



## PLANNING COMMISSION MEETING AGENDA

Tuesday, April 16, 2024, 6:00 p.m.  
Hybrid City Council Chamber/Virtual Zoom Meeting  
215 East Branch Street, Arroyo Grande

Please click the link below to join the Zoom Meeting:

<https://us02web.zoom.us/j/86752345420>

Webinar ID: 867 5234 5420

Or by Telephone: 1-669-900-6833; 1-346-248-7799

*This Planning Commission meeting will be conducted by hybrid in-person/virtual format. Members of the public may participate and provide public comment on agenda items during the meeting in person at the location identified above, by joining the Zoom meeting, or by submitting written public comments to Andrew Perez, Planning Manager, at [aperez@arroyogrande.org](mailto:aperez@arroyogrande.org).*

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

Commissioner Roof

4. **AGENDA REVIEW**

The Commission may revise the order of agenda items depending on public interest and/or special presentations.

5. **COMMUNITY COMMENTS AND SUGGESTIONS**

This public comment period is an invitation to members of the community to present issues, thoughts, or suggestions on matters not scheduled on this agenda. Comments should be limited to those matters that are within the jurisdiction of the Planning Commission. Members of the public may provide public comment remotely by joining the Zoom meeting utilizing one of the methods provided below. Please use the “raise hand” feature to indicate your desire to provide public comment.

Click the link below to join the webinar:

- <https://us02web.zoom.us/j/86752345420>;

- Webinar ID: 867 5234 5420

- Or Telephone Attendee: 1-669-900-6833; 1-346-248-7799; 1-253-215-8782; Press \* 9 to “raise hand” for public comment

The Brown Act restricts the Commission from taking formal action on matters not published on the agenda. In response to your comments, the Chair or presiding official may:

- Direct City staff to assist or coordinate with you.

- A Commissioner may state a desire to meet with you.

- It may be the desire of the Commission to place your issue or matter on a future agenda.

Please adhere to the following procedures when addressing the Commission:

- Comments should be limited to 3 minutes or less.
- Your comments should be directed to the Commission as a whole and not directed to an individual Commissioner.
- Slanderous, profane or personal remarks against any Commissioner or member of the audience shall not be permitted.

## **6. WRITTEN COMMUNICATIONS**

Correspondence or supplemental information for the Planning Commission received after Agenda preparation. In compliance with the Brown Act, the Commission will not take action on correspondence relating to items that are not listed on the Agenda, but may schedule such matters for discussion or hearing as part of future agenda consideration.

## **7. CONSENT AGENDA**

### **7.a Approval of Minutes (HOLUB)**

#### **Recommended Action:**

Approve the Minutes of the March 19, 2024 and April 2, 2024 regular meetings.

### **7.b Consideration of a Resolution Denying With Prejudice Conditional Use Permit 23-010 and Lot Line Adjustment 24-001; Construction of a New Car Wash; Location – 414, 418, 422 East Grand Ave; Applicant, Ryan Talley (GROPEN)**

#### **Recommended Action:**

Adopt a Resolution denying with prejudice Conditional Use Permit 23-010 and Lot Line Adjustment 23-001

## **8. PUBLIC HEARINGS**

### **8.a Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Public Art and Finding That This Action is Not Subject To The California Environmental Quality Act Pursuant to State Guidelines Section 15060(c)(2) and 15061(b) (PEDROTTI)**

#### **Recommended Action:**

1) Adopt a Resolution recommending the City Council adopt amendments to Title 16 of the Arroyo Grande Municipal Code regarding public art, including but not limited to, murals; and

2) Determine that the ordinance amendments is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

## **9. NON-PUBLIC HEARING ITEMS**

### **9.a Election of Chairperson and Vice Chairperson (PEREZ)**

#### **Recommended Action:**

1) Elect a Chair and a Vice Chair to serve effective May 7, 2024, and continuing until March 18, 2025; and

2) Find that the request is not a project as defined by the California Environmental Quality Act pursuant to State CEQA Guidelines section 15378(b)(5).

10. **NOTICE OF ADMINISTRATIVE ITEMS SINCE APRIL 2, 2024**

None.

11. **COMMISSION COMMUNICATIONS**

Correspondence/Comments as presented by the Planning Commission.

12. **STAFF COMMUNICATIONS**

Correspondence/Comments as presented by the Community Development Director.

13. **ADJOURNMENT**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Planning Commission within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the City Clerk's office, 300 E. Branch Street, Arroyo Grande. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for disability-related modification or accommodation, contact the Legislative and Information Services Department at 805-473-5400 as soon as possible and at least 48 hours prior to the meeting date.

This agenda was prepared and posted pursuant to Government Code Section 54954.2 Agenda reports can be accessed and downloaded from the City's website at [www.arroyogrande.org](http://www.arroyogrande.org) If you would like to subscribe to receive email or text message notifications when agendas are posted, you can sign up online through the "Notify Me" feature.

Planning Commission Meetings are streamed live on the [City's YouTube Channel](#) and recorded for replay on Arroyo Grande's Government Access Channel 20.

**ACTION MINUTES  
MEETING OF THE PLANNING COMMISSION**

**March 19, 2024, 6:00 p.m.  
Hybrid City Council Chamber/Virtual Zoom Meeting  
215 East Branch Street, Arroyo Grande**

Commission Members Present: Chair Jamie Maraviglia, Catherine Sackrison,  
Kevin Buchanan

Commission Members Absent: Vice Chair Bruce Berlin, Virginia Roof

Staff Present: Planning Manager Andrew Perez, Associate  
Planner Patrick Holub, Community  
Development Director Brian Pedrotti

**This meeting was conducted in a hybrid in-person/virtual format.**

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**1. CALL TO ORDER**

Chair Maraviglia called the Planning Commission meeting to order at 6:00pm.

**2. ROLL CALL**

Vice Chair Berlin and Commissioner Roof were absent.

**3. FLAG SALUTE**

Commissioner Buchanan led the flag salute.

**4. AGENDA REVIEW**

None.

**5. COMMUNITY COMMENTS AND SUGGESTIONS**

Chair Maraviglia invited public comment. No public comment was received.

**6. WRITTEN COMMUNICATIONS**

The Commission received one item of written correspondence regarding item 8.a.

