



Art Installation Design Guidelines and Review Process

Vision: Public art is intended to enrich civic life, give voice to Concord's history, heritage, and community, galvanize the creative spirit of the City, and build Concord's reputation as an arts destination. The Art Installation Design Guidelines and Review Process are in support of this vision. For the purpose of this document, art includes all physical art such murals, sculptures, and other visual art.

In order to effectively implement a successful art installation program, which will ensure consistency and aesthetic value in the community, it is important that applicants adhere to the following guidelines, which will ensure the best possible results. The application process (including the Art Installation Checklist below) and guidelines that follow are intended to provide art installation applicants with a reasonable process that will safeguard the interests of the community, as well as those of the individual property owner and the artist. These guidelines also apply to art installations such as sculptures, light or video installations, at the Planning Division's discretion. The following information is to assist the preparation of your application.

Submittals: To make an appointment to review the application for the proposed art installation or for further information, please contact the Planning Division at zoning@cityofconcord.org or at (925) 671-3152.

Art Installations under Planning Division Review Authority

The City's Planning Division in coordination with the Design Review Board must review and approve all art installations including murals and/or similar art installations such as sculptures, as described below:

- Art installations on privately-owned property financed in whole or in part with City funds.
- Art installations on privately-owned property, financed by private developers or property owners, if visible via the public right-of-way.
- Art installations to be placed upon City-owned property.

Art Installation Design and Site Review Approval Process

If the art installation is proposed for placement on City-owned property, you must obtain written approval from the City Manager's Office prior to submitting a proposal to the Planning Division. The Planning Division will not review a proposal without the appropriate written approvals.

Art installation proposals are initially reviewed by appointment with a Planning Division staff member. The lead artist and the project coordinator must attend this meeting, with all required documents. The staff member will determine whether the application submittal has all of the necessary items on the Art Installation Checklist, and if satisfactory, will accept the application for processing, including review by the City's Design Review Board (DRB). If there are missing items, staff will identify those on the Art Installation Checklist and return the documents to the applicant for a later submittal. For DRB review, Planning staff will prepare a brief report and then present (typically at the next available meeting date) the art installation's proposed design to the DRB. The DRB convenes on the 2nd and 4th Thursday of each month in the Permit Center Conference Room (or via Zoom during Covid-19 restrictions). At the meeting, the DRB will consider the art installation

and provide any recommendations on its design or recommend an administrative Design and Site Review approval to Planning staff. Art installation applicants are welcome and encouraged to attend the DRB meetings for their item.

Criteria for approval of an Administrative Design and Site Review are listed below.

Definitions

Art can include any sculpture, light or video installations viewable by the public. Any large-scale artwork, painting or mosaic, applied directly to an exterior wall surface. Any project that seeks to create a faux finish, illusionary architectural detail on an exterior wall should submit an application with the appropriate Art Installation Checklist items to the Planning Division. In unique instances, art located inside a building, but widely visible from the public right-of-way, would also fall under the requirements of the Art Installation Design Guidelines. Sidewalk art within the public right of way requires a temporary encroachment permit through the Engineering Division (925) 671-3439.

Art Content

Art installation proposals shall not include designs that would be considered inappropriate and/or indecent by community standards.

Murals should not serve as a commercial advertisement. All mural proposals containing any signage elements ([Sign Ordinance](#)) will be required to also submit a sign [application](#) to the City's Planning Division for review by the staff and the DRB.

City's Sign Ordinance on Murals

[Section 18.180.130\(L\)](#) of the City's Development Code addresses murals. The Ordinance indicates that a mural without text visible from the public right-of-way shall not count toward the allowed signage on a property; a mural with text visible from the public right-of-way shall comply with the sign area limitations applicable to the site as described in [Section 18.180.100](#) of the Code. In the case of a mural with text, an accounting of the existing and proposed total signage shall be prepared and included with the application, in comparison to the required sign allowance for the site. The mural shall be provided with a graffiti-resistant coating at the time of installation.

