

TEMPORARY EXHIBIT TOOLKIT



Commission for
Arts and Culture

Commission for Arts and Culture
1200 Third Avenue, Suite 924
San Diego, CA 92101

THINKING ABOUT EXHIBITING ARTWORK IN THE PUBLIC RIGHT- OF-WAY?

HERE'S WHAT YOU NEED TO KNOW ABOUT PROPOSING A
TEMPORARY EXHIBIT OF ARTWORK FOR CITY PROPERTY
AND THE PUBLIC RIGHT-OF-WAY

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Temporary exhibits of artwork help make San Diego a more dynamic and creative city, engage people, and stimulate dialogue and exchange of ideas. They improve the visual quality, design, and experience of spaces, and foster connection between artists and communities.

To ensure artistic merit and quality and to determine that a temporary exhibit of artwork (exhibit) is appropriate to its site and social context, the City of San Diego (City) requires that any artwork¹ proposed for property owned by the City, under the jurisdiction of the City, or both, be reviewed by the Commission for Arts and Culture and approved by the City.

Typically, exhibits are privately funded and are initiated by community-oriented organizations.

If you are interested in proposing an exhibit for City property or the public right-of-way, please review the application process and toolkit to get started.

If an exhibit is approved, the applicant will be expected to enter into an agreement to maintain the exhibit while on City property or the public right-of-way and remove it at the end of the exhibition period.

Please note that approval of an exhibit does not constitute acceptance of the exhibited artwork into the City's Civic Art Collection, unless specifically commissioned by or acquired by the City through the office of the Commission for Arts and Culture (Arts and Culture staff). The City does not take responsibility for maintenance or preservation of artworks which are not included in the City's Civic Art Collection.

Read the toolkit and don't hesitate to contact Arts and Culture staff with any questions at arts@san Diego.gov or (619) 236-6800.

¹ The City adheres to definition of "artwork" which is contained in San Diego Municipal Code section 26.0701 et seq.



EXHIBITS ARE PUBLIC

Exhibits are typically installed in areas that are publicly accessible and visible. Accordingly, many of the standards listed in this toolkit are intended to ensure exhibits are designed with all viewers in mind.

PATIENCE IS APPRECIATED

City staff will need to review the proposed location during the site screening phase and will subsequently review the applicant's exhibit design during the application phase. The applicant's patience throughout this process is very much appreciated. To minimize the need for design revisions, applicants are strongly encouraged to follow the toolkit and submit everything required in the application.

EXHIBITED ARTWORK

The artwork included in the exhibit must meet the City's definition of "artwork" as defined in the San Diego Municipal Code.

EXHIBITION PERIOD

Exhibits that have been approved by the City and are proposed to be sited in the public right-of-way can be exhibited for a period of up to five years. Exhibits that have been approved by the City and are proposed to be sited on City property can be exhibited for a period of up to one year.



The applicant is responsible for conducting public outreach, obtaining permission for exhibit installation, funding, and installing the exhibit. Applicants also assume liability for the exhibit and ensure it is well-maintained and kept in good condition. If an application is approved, the applicant will be expected to enter into an agreement with the City to maintain the exhibit and remove it prior to the end of the exhibition period. For more information on maintenance, see page 14.

INSURANCE

The applicant must maintain a policy of liability insurance, with the City and its respective elected officials, officers, employees, agents, and representatives named as additional insureds, in an amount specified by the City, that will protect the City from any potential claims which may arise with the exhibit. Certain projects may require that the applicant also obtain policies of automobile and worker's compensation insurance in an amount specified by the City.



There are many factors that play a role in developing an exhibit on City property and in the public right-of-way, from the goals of the exhibit to the participants, i.e. the surrounding community, artists and the exhibit site. One of the main purposes of the review process is to educate applicants about technical issues that need to be addressed for their projects to be successful. During the review process, Arts and Culture staff will often make recommendations to the applicant to strengthen their projects, including ideas like:

- Maintenance, to ensure exhibits are maintainable during the exhibition period
- Avoiding damage from maintenance equipment and vandalism
- Addressing public safety and accessibility
- Addressing copyrights
- Developing exhibits at a manageable and appropriate scale

Outlined below is the process for exhibit development and approval on City property and in the public right-of-way.

