



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Patrick Holub, Associate Planner

SUBJECT: Public Art Project; One (1) New Painted Mural and Approving a Fee Waiver Request; Location – 190 Station Way

DATE: June 25, 2024

RECOMMENDATION:

1. Adopt a Resolution approving a Public Art Project for a new painted mural and approving a fee waiver request; and
2. Determine that painting a mural 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:

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.

On [May 14th, 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

Item 10.b.

City Council
Public Art Project; One (1) New Painted Mural and Approving a Fee Waiver
Request; Location – 190 Station Way
June 25, 2024
Page 2

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 June 5, 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 17th, 2024 (Attachment 2). The ARC was supportive of the project as proposed.

ANALYSIS OF ISSUES:

On June 5, 2024, an application was submitted by Miner's Ace Hardware, located at 190 Traffic Way, to paint a mural on the east side of their building facing Traffic Way (Attachment 3). Due to the location of the project on private property but facing and visible from the public right of way, the Guidelines shall apply to this project. The dimensions of the proposal are approximately nine feet two inches (9'-2") tall by twenty-eight feet (28') wide for a total area of approximately two-hundred fifty-seven (257) square feet. Imagery includes an agricultural themes with rows of strawberries and grapes growing with a rendering of the City's Swinging Bridge to the left of the image and a setting sun to the right. On the wall immediately south of the mural, the artist is proposing to paint four (4) adult chickens and three (3) chicks which are walking towards the mural. These additional chickens are shown below the mural on the artist's submittal. The artist's resume is included as Attachment 4.

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.

These 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.

**City Council
Public Art Project; One (1) New Painted Mural and Approving a Fee Waiver
Request; Location – 190 Station Way
June 25, 2024
Page 3**

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. At the hearing, the City Council shall review 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;
 - 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

Item 10.b.

**City Council
Public Art Project; One (1) New Painted Mural and Approving a Fee Waiver
Request; Location – 190 Station Way
June 25, 2024
Page 4**

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 each of the selection criteria as they relate to the proposal for incorporation into the motion. The applicant's proposal is included as Attachment 5.

Fee Waiver Request

Staff recommends that the proposed fee waiver request of \$1,044.75 required for the project be granted by the City Council because the mural project is consistent with implementation measures in the Economic Development Element of the General Plan by:

- a. Serving a public purpose of cultivating community pride and participation by local residents and businesses through fostered partnerships with businesses and non-profits; and
- b. Developing an additional tourist attraction in the City through the development of a cultural-related art piece.

The applicant's request for a fee waiver is included as Attachment 6.

ALTERNATIVES:

1. Adopt the attached Resolution, approving the project and the fee waiver request: or
2. Request the applicant clarify its proposal or redesign and resubmit its proposal to ARC or 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:

Approval of the project will increase the availability of public art to the community and increase the sense of community by providing a publicly accessible piece of artwork that draws on themes and imagery from the community.

DISADVANTAGES:

No disadvantages identified for approval of the mural itself. Approval of the fee waiver would result in use of General Fund revenue.

ENVIRONMENTAL REVIEW:

The painting of a mural 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 painting of a mural 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 and Project Location
4. Artist Resume
5. Project Plans
6. Fee Waiver Request