



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Patrick Holub, Associate Planner

**SUBJECT:** Public Art Project for the Repainting of Rancho Grande Basketball Court, Accepting a Donation of Time and Materials, and Approving a Fee Waiver Request; Location – Rancho Grande Park

**DATE:** June 25, 2024

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### RECOMMENDATION:

1. Adopt a Resolution approving a Public Art Project to repaint the Rancho Grande Park basketball court, accepting a donation of time and materials, and approving a fee waiver request; and
2. Determine that repainting a basketball court is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 of the State CEQA Guidelines.

### IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

All time and materials for the repainting of the court will be donated by the applicant, which are estimated at \$15,000. Ongoing maintenance costs are planned for the project from City funds. Staff time and resources are typically offset by application fees paid by the applicant. However, the applicant is requesting a fee waiver in the amount of \$1,044.75. If the fee waiver is approved, staff time and resources will be funded by the General Fund.

### 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 Public Art Guidelines and was amended to apply to public art projects on private property. The Guidelines were also amended in 2021 to apply to public art proposals on non-residentially zoned property. Public art on privately-owned residential property was removed from the Guidelines to clarify that residential property was excluded.

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On [May 14<sup>th</sup>, 2024](#), the City Council adopted Resolution 5358, amending the [Public Art Guidelines and Public Art Donation Program](#) (“the Guidelines”). Under these new guidelines, all public art projects are to be reviewed by the Architectural Review Committee (ARC), who shall make a recommendation to the City Council. Selection criteria, purpose of the guidelines and the approval process can all be found within the Guidelines.

#### Staff Advisory Committee (SAC)

The SAC, a review body comprised of staff from various City departments including Community Development, Public Works, and Police, reviewed the proposal on May 29<sup>th</sup>, 2024, for consistency with the Municipal Code and General Plan. The SAC was supportive of the project moving forward based on their review.

#### Architectural Review Committee (ARC)

The ARC reviewed the proposal on June 17<sup>th</sup>, 2024 (Attachment 2). The ARC was supportive of repainting and refurbishment of the basketball court. The Committee reviewed all thirteen (13) designs provided in the application and recommends the City Council choose design D, E, or M. These designs were determined to be the appropriate balance of artistic expression while maintaining the integrity and utility of the court for basketball. Included as part of the recommendation, the ARC requested that the artist provide digitized versions of the three preferred designs for Council’s consideration. These are included as an exhibit in the application.

#### **ANALYSIS OF ISSUES:**

On May 22, 2024, an application was submitted to repaint the basketball court at Rancho Grande Park (Attachment 3). The application was submitted by multiple parties acting as co-applicants, including the Recreation Services Department, *Arroyo Grande Lions Club*, [Project Backboard](#), and the Pick Family, who also completed the [basketball court repainting at Strother Park](#) in 2022. For consideration, the applicant has submitted a total of thirteen (13) design options that encompass multiple design styles and elements, with themes ranging from celestial imagery to imagery familiar to the central coast. Many of the court designs feature a sense of balance with light and dark elements on either side of the court. The thirteen designs are conceptual designs for the final product. Once a design is chosen, an artist from Project Backboard will digitize and finalize the design to ensure a professional and accurate application of the paint.

Dimensions for the artwork are sixty feet (60’) wide by one hundred two feet (102’) and includes a border around the playing area of the court. Sealmaster sport surfacing products are proposed to be utilized, which are designed for applications on sport courts. The use of products designed for applications on recreational courts will increase the lifespan of the playing surface while increasing the visual interest of the court. The application with proposed designs is included as Attachment 3.

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Review Process Under Public Art Guidelines

The purpose of the Guidelines is to establish a framework to facilitate and encourage property owners to provide outdoor public art. Public art is that which is located either:

1. On private property with a non-residential land use that is visible from a public right-of-way or public property; or
2. In the adjacent public right of way; or
3. On property owned or managed by the City of Arroyo Grande that is openly displayed to the public without charge.

The Guidelines establish the City's goals regarding art that is publicly displayed and accessible to the public. The City recognizes that art and artistic expression is a protected activity and these Guidelines are not intended to unduly restrict creative expression or limit the types of public art possible. Rather, they are intended to facilitate and encourage the best possible combination of sites and artwork and help to guide what is essentially a form of communication between the artist and the community.

Following an initial determination on the completeness of the application by the Community Development Department, the Architectural Review Committee (“ARC”) reviews all public art applications and makes a recommendation to the City Council. The Selection Criteria, which both ARC and the City Council will use to review applications, is discussed below.

The City Council will schedule a public hearing to review the application within 90 days of receiving ARC’s recommendation. In its review of the application, the City Council will consider any material submitted by the applicant, city staff, the administrative record of the decision on the application, and evidence presented at the hearing. The applicant shall be given a reasonable time to present their case. The City Council shall use the Selection Criteria as the basis for its decision.

Selection Criteria

Selection criteria consists of the following:

1. 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, or installers to achieve a successful result in implementing the proposed project;
  - c. The artist’s experience working in the public realm;

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- 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;
2. 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). Scale is defined as the relative size of a building element in relation to other forms and the human body. Form is the shape or configuration of the artwork;
3. Appropriateness of proposed materials in regards to structural and surface integrity. Materials should be considered in the context of ability to deter against vandalism, withstand weathering, and maintain the intended design;
4. Ease of maintenance and longevity of the proposed materials;
5. Appropriateness of the proposed method of installation of the artwork with consideration given to the safety and structural factors involved in installation;
6. 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 shall be given to whether the mural would be in an area typically accessed or viewable by minors;
7. 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. Such content meets the Arroyo Grande Municipal Code (AGMC) definition for signage, as regulated by AGMC Chapter 16.60;

Staff is requesting that the City Council discuss the selection criteria as they relate to the proposal for incorporation into the motion.

#### Fee Waiver Request

The applicant has requested the application fees associated with the permit be waived. If approved, this waiver would result in the loss of \$1,044.75 in revenue. Revenue from application fees is used to offset costs of processing the application. City Council has previously approved fee waiver requests for public art, including the utility box paintings and the Strother Park basketball court painting. Staff recommends that the proposed fee waiver request of \$1,044.75 required for the project be granted by the City Council

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because the applicant is providing a public art donation of approximately \$25,000, and the project will provide a benefit to the public at large.

**ALTERNATIVES:**

1. Adopt the attached Resolution approving the project, accepting the donation of approximately \$25,000 in time and materials from the applicant, and approving the fee request; or
2. Request the applicant clarify its proposal or redesign and resubmit its proposal to ARC and City Council; or
3. Do not adopt the attached Resolution, provide specific findings, and direct staff to return with an appropriate resolution to not accept the donation; or
4. Provide direction to staff.

**ADVANTAGES:**

Approving the proposed public art installation will enhance the park site for the benefit of the community and increase the longevity of the court's surface.

**DISADVANTAGES:**

None identified.

**ENVIRONMENTAL REVIEW:**

The repainting of a basketball court is categorically exempt from the California Environmental Quality Act ("CEQA") under the Class 1 exemption, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features where the project involves negligible or no expansion of existing or former use. (State CEQA Guidelines, § 15301.) None of the exceptions to the Class 1 exemption apply to the repainting of a basketball court because: the location of the project will not result in any significant environmental impacts; there will not be any cumulative environmental impacts as a result of the project; the project does not impact or damage any scenic resources; the project is not located on a hazardous waste site; and the project does not adversely affect any historic resources.

**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. Resolution
2. Draft Minutes of the June 17, 2024 ARC Meeting
3. Application with Proposed Court Designs
4. Resume