EXHIBIT PROPOSAL

STEP 1

IDENTIFY & SUBMIT EXHIBIT SITE FOR PRELIMINARY SCREENING

Be sure that the site of the proposed exhibit meets the site selection standards specified in this toolkit (see pages 16-18). After reviewing the toolkit and verifying that the location meets these standards, email a .pdf or .jpg map designating the proposed exhibit location, photos of the site from different vantage points, and the address or adjacent addresses to Arts and Culture staff at arts@sandiego.gov.

An interdepartmental City staff team from the office of the Commission for Arts and Culture and the department(s) with jurisdiction over the site will review the initial proposed exhibit location to ensure that the site is suitable for further consideration. Applicants can proceed to the next steps in the review process after staff confirms that a site is eligible* for the City's further assessment.

**Passing the preliminary site screening does not guarantee exhibit or site approval. Exhibit and site approval is ultimately subject to the discretion of the City of San Diego.*

STEP 2

IDENTIFY THE ARTWORK

Be sure that the artwork included in the exhibit meets the City's definition of artwork. ²

² The City adheres to definition of "artwork" which is contained in San Diego Municipal Code section 26.0701 et seq.

STEP 3

PERFORM PUBLIC OUTREACH

Make sure that anyone who will be impacted by the exhibit – like neighboring residents and businesses – are aware of the proposal. Letters of support from these entities make for a stronger exhibit application.

For exhibits in the public right-of-way, written permission from the owner(s) of the property(ies) underlying the public right-of-way is also required. The [County of San Diego Assessor's Office](#) can be a helpful resource for applicants who need assistance identifying the underlying property owner. See pages 19-20 for more information on public outreach requirements.

STEP 4

SUBMIT EXHIBIT APPLICATION

Submit the application through the City's website. Arts and Culture staff will review the application to ensure that it is complete. As part of the application, the following documentation is required: site plans and photos, conceptual renderings, material data sheets, artist resumes, signed artist waivers and copyright licenses from each artist, outreach documentation, and art consent forms, if applicable.

PROPOSAL REVIEW & APPROVAL

STEP 5

INTAKE AND REVIEW OF EXHIBIT PROPOSAL

Exhibit applications will be assigned to an Arts and Culture staff contact who will work with the applicant to ensure that the exhibit meets specified standards. City department(s) with jurisdiction over the site will also review the application. Applicants may receive additional comments from this department(s) that require additional revisions or clarifications to the proposal.

STEP 6

COMMISSION FOR ARTS AND CULTURE REVIEW OF EXHIBIT PROPOSAL

Following City staff review, the exhibit application is placed on the calendar of the Public Art Committee (PAC), a Commission for Arts and Culture committee. The PAC will make a recommendation to the full Commission. The Commission for Arts and Culture will review PAC's recommendation and make a recommendation to the Executive Director of the Commission for Arts and Culture. These meetings are open to the public and applicants are welcome to attend; however, attendance is not required.

STEP 7

EXHIBIT APPROVAL

The Arts and Culture staff contact will notify the applicant of the results of the review process. If the exhibit is to be placed on City-owned property, the applicant may be required to obtain a letter of approval or support from the appropriate City department prior to approval of the project by the Executive Director of the Commission for Arts and Culture.



AGREEMENT & PERMITTING

STEP 8

FINAL EXHIBIT APPLICATION PACKAGE

Once the City has approved the proposal, the applicant will enter into an agreement with the City to maintain the exhibit and remove it at the end of the exhibition period. Arts and Culture staff will provide the applicant with a populated Temporary Artwork Maintenance and Removal Agreement for signature.