**7. CONSENT AGENDA**

**7.a Approval of Minutes**

Commissioner Sackrison moved and Commissioner Buchanan seconded a motion to approve the consent agenda as submitted. The motion passed 3-0-2 with Vice Chair Berlin and Commissioner Roof absent.

## **8. PUBLIC HEARINGS**

### **8.a Consideration of Tentative Parcel Map 23-001 and Finding that this Action is Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to State Guidelines Section 15315; Location – 444 Lierly Lane; Applicant – Bruce Vanderveen**

Associate Planner Holub presented the staff report, including the project location, proposed subdivision, and public improvements required by the conditions of approval included in the proposed resolution. He suggested the Commission to include a condition related to the maintenance agreement for the emergency access roadway. He also answered questions related to future buildout of the Neighborhood Plan, SB 9 applicability, and density.

Chair Maraviglia invited public comment. Speaking from the public were:

Scott Ullman stated concerns related to easements that were not addressed, maintenance concerns with the public improvements, emergency access, and lack of notice.

Mike Stanton, clarified that the private drive off of Myrtle Drive currently exists on the map for Cherry Creek Estates.

Bethany Miner recommends continuing the item because she was not properly notified and had questions about future development.

Tony Janowicz stated concerns about access to the project site from E. Cherry Ave. via Lierly Lane.

Rosemary Janowicz stated concerns about the limited access to the project site.

Mike Janowicz expressed concerns about the narrow roadway on Lierly Lane and implications of future development in Phase 2 of the Neighborhood Plan.

Paul Filice expressed support for the project and stressed the importance of applying standards of the Neighborhood Plan consistently.

David Pomeroy stated that he was not notified and expressed concern with the use of the private drive for emergency access.

Tom Griffin stated that he was not notified with sufficient time and thinks the public improvements are insufficient.

Seeing no other public comment. The public hearing was closed.

The Commission stated support for the subdivision and suggested including a condition of approval requiring a reimbursement agreement for any damage done to private property adjacent to the project site during the construction. The Commission suggested continuing the item to address concerns with maintenance, irrigation, and fencing adjacent to the project site.

Community Development Director Pedrotti stated a preference for continuing consideration of the item to allow staff an opportunity to resolve the concerns related to public improvements and potential impacts to the existing properties that would result from this subdivision.

Moved by Kevin Buchanan

Seconded by Catherine Sackrison

Continue the item to May 7, 2024 and add a condition for a shared maintenance agreement in a future resolution.

AYES (3): Chair Maraviglia, Catherine Sackrison, and Kevin Buchanan

ABSENT (2): Vice Chair Bruce Berlin, and Virginia Roof

Passed (3 to 0)

**9. NON-PUBLIC HEARING ITEMS**

**9.a Election of Chairperson and Vice Chairperson**

Chair Maraviglia recommended continuing the elections to the next meeting due to the absences of two Commissioners.

**10. NOTICE OF ADMINISTRATIVE ITEMS SINCE FEBRUARY 20, 2024**

None.

**11. COMMISSION COMMUNICATIONS**

None.

**12. STAFF COMMUNICATIONS**

None.

**13. ADJOURNMENT**

The Meeting adjourned at 7:19 pm.

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Jamie Maraviglia, Chair

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Patrick Holub, Associate Planner

**ACTION MINUTES  
MEETING OF THE PLANNING COMMISSION**

**April 2, 2024, 6:00 p.m.  
Hybrid City Council Chamber/Virtual Zoom Meeting  
215 East Branch Street, Arroyo Grande**

Commission Members Present: Chair Jamie Maraviglia, Vice Chair Bruce Berlin, Virginia Roof

Commission Members Absent: Catherine Sackrison, Kevin Buchanan

Staff Present: Planning Manager Andrew Perez, Associate Planner Patrick Holub, Shayna Gropen

**This meeting was conducted in a hybrid in-person/virtual format.**

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**1. CALL TO ORDER**

Chair Maraviglia called the Planning Commission meeting to order at 6:00pm.

**2. FLAG SALUTE**

Chair Maraviglia led the flag salute.

**3. ROLL CALL**

Commissioners Buchanan and Sackrison were absent.

**4. AGENDA REVIEW**

None.

**5. COMMUNITY COMMENTS AND SUGGESTIONS**

Scott Miller spoke about item 8.a. Chair Maraviglia invited him to comment during the public hearing later in the agenda.

**6. WRITTEN COMMUNICATIONS**

The Commission received two items of written correspondence regarding item 8.a.

**7. CONSENT AGENDA**

**7.a Approval of Minutes**

The item was continued to the next regular meeting.

Moved by Vice Chair Bruce Berlin  
Seconded by Chair Maraviglia

Continue the consideration of the Minutes of the March 19, 2024 meeting to the next regularly scheduled meeting.

Passed

## **8. PUBLIC HEARINGS**

### **8.a Consideration of Conditional Use Permit 23-010 and Lot Line Adjustment 24-001; Construction of a New Car Wash; Location – 414, 418, 422 East Grand Ave; Applicant – Ryan Talley**

Assistant Planner Gropen presented the staff report and responded to Commissioner questions regarding: noise reduction; water reclamation; solar panels; setback distances; RHNA; water use restrictions; landscaping; egress; and tax generation.

Ryan Talley, applicant, spoke in favor of the project and responded to Commissioner questions regarding: dimensions of the tunnel entrance; acoustic paneling; noise emanating from the tunnel entrance; sound dampening; landscaping; water usage; and trip generation.

Chair Maraviglia opened the public hearing. Speaking from the public were the following individuals: Brian Goodman; Patty Welsh; Brita Bonaventure; Bob; Dave Friesen; Scott Miller; Cindy Maddox; Ron Holt; Imran Khan; and Judy Ceccetti. Hearing no further public comments, Chair Maraviglia closed the public comment.

Moved by Vice Chair Bruce Berlin  
Seconded by Virginia Roof

Continue the item until the April 16, 2024 meeting and direct staff to return with a denial Resolution for the conditional use permit and lot line adjustment.

Passed

## **9. NON-PUBLIC HEARING ITEMS**

### **9.a Election of Chairperson and Vice Chairperson**

Moved by Chair Maraviglia  
Seconded by Vice Chair Bruce Berlin

Continue the Election of a Chair and a Vice Chair to serve effective April 16, 2024, and continuing until March 18, 2025 to the next regularly scheduled meeting.

Passed

## **10. NOTICE OF ADMINISTRATIVE ITEMS SINCE MARCH 19, 2024**



None.

