements of this application, the above-referenced maintenance agreement and Chapter 22, Sections 22-500 to 22-507 of the San Fernando Municipal Code.</p>		
<p>8. Mural proposals set forth in any application for a new mural or any application to modify the appearance of an existing mural or any other terms of an existing mural permit shall also comply with any and all written policies or guidelines adopted by the City Council resolution which are operative at the time a completed application is submitted, including the payment of all required fees. The permit fee may be waived or reduced if there is a demonstrated educational component, pursuant to a written curriculum submitted by the applicant that engages youth.</p>		



City of San Clemente Planning Division

910 CALLE NEGOCIO, SUITE 100, SAN CLEMENTE, CA 92673

Phone: (949) 361-6100

Fax: (949) 366-4750

E-mail: planning@san-clemente.org

The City permits murals and other types of artwork to be installed on both public and private property throughout the City. This application is for private property murals (public art on city-owned facilities are subject to Beaches, Parks and Recreation Department Procedure and Application).

In order to approve a mural permit, the mural must meet certain restrictions on time, place and manner. The restrictive criteria are set forth below:

Mural Permit Checklist		
Criteria	Examples of standards	Meets criteria?
Size	Mural area is not to exceed a single wall plane.	<input type="checkbox"/>
Height	Shall not exceed the maximum height of the zone or exceed the height of the structure on which it is applied, whichever is more restrictive.	<input type="checkbox"/>
Material	Materials or paint shall be weatherproof or resistant to wear.	<input type="checkbox"/>
Number	Maximum of one mural per legal parcel, or one art piece per building, whichever is more restrictive.	<input type="checkbox"/>
Location	May only be permitted in non-residential zones.	<input type="checkbox"/>
Specified physical limitation	Shall not include illumination, electrical, or moving components.	<input type="checkbox"/>
Expiration	Time limitation: Permit expires two years from issuance, at which time, a new permit may be obtained or the mural removed.	<input type="checkbox"/>
Maintenance and Permit Renewal	The mural shall be properly maintained through repair, paint, or any necessary treatment, so as to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including lack of paint or protective covering, shall be promptly addressed, and repaired or stabilized to prevent further deterioration.	<input type="checkbox"/>

Each application must be accompanied by the following:

1. A site plan with north arrow showing the subject property dimensions, lot lines, street names, existing land use, building footprint and size of the proposed mural in square feet.
2. Photographs of the existing site and location of proposed mural (i.e. building or wall to be utilized).
3. Indicate the location of the proposed mural with the measurements included on an elevation plan (for existing buildings, a photograph may be used in lieu of drawings).
4. Samples of all proposed mural materials and colors including, but not limited to paint, tile, glass, stained wood, etc. Indicate where these materials are to be used in each mural.

Mural Permit Application

Name of Proposed Project _____

Location of Project _____

Lot(s) _____ Block _____ Tract _____

Assessor's Parcel Number(s) _____

General Plan Designation _____ Zoning Designation _____

Description of mural including size, location and materials:

APPLICANT:

Name _____

Street/city/state/zip _____

Phone Number _____

Cell number _____

Email address _____

PROPERTY OWNER:

Name _____

Street/city/state/zip _____

Phone Number _____

Cell number _____

Email address _____

Applicant Signature_____
Date_____
Property Owner Signature_____
Date

FOR OFFICE USE ONLY

PERMIT FEE: _____ \$60.00 _____

PERMIT NUMBER: _____

DATE ISSUED: _____ EXPIRATION DATE: _____ ISSUED BY: _____



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1236

Meeting Date: 6/1/2023



Agenda Report

Arts Commission

File #: 23-1236

Meeting Date: 6/1/23

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

- The next Art Crawl event is scheduled for October 21, 2023. Participating art organizations are Costa Mesa Playhouse and South Coast Repertory (SCR). The event will take place in the late afternoon and run through the evening with SCR as the last stop. The event will accommodate thirty-five participants (18+) and there will be a registration process. More details to come.

(Arts & Culture Master Plan: Goal 1. Action 2.1)

❖ Arts Grants

- Arts Grant agreements are being signed by City staff and payout is in process. Unfortunately, Friends of the Costa Mesa Libraries declined funds due to some ongoing permitting issues with their library drop-off box. They will apply again during next year's cycle which will open in January 2024.

(ACMP: Goal 4. Action 1.1 and 1.2)

❖ Free Park Performances

- Completed our first Free Park Performance with *Symphony on the Go!* at the Costa Mesa Senior Center. The next performance will be at the Balearic Community Center lawn on June 18, at 7pm. Orange County Supervisor, Katrina Foley, has generously donated to fund two (2) more *Symphony on the Go!* events in the fall of 2023.

(ACMP: Goal 1 Action 2.4)

❖ Public Art & Utility Box Art Program

- Butterfly Garden permanent sculpture is currently under contract for City Manager's project near Marina View Park on W. 19th Street. Landscaping is mostly complete and ready for installation. Once the contract is signed by all parties, it will take the artist 4-6 weeks to fabricate the butterfly sculptures. The artist that was commissioned for the project is Marisabel Bazan.

- New utility art boxes:

Artwork By:	Box #	Location
David Levy	17	Harbor Blvd. & Baker St.
Kevin Holder	120	Fairview Rd. & Monitor Way
Christopher Yageraman	97	Fairview Rd. & Adams Ave.
Alicia Triche	25	Fairview Rd. & Arlington Dr.
Chauncey Bayes	26	Fairview Rd. & Merrimac Way

(ACMP: Goal 2 Action 2.1 to 2.6)