Costa Mesa
City of the Arts

Art in Public Places
Program and Policy Recommendations

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Prepared by

Arts
ORANGE COUNTY

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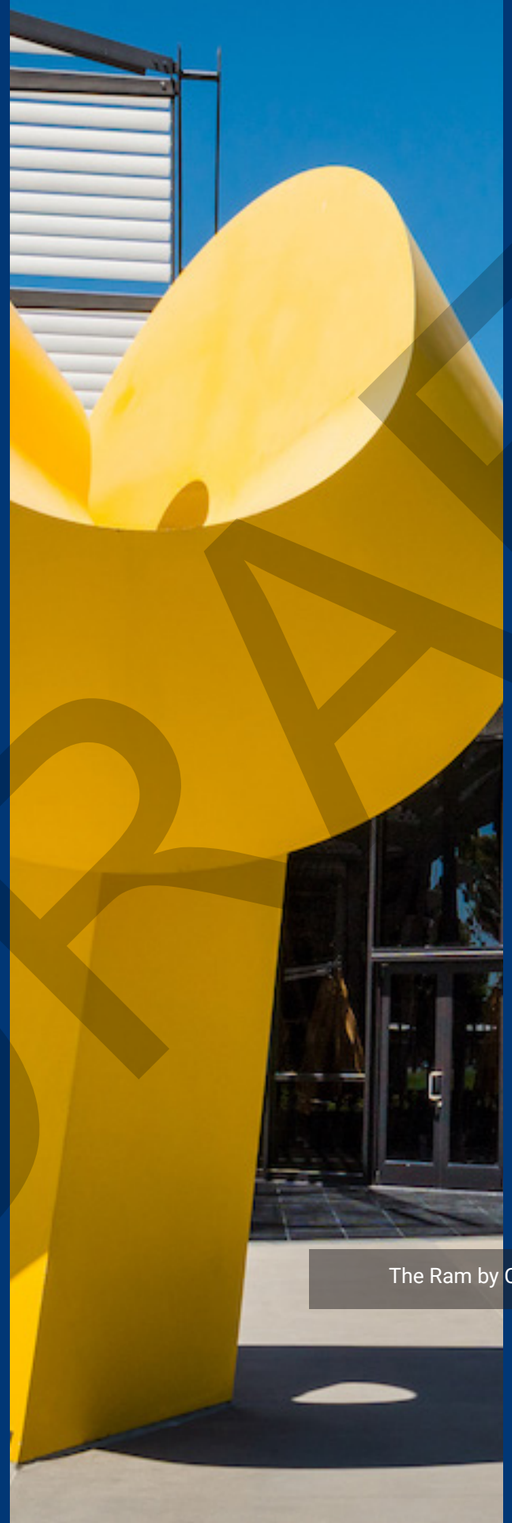
Images throughout this report are selections from Public Art in Costa Mesa



The Ram by Charles O. Perry

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City of the Arts

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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 polices 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

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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.

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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.

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Temporary Public Art

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

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

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

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

Definitions

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

Permanent Public Art:

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

Temporary Public Art:

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

Artist:

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

Food for the Soul by Brian Peterson and Damin Lujan

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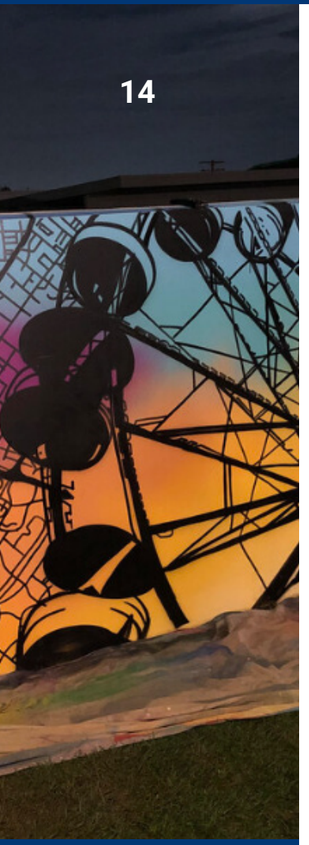

Public Art Commissioning Process

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.

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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.