11. **COMMISSION COMMUNICATIONS**

None.

12. **STAFF COMMUNICATIONS**

None.

13. **ADJOURNMENT**

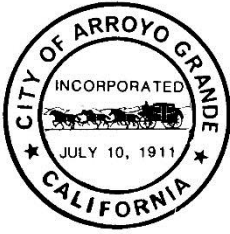
The Meeting adjourned at 7:54.

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Jamie Maraviglia, Chair

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Patrick Holub, Associate Planner



## MEMORANDUM

**TO:** Planning Commission

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

**BY:** Shayna Gropen, Assistant Planner

**SUBJECT:** Consideration of a Resolution Denying With Prejudice Conditional Use Permit 23-010 and Lot Line Adjustment 24-001; Construction of a New Car Wash; Location – 414, 418, 422 East Grand Ave; Applicant, Ryan Talley

**DATE:** May 7, 2024

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### **SUMMARY OF ACTION:**

Adoption of the proposed Resolution would formally deny the proposed project in accordance with the action taken by the Planning Commission at the April 2, 2024 meeting. The Planning Commission cannot reopen the public hearing or reconsider the CUP application at this April 16<sup>th</sup> Planning Commission meeting.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

None.

### **RECOMMENDATION:**

Adopt a Resolution denying with prejudice Conditional Use Permit 23-010 and Lot Line Adjustment 23-001.

### **BACKGROUND:**

At the regular meeting of April 2, 2024, the Planning Commission reviewed the proposed project, considered all the facts, presentation by staff, input from the applicant representatives, public testimony from the nine (9) public speakers, and took action to deny the proposed project based upon the determination that the project failed to meet all required findings. Specifically, the Commission found that the anticipated traffic from the car wash would create a public safety hazard for both motorists leaving the car wash and turning eastbound onto E. Grand Avenue, and for residents in the adjacent single-family neighborhood due to customers using local streets as an alternative to attempting to exit onto E. Grand Avenue.

## **Planning Commission**

### **Consideration of a Resolution Denying With Prejudice Conditional Use Permit 23-010 and Lot Line Adjustment 24-001; Construction of a New Car Wash; Location – 414, 418, 422 East Grand Ave; Applicant, Ryan Talley**

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

The prepared Resolution includes findings for denial of the proposed project with prejudice, consistent with the direction of the Commission. Findings that could not be made in the affirmative are indicated in bold italics in the attached Resolution. The Commission could not make a finding in the affirmative regarding compliance with all applicable provisions of the goals and objectives of the Arroyo Grande General Plan.

Regarding the Circulation Element of the General Plan, the project fails to ensure a complimentary relationship between the circulation system and the planned land use and does not promote the environmental objective of uncongested neighborhoods. Additionally, the project does not provide for a safe and well-connected neighborhood street, balancing automotive circulation needs with neighborhood context and bicycle and pedestrian user's safety. Regarding the Conservation and Open Space Element of the General Plan, the project fails to encourage water conservation in the context of an urban land use.

#### **ALTERNATIVES:**

The following alternatives are provided for the Commission's consideration:

1. Adopt the attached Resolution to deny the proposed project;
2. Modify as necessary to confirm the Planning Commission's findings for denial from the April 2<sup>nd</sup> meeting are correctly articulated and adopt the attached Resolution to deny the proposed project; or
3. Provide direction to staff.

#### **ADVANTAGES:**

Adoption of the Resolution would deny the proposed project, consistent with the action taken by the Planning Commission on April 2, 2024.

#### **DISADVANTAGES:**

None identified.

#### **ENVIRONMENTAL REVIEW:**

In compliance with the California Environmental Quality Act (CEQA), the Community Development Department has determined that CEQA does not apply to projects which a public agency does not approve pursuant to State CEQA Guidelines Section 15270.

#### **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.

**Planning Commission**

**Consideration of a Resolution Denying With Prejudice Conditional Use Permit 23-010 and Lot Line Adjustment 24-001; Construction of a New Car Wash; Location – 414, 418, 422 East Grand Ave; Applicant, Ryan Talley**

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**ATTACHMENTS:**

1. Resolution for Denial

## RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ARROYO GRANDE DENYING WITH PREJUDICE  
LOT LINE ADJUSTMENT 24-001 AND CONDITIONAL USE  
PERMIT 23-010; 414, 418, 422 EAST GRAND AVE.;  
APPLIED FOR BY RYAN TALLEY**

**WHEREAS**, the project site, which includes three (3) existing lots, is approximately 0.43 acres, zoned Highway Mixed-Use (HMU), and is located near the corner of East Grand Avenue and Oak Street; and

**WHEREAS**, the applicant has filed Lot Line Adjustment 24-001 to adjust existing lot lines to extinguish two of the existing lots, leaving one (1) remaining lot at the project site; and

**WHEREAS**, Municipal Code Table 16.20.140 requires that lot line adjustments be reviewed by the Planning Commission; and

**WHEREAS**, the applicant has also filed Conditional Use Permit 23-010 for the development of an automated drive-thru car wash; and

**WHEREAS**, the Architectural Review Committee considered the Conditional Use Permit and Lot Line Adjustment on July 3, 2023, and recommended approval of the project as submitted; and

**WHEREAS**, the Staff Advisory Committee considered the project on March 4, 2024, and recommended approval; and

**WHEREAS**, the Planning Commission has reviewed this project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and determined that CEQA does not apply to projects which a public agency does not approve pursuant to State CEQA Guidelines Section 15270; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande has reviewed the project at a duly noticed public hearing on April 2, 2024 and considered all written evidence and oral testimony; and

**WHEREAS**, the Planning Commission tentatively denied the proposed project, necessitating staff to return with appropriate findings for denial; and

**WHEREAS**, the Planning Commission finds, after due study, deliberation and public hearing, the following circumstances exist:

**Conditional Use Permit Findings:**

1. The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this

title, the goals, and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City.

*The application is denied for the reasons outlined in Section 5 below for failing to meet the required findings.*

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

*The application is denied for the reasons outlined in Section 5 below for failing to meet the required findings.*

3. The site is suitable for the type and intensity of use or development that is proposed.

*The application is denied for the reasons outlined in Section 5 below for failing to meet the required findings.*

4. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

***Although the city's water supply can adequately support the project at the current time, it would be detrimental to the community during future droughts due to its anticipated high water-usage.***

5. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity.

