

17.70.140 Public art requirements for private development.

A. Purpose and Application.

1. *Purpose.* The city wishes to enhance the cultural and aesthetic environment of San Luis Obispo and to encourage creativity and an appreciation of the arts and our cultural heritage. Through the establishment of a program of public art funded by private development, the city will promote the general welfare through balancing the community's physical growth and revitalization with its cultural and artistic resources.
2. *Application.* The program described in this section is a mandatory program, and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the Land Use Element of the General Plan. The minimum requirements in this section apply to:
 - a. All new nonresidential development, defined as commercial, office, and industrial projects, parking structures, and the nonresidential portion of mixed-use projects, having a total construction cost of one hundred thousand dollars or more, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).
 - b. All expansion of, remodeling of, or tenant improvements to existing eligible buildings when any such work has a total construction cost of one hundred thousand dollars or more, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).
3. *Exceptions.* The following development activities shall be exempt from the requirements of this section:
 - a. Construction, repair, or alteration of buildings to carry out rehabilitation of private property if that rehabilitation is primarily financed with public funds.
 - b. Construction, repair, or alteration of buildings to meet city-mandated seismic rehabilitation or fire lateral replacement.

B. Definitions. As used in this section:

1. "Public art coordinator" shall mean that city employee designated by the city administrative officer to be responsible for the city's visual arts in public places program.
2. "Public art jury" shall mean an appointed jury of no fewer than five city residents including, but not limited to, as appropriate, a board member from the San Luis Obispo County arts council, an artist, a business representative, an educator/historian, and a city or advisory body representative.

C. Public Art Account. There shall be an account designated for public art, into which shall be deposited all fees paid in compliance with this section. This account shall be maintained by the city finance director and shall be used for the acquisition, installation, and improvement of public art in the city.

D. *Public Art Contribution.*

1. *On-Site Contribution.* The project applicant shall acquire and install public art approved by a public art jury in a public place on or in the vicinity of the development project site. A public place may include city-owned or privately owned land or buildings that are open to the general public on a consistent basis and are of high visibility to the general public. The minimum cost of the public art, including installation, shall be determined by the following allocation:

a. An amount equal to one-half of one percent of that portion of the total construction costs in excess of one hundred thousand dollars, for each building permit, computed using the latest Building Valuation Data as contained in the Uniform Building Code (UBC) unless, in the opinion of the city's building official, a different valuation measure should be used.

b. Should a project consist of multiple buildings with separate building permits, at the city's option, arrangements may be made to combine the public art requirements in an appropriate manner.

c. In no event shall the required cost for public art under this program exceed fifty thousand dollars per building permit.

2. *Off-Site Contribution.* As an option, the project applicant may acquire and install public art, approved by a public art jury and accepted by the council, in a city-owned public place not located on or in the vicinity of the development site. The art shall be installed in a location that is open to the general public on a consistent basis and also is of high visibility to the general public. Cost of the public art shall be determined by the allocations contained in subsection [A](#) of this section. Such public art shall be considered a donation to the city.

3. *In-Lieu Contribution.* In lieu of placement of approved public art, the applicant may pay, as a voluntary alternative, to a public art in-lieu account an amount equal to the program allocation contained in subsection [\(D\)\(1\)](#) of this section.

E. *Application and Review Procedures for Placement of Required Public Art on Private Property.*

1. *Application.* An application for placement of public art on private property shall be submitted as a director's action application and shall include:

a. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art.

b. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs.

c. Preliminary plans containing such detailed information as may be required by a public art jury to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods.

d. A narrative statement to be submitted to the director to demonstrate that the public art will be displayed in an area open and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site.

2. *Review.*

a. The director shall review the application for compliance with this section.

b. The director shall forward the completed application to the public art coordinator who shall convene a public art jury to review the proposed public art using adopted public art evaluation criteria.

c. Upon recommendation of the public art jury, the public art application shall be reviewed by the director and shall meet the findings required for a director's action (Chapter [17.108](#): Director's Action).

d. All approvals for placement of public art on private property shall be obtained prior to issuance of a building permit.

