

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ARROYO GRANDE RECOMMENDING THE CITY
COUNCIL ADOPT AN ORDINANCE AMENDMENT
REGARDING PUBLIC ART**

WHEREAS, in 2002 the City Council approved measures to promote art in the community, establish a uniform process for the review and selection of public art on public and private property that would be reflective of the community but limit City Government involvement, and identify general guidelines and selection criteria to promote creativity and freedom of expression, but also compatibility with the character design and environment of the surrounding area; and

WHEREAS, in 2004 the City Council adopted a Resolution approving Public Art Guidelines and an Ordinance incorporating them by reference into the Municipal Code as part of the Design Guidelines and Standards for Mixed Use Districts; and

WHEREAS, in 2011 the City Council amended the Design Guidelines and Standards for Mixed Use Districts to establish standalone Public Art Guidelines and a Public Art Donation Program; and

WHEREAS, the City Council amended the Public Art Guidelines and Public Art Donation Program again in 2021; and

WHEREAS, at a study session on March 12, 2024, City Council directed staff to amend the Public Art Guidelines, Public Art Donation Program and Arroyo Grande Municipal Code (AGMC) Section 16.16.200 to resolve inconsistencies and improve the review process; and

WHEREAS, this ordinance amends AGMC Section 16.16.200 to apply to public art in general, incorporate by reference the Public Art Guidelines and Public Art Donation Program, and authorize City Council as the approving body for public art projects; and

WHEREAS, on April 16, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance amendments. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, this action is not subject to the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable physical change in the environment; and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant

effect on the environment. Here, the Planning Commission made a recommendation to City Council regarding a proposed change to the development code, and this action cannot cause a physical change to the environment on its own. Thus, it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, AGMC Section 16.16.040 requires that the Planning Commission provide recommendations to the City Council regarding amendments to Chapter 16.16;

NOW, THEREFORE, BE IT RESOLVED that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt amendments to Title 16 of the Arroyo Grande Municipal Code as attached hereto as Exhibit "A" and incorporated herein by this reference.

On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 16th day of April, 2024.

**JAMIE MARAVIGLIA
CHAIR**

ATTEST:

**PATRICK HOLUB
SECRETARY TO THE COMMISSION**

AS TO CONTENT:

**BRIAN PEDROTTI
COMMUNITY DEVELOPMENT DIRECTOR**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING SECTION 16.16.200 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING PUBLIC ART AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in 2002 the City Council approved measures to promote art in the community, establish a uniform process for the review and selection of public art on public and private property that would be reflective of the community but limit City Government involvement, and identify general guidelines and selection criteria to promote creativity and freedom of expression, but also compatibility with the character design and environment of the surrounding area; and

WHEREAS, in 2004 the City Council adopted a Resolution approving Public Art Guidelines and an Ordinance incorporating them by reference into the Municipal Code as part of the Design Guidelines and Standards for Mixed Use Districts; and

WHEREAS, in 2011 the City Council amended the Design Guidelines and Standards for Mixed Use Districts to establish standalone Public Art Guidelines and a Public Art Donation Program; and

WHEREAS, the City Council amended the Public Art Guidelines and Public Art Donation Program again in 2021; and

WHEREAS, at a study session on March 12, 2024, City Council directed staff to amend the Public Art Guidelines, Public Art Donation Program and Arroyo Grande Municipal Code (AGMC) Section 16.16.200 to resolve inconsistencies and improve the review process; and

WHEREAS, this ordinance amends section 16.16.200 to apply to public art and general and authorize City Council as the approving body for public art projects; and

WHEREAS, on April 16, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance amendments. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on _____, 2024, the City Council conducted a duly noticed public hearing to consider the ordinance, including: (1) the public testimony and agenda reports

prepared in connection with the ordinance; (2) the policy considerations discussed therein; and (3) the consideration and recommendation of the Planning Commission; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on _____, 2024 introduced this Ordinance to amend Section 16.16.200 of Title 16 of the Arroyo Grande Municipal Code; and

WHEREAS, all legal prerequisites to the adoption of the ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Environmental. The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a "project" under CEQA and because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The ordinance therefore does not qualify as a project subject to CEQA.

SECTION 3. Required Findings. In accordance with section 16.16.200 of the Arroyo Grande Municipal Code, the City Council hereby makes the following findings:

1. *General Plan.* The ordinance's amendments to the AGMC are consistent with the general plan and necessary and desirable to implement the provisions thereof. Specifically, the updates will resolve internal consistency within the Guidelines, resolve inconsistency between the Guidelines and the AGMC, and provide more objective design criteria to guide those applying for a permit and reviewing bodies when evaluating applications for public art.