***The Planning Commission could not make the above finding in the affirmative. The proposed project will be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity of the project site due to the anticipated increase in traffic generated by the use. Vehicles attempting to turn eastbound onto E. Grand Ave would create a perilous situation due to the speed and volume of vehicles that use that street on a daily basis. Additionally, it is expected that many patrons would avoid turning onto E. Grand Ave. and use the local streets located to the north of E. Grand Ave. as an alternative route, which would increase the volume of vehicular traffic to unsafe levels for residents of those neighborhoods.***

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby denies with prejudice Lot Line Adjustment 24-001 and Conditional Use Permit 23-010.

On motion by Commissioner , seconded by Commissioner , and by the following roll call vote, to wit:

**AYES:**

**NOES:**  
**ABSENT:**

the foregoing Resolution was adopted this 16<sup>th</sup> day of April, 2024.

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**JAMIE MARAVIGLIA,  
CHAIR**

**ATTEST:**

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**PATRICK HOLUB  
SECRETARY TO THE COMMISSION**

**AS TO CONTENT:**

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**BRIAN PEDROTTI  
COMMUNITY DEVELOPMENT DIRECTOR**





## MEMORANDUM

**TO:** Planning Commission

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

**SUBJECT:** Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Public Art and Finding That This Action is Not Subject To The California Environmental Quality Act Pursuant to State Guidelines Section 15060(c)(2) and 15061(b)

**DATE:** April 16, 2024

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### **SUMMARY OF ACTION:**

A recommendation to City Council to adopt amendments to the Arroyo Grande Municipal Code as it relates to public art, including but not limited to, murals.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

No financial impact is projected other than staff time to review the amendments, prepare staff reports, and present the changed regulations to Planning Commission and City Council.

### **RECOMMENDATION:**

- 1) Adopt a Resolution recommending the City Council adopt amendments to Title 16 of the Arroyo Grande Municipal Code regarding public art, including but not limited to, murals; and
- 2) Determine that the ordinance amendments is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

### **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 Guidelines and was amended to apply to public art projects on private property. During this update, public art on private property was defined as art that is displayed in an open area that is freely available to the general public or where public accessibility is provided based upon the characteristics of the artwork or its placement on the site.

## **Planning Commission**

### **Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Public Art and Finding That This Action is Not Subject To The California Environmental Quality Act Pursuant to State Guidelines Section 15060(c)(2) and 15061(b)**

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On [October 12, 2021](#), the Guidelines were again amended to narrow the application of the Guidelines to public art proposals on non-residentially zoned property. Public art on privately owned residential property was removed from the Guidelines to avoid any confusion regarding the fact that residential property was excluded. In addition, clerical changes were made to account for changes to the City's advisory bodies and those that provide consultation to the Council on public art projects. Updates to the Guidelines changed the body making advisory recommendations to the City Council from the San Luis Obispo County Arts Council to Arroyo Grande Public Art ("AGPA"). Lastly, the Guidelines established a seven (7) member Public Art Panel for the purpose of approving proposed art projects.

Arroyo Grande Municipal Code ([AGMC](#)) [Section 16.16.200](#) establishes a process for the review and approval of murals. As it currently exists, this Code Section authorizes the Community Development Director (Director) to approve mural applications, with a recommendation from the Architectural Review Committee (ARC), whereas the Guidelines require City Council to approve public art. Additionally, the review criteria in AGMC 16.16.200 differ from the criteria contained in the Guidelines, which creating another inconsistency between the two processes. This code amendment aims to resolve the inconsistencies.

#### City Council Study Session

Staff presented revised Guidelines to City Council at a study session on March 12, 2024 to discuss potential alterations to the Guidelines and AGMC that would resolve the existing inconsistencies. After the study session, staff updated the Guidelines to align with the direction from Council.

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

AGMC Section 16.16.040 requires amendments to Title 16 of the Municipal Code to be approved by City Council, after a recommendation from the Planning Commission is obtained. Staff amended AGMC Section 16.16.200 in accordance with the Council's direction so that it applies more generally to all forms of public art, rather than murals specifically. This code section also now refers to the Guidelines for information about application requirements and overall review and approval process. Exhibit A of the prepared resolution contains the proposed amendments to this code section in strikethrough and underline to highlight the changes to the text.

Although approval of amendments to the Guidelines are not technically within the purview of the Planning Commission, the proposed Guideline amendments are attached (Attachment 2) and summarized below to add context to the revisions to the Municipal Code. The most significant changes proposed are to the criteria for selection and approval

## **Planning Commission**

### **Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Public Art and Finding That This Action is Not Subject To The California Environmental Quality Act Pursuant to State Guidelines Section 15060(c)(2) and 15061(b)**

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of public art, inclusion of standards specific to the Historic Character Overlay District (Village), and defining when the Guidelines apply.

The Guidelines are intended to facilitate and encourage outdoor public art on City property, in the public right of way, or on private property with non-residential uses that is visible from the public right-of-way. The purpose of proposing amendments to the Guidelines is to 1) resolve internal consistency within the Guidelines and resolve inconsistency between the Guidelines and the AGMC; and 2) provide more objective design criteria to guide those applying for a permit and reviewing bodies when evaluating applications for public art.

#### **Proposed Selection Criteria**

The existing criteria are recommended to be replaced with additional, more robust reviewing criteria shown below. The proposed criteria will provide additional guidance to those responsible for reviewing applications. The criteria are as follows:

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, 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);
3. Appropriateness of proposed materials as regards to structural and surface integrity, considering the ability of the materials and design to protect against vandalism, withstand weathering, and maintain the intended design;
4. Ease of maintenance and longevity of the proposed materials;
5. Appropriateness of proposed method of installation and artwork and 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 of whether the mural would be in an area typically

## Planning Commission

### Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Public Art and Finding That This Action is Not Subject To The California Environmental Quality Act Pursuant to State Guidelines Section 15060(c)(2) and 15061(b)

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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, which makes it a sign, as defined in AGMC Section 16.04.070, and regulated under AGMC Chapter 16.60.

The proposed criteria are designed to give additional clarity as to requirements for application approval.

