

**CITY OF ARROYO GRANDE PUBLIC ART**

**Public Art Guidelines  
&  
Public Art Donation Program**

## **PUBLIC ART GUIDELINES**

### Purpose

The purpose of these Guidelines is to create a framework to facilitate and encourage property owners to provide outdoor public art. For purposes of these Guidelines, "Public art" shall mean art located either:

- (1) on private property with a non-residential land use that is visible from a public right-of-way or public property, or
- (2) in the adjacent public right of way, or
- (3) on property owned or managed by the City of Arroyo Grande (City), that is openly displayed to the public without charge.

Artwork may include free-standing pieces (e.g., a sculpture or water fountain) or may be integrated into its surroundings as an architectural element (e.g., relief sculpture embedded in pavement or a wall, a mosaic or mural on a wall.)

These Guidelines establish the City's goals regarding art that is publicly displayed and accessible to the general public. The City recognizes that art and artistic expression is a protected activity and these Guidelines are not intended to unduly restrict creative expression or limit the types of public art possible. Rather, they are intended to facilitate and encourage the best possible combination of sites and artwork, and help to guide what is essentially a form of communication between the artist and the community.

### Applicability

These Guidelines are applicable to public art projects proposed:

- (1) on private property with a non-residential land use that is visible from a public right-of-way or public property, or
- (2) in the adjacent public right of way, and
- (3) on City property or City maintained property.

Public art proposed to be located on City property or City maintained property is also subject to the Public Art Donation Program.

### Proposal and Application

Public art proposals will require:

- (1) Community meeting – The applicant shall host at least one community meeting. The applicant must provide public notice of the meeting and provide documentation of the meeting(s) with the application. The discussion at the meeting is advisory only and is not binding on the applicant.
- (2) An application submitted to the Community Development Department. Applications will be made available on the Arroyo Grande website, and a completed application is required for eligibility and approval of proposed public art.
- (3) A recommendation of approval from ARC and an approval from the Community Development Director<sup>1</sup>, in accordance with the Selection Criteria as described below.

### Application Review and Approval

Following an initial determination on the completeness of the application by the Community Development

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<sup>1</sup> The Community Development Director may designate one or more persons to make any decisions or findings required of the Community Development Director under these Guidelines.

Department, the Architectural Review Committee (“ARC”) reviews all public art applications and makes a recommendation to the Community Development Director. The Selection Criteria, which both ARC and the Community Development Director will use to review applications, is discussed in its own section below.

ARC will convene to make a recommendation to the Community Development Director as to the public art application based on the Selection Criteria. ARC may:

- (1) Recommend approval of the project to the Community Development Director,
- (2) Request the applicant make further clarification, modify, or redesign the proposal before advancing the proposal to the Community Development Director in order to meet the Selection Criteria,
- (3) Request the applicant present a new concept or design for the project, or

Recommend rejection of the application due to inconsistencies with the Selection Criteria.

At the conclusion of the ARC’s review of the proposal, the applicant may choose to either (1) modify the proposal and return to ARC at a later date, or (2) the applicant may choose to advance the proposal to the Community Development Director for review.

The Community Development Director will provide a decision on the application no later than one month from the date review is requested. The Community Development Director will make a decision as to the proposal using the Selection Criteria. The Community Development Director may:

- (1) Ask ARC for clarification on its analysis of the Selection Criteria,
- (2) Request the applicant to clarify its proposal or redesign and resubmit its proposal to ARC or Community Development Director . If the Community Development Director requests that the applicant resubmit the proposal to ARC, the resubmitted proposal shall be reviewed as if a new application,
- (3) Approve the proposal, providing a written explanation of the basis for approval through the Selection Criteria, or
- (4) Deny the proposal, providing a written explanation of the basis for denial through the Selection Criteria.

The determination of the Community Development Director shall be final unless the decision is appealed as provided below.

#### Appeal

The applicant, the City Council, or any property owner within 300 feet of the property on which the public art is to be located may appeal the decision of the Community Development Director to the City Council, pursuant to the procedures below. Until resolution of the appeal, action on the application shall be suspended.

To appeal a decision, the appellant must file a written request with the City Clerk within 10 days of notification of the decision of the Community Development Director and submit any materials supporting the appeal. The City Council shall hear the appeal within a reasonable time from the date the appeal is filed with the City Clerk. The applicant shall be given at least 10 days’ notice of the date when City Council will hear the appeal by mail. The applicant may waive the notice requirement so that the appeal may be heard at an earlier time.

At the hearing, the City Council shall review any material submitted by the applicant, city staff, the

administrative record of the decision on the application, and evidence presented at the hearing. The applicant shall be given a reasonable time to present its case. The City Council shall use the Selection Criteria in deciding the issues raised by the applicant on appeal. All decisions of the City Council are final and conclusive.

Following the hearing, the City Council shall announce its findings and decision. A written decision with the findings made during the hearing shall be transmitted to the applicant.

