



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Director of Community Development

BY: Shayna Gropen, Assistant Planner

SUBJECT: Citywide Utility Box Painting, Phase Three (Staff Project 24-006); Applicant – Shirley Horacek, Arroyo Grande Public Art

DATE: November 26, 2024

RECOMMENDATION:

- 1) Adopt a Resolution approving a Public Art Project to paint utility boxes, accepting donations of time and materials, and waiving permit application fees; and
- 2) Determine that painting of utility boxes 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 necessary for the preparation and painting of the utility boxes will be donated by the applicant, valued at approximately \$6,250. The City will be responsible for ongoing maintenance costs. The applicant has submitted a request for the waiver of fees associated with both the permit application and the minor encroachment. If approved, this waiver would result in the loss of \$1,414.75 in revenue.

BACKGROUND:

On [May 14¹, 2024](#), the City Council adopted Resolution 5358, amending the [Public Art Guidelines and Public Art Donation Program²](#) (“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, the purpose of the guidelines, and the approval process.

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

² <https://www.arroyogrande.org/DocumentCenter/View/1690/Public-Art-Guidelines-and-Donation-Program-PDF?bidId=>

City Council

Citywide Utility Box Painting, Phase Three (Staff Project 24-006); Applicant – Shirley Horacek, Arroyo Grande Public Art

November 26, 2024

Page 2

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 City Council approved the second phase, resulting in the painting of an additional four 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 (SAC):

On October 2, 2024, the SAC discussed recommendations for five locations of the proposed artwork. The applications and proposed designs are available in Attachment 2, while the preferred locations can be viewed in Attachment 3. The locations of the utility boxes, along with the names of the corresponding proposed designs, are detailed as follows:

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.

Architectural Review Committee (ARC):

The ARC reviewed the proposal on October 7th, 2024 (Attachment 4). The ARC expressed its support for the third round of utility box paintings, as well as for the specific artworks proposed for placement in their recommended locations. The designs were deemed to strike an appropriate balance between artistic expression, reflecting the spirit of the city, and showcasing the diverse backgrounds and perspectives of its residents. Based on the selection criteria the ARC recommends approval of the project as presented.

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;
2. In the adjacent public right of way; or

Item 10.a.

City Council

Citywide Utility Box Painting, Phase Three (Staff Project 24-006); Applicant – Shirley Horacek, Arroyo Grande Public Art

November 26, 2024

Page 3

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 ARC reviewed all public art applications and made a recommendation to the City Council. The Selection Criteria, which both ARC and the City Council will use to review applications, is discussed below.

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. 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;
 - 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;

Item 10.a.

City Council

Citywide Utility Box Painting, Phase Three (Staff Project 24-006); Applicant – Shirley Horacek, Arroyo Grande Public Art

November 26, 2024

Page 4

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;

As detailed in the findings in the attached resolution, the proposed utility box painting proposal is consistent with these selection criteria.

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 \$1,414.75 in revenue. Revenue generated from application fees and encroachment permit fees is utilized to offset the costs associated with processing the respective applications. The City Council has previously approved fee waiver requests for public art, including the prior utility box paintings and the Strother Park basketball court painting. Staff recommends that the proposed fee waiver request of \$1,414.75 required for the project be granted by the City Council because the applicant is providing a public art donation, and the project will provide a benefit to the public at large.

Item 10.a.

ALTERNATIVES:

1. Adopt the attached Resolution approving the project, accepting the donation of time and materials from the applicant, and approving the fee waiver request;
2. Request the applicant clarify its proposal or redesign and resubmit its proposal to ARC and City Council;
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:

Granting approval for the donation of time and materials, as well as waiving the application and encroachment permit fees for the proposed public art installations, will enhance the appearance of existing utility boxes, thereby benefiting the community.

DISADVANTAGES:

None 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. Proposed Resolution
2. Applications with Proposed Designs
3. Draft Minutes of the October 7, 2024, ARC Meeting
4. Utility Box Locations