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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 though 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

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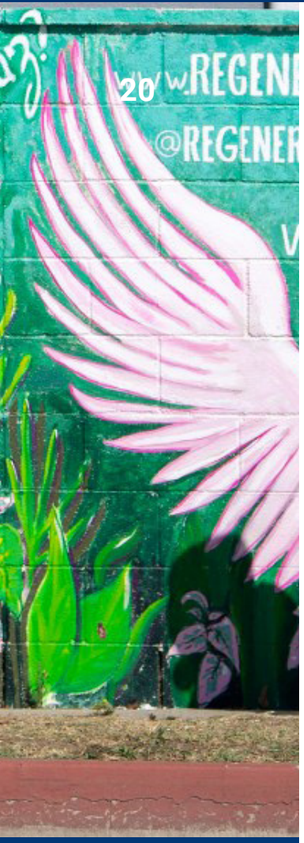

Public Art Collection Management

Costa Mesa already has begun to build a collection of Public Artworks though 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 is 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.

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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.

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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 unwieldly to the budget, and it is unlikely that a performance bond company would insure this type of project.

Untitled by Joshua Madrid

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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.

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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 though 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.

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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.

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Recommended Process

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

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

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

Home Sweet Home by Brian Peterson

The following are recommendations for the process requirements:

1. Applicants must hold a meeting at a publicly accessible location at least 30 days prior to the start of the mural fabrication. This meeting is to allow for the public to see the design, ask questions, and provide comments. Should an in-person meeting not be feasible due to public health mandates, a well-advertised virtual meeting can be substituted in a manner as approved in advance by City staff.

2. Applicants for mural approval must post notice of the public meeting 15 calendar days in advance of the meeting on the proposed mural site. This notice must include the intended mural size and location with a color depiction of the proposed mural design, in full and easy view of the community. The notice must also be mailed, or hand delivered to properties located within a half-mile mile radius of the proposed mural location.

3. No mural shall be permitted until the applicant certifies that he or she has completed this neighborhood involvement requirement. Certification shall include photo documentation of the posted notices and documentation of the meeting through a sign-in sheet, or other confirmation the meeting was held as indicated.

4. Property owners must sign a declaration that they are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) artist rights laws, acknowledging they, and not the city, are responsible for compliance with these laws.

5. Should the property be sold, property owners must provide subsequent owners with maintenance information, anti-graffiti requirements, and artist rights information.

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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 unwieldly 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.

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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

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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.

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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.

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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.

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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.

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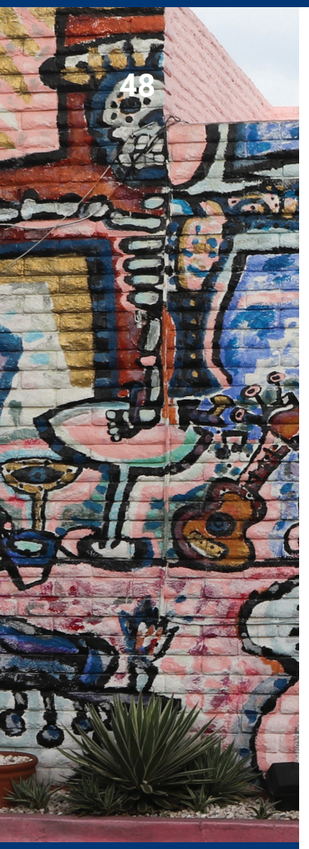

Inclusion of Public Art in Public Works Development Projects

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.

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Inclusion of Public Art in Private Development Projects

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

DEFINITIONS

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

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

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

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

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

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

Welcome to Costa Mesa by Brian Peterson and Damin Lujan

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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.

California Scenario by Isamu Noguchi

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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.

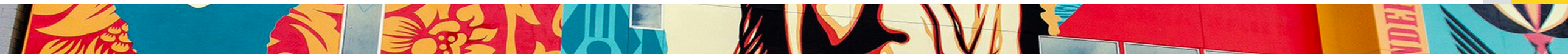
Approval of Public Art Projects

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.



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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.

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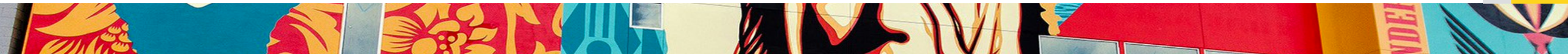

Financial Securities and Project Completion Guarantees

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.