#### Selection Criteria

The following are considerations for the selection of public art (the "Selection Criteria"):

- (1) An identified relationship to the social, cultural and historical identity of the area;
- (2) Evaluation of artistic excellence, examining:
  - a. The artist's qualifications, including education, training, experience, body of work, recognition of the artist, and the consistency of the artist's qualifications with the stated goals of the project.
  - b. The artist's record of previous collaboration with other agencies, organizations, artists, fabricators, installers to achieve a successful result in implementing the proposed project.
  - c. The artist's experience working in the public realm.
  - d. To the extent applicable, the artist's previous proven successful experience in creating producing or otherwise implementing projects similar to the one proposed.
  - e. The original nature of the proposed concept;
  - f. The inherent artistic quality and aesthetic merit of the work.
- (3) Appropriateness of scale, form, material, content and design relative to the immediate neighborhood and environment; no mural shall be approved if the mural, as proposed, would create an objective risk to public health, safety, or welfare (e.g. a mural near a roadway would be rejected for the use of reflective materials, like mirrors, which could cause a distraction to drivers).
- (4) Appropriateness of proposed materials as regards to structural and surface integrity, considering the ability of the materials and design to protect against vandalism, withstand weathering, and maintain the intended design;
- (5) Ease of maintenance and longevity of the proposed materials;
- (6) Appropriateness of proposed method of installation and artwork and safety and structural factors involved in installation;
- (7) Location, considering the intended audience for the proposal, whether the public will be a captive audience or whether a person would need to take affirmative steps to view the project, consideration of whether the mural would be in an area typically accessed or viewable by minors.
- (8) A mural shall not be approved if it includes:
  - a. Copyrighted work without permission of the holder of the copyright.
  - b. Obscene materials.
  - c. Defamatory content.
  - d. Fighting words or advocates imminent lawless action.
  - e. Content, including but not limited to, words, symbols, signs, trademarks, or references to products or services provided on the premises, which makes it a sign, as defined in Arroyo Grande Municipal Code Section 16.04.070, and regulated under Arroyo Grande Municipal Code Chapter 16.60.

#### Location

Public art is allowed in any district and is strongly encouraged in the Village Core Downtown, Village Mixed Use, Gateway Mixed Use, Fair Oaks Mixed Use and Public/Quasi-Public Districts. Promotion of public art visible from intersections within these districts as well as proximate to public gathering areas, plazas and public parking areas is highly recommended.

## **PUBLIC ART DONATION PROGRAM**

### **Purpose**

Public art can provide aesthetic, cultural and economic benefits to the community. The City of Arroyo Grande Public Art Donation Program is a means by which an artist, or an individual or group commissioning an artist, may donate, gift or bequeath public art to the City of Arroyo Grande for location in a City-owned or maintained public spaces. A resolution of the City Council accepting public art must include provisions for the funding and ongoing maintenance of the donated public art. In authorizing public art on City-owned or maintained public spaces, the City is providing a nonpublic forum for artistic expression aligned with the City's history, culture, and built and natural environment. As a nonpublic forum, the City will only accept art which is consistent with the City's values of cultural and social inclusiveness, environmental sustainability, and accessibility.

### **Process**

The following steps will result in the review and decision regarding a proposal:

1. The proposal shall be submitted to the Community Development Department to review it to:
  - a. Determine ongoing and General Plan consistency, accuracy and appropriateness.
  - b. Ensure it would not create an undue risk or a safety problem.
  - c. Consider maintenance requirements.
  - d. Determine durability.
2. The proposal will be reviewed by the Recreation Department Director if placement is proposed on a park property.
3. Recommendations will be considered by the City Council at a public hearing concurrently with the consideration of the public art piece(s). The City Council will have final approval of the donation and may reject a donation for any reason.

### **Proposal**

Proposals with a public art donation should include:

1. An application submitted to the Community Development Department. Applications will be made available on the Arroyo Grande website, and a completed application is required for eligibility and approval of proposed public art donation;
2. The donor's name;
3. The materials and dimensions of the art piece(s);
4. A statement from the donor that the art is free of encumbrances;
5. Estimated value of donated work;
6. Recommended manner of installation;
7. Estimated costs to provide ongoing maintenance for the art; and
8. A statement from the artist that the art is free of encumbrances and waiving rights under the California Arts Preservation Act, section 987 of the California Civil Code ("CAPA"), and the Visual Artist Rights Act, section 106(a) of the United States Code ("VARA").

### **Display of Public Art**

1. The resolution accepting the donation shall establish the terms of the proposed installation.
2. Artwork shall be displayed to include the artwork title, artist's name, patron's name if applicable and date of completion. The materials used and a short explanation of the work could be included

as an option. Plaques will not be used for advertising purposes.

3. Prior to installation of the project, the Community Development Department shall receive from the artist or donor a set of plans, specifications, and a copy of a maintenance record, which identifies maintenance, installation and removal instructions. The transportation, installation and adjunct costs (such as engineering, a base for the artwork or other installation elements) related to artwork are the responsibility of the donor. In some instances, the artist or donor may be required to obtain a building permit to ensure the safety and stability of the piece(s). The permit may be issued at no cost to the artist or donor.
4. Once the art piece is installed (by the donor under the supervision of City staff with the artist's installation direction and donor installation funding), it will require inspection and sign off by a City Building Inspector.
5. Following inspection, a publicized dedication ceremony may be held to present the art piece to the community.