Approval Criteria

Applicants seeking approval of an art installation shall prepare their design with the following criteria in mind, such that the art incorporates consideration of the following:

- ❖ A location with visibility to the public.
- ❖ Context of the space with a relationship to the immediate area.
- ❖ Demonstrates artistic merit and quality.
- ❖ Any mural proposal should not be commercial in nature or serve as a commercial advertisement. See Art Content above.
- ❖ Addresses technical issues such as wall quality, graffiti protection, vandalism and lighting.
- ❖ Artistic value, created by a professional artist with prior art experience. Artistic creation or painting of the art shall be completed by the artist. Student artists are acceptable as long as on-site guidance and oversight is provided by a professional artist.
- ❖ Community projects must be undertaken under the direction and on-site oversight of an experienced artist.
- ❖ Design includes durable, graffiti resistant, and weather resistant materials.

- ❖ Approval by the Planning Division will be for a period of one year during which time the art installation shall be completed. A written request for a six-month time extension from the expiration date may be granted upon request, due to weather or other environmental conditions, if an application with required fee is filed at least 10 days prior to the original expiration date.

Requirements for Art Installation Design and Site Review Approval

Planning Division staff will review art installation proposals to ensure design integrity, and to determine that the lead artist has organized and synthesized images into a coherent, professional statement appropriate to the setting and architecture of the building or space. Initial review is contingent upon submittal of the following items:

- ❖ Completed Application Form including a written description of proposed design, site, wall preparation (if applicable), materials and processes to be used (including anti-graffiti treatment), individual/groups involved in the art design, and parties responsible for subsequent maintenance. A separate Maintenance Plan shall be included.
 - Application Form: <https://www.cityofconcord.org/DocumentCenter/View/185/Application-Form-PDF>
- ❖ All documents required in the Art Installation Checklist.
 - Art Installation Checklist: <https://www.cityofconcord.org/176/Planning-Permits>
- ❖ Lead artist's qualifications and examples of previous work.
- ❖ Funding source identified for the project and estimated cost.
- ❖ Evidence of community support for the project (e.g. letters of support from neighborhood associations, neighborhood petitions, Todos Santos Business Association, Chamber of Commerce, Concord Arts Association, etc.).
- ❖ Written permission to proceed with the project, including any additional requirements, from the property owner or the City Manager's Office (if on City-owned property).
- ❖ Property owner acknowledgement through a letter indicating receipt by the property owner of the [California Art Preservation Act](#) ("CAPA") and [Visual Artists Rights Act](#) ("VARA") relating to preservation, repair, and removal of artworks. Both documents are linked [here](#) (and found on the Planning Permits page, under "Additional Information" Art Installations).
- ❖ For all art installations to be placed on City-owned property, a signed [Waiver of Proprietary Rights](#), (found on the Planning Permits page, under "Additional Information" Art Installations).
- ❖ Color scale rendering of proposed design, including any text.
- ❖ Photographs of the proposed site and physical surroundings.
- ❖ Timeline for completing the project.
- ❖ Documentation of finished work. Photographic documentation of completed projects is required for our records.

Noticing

The Planning Division on a case-by-case basis, depending upon the location of the art, shall determine public notification requirements for each art installation submittal. City notification could include a mailing to property owners and tenants with a radius to be determined by Planning staff. The City Council and City Management will be notified at least ten days prior to the public meeting where the design of the mural will be considered. Downtown projects will, at a minimum, include notification to the Todos Santos Business Association and the Concord Chamber of Commerce at least ten days in advance of the meeting.

Fees

The initial Design and Site Review Application fee of \$200 is required to be paid at the time of the application submittal. This interim fee structure is to be evaluated and is subject to change in the future. As indicated above under Noticing, public notification fees may also be required and will be evaluated by Planning staff on a case-by-case basis.

