



MEMORANDUM

TO: Architectural Review Committee

FROM: Andrew Perez, Planning Manager

BY: Shayna Gropen, Assistant Planner

SUBJECT: Consideration of the Third Phase of Painting of Utility Boxes Citywide; Staff Project 24-006; Applicant – Shirley Horaceck, Arroyo Grande Public Art

DATE: October 7, 2024

RECOMMENDATION:

Review the proposed public art project and make a recommendation to the City Council.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

All time and materials necessary for the preparation and painting of the utility boxes will be donated by the applicant, valued at approximately \$6,000. The City will be responsible for ongoing maintenance costs.

BACKGROUND:

On [May 14th¹, 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 require review by the Architectural Review Committee (ARC), who shall make a recommendation to the City Council. The Guidelines outline information regarding selection criteria, purpose of the guidelines and the approval process.

ANALYSIS OF ISSUES:

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. For the purposes of these Guidelines, "Public Art" shall mean art 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

¹ <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=10890>

**Architectural Review Committee
Consideration of the Third Phase of Painting of Utility Boxes Citywide; Staff
Project 24-006; Applicant – Shirley Horaceck, Arroyo Grande Public Art
October 7, 2024
Page 2**

3. On property owned or managed by the City of Arroyo Grande (City), 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.

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, 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. The City Council may:

1. Request the applicant to clarify its proposal or redesign and resubmit its proposal to ARC or City Council. If the City Council requests that the applicant resubmit the proposal to ARC, the resubmitted proposal shall be reviewed as if a new application; or
2. Approve the proposal, providing a written explanation of the basis for approval through the Selection Criteria; or
3. Deny the proposal, providing a written explanation of the basis for denial through the Selection Criteria.

All decisions of the City Council are final and conclusive.

Selection criteria consist 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;

**Architectural Review Committee
Consideration of the Third Phase of Painting of Utility Boxes Citywide; Staff
Project 24-006; Applicant – Shirley Horaceck, Arroyo Grande Public Art
October 7, 2024
Page 3**

- 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 regard 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;

Project Background:

The City Council formally approved the initial phase of the project in October 2022, which entailed the painting of four (4) utility boxes within the City. In October 2023, the Council approved the second phase, resulting in the painting of an additional four (4) boxes. The third and final phase of the “Art Outside the Box” project will encompass the painting of five additional utility boxes.

Staff Advisory Committee:

On October 2, 2024, the Staff Advisory Committee (SAC), consisting of the Recreation, Community Development, Public Works, Police and Fire Departments, discussed recommendations for five locations of the proposed artwork. The applications and

**Architectural Review Committee
Consideration of the Third Phase of Painting of Utility Boxes Citywide; Staff
Project 24-006; Applicant – Shirley Horaceck, Arroyo Grande Public Art
October 7, 2024
Page 4**

proposed designs are available in Attachment 1, while the preferred locations are listed below and can also be found in Attachment 2.

1. 1053 East Grand Avenue—Oh So Sweet; Anne B Young
2. Southwest corner of El Camino Real and North Halcyon Road, near cemetery—Joyful Soaring in the Clouds; Deborah Lord
3. Fair Oaks and Traffic Way intersection, in front of the car dealership— Skating the Streets of Arroyo Grande; Bijou Burns
4. Northwest corner of East Grand Avenue and North Elm Street—Magpie Afternoon—Erik Davison
5. Northeast corner of North Oak Park Boulevard and West Branch Street— Sun She Rises; Katriel Ford

The SAC was supportive of the project and recommended approval to the City Council.

ARC's Review

Consistent with the Guidelines, the ARC is tasked with making a recommendation to the City Council regarding the public art application based on the Selection Criteria described earlier in this report. The ARC is being asked to review the proposals and take one of the following actions:

1. Recommend approval of the project to the City Council: or
2. Request the applicant make further clarification, modify, or redesign the proposal before advancing the proposal to the City Council in order to meet the Selection Criteria; or
3. Request the applicant present a new concept or design for the project; or
4. Recommend rejection of the application due to inconsistencies with the Selection Criteria.

A recommendation for approval will result in the application being placed on a future City Council agenda for consideration. A recommendation to revise the application due to inconsistencies with the Guidelines will require a subsequent review by the ARC.

ALTERNATIVES:

1. Recommend approval of the project to the City Council: or
2. Request the applicant make further clarification, modify, or redesign the proposal before advancing the proposal to the City Council in order to meet the Selection Criteria; or
3. Request the applicant present a new concept or design for the project; or
4. Recommend rejection of the application due to inconsistencies with the Selection Criteria.

ADVANTAGES:

Granting approval for the donation of time and materials, along with waiving the encroachment permit fees for the planned public art installations, will improve the appearance of existing utility boxes, benefiting the community.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

The painting of utility boxes 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 utility boxes because: the locations 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. Applications with Proposed Designs
2. Utility Box Locations
3. Public Art Guidelines