F. *Application and Review Procedures for Acceptance of Public Art Donated to the City.*

1. *Application.* An application for acceptance of public art to be donated to the city shall include:

a. Preliminary sketches, photographs, models, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art.

b. An appraisal or other evidence of the value of the proposed public art, including acquisition and installation costs.

c. A written agreement executed by or on behalf of the artist who created the public art which expressly waives the artist's rights under the California Art Preservation Act or other applicable law.

d. Other information as may be required by the public art coordinator to adequately evaluate the proposed donation of public art.

2. *Review.*

a. Prior to the issuance of grading and building permits, the applicant shall submit to the director an application for acceptance of public art donated to the city, in compliance with subsection [D](#) (Public Art Contribution) of this section and subsection [\(F\)\(1\)](#) (Application) of this section.

b. The director shall forward the application to the public art coordinator, who shall convene a public art jury to review the proposed public art using adopted public art evaluation criteria.

c. Upon the recommendation of the public art jury, the public art application shall be reviewed by the director.

- d. Upon the recommendation of the director, the application shall be forwarded to the council, which shall have the sole authority to accept, reject, or conditionally accept the donation.

G. *Process.*

1. *Payment of Art In-Lieu Fee.* If the payment of an art in-lieu fee is voluntarily elected, the payment, in an amount equal to the program allocation contained in subsection [\(D\)\(3\)](#) (In-Lieu Contribution) of this section shall be paid prior to the issuance of a building permit.
2. *Certificate of Occupancy.* The following requirements must be met prior to the city's issuance of occupancy permits.
 - a. Full compliance with one of the following:
 - i. The approved public art has been placed on the site of the approved project, in a manner satisfactory to the building official and the public art coordinator; or
 - ii. Donation of approved public art has been accepted by the council; or
 - iii. In-lieu art fees have been paid.
 - b. If public art has been placed on the site of the approved project, the applicant must execute and record with the county recorder covenants, conditions, and restrictions (CC&Rs) that require the property owner, successor in interest, and assigns to:
 - i. Maintain the public art in good condition as required by the city's public art guidelines.
 - ii. Indemnify, defend, and hold the city and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the city attorney.
 - iii. Maintain liability insurance, including coverage and limits as may be specified by the city's risk manager.

H. *Ownership of Public Art.*

1. All public art placed on the site of an applicant's project shall remain the property of the applicant; the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.
2. Maintenance of public art, as used in this section, shall include without limitation, preservation of the artwork in good condition to the satisfaction of the city; protection of the public art against physical defacement, mutilation, or alteration; and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the city's risk manager. Prior to placement of approved public art, the applicant and owner of the site shall execute and record a covenant, in a form approved by the city, requiring maintenance of the public art. Failure to maintain the public art as provided in this section is declared to be a public nuisance.

3. In addition to all other remedies provided by law, in the event the owner fails to maintain the public art, upon reasonable notice, the city may perform all necessary repairs and maintenance or secure insurance, and the costs shall become a lien against the real property.

4. All artwork donated to the city shall become the property and responsibility of the city upon acceptance by the council.

I. *Removal or Alteration of Public Art.*

1. Public art installed on or integrated into a construction project in compliance with the provisions of this section shall not be removed or altered without the approval of the director.

2. If any public art provided on a development project in compliance with the provisions of this section is knowingly removed by the property owner without prior approval, the property owner shall contribute funds equal to the development project's original public art requirement to the city's public art in-lieu account, or replace the removed artwork with one that is of comparable value and approved by the director. If this requirement is not met, the occupancy permit for the project may be revoked by the director upon due notice and an opportunity to be heard. The city may, in addition, pursue any other available civil or criminal remedies or penalties. (Ord. 1650 § 3 (Exh. B), 2018)

The San Luis Obispo Municipal Code is current through Ordinance 1756, passed May 5, 2026.

Disclaimer: The City Clerk's Office has the official version of the San Luis Obispo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.slocity.org](http://www.slocity.org)

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