

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A PUBLIC ART PROJECT FOR ONE (1) NEW PAINTED WALL MURAL, APPROVING THE WAIVER OF APPLICATION FEES, AND FINDING THE PROJECT EXEMPT FROM CEQA; LOCATION – 190 STATION WAY; APPLICANT – MINER’S ACE HARDWARE

WHEREAS, the City’s Architectural Review Committee (ARC) reviewed and recommended the City Council approve the proposed painting of a mural at 190 Station Way (“project”) on June 17, 2024 in accordance with the City’s Public Art Guidelines and Public Art Donation Program (the “Guidelines”); and

WHEREAS, on June 25, 2024, the City Council reviewed the project at a duly noticed public hearing; and

WHEREAS, the City Council finds that the project will have a public benefit and therefore the application fee of \$1,044.75 can be waived.

1. **Recitals.** All recitals above are true and correct and hereby incorporated into reference.
2. **CEQA.** 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.
3. **Public Art Selection Criteria:**
 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;

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- e. The original nature of the proposed concept;
- f. The inherent artistic quality and aesthetic merit of the work;

The artist has completed numerous projects with similar scopes and scale and has collaborated with dozens of public and private agencies to complete similar projects throughout the country. The proposed concept is original and shows key elements of Arroyo Grande culture and heritage. The design is well-considered, conceptually cohesive, and of high aesthetic quality in relation to the artist's qualifications and experience.

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;

The proposal, as recommended by the Architectural Review Committee (ARC) is appropriate for the location in terms of form, material and scale. The mural does not use reflective material. Further the mural does not extend past any part of the building or include materials which would damage the walls of the building. The use of paint will ensure that the mural does not extend into any walkway or cause a risk to public health, safety, or welfare.

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;

The proposed materials are intended for outdoor applications and are intended to maintain their durability over time. The artist proposes to use acrylic latex, a material that is resistant to water damage when dry. In the event of vandalism, it is a material that is easier to clean relative to oil-based paint.

4. Ease of maintenance and longevity of the proposed materials;

The proposed materials were selected with ease of maintenance and longevity in mind and are intended for the proposed method of installation. As stated above, acrylic-based paint was selected because it is resistant to water damage when dry. Additionally, acrylic latex paint is a good choice for surfaces anticipated to have a high level of sun exposure due to its ability to resist fading and maintain appearance.

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5. Appropriateness of the proposed method of installation of the artwork with consideration given to the safety and structural factors involved in installation;
The proposed method of painting the mural is appropriate for the type of artwork and will not contribute to an unsafe situation for the artist nor the public. As earlier discussed, the mural will be flush with the wall such that it does not extend into walkways creating a tripping hazard.

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;
The proposed location of the artwork will be in a location that will be visible to the general public. The proposed artwork has been designed to be appropriate for all members of the public.

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;
The artwork, as proposed, does not contain any materials which include the above referenced content.

4. Waiver of Application Fees Finding

1. The proposed fee waiver request of \$1,044.75 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.

5. **Severability.** If any section, division, sentence, clause, phrase or portion of this resolution or the document in the record in support of this resolution is determined by a court of competent jurisdiction to be invalid, unenforceable, unconstitutional or otherwise void, that determination shall not affect the validity of the remaining sections, divisions, sentences, clauses, or phrases of this resolution.

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NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Arroyo Grande hereby accepts the donation of time and materials, waives the application permit fees, and approves the project as described and subject to the requirements of the public art guidelines, attached hereto and incorporated herein by this reference.

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

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 25th day of June 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