Appeals

An applicant or other interested person may appeal the Planning Division's decision on the art installation design by 5:00 p.m. on the tenth (10th) calendar day following the date of the decision. To initiate an appeal, an appellant must submit a signed [appeal form](#) with the reason for the appeal and an accompanying appeal fee and public notification fee (based on the adopted fee schedule) to the City of Concord Planning Division, located at the Permit Center, 1950 Parkside Drive, Wing D, Concord. An appeal of the Planning Division's decision will be reviewed by the Planning Commission and/or the City Council (if appealing a Planning Commission approval).

Timeframe

In determining the timeframe for the approval process, applicants should allow sufficient time for the art installation proposal to be reviewed at least two times by the DRB. Design and Site Review may include a preliminary and a final design review by the DRB. Therefore, requests for approval must be received no later than 90 days prior to actual implementation of design. The Planning Division does not take responsibility for maintenance and preservation of designs approved by the Planning Division.

Property Owners

Art is protected under the California Art Preservation Act of 1980 (Civil Code Section 980 et. seq.), and/or federal copyright laws. PROPERTY OWNERS are responsible for obtaining their own legal advice and for compliance with all applicable laws.

PLEASE NOTE: Once the Planning Division has approved the proposed art installation, the artist may not make additional changes to the design without returning to the Planning Division for a determination as to whether or not the proposed change is minor. For any changes determined not to be minor, the art installation must return to the DRB for reconsideration of the changes, prior to implementation of the art installation.

Maintenance

If vandalism/graffiti occurs resulting in damage to the art installation, it is the responsibility of the artist, applicant, and/or property owner to remove the graffiti within 48 hours after notification, consistent with Citywide ordinances regarding graffiti abatement. If the graffiti is not removed and the art installation is not repaired within such 48 hour timeframe, the City may remove the graffiti or address the vandalism using the City's standard removal techniques/materials, and may charge the artist, applicant, and/or property owner for the time/materials to do so.

It is the responsibility of the artist, applicant and/or property owner to maintain the art installation. By installing the art piece, the applicant, property owner, and artist each represent and warrant to the City that the art piece shall be kept in good repair with periodic maintenance performed as needed. By submitting the application, the applicant, property owner, and artist, agree that should the art installation be defaced and/or not repaired, maintained, preserved and/or conserved to the satisfaction of the City, the City has, in its sole discretion, the authority to repair, maintain, preserve, and/or conserve the mural, or alternatively, the authority to remove the mural.

Technical Guidance

- ❖ The number of art installations, including the number of murals per building and per wall, will be considered on a case-by-case basis. The overall design of the art installation shall integrate with the overall architecture and the design should be such that it does not overwhelm the existing building design and building façade, taking into consideration the context of the viewing area and view lines to the building.
- ❖ Art installations should not consist of or contain electrical or mechanical components or changing images. Light installations, as art or video installations will be considered on a case-by-case basis.
- ❖ Murals shall only be located on walls, not fenestrated (with windows or doors) on building facades.
- ❖ Art shall be illuminated by external illumination only.

For any additional questions, or for further information, please contact the Planning Division at zoning@cityofconcord.org or at (925) 671-3152.

ART INSTALLATION ADMINISTRATIVE DESIGN AND SITE REVIEW CHECKLIST

The following information is required for a complete application. Please contact the Planning Division to schedule a meeting to review this checklist, to address any questions and to confirm specific requirements for your proposed project. An appointment is required prior to submittal of any Art Installation project application. Once complete, submit your digital application package with plans to the Virtual Permit Center at: <https://aca.accela.com/CONCORD>.