#### Village-Specific Standards

The above proposed selection criteria are intended to be used for public art citywide. During the study session, the City Council directed staff to provide some Village-specific public art standards, where the concerns for maintaining the historic character of the area are more pronounced. Based on this direction, staff has included the following additional criteria in the Guidelines to apply to properties within the Village:

- a. An identified relationship to the social, cultural and historical identity of the area;
- b. An identified relationship to the site's existing architectural features;
- c. The nature of the site's surrounding neighborhood and potential impact of the public art project on residents, businesses, existing works of art or design elements within the site's vicinity.

#### Applicability of the Guidelines

The Guidelines currently apply to public art proposed on City property, in the public right of way, and on private property with a nonresidential land use that faces a public right-of-way or public property. The proposed updates clarify this applicability by stating that the Guidelines will apply to public art on private property with a nonresidential land use that is visible from a public right-of-way or public property.

#### Next Steps

A recommendation from the Planning Commission will allow for an introduction of the draft ordinance to Council at meeting in May. Adoption of the ordinance would occur at a subsequent meeting, then become effective 30 days after adoption by the City Council.

#### **ALTERNATIVES:**

The following alternatives are provided for the Commission's consideration:

## **Planning Commission**

### **Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Public Art and Finding That This Action is Not Subject To The California Environmental Quality Act Pursuant to State Guidelines Section 15060(c)(2) and 15061(b)**

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1. Adopt a Resolution recommending City Council adopt amendments to AGMC Section 16.16.200;
2. Adopt a modified Resolution recommending City Council adopt amendments to AGMC Section 16.16.200;
3. Do not recommend adoption by City Council; or
4. Provide other direction to staff.

#### **ADVANTAGES:**

Amendments to the Arroyo Grande Municipal Code regarding public art, including but not limited to, murals, provides an opportunity to improve consistency with the Guidelines and spur additional public art in the city by improving the permitting process.

#### **DISADVANTAGES:**

None identified.

#### **ENVIRONMENTAL REVIEW:**

The ordinance amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable physical change in the environment; and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Here, the Planning Commission makes a recommendation to City Council regarding a proposed change to the development code, and this action cannot cause a physical change to the environment on its own. Thus, it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

#### **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. A public hearing notice was published in the Tribune on Friday, April 5, 2024.

#### **Attachments:**

1. Resolution including proposed ordinance amendments
2. Proposed Public Art Guidelines and Public Art Donation Program

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ARROYO GRANDE RECOMMENDING THE CITY  
COUNCIL ADOPT AN ORDINANCE AMENDMENT  
REGARDING PUBLIC ART**

**WHEREAS**, in 2002 the City Council approved measures to promote art in the community, establish a uniform process for the review and selection of public art on public and private property that would be reflective of the community but limit City Government involvement, and identify general guidelines and selection criteria to promote creativity and freedom of expression, but also compatibility with the character design and environment of the surrounding area; and

**WHEREAS**, in 2004 the City Council adopted a Resolution approving Public Art Guidelines and an Ordinance incorporating them by reference into the Municipal Code as part of the Design Guidelines and Standards for Mixed Use Districts; and

**WHEREAS**, in 2011 the City Council amended the Design Guidelines and Standards for Mixed Use Districts to establish standalone Public Art Guidelines and a Public Art Donation Program; and

**WHEREAS**, the City Council amended the Public Art Guidelines and Public Art Donation Program again in 2021; and

**WHEREAS**, at a study session on March 12, 2024, City Council directed staff to amend the Public Art Guidelines, Public Art Donation Program and Arroyo Grande Municipal Code (AGMC) Section 16.16.200 to resolve inconsistencies and improve the review process; and

**WHEREAS**, this ordinance amends AGMC Section 16.16.200 to apply to public art in general, incorporate by reference the Public Art Guidelines and Public Art Donation Program, and authorize City Council as the approving body for public art projects; and

**WHEREAS**, on April 16, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance amendments. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

**WHEREAS**, this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable physical change in the environment; and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant

effect on the environment. Here, the Planning Commission made a recommendation to City Council regarding a proposed change to the development code, and this action cannot cause a physical change to the environment on its own. Thus, it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

**WHEREAS**, AGMC Section 16.16.040 requires that the Planning Commission provide recommendations to the City Council regarding amendments to Chapter 16.16;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt amendments to Title 16 of the Arroyo Grande Municipal Code as attached hereto as Exhibit "A" and incorporated herein by this reference.

On motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and by the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Resolution was adopted this 16<sup>th</sup> day of April, 2024.

---

**JAMIE MARAVIGLIA**  
**CHAIR**

**ATTEST:**

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**PATRICK HOLUB**  
**SECRETARY TO THE COMMISSION**

**AS TO CONTENT:**

---

**BRIAN PEDROTTI**  
**COMMUNITY DEVELOPMENT DIRECTOR**



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ARROYO GRANDE AMENDING SECTION 16.16.200 OF  
THE ARROYO GRANDE MUNICIPAL CODE REGARDING  
PUBLIC ART AND FINDING THE ORDINANCE EXEMPT  
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT**

**WHEREAS**, in 2002 the City Council approved measures to promote art in the community, establish a uniform process for the review and selection of public art on public and private property that would be reflective of the community but limit City Government involvement, and identify general guidelines and selection criteria to promote creativity and freedom of expression, but also compatibility with the character design and environment of the surrounding area; and

**WHEREAS**, in 2004 the City Council adopted a Resolution approving Public Art Guidelines and an Ordinance incorporating them by reference into the Municipal Code as part of the Design Guidelines and Standards for Mixed Use Districts; and

**WHEREAS**, in 2011 the City Council amended the Design Guidelines and Standards for Mixed Use Districts to establish standalone Public Art Guidelines and a Public Art Donation Program; and

**WHEREAS**, the City Council amended the Public Art Guidelines and Public Art Donation Program again in 2021; and

**WHEREAS**, at a study session on March 12, 2024, City Council directed staff to amend the Public Art Guidelines, Public Art Donation Program and Arroyo Grande Municipal Code (AGMC) Section 16.16.200 to resolve inconsistencies and improve the review process; and

**WHEREAS**, this ordinance amends section 16.16.200 to apply to public art and general and authorize City Council as the approving body for public art projects; and

**WHEREAS**, on April 16, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance amendments. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

**WHEREAS**, on \_\_\_\_\_, 2024, the City Council conducted a duly noticed public hearing to consider the ordinance, including: (1) the public testimony and agenda reports

prepared in connection with the ordinance; (2) the policy considerations discussed therein; and (3) the consideration and recommendation of the Planning Commission; and

**WHEREAS**, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on \_\_\_\_\_, 2024 introduced this Ordinance to amend Section 16.16.200 of Title 16 of the Arroyo Grande Municipal Code; and

**WHEREAS**, all legal prerequisites to the adoption of the ordinance have occurred.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2. Environmental.** The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a "project" under CEQA and because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The ordinance therefore does not qualify as a project subject to CEQA.