For exhibits proposed in the public right-of-way, Arts and Culture staff will provide the applicant with a populated Temporary Artwork Maintenance and Removal Agreement for submission to the City's Development Services Department along with the applicant's completed Public Right-of-Way permit forms and insurance documentation. Exhibits in the public right-of-way are considered placemaking projects and require a placemaking permit. See [Information Bulletin 568](#), *How to Obtain a Permit for Placemaking*, for more information. The applicant will need to complete the forms specified in section III. B. 1. General Application, B. 2. Stormwater Requirements Applicability Checklist, and B. 4. Construction Plan. Note that the applicant will have already submitted the Encroachment Exhibit and Record Owner Permission as part of the exhibit application. After Development Services Department's review of the complete application package and payment of permit fees, Development Services Department will issue the agreement and permit.

For exhibits proposed on City property, Arts and Culture staff will prepare an agreement for the applicant to maintain the exhibit and remove it at the end of the exhibition period. The applicant will need to submit their insurance documentation to Arts and Culture staff and depending on the exhibit, the applicant may need to obtain permits from Development Services Department or another City department before installation.



STEP 9

ADDITIONAL PERMITS & FEES

Applicants may also be responsible for additional permit applications and fees. These may include permits for [traffic control](#) if the exhibit will encroach into the public right-of-way, including the sidewalk area, and permits for [construction](#) if the applicant plans to fabricate any structures or plans to affix the artwork in the exhibit to City property. If the applicant plans any events associated with the exhibit, the applicant may be required to obtain a [special event permit](#). The applicant will be responsible for any fees associated with these permits.

STEP 10

PERMIT / AGREEMENT ISSUANCE

Applicants must obtain required permit(s) and agreement. Installing the exhibit or beginning work without a permit(s)/agreement can lead to fines. All permit(s) and agreements issued by the City are subject to inspection and exhibits must be installed per approved plans and to City specifications. Deviation from the approved design could result in citations and the removal of the exhibit.

FABRICATION AND INSTALLATION

STEP 11

PRE-INSTALLATION SITE INSPECTION

The applicant is required to notify the Arts and Culture staff contact prior to beginning any site work to schedule a pre-installation site inspection. Arts and Culture staff will need to review the applicant's permit(s), agreement, and insurance before authorizing the commencement of installation, so it is recommended that the applicant bring a copy of all paperwork to the meeting. The purpose of this meeting is to review site conditions, review the approved exhibit design, discuss any logistics prior to installation, and establish a timeframe for follow-up meeting(s).

STEP 12

MATERIALS

The applicant must purchase and install the required materials for the exhibit. Exhibit materials must be durable and weather resistant to prevent premature deterioration or other unintended changes in appearance. Exhibit materials must be appropriate for the location and climate, with special considerations for longevity. All materials require pre-approval by the City.

STEP 13**SITE PREPARATION**

The exhibit site should be properly prepared. This may involve cleaning to remove dirt and debris, and the repairing of any cracks or irregularities on the surface of the site.

STEP 14**INSTALLATION**

Once the applicant has received the required permit(s) and agreement, completed the pre-installation site inspection meeting, and assembled all the necessary materials, the exhibit installation may begin. The applicant should manage the site to ensure that those installing the exhibit are safe and secure – adhering to all health and public safety protocol and using materials in compliance with all State and Federal regulations and according to manufacturer's specifications. Materials should be installed in a quality manner and all clean-up and material disposal must adhere to State and Federal regulations. All materials and equipment must be removed from the site after installation is complete.

STEP 15**POST-INSTALLATION SITE INSPECTION**

The applicant is required to notify the Arts and Culture staff contact upon completion of installation to schedule a post-installation site inspection. This inspection will verify that the exhibit installation is consistent with the features, dimensions, and materials specified in the approved design. Further inspection by the City engineer may be required.