- 1. APPLICATION FORM.** Provide the name and contact information for the property owner, the applicant, and each consultant or artist involved with the application. The signature of the property owner or a letter authorizing submittal of this application by the property owner is required. [Standard Application Form](#)
- 2. FILING FEES.** Provide the Art Installation Review application fee. Batched applications must include the applicable fee for each mural or physical art project in the batch. Additionally, the Planning Division may determine a Public Notification fee will be required, which could necessitate the current fee amount for Public Notifications be submitted with the application for each location (See Fees and Charges Resolution for current year). Lines D 10.3 and 33 of Fees. [Fee Schedule](#)
- 3. TITLE REPORT.** Prepared within the last three months.
- 4. WRITTEN STATEMENT.** Provide a written statement including: 1) the lead artist's qualifications and examples of previous work including photographic documentation of completed projects; 2) identification of the funding source for the project and the estimated cost; 3) the individual/groups involved with the art installation's design and the approximate number of people involved, if designed through a community effort; 4) parties responsible for the subsequent maintenance of the design. A separate Maintenance Plan shall be included; and 5) written permission to proceed with the art installation from the property owner. For all art installations to be located on City-owned property, a signed [Waiver of Proprietary Rights](#), is linked.
- 5. WRITTEN DESCRIPTION.** Submit a written description of the proposed design, site wall preparation, and the materials and processes to be used, (including anti-graffiti treatment). Additionally, provide evidence of community support for the project, e.g. letters of support from neighborhood associations, neighborhood petitions, Todos Santos Business Association, Chamber of Commerce, etc. Also describe the timeline for completing the project and any other relevant information.
- 6. ACKNOWLEDGEMENT LETTER.** Submit a letter from the property owner, including acknowledgement of receipt by the property owner of the [Waiver of Proprietary Rights](#), with respect to the California Art Preservation Act ("CAPA"), California Civil Code Section 987 (2017), and Visual Artists Rights Act ("VARA"), **17 U.S.C. § 106A**, relating to preservation and removal of artworks for art installations placed upon private property.

- 7. **PHOTOS.** Several photos of the proposed location of the art installation, including the wall surface for murals and/or location for the physical art piece, providing sufficient and appropriate context of the surroundings.
- 8. **PHOTO SIMULATIONS and RENDERINGS.** Submit digital photo simulations and renderings (with and without the project) that show the site location, building façade, and the proposed art installation in context for location and scale with the surrounding area from at least two publicly accessible vantage points (i.e. public street) and include a vicinity map showing the location of each vantage point.
- 9. **ADDITIONAL INFORMATION.** Additional information deemed pertinent to process the application may be required

PLAN SUBMITTAL REQUIREMENTS. All applications and plan submittal packages shall be submitted digitally to the VIRTUAL PERMIT CENTER link above, as described below.

Plans shall be fully dimensioned and are encouraged to be drawn at a consistent scale throughout all plans and formatted for printing to 11" x 17" size.

- 10. **SITE PLAN.** Site Plan shall be completely dimensioned is encouraged to be drawn at a consistent scale of 1"= 20' scale, with scale noted, a graphic bar scale, and north arrow. The plan shall include the following:
 - a. Identification of art installation area(s), dimensioned property lines identified, adjacent street names, existing and proposed utility and access easements.
 - b. The location and use of all existing and proposed structures and surfaces to be used and/or location of the proposed art installation for the proposed project. Includes without limitation any and all poles, posts, pedestals, traffic signals, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, manholes, fire hydrants, equipment cabinets, antennas, cables, trees, and other landscape features.
 - c. Location of all street furniture, fencing or other barriers defining the area.
 - d. Location and type of existing and/or proposed exterior lighting, both fixed to the building/site and free standing, and any and all lights for circulation, security, landscaping, building accents, or other purposes.
- 11. **ELEVATIONS.** Plans shall be fully dimensioned and drawn at 1/8" = 1' minimum scale and include the following:
 - a. Dimensions of existing and proposed facades showing all four sides of the existing building. Vertical dimensions shall be from adjacent grade. The elevations shall include any adjacent structures to provide a clear understanding of the building surfaces to be used and/or location of the physical art piece, and any potential conflicts or encroachments into the area.

- 12. ADDITIONAL INFORMATION:** Any additional information deemed pertinent to the application may be required.