**SECTION 3. Required Findings.** In accordance with section 16.16.200 of the Arroyo Grande Municipal Code, the City Council hereby makes the following findings:

1. *General Plan.* The ordinance's amendments to the AGMC are consistent with the general plan and necessary and desirable to implement the provisions thereof. Specifically, the updates will resolve internal consistency within the Guidelines, resolve inconsistency between the Guidelines and the AGMC, and provide more objective design criteria to guide those applying for a permit and reviewing bodies when evaluating applications for public art.

2. *Health, Safety, and Welfare; Illogical Land Use Pattern.* Adoption of the ordinance will not adversely affect the public health, safety, and welfare as it simply updates the AGMC to resolve an inconsistency with the Public Art Guidelines and ensure a consistent, predictable review process for public art projects.

3. *Consistency with Title 16.* This ordinance is consistent with the purpose and intent of AGMC Title 16 because it removes an internal inconsistency therein and ensures that the provisions thereof are consistent with the City's general plan.

4. *Environmental.* See Section 2 above.

**SECTION 4. Code Amendment.** Section 16.16.200 of the Arroyo Grande Municipal Code is hereby amended to read as follows (additions shown in underline and deletions shown in ~~strikethrough~~):

**16.16.200 Mural permit Public Art.**

- A. Purpose and Intent. To facilitate and encourage property owners to provide outdoor public art, including but not limited to, murals. ~~ensure a mural enhances the architecture or aesthetics of a building or wall and to ensure a mural does not detract from the character of the district within which it is located and to ensure a mural is not detrimental to the public health, safety or welfare.~~ a mural permit shall be required for all murals. A mural permit is in addition to signs.
- B. ~~Authority. The community development director is authorized to approve mural permits subject to the appeal provisions of Section 16.12.150. The architectural review committee shall provide recommendations to the community development director regarding mural permit requests. A public hearing is not required.~~
- C. Submittal and Review Procedures.
  - 4. Public Art applications shall be processed and reviewed as authorized in the most recent version of the city's Public Art Guidelines and Public Art Donation Program. ~~A copy of the Public Art Guidelines and Public Art Donation Program are available with the Community Development Department and the City Clerk's office.~~ Mural permit applications shall contain the following:
    - a. ~~Completed planning application form and required fee and attachments (see also Section 16.12.030);~~
    - b. ~~Five copies of a plot plan, drawn to standard engineers scale (approval necessary for use of scale smaller than 1:30, i.e., 1:40 or 1:50) and with a north arrow, showing:~~
      - i. ~~Location, exterior boundaries and dimensions of the entire property that is the subject of the application,~~
      - ii. ~~Public and/or private adjacent streets, rights-of-way, and easements,~~
      - iii. ~~Site access, circulation and off-street parking facilities,~~
      - iv. ~~Existing and proposed buildings and structures,~~
      - v. ~~Wall, fences, exterior lighting structures and planted areas,~~
    - c. ~~Five copies of a mural plan showing:~~
      - i. ~~Dimensions and area (in square feet) of the mural,~~

- ~~ii. Dimensions and areas of building walls on which the mural is to be located;~~
      - ~~iii. Height of the mural above the average ground surface;~~
      - ~~iv. Means of lighting, if any;~~
      - ~~v. Description of materials and colors;~~
      - ~~vi. Scaled drawing of the mural showing design details;~~
    - ~~d. One colored rendering depicting the mural on the side of the building or wall, at a scale sufficient to clearly show all elements of the proposed design;~~
    - ~~e. Color photographs of the subject wall or building and surrounding sites;~~
    - ~~f. Other information that the community development director may reasonably require to secure compliance with this title.~~
  - ~~2. After receipt of a completed application, the community development director shall schedule a mural permit application for review by the architectural review committee.~~
  - ~~3. Upon recommendation by the architectural review committee and when the proposed mural satisfies all applicable provisions of this title, the community development director shall approve a mural permit.~~
  - ~~4. If the community development director approves the mural permit, the building department shall be notified. A building permit and payment of applicable fees may be required.~~
  - ~~5. If the community development director determines the proposed mural to be unacceptable, the director shall inform the applicant of identifiable issues and suggest alternatives to resolve such issues. The applicant shall then be directed to return with revisions and/or work with staff to resolve issues. If issues cannot be resolved, the community development director shall deny the mural permit application.~~
- ~~D. Required Findings. The community development director may approve a mural permit only if all of the following findings of fact can be made in an affirmative manner:~~
- ~~1. The proposed mural is consistent with the goals, objectives, policies and programs of the Arroyo Grande general plan, specific plan, and any applicable design guidelines or approvals;~~
  - ~~2. The proposed mural will not be detrimental to the public health, safety and welfare;~~

- ~~3. The proposed mural, including the physical location or placement, size and design, is consistent with the character of the district and the neighborhood within which it is located;~~
- ~~4. The proposed mural, including the physical location or placement, size and design, is consistent with the character of the building or wall upon which it is placed and will complement the architecture or aesthetics of the building or wall;~~
- ~~5. The proposed mural does not contain any advertising material (murals containing advertising materials may be reviewed as signs~~

**SECTION 6. Publication.** A summary of this ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A certified copy of the full text of the proposed ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

**SECTION 7. Effective Date.** This ordinance shall become effective 30 days after adoption.

**SECTION 8. Severability.** Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

**SECTION 9. Records.** The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and by the following roll call vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Ordinance was adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**MATTHEW DOWNING, CITY MANAGER**

**APPROVED AS TO FORM:**

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**ISAAC ROSEN, CITY ATTORNEY**

**CITY OF ARROYO GRANDE PUBLIC ART**

**Public Art Guidelines  
&  
Public Art Donation Program**

## **PUBLIC ART GUIDELINES**

### Purpose

The purpose of these Guidelines is to create a framework to facilitate and encourage property owners to provide outdoor public art. For 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
- (3) on property owned or managed by the City of Arroyo Grande (City), that is openly displayed to the public without charge.