POST-INSTALLATION

STEP 16

MAINTENANCE

The applicant is required to keep the exhibit well-maintained and in good condition under the provisions of approval of the permit(s) and agreement. Applicants are encouraged to develop a maintenance plan for keeping the exhibit free of debris, grime, graffiti, and litter. Exhibits may require restoration from time to time due to wear and tear from prolonged exposure to the elements. For exhibits in the public right-of-way, applicants are also required to post the name, phone number, and email address of the party responsible for the exhibit in a location visible from the public right-of-way. The City will continue to monitor the exhibit for compliance with the maintenance agreement. Failure to comply may result in removal of the exhibit before the exhibition period ends.

STEP 17

REMOVAL

End of Exhibition Period. Prior to the expiration of the term of the agreement, the exhibit will need to be removed and the site returned to its original condition to the satisfaction of the City. Methods of exhibit removal must adhere to the Standard Specifications for Public Works Construction (Greenbook) and the City of San Diego "Whitebook" supplement to the Greenbook.

STEP 17 (cont.)

REMOVAL

Self-initiated removal. If the applicant decides they no longer want to maintain the exhibit, the applicant is responsible for removing it. Removal may require additional permits from the City for traffic management or construction. The applicant must notify the Arts and Culture staff contact prior to removing the exhibit.

Site improvements. In some instances, such as streetscape repaving or building maintenance, the City may require the applicant to remove the exhibit. The City may remove the exhibit or parts of the exhibit with little or no notice. Circumstances permitting, the applicant may be able to re-install the exhibit after the improvement has been completed. The applicant is responsible for the costs of re-installing the exhibit.

Public safety emergencies. Because exhibits may sit on top of buried utilities, there may be instances when the exhibit will need to be removed with little or no notice. In the unlikely event of a utility failure threatening public safety such as a water leak, the City may remove the exhibit or parts of the exhibit with little or no notice. The applicant is responsible for restoring any damage to the exhibit.

SITE SELECTION STANDARDS

PUBLIC RIGHT-OF-WAY

In general, exhibits can be considered in the public right-of-way in the city of San Diego if the sites are identified as eligible during the preliminary screening process, the applicant owns the underlying property or obtains written permission from the adjacent property owner(s).

CITY PROPERTY

In general, exhibits can be proposed for temporary placement on City-owned property provided that the site is identified as eligible for further consideration during the preliminary screening process. Exhibits should not obscure or detract from the significant architectural features of City-owned structures or compromise the proper function or use of any City-owned property. Exhibits are typically not allowed on historical buildings.

ZONING

Exhibits in the public-right-of way are not allowed in Industrial Base Zones or Residential-Single Unit (RS) Zones. The City's [Official Zoning Map](#) can be helpful, and can give applicants an idea of where these zones are located.

Exhibits on City property and in the public right-of-way within the [Coastal Overlay Zone](#) will require a coastal development permit.

PARKING

Exhibits within a [parking district](#) or an assessment district such as a [business improvement district](#), [maintenance assessment district](#), or property business improvement district may not interfere with existing or planned activities, construction or maintenance of the district.

CITY PROJECTS / FUTURE CITY- SPONSORED IMPROVEMENTS

As part of the preliminary site screening, the City reviews proposed exhibit locations for potential conflicts with future programmed building improvements, streetscape improvements, and repaving projects. The City may reject proposals that conflict with future improvements. Before submitting a proposed site to City, check [here](#) to make sure the location is not due for construction soon.

ACCESSIBILITY / VISIBILITY

Exhibits must be located in a manner that is visually and physically accessible to the public. They may not interfere with access to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Considerations to keep in mind include allowing for safe and accessible paths of travel, maintaining a safe distance from the curb if exhibit is to be sited on a sidewalk, and height considerations if located near traffic. Additional regulations may apply on a case-by-case basis.

DESIGN STANDARDS

HIGH QUALITY PUBLIC REALM

The City supports high quality artwork that is relevant to the site and has the support of the local community. Exhibits must demonstrate excellence in design, material, and fabrication that will enhance the overall development and appearance of the site.