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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.

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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.

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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.

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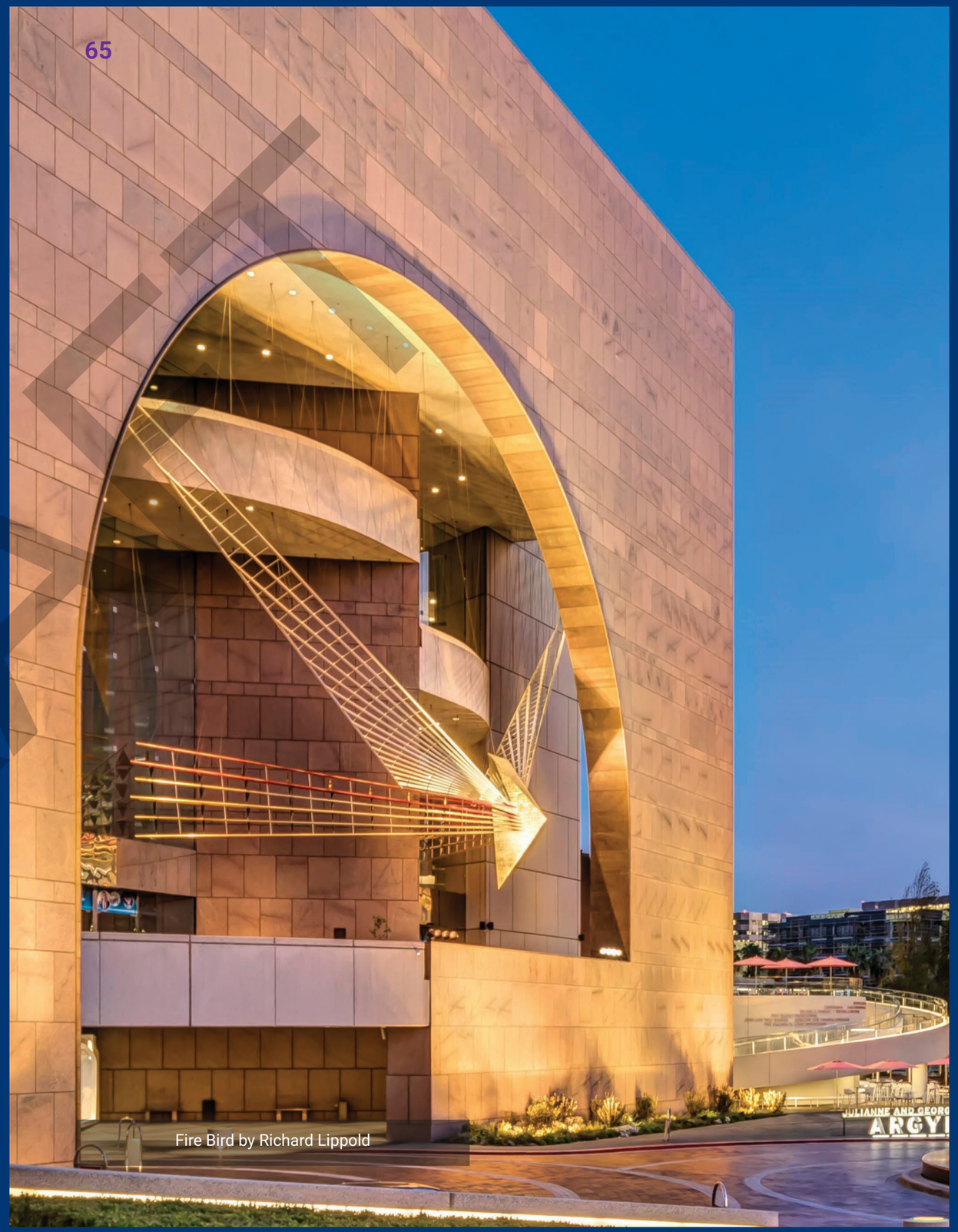
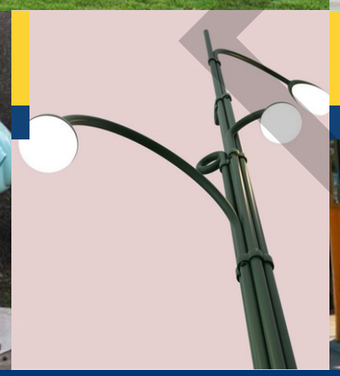


Fire Bird by Richard Lippold

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.