Artwork may include free-standing pieces (e.g., a sculpture or water fountain) or may be integrated into its surroundings as an architectural element (e.g., relief sculpture embedded in pavement or a wall, a mosaic or mural on a wall.)

These Guidelines establish the City's goals regarding art that is publicly displayed and accessible to the general 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.

### Applicability

These Guidelines are applicable to public art projects proposed:

- (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, and
- (3) on City property or City maintained property.

Public art proposed to be located on City property or City maintained property is also subject to the Public Art Donation Program.

### Proposal and Application

Public art proposals will require:

- (1) An application submitted to the Community Development Department. Applications will be made available on the Arroyo Grande website, and a completed application is required for eligibility and approval of proposed public art.
- (2) A recommendation of approval from ARC and an approval from the City Council, in accordance with the Selection Criteria as described below.

### Application Review and Approval

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 in its own section below.

ARC will convene to make a recommendation to the City Council as to the public art application based on the Selection Criteria. ARC may:

- (1) Recommend approval of the project to the City Council,



- (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,
- (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.

At the conclusion of the ARC's review of the proposal, the applicant may choose to either (1) modify the proposal and return to ARC at a later date, or (2) the applicant may choose to advance the proposal to the City Council for review.

The City Council will provide a decision on the application no later than 90 days from the date the proposal is forwarded by the ARC. 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 its 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,
- (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

The following are considerations for the selection of public art (the "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, 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).
- (3) Appropriateness of proposed materials as regards to structural and surface integrity, considering the ability of the materials and design to protect against vandalism, withstand weathering, and maintain the intended design;
- (4) Ease of maintenance and longevity of the proposed materials;
- (5) Appropriateness of proposed method of installation and artwork and 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 of 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, which makes it a sign, as defined in Arroyo Grande Municipal Code Section 16.04.070, and regulated under Arroyo Grande Municipal Code Chapter 16.60.
  - (8) Public Art proposed in the D-2.4 Historic Character Overlay District are also subject to the following criteria:
    - a. An identified relationship to the social, cultural and historical identity of the area;
    - b. An identified relationship to the site's existing architectural features;
    - c. The nature of the site's surrounding neighborhood and potential impact of the public art project on residents, businesses, existing works of art or design elements within the site's vicinity.

#### Location

Public art is allowed in any district and is strongly encouraged in the Village Core Downtown, Village Mixed Use, Gateway Mixed Use, Fair Oaks Mixed Use and Public/Quasi-Public Districts. Promotion of public art visible from intersections within these districts as well as proximate to public gathering areas, plazas and public parking areas is highly recommended.

## **PUBLIC ART DONATION PROGRAM**

### **Purpose**

Public art can provide aesthetic, cultural and economic benefits to the community. The City of Arroyo Grande Public Art Donation Program is a means by which an artist, or an individual or group commissioning an artist, may donate, gift or bequeath public art to the City of Arroyo Grande for location in a City-owned or maintained public spaces. A resolution of the City Council accepting public art must include provisions for the funding and ongoing maintenance of the donated public art. In authorizing public art on City-owned or maintained public spaces, the City is providing a nonpublic forum for artistic expression aligned with the City's history, culture, and built and natural environment. As a nonpublic forum, the City will only accept art which is consistent with the City's values of cultural and social inclusiveness, environmental sustainability, and accessibility.

### **Process**

The following steps will result in the review and decision regarding a proposal:

1. The proposal shall be submitted to the Community Development Department to review it to:
  - a. Determine ongoing and General Plan consistency, accuracy and appropriateness.
  - b. Ensure it would not create an undue risk or a safety problem.
  - c. Consider maintenance requirements.
  - d. Determine durability.
2. The proposal will be reviewed by the Recreation Department Director if placement is proposed on a park property.
3. Recommendations will be considered by the City Council at a public hearing concurrently with the consideration of the public art piece(s). The City Council will have final approval of the donation and may reject a donation for any reason.

### **Proposal**

Proposals with a public art donation should include:

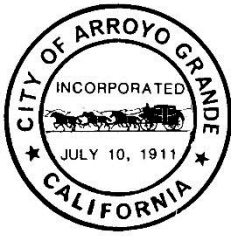
1. An application submitted to the Community Development Department. Applications will be made available on the Arroyo Grande website, and a completed application is required for eligibility and approval of proposed public art donation;
2. The donor's name;
3. The materials and dimensions of the art piece(s);
4. A statement from the donor that the art is free of encumbrances;
5. Estimated value of donated work;
6. Recommended manner of installation;
7. Estimated costs to provide ongoing maintenance for the art; and
8. A statement from the artist that the art is free of encumbrances and waiving rights under the California Arts Preservation Act, section 987 of the California Civil Code ("CAPA"), and the Visual Artist Rights Act, section 106(a) of the United States Code ("VARA").

### **Display of Public Art**

1. The resolution accepting the donation shall establish the terms of the proposed installation.
2. Artwork shall be displayed to include the artwork title, artist's name, patron's name if applicable and date of completion. The materials used and a short explanation of the work could be included

as an option. Plaques will not be used for advertising purposes.

3. Prior to installation of the project, the Community Development Department shall receive from the artist or donor a set of plans, specifications, and a copy of a maintenance record, which identifies maintenance, installation and removal instructions. The transportation, installation and adjunct costs (such as engineering, a base for the artwork or other installation elements) related to artwork are the responsibility of the donor. In some instances, the artist or donor may be required to obtain a building permit to ensure the safety and stability of the piece(s). The permit may be issued at no cost to the artist or donor.
4. Once the art piece is installed (by the donor under the supervision of City staff with the artist's installation direction and donor installation funding), it will require inspection and sign off by a City Building Inspector.
5. Following inspection, a publicized dedication ceremony may be held to present the art piece to the community.



## MEMORANDUM

**TO:** Planning Commission

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

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Election of Chairperson and Vice Chairperson

**DATE:** April 16, 2024

---

### **SUMMARY OF ACTION:**

Appoint a Chairperson (Chair) and Vice Chairperson (Vice Chair) to serve from May 7, 2024, until March 18, 2025.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

No financial impact is projected.

### **RECOMMENDATION:**

- 1) Elect a Chair and a Vice Chair to serve effective May 7, 2024, and continuing until March 18, 2025; and
- 2) Find that the request is not a project as defined by the California Environmental Quality Act pursuant to State CEQA Guidelines section 15378(b)(5).