STREET DESIGN

Exhibits should not mimic or conflict with official traffic control devices, standards, markings or symbols, to ensure that drivers aren't confused. Exhibits must be consistent with the [Street Design Manual](#) and the Circulation Element of the relevant [Community Plan](#) and allow for safe and efficient vehicle and pedestrian visibility and circulation. Exhibits should not contain text on the pavement of street intersections or cul-de-sacs, or cover existing utility frames and covers, or survey monuments and markers.

ADVERTISING AND SIGNAGE

Logos, advertising, signage, and other branding are prohibited.

COPYRIGHTED MATERIAL

Exhibits should not contain material that is protected under copyright law unless written permission is obtained and provided to the City. This includes permission to use photos of people, all copyrighted material and text, and images of artwork. Allow ample time to acquire these permissions.

In addition to the standards above, the office of the Commission for Arts and Culture may evaluate exhibition applications using the criteria in sections 8.2 and 12.1 of the [Collection Management Policy for the Civic Art Collection](#).

Note: These are standards and may not be required in all cases. Similarly, there may be instances where City staff requires additional design modifications not covered in this toolkit. Exhibit approval is ultimately subject to the discretion of the City.



It is important to demonstrate that the applicant has communicated with its neighbors regarding the exhibit proposal, and to include documented support for the exhibit from nearby businesses, residents, property owners, and others.

REQUIRED OUTREACH

Public Right-of-Way:

Applicants are required to provide a completed Art Consent Form or similar proof of written permission from the owner of the property underlying the public right-of-way as well as the adjacent property owner. See Appendix A for Art Consent Form.

City Property:

Applicants may be required to obtain a letter of approval or resolution from the appropriate City department after the Commission's review of application. The Arts and Culture staff contact will provide guidance as to whether this will be required following review of the application.



ADDITIONAL OUTREACH

For exhibits in the public right-of-way, applicants are highly encouraged to acquire additional letters from neighboring stakeholders (i.e. neighborhood associations, business improvement districts, planning groups, etc.) expressing support for the project. Letters should highlight the benefits of the proposed exhibit for the local neighborhood, the temporary nature of the exhibit, and acknowledgment of any potential closing of the street or sidewalk for a day. It should also include contact information for the person signing the letter. Full consensus in support of the exhibit is not required for the proposal to be considered. If applicants are unable to obtain a letter of support from stakeholders, submit a copy of the correspondence which demonstrates that they were notified of the exhibit proposal.

For exhibits in the public right-of-way, some applicants have posted a petition which nearby property owners and/or residents may sign in support of the exhibit proposal. If an applicant chooses to do this, the petition should include check boxes where signers can indicate if they live on the city block where the exhibit will be installed, or in the nearby neighborhood. Petitions should also include an opportunity for residents to leave their contact information, including their address.

Some applicants proposing exhibits in the public right-of-way have hosted community meetings. If an applicant chooses to do this, it is necessary to provide public notice of the meeting and provide documentation of the meetings(s) with the application. The discussion at the meeting is advisory only and is not binding on the applicant.

APPENDIX A:

ART CONSENT FORM

TEMPORARY
EXHIBIT TOOLKIT

RECORD OWNER PERMISSION

THIS IS FOR ARTWORK IN THE PUBLIC RIGHT-OF-WAY
ONLY (SIDEWALK OR STREET).

The following applicant has requested that the City of San Diego approve a temporary artwork project and be subsequently issued a City Public Right-of-Way Permit and Encroachment agreement for up to a five-year period. The applicant has requested that the artwork be installed on the street (or sidewalk) that is adjacent to your property.

Proposed Artwork :
Location :
Name of Organization :
Address :
Phone Number :
Email Address :
Contact Person :

By signing in the space provided below, the property owner agrees and consents to allow the applicant to install temporary artwork on the street (or sidewalk) adjacent to their property pending City approval.

Property Owner (print name) : _____

Property Address : _____

Signature : _____ Date : _____

COPYRIGHT LICENSE AND ARTIST WAIVER FOR ARTWORK ON **CITY PROPERTY OR IN THE PUBLIC RIGHT-OF-WAY** (Page 1 of 2)

I, _____ (Artist) have prepared designs for the artwork entitled _____
Name of artist Title of the artwork
and more particularly described as _____
Description of artwork

and located at _____
Street address of artwork
in the City of San Diego, County of San Diego, State of California (Artwork).

The above-described Artwork may be considered to be a “work of visual art” and subject to the provisions of the artist’s rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C §§106A and 113(d) (“VARA”), and a “work of fine art” subject to the provisions of the California Art Preservation Act, Cal. Civil Code §§987 and 989 (“CAPA”). I am an author of the Artwork described herein, and am authorized to waive the rights conferred by VARA and CAPA, and any rights arising under United States federal or state law, or under laws of another country, that convey rights of the same nature as those conveyed under VARA and CAPA that are herein waived, as against the City of San Diego (City) and its agents, and grant the City a license to reproduce the Artwork as specified below.

1.0 Alterations, Modification or Removal of Artwork. The City has the right to move, remove or otherwise alter or modify the Artwork. The Artist acknowledges and understands that the installation of the Artwork may subject the Artwork to destruction, distortion, mutilation, or other modification due to the acts of third parties.

1.0.1 Limited VARA Waiver. In consideration of the covenants and conditions in this waiver, and except as otherwise provided for in this waiver, the Artist agrees to waive any right that the Artist may have under VARA to prevent the removal of the Artwork, or the destruction, distortion, mutilation, or other modification of the Artwork which arises from, is connected with, or is caused or claimed to be caused by the removal, repair, conservation, maintenance or storage of the Artwork by the City or its elected officials, officers, employees, agents, or representatives, or by the presence of the Artwork at the site. The Artist’s VARA rights under this waiver shall cease with the Artist’s death and do not extend to the Artist’s heirs, successors or assigns.

COPYRIGHT LICENSE AND ARTIST WAIVER FOR ARTWORK ON **CITY PROPERTY OR IN THE PUBLIC RIGHT-OF-WAY** (Page 2 of 2)

1.0.2 California Civil Code Section 987 Waiver. In consideration of the covenants and conditions in this waiver, the Artist waives any rights which the Artist or the Artist's heirs, beneficiaries, devisees, or personal representatives may have under CAPA to prevent the removal, defacement, mutilation, alteration, or destruction of the Artwork.

1.1 Conflict. This clause is intended to replace and substitute for the rights of the Artist under VARA and CAPA to the extent that any portion of this waiver is in direct conflict with those rights. The parties acknowledge that this waiver supersedes those laws to the extent that this waiver is in direct conflict therewith.

1.2 City's License to Reproduce. In consideration of the placement of the Artwork on City property, the Artist does hereby grant a non-exclusive, irrevocable, royalty-free copyright license to the City, and to other parties duly authorized by the City, to reproduce the Artwork in two dimensions for all standard City educational, public relations, tourism and arts promotional purposes or digital reproductions of the Artwork, and displaying, images to the general public. Such reproductions and transmissions may be magazines, books, newspapers, journals, brochures and pamphlets, exhibition catalogues, films, television, video, websites, slides, negatives, prints and electronic media, DVD, CD, computerized retrieval systems, and by all means or methods now known or hereafter invented in connection with standard City activities.