2. *Health, Safety, and Welfare; Illogical Land Use Pattern.* Adoption of the ordinance will not adversely affect the public health, safety, and welfare as it simply updates the AGMC to resolve an inconsistency with the Public Art Guidelines and ensure a consistent, predictable review process for public art projects.

3. *Consistency with Title 16.* This ordinance is consistent with the purpose and intent of AGMC Title 16 because it removes an internal inconsistency therein and ensures that the provisions thereof are consistent with the City's general plan.

4. *Environmental.* See Section 2 above.

SECTION 4. Code Amendment. Section 16.16.200 of the Arroyo Grande Municipal Code is hereby amended to read as follows (additions shown in underline and deletions shown in ~~strikethrough~~):

16.16.200 Mural permit Public Art.

- A. Purpose and Intent. To facilitate and encourage property owners to provide outdoor public art, including but not limited to, murals. ~~ensure a mural enhances the architecture or aesthetics of a building or wall and to ensure a mural does not detract from the character of the district within which it is located and to ensure a mural is not detrimental to the public health, safety or welfare.~~ a mural permit shall be required for all murals. A mural permit is in addition to signs.
- B. ~~Authority. The community development director is authorized to approve mural permits subject to the appeal provisions of Section 16.12.150. The architectural review committee shall provide recommendations to the community development director regarding mural permit requests. A public hearing is not required.~~
- C. Submittal and Review Procedures.
1. Public Art applications shall be processed and reviewed as authorized in the most recent version of the city's Public Art Guidelines and Public Art Donation Program. ~~A copy of the Public Art Guidelines and Public Art Donation Program are available with the Community Development Department and the City Clerk's office.~~ Mural permit applications shall contain the following:
 - a. ~~Completed planning application form and required fee and attachments (see also Section 16.12.030);~~
 - b. ~~Five copies of a plot plan, drawn to standard engineers scale (approval necessary for use of scale smaller than 1:30, i.e., 1:40 or 1:50) and with a north arrow, showing:~~
 - i. ~~Location, exterior boundaries and dimensions of the entire property that is the subject of the application,~~
 - ii. ~~Public and/or private adjacent streets, rights-of-way, and easements,~~
 - iii. ~~Site access, circulation and off-street parking facilities,~~
 - iv. ~~Existing and proposed buildings and structures,~~
 - v. ~~Wall, fences, exterior lighting structures and planted areas,~~
 - c. ~~Five copies of a mural plan showing:~~
 - i. ~~Dimensions and area (in square feet) of the mural,~~

- ii. ~~Dimensions and areas of building walls on which the mural is to be located,~~
 - iii. ~~Height of the mural above the average ground surface,~~
 - iv. ~~Means of lighting, if any,~~
 - v. ~~Description of materials and colors,~~
 - vi. ~~Scaled drawing of the mural showing design details;~~
 - d. ~~One colored rendering depicting the mural on the side of the building or wall, at a scale sufficient to clearly show all elements of the proposed design;~~
 - e. ~~Color photographs of the subject wall or building and surrounding sites;~~
 - f. ~~Other information that the community development director may reasonably require to secure compliance with this title.~~
- 2. ~~After receipt of a completed application, the community development director shall schedule a mural permit application for review by the architectural review committee.~~
 - 3. ~~Upon recommendation by the architectural review committee and when the proposed mural satisfies all applicable provisions of this title, the community development director shall approve a mural permit.~~
 - 4. ~~If the community development director approves the mural permit, the building department shall be notified. A building permit and payment of applicable fees may be required.~~
 - 5. ~~If the community development director determines the proposed mural to be unacceptable, the director shall inform the applicant of identifiable issues and suggest alternatives to resolve such issues. The applicant shall then be directed to return with revisions and/or work with staff to resolve issues. If issues cannot be resolved, the community development director shall deny the mural permit application.~~
- D. ~~Required Findings. The community development director may approve a mural permit only if all of the following findings of fact can be made in an affirmative manner:~~
- 1. ~~The proposed mural is consistent with the goals, objectives, policies and programs of the Arroyo Grande general plan, specific plan, and any applicable design guidelines or approvals;~~
 - 2. ~~The proposed mural will not be detrimental to the public health, safety and welfare;~~

- ~~3. The proposed mural, including the physical location or placement, size and design, is consistent with the character of the district and the neighborhood within which it is located;~~
- ~~4. The proposed mural, including the physical location or placement, size and design, is consistent with the character of the building or wall upon which it is placed and will complement the architecture or aesthetics of the building or wall;~~
- ~~5. The proposed mural does not contain any advertising material (murals containing advertising materials may be reviewed as signs~~

SECTION 6. Publication. A summary of this ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A certified copy of the full text of the proposed ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

SECTION 7. Effective Date. This ordinance shall become effective 30 days after adoption.

SECTION 8. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 9. Records. The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2024.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY