



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

SUBJECT: Study Session on Revisions to Public Art Guidelines, Public Art Donation Program, and Arroyo Grande Municipal Code Relating to Murals

DATE: March 12, 2024

SUMMARY OF ACTION:

The purpose of this study session is to provide the City Council with an opportunity to review and provide direction regarding potential amendments to the Arroyo Grande Public Art Guidelines ("Guidelines"), Public Art Donation Program, and Arroyo Grande Municipal Code as it relates to murals.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Amendments to regulations relating to permits for public art requires staff time to review the amendments, prepare staff reports, and present the changed regulations to Council.

RECOMMENDATION:

- 1) Conduct a study session on potential amendments to the Guidelines, Public Art Donation Program, and Arroyo Grande Municipal Code with respect to public art; and
- 2) Provide direction to staff on potential amendments.

BACKGROUND:

In 2002, the City Council approved an Art in Public Places Program and process. The Program and process were prepared with the assistance of the San Luis Obispo County Arts Council, and an Art Donation Program was approved by the City Council in 2006. In 2011, the Art in Public Places Program was renamed to the Guidelines and was amended to apply to public art projects on private property. During this update, public art on private property was defined as art that is displayed in an open area that is freely available to the general public or where public accessibility is provided based upon the characteristics of the artwork or its placement on the site.

On [October 12, 2021](#), the Guidelines were again amended to narrow the application of the Guidelines to public art proposals on non-residentially zoned property. Public art on privately owned residential property was removed from the Guidelines to avoid any

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confusion regarding the fact that residential property was excluded. In addition, clerical changes were made to account for changes to the City's advisory bodies and those that provide consultation to the Council on public art projects. Updates to the Guidelines changed the body making advisory recommendations to the City Council from the San Luis Obispo County Arts Council to Arroyo Grande Public Art ("AGPA"). Lastly, the Guidelines established a seven (7) member Public Art Panel for the purpose of approving proposed art projects. The current adopted Guidelines have been included as Attachment 1.

In addition to the Guidelines, Arroyo Grande Municipal Code ([AGMC](#)) [Section 16.16.200](#) establishes a process for the review and approval of murals. This Code Section authorizes the Community Development Director (Director) to approve mural applications, with a recommendation from the Architectural Review Committee (ARC). This review criteria differ from the criteria contained in the Guidelines, which creates an inconsistency between the two processes. Currently, AGMC Section 16.16.200 and the Guidelines would each apply to an application for a mural.

The Guidelines, as updated in Attachment 1, are intended to provide Council with an option for consideration, but the draft Guidelines will be modified consistent with Council's direction following this study session.

ANALYSIS OF ISSUES:

Purpose

The Guidelines are intended to facilitate and encourage outdoor public art on City property, in the public right of way, or on private property with non-residential uses that is visible from the public right-of-way. The purpose of proposing amendments to the Guidelines is to 1) resolve internal consistency within the Guidelines and resolve inconsistency between the Guidelines and the AGMC; and 2) provide more objective design criteria to guide those applying for a permit and reviewing bodies when evaluating applications for public art.

Review Process Under Existing Public Art Guidelines

In accordance with the existing Guidelines, public art projects shall be reviewed by the City Council, with community input as part of a public hearing, and ultimately approved by the Public Art Panel. This existing process creates inefficiency, as both the Guidelines and the AGMC each provide two different processes for review and approval of mural applications.

Staff's proposed revisions to the Guidelines establish a streamlined application and review process for public art proposals, without requiring a public hearing. The goal of this streamlined process is to promote and encourage public art in the City. The suggested updates also maintain impartiality and objectivity, and provides clear guidance to applicants and those responsible for reviewing applications on selection criteria. Staff

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evaluated the public art review process from several cities with more robust programs, which influenced the proposed update. Under the proposed Guidelines, an application for public art would be submitted to the Community Development Department and would include such items as a description of the proposal, location, colors, materials, dimensions, installation details, and a statement from the property owner approving the proposed artwork. The proposal would be reviewed by the ARC for compliance with the selection criteria contained in the Guidelines with the purpose of making a recommendation to the Director. The revised selection criteria are described in greater detail below. The Director would be responsible for approving public art applications, and decisions of the Director could be appealed directly to the City Council. In this revised process, the Public Art Panel would be dissolved, and AGPA would not be part of the City's review process.

Some cities include a separate Civic Arts Commission or Public Arts Commission to review public art, with members chosen by the City Council. In the draft Guidelines, the ARC has been made the body responsible for review since the ARC already consists of members appointed by the City Council. A separate advisory body is likely unnecessary because of the infrequency of public art proposals within the city and the ability of ARC to serve this function given its experience evaluating architectural design elements.

The Public Art Donation Program meanwhile authorizes the City to accept a gift or donation of public art on public property. The City retains full discretion over whether or not to accept the art, with initial review by the Community Development Department. The City Council would have final decision-making authority over whether or not to approve or reject the donation of art.

Ordinance Amendments

Any update to the Guidelines will also require amending the Mural Permit section within the AGMC to reference the Guidelines. This amendment will require a Planning Commission hearing per AGMC Section 16.16.040, as well as appropriate noticing. There will also need to be a public hearing for the City Council to consider the amendment. As referenced above, the Guidelines would require a public art application, which would include a checklist of the requirements to apply for public art (Attachment 2).

The proposed update recommends that AGMC Section 16.16.200 – Mural Permits be amended to apply more generally to public art, reference the public art guidelines, and note that a copy is on file with the Community Development Department and City Clerk.

Current Selection Criteria

The following criteria are currently used in the evaluation of an application for public art:

1. Relationship to the social, cultural, and historical identity of the area. If the public art is proposed to be located in the Village Core Downtown or Village Mixed Use

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Districts, the art piece shall be representative or evocative of the turn of the century historical period;

2. Evaluation of artistic excellence;
3. Appropriateness of scale, form, material, content and design relative to the immediate and general neighborhood;
4. Relationship to the social, cultural and historical identity of the area;
5. Appropriateness of proposed materials as regards to structural and surface integrity, protection against vandalism, public safety and weathering;
6. Ease of maintenance;
7. Appropriateness of proposed method of installation of artwork and safety and structural factors involved in installation;
8. Artist's experience in working on comparable projects.

These review criteria have been used to evaluate public art in the past. The criteria are recommended to be replaced with additional, more robust reviewing criteria as below. The proposed criteria will provide additional guidance to those responsible for reviewing applications.

Proposed 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

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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 AGMC Section 16.04.070, and regulated under AGMC Chapter 16.60.

The proposed criteria are designed to give additional clarity as to requirements for application approval.

Village-Specific Standards

The proposed selection criteria are intended to be used for public art citywide. Staff recognizes that the City Council may be interested in having Village-specific public art standards, where the concerns for maintaining the historic character of the area are more pronounced. If directed, staff can include additional criteria to the Village.

Applicability of the Guidelines

The Guidelines currently apply to public art proposed on City property, in the public right of way, and on private property with a nonresidential land use that faces a public right-of-way or public property. The proposed updates clarify this applicability by stating that the Guidelines will apply to public art on private property with a nonresidential land use that is visible from a public right-of-way or public property, with the understanding that the Council may be interested in applying more robust selection criteria for areas in the Village.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Conduct a study session on the draft Public Art Guidelines, Public Art Donation Program and Arroyo Grande Municipal Code amendments related to murals, and provide direction to staff on the following:
 - Approval or modification of the proposed review process for public art;
 - Acceptance or modification of the proposed selection criteria;
 - Direction on whether to include Village-specific selection criteria;

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- Acceptance or modification of language specifying that the guidelines apply to private property with a non-residential land use for public art that is visible from a public right-of-way or public property; or
2. Provide other direction to staff.

ADVANTAGES:

A study session regarding potential amendments to the Public Art Guidelines, Public Art Donation Program and Arroyo Grande Municipal Code amendments related to murals provides an opportunity to improve consistency in the Guidelines and spur additional public art in the city by improving the permitting process.

DISADVANTAGES:

No disadvantages are identified related to having a study session regarding public art.

ENVIRONMENTAL REVIEW:

This study session itself does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines Section 15378. Staff will carefully evaluate any future amendments to the Public Art Guidelines, Public Art Donation Program, or ordinance and conduct the appropriate level of CEQA review prior to returning to Council with any proposed amendments.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. Draft Public Art Guidelines
2. Sample Public Art Application