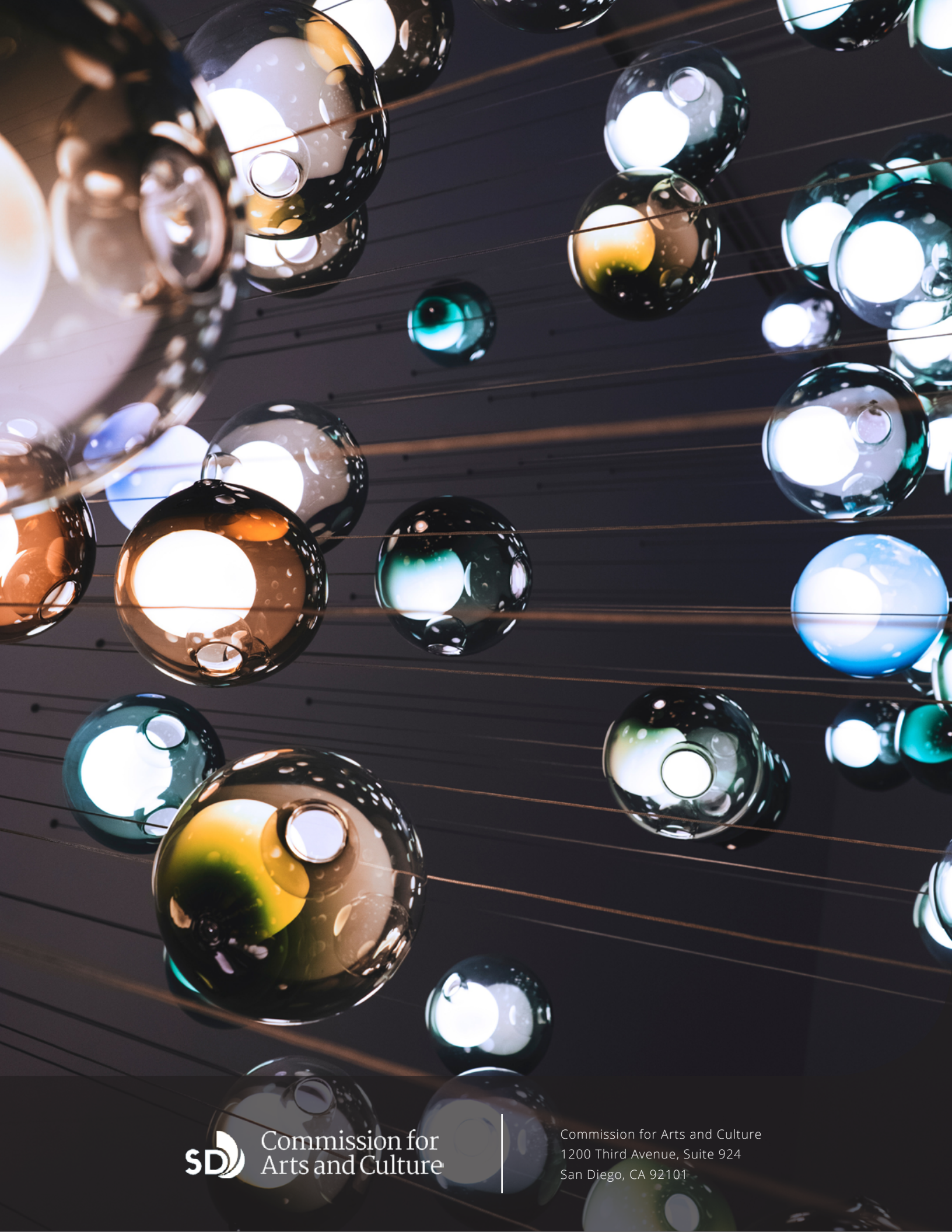
1.3 Artist's Representations and Warranties. The Artist warrants and represents to the City as follows: that the Artist has good and complete rights, title and interest in and to the copyright in the Artwork or is otherwise entitled to license the copyright or holds a copyright license which would allow for the grant of a sub-license for the copyright pursuant to the terms of this waiver and that the ownership of this copyright is not subject to any undisclosed liens, charges, licenses or other encumbrances; and that the Artwork and/or the granting of this waiver does not and will not infringe any third party's copyrights or other intellectual property rights.

HEREBY CERTIFY I am the record Artist of the Artwork and that I have read all of this license and waiver, this

_____ day of _____, _____
Day Month Year

By: _____
Print Name / Title

By: _____
Artist's Signature



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