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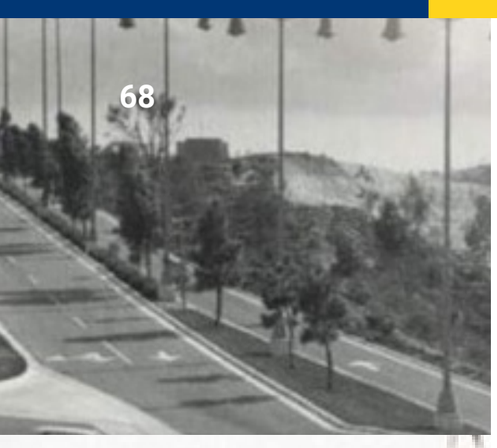

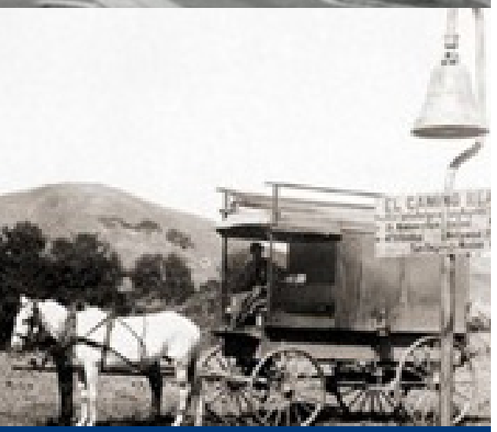

Imaginative Design in Functional Elements

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.

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

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.

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/

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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

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.

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Utility Boxes

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

Costa Mesa

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

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

Orange County cities with Utility Box Art Programs Include:

Buena Park

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

Dana Point

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

San Clemente

The City of San Clemente and the San Clemente Art Association created this pilot beautification project, “Street Art” in 2012. Each artist selected received a $500 honorarium and a supply voucher up to $200.
The boxes are painted with the predominant themes of nature and the surf culture.

Santa Ana

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

Tustin

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

Utility Box 39 by Jason Maloney

Functionality and Cost

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

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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 by Allyson Jones Wong

ORANGE COUNTY CITIES
ART IN PUBLIC PLACES PROGRAMS

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.

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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

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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

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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

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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

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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

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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

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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."

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Connector by Richard Serra

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

> "Credits.
> (b) Cultural and artistic facilities are defined as follows:
> (i) Exhibit/Performance Space: Public gallery/exhibition space, public performance spaces, Public Artistic studio spaces, Public Arts education facilities.
> (ii) Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials.
> (iii) Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of non-traditional materials and means.
> (iv) Earthworks, fireworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media, including sound, film, holographic, and video systems, hybrids of any media and new genres.
> (v) Standardized fixtures such as grates, streetlights, signage, and other design enhancements, as are rendered by an artist for unique or limited editions.
> (vi) Similar facilities on culture and the arts as determined by the Cultural Affairs Department.
> (c) Cultural and artistic services are defined as follows:
> (i) Performing arts: Theatre, dance, music, and performance art.
> (ii) Literary arts: Poetry readings and story telling.
> (iii) Media arts: Film and video, screenings, and installations.
> (iv) Education: Lectures, presentations, and training in and about arts and culture.
> (v) Special events: Parades, festivals, and celebrations.
> (vi) Similar services on culture and the arts as determined approved by the Cultural Affairs Department."

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

> City of Los Angeles:
> "The following facilities, services and community amenities are ineligible costs for a credit provided herein:
> (i) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art.
> (ii) Art objects which are mass produced of standard design such as playground equipment, fountains, or statuary objects.
> (iii) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
> (iv) Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this design enhancement purpose.
> (v) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.
> (vi) Services or utilities necessary to operate or maintain the artwork over time."

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

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

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Costa Mesa
City of the Arts