### **BACKGROUND:**

City Council Resolution No. 09-2077 established by-laws that govern the Planning Commission's organization and the conduct of its meetings. The by-laws state that at the second regular meeting in March, the members of the Planning Commission shall elect a Chair and Vice Chair, who shall hold office for one (1) year. The Chair and Vice Chair shall carry out the duties for those positions as described in the by-laws (Attachment 1).

For the Commission's reference, an election protocol is outlined below. This is a suggested procedure, and the Commission can vary from it in whatever manner is deemed appropriate, with the goal of having an orderly process to select the Chair and Vice Chair.

1. The Presiding Officer shall conduct the election of Commission Officers.
2. Call to select all nominations for Chairperson (no second necessary). Presiding Officer to repeat each nomination as it is made.

**Planning Commission**  
**Election of Chairperson and Vice Chairperson**  
**April 16, 2024**  
**Page 2**

3. Call for motion to close nominations.
4. The Commission will vote, beginning with the first nominee, until a nominee receives a majority of votes and a Chairperson is selected.
5. Call to select all nominations for Vice Chairperson (no second necessary). Presiding Officer to repeat each nomination as it is made.
6. Call for motion to close nominations

The Commission will vote, beginning with the first nominee, until a nominee receives a majority of votes and a Vice Chairperson is selected.

**ADVANTAGES:**

The current process provides an orderly and fair procedure for electing a Chairperson and Vice Chairperson.

**DISADVANTAGES:**

None identified.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15378(b)(5). The action is an administrative activity of the City that involves appointing a Chair and Vice Chair of the Commission and does not authorize any development or changes to land use. Thus, the project would not result in any direct or indirect changes to the environment, and consequently, this action is not a project within the meaning of CEQA.

**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. Planning Commission By-Laws

## RESOLUTION NO. 09-2077

A RESOLUTION OF THE CITY OF ARROYO GRANDE  
PLANNING COMMISSION AMENDING THE BY-LAWSSECTION I

**WHEREAS**, the City Council of the City of Arroyo Grande, pursuant to Sections 65000 through 65906 of the Government Code, appointed the Planning Commission and provided the powers and duties as outlined in Title 9, Chapter 1, Section 110 of the Municipal Code; and

SECTION II

**NOW, THEREFORE**, the Planning Commission of the City of Arroyo Grande resolves that the following amended By-laws are hereby adopted, governing the organization of the Planning Commission and the conduct of Planning Commission meetings:

BY-LAWS**A. Attendance of Members:**

Absence from three (3) consecutive regular meetings or 25% of the regular meetings during any one-year period, without formal consent of the City Council may be deemed to constitute the resignation of such member and the position declared vacant.

**B. Officers:**

## 1. Selection

- a. At its second regular meeting in March the members of the Planning Commission (hereinafter the "Commission") shall elect a Chair and a Vice-chair, who shall hold office for one year. Their duties shall be such as are usually carried out by such officers.

## 2. Duties

## a. Chair

The Chair shall:

- 1) Preside at all meetings;
- 2) Call special meetings except as provided in C.2.a.;
- 3) Appoint persons to all committees subject to confirmation by the Commission;
- 4) Execute documents on behalf of the Commission;

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**PLANNING COMMISSION BY-LAWS**  
**PAGE 2**

- 5) Ensure that all Commission business is conducted in accordance with law;
  - 6) Assist staff in determining agenda items; and
  - 7) Perform such other duties as are assigned by the Commission.
- b. Vice-Chair  
The Vice-Chair shall:
- 1) Preside at meetings in the absence of the Chair; and
  - 2) Perform such other duties as are assigned by the Chair or Commission.
- c. Secretary to the Commission  
The Secretary to the Commission shall:
- 1) Keep permanent and complete records of the proceedings of the Commission;
  - 2) Join with the Chair in executing all instruments of writing requiring formal execution on the part of the Commission;
  - 3) Post Commission agendas in the manner required by law.
- d. Secretary to the Commission  
The Secretary to the Commission may be designated by the Community Development Director to fulfill such duties as assigned by the Commission.

**C. Meetings:**

1. Regular Meetings

- a. The regular meetings of the Commission shall be held on the first and third Tuesday of each month at 6:00 p.m. in the City Council Chambers, Arroyo Grande, California.
- b. A motion will be required to continue discussion of agenda items after 10:00 p.m.

2. Special Meetings

- a. A special meeting may be called by the Chair or by the Secretary to the Commission at the written request of at least three members; provided that written notice of such special meeting so called shall be received by each member of the Commission at least 24 hours in advance of the time fixed for the meeting, and which notice shall



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contain the time, the place, and shall set out the business to be transacted. Notice may be dispensed with by written waiver of each member.

- b. The Secretary of the Commission shall notify the public and the press of all special meetings of the Commission, pursuant to the Brown Act.

**3. Adjournment**

The Commission may at any meeting adjourn over to the next regular meeting by a majority vote, or, may recess to a stated time, date and place for continuance of the meeting.

The Commission may, by Resolution, amend these By-laws and designate a different day, time or place on which to hold regular meetings; notice of such change of regular meetings must be posted on the door of the present hearing place and given to each local newspaper of general circulation, radio or television station requesting written notice at least 5 days prior to the next meeting.

**D. Quorum:**

1. Three members of the Commission shall constitute a quorum for the transaction of Commission business.
2. Should there not be a quorum present, the members present may adjourn to a later date, or adjourn to a Workshop/Study Session.
3. In the absence of both the Chair and Vice-Chair at any meeting, but a quorum existing, a chair shall be selected Pro Tem by the Commissioners present and the business transacted as though the regular officers were present.
4. If an item is continued for more than two consecutive Commission meetings due to a lack of a quorum, it may be referred to the City Council by the Chair.

**E. Committees:**

1. Special committees for particular purposes may be created by the presiding officer with consent of the Commission.

**F. Voting:**

1. The Chair of the Commission, or presiding officer if another Commissioner presides, shall be entitled to vote with the other Commissioners in the transaction of any business and in all matters coming before the Commission.

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2. Commission action for adoption or amendment to the General Plan, Development Code, Specific Plan, and Planned Development (PD) Ordinance projects shall require the affirmative vote of at least three members.
3. The affirmative vote of a majority of the Commission present shall be required for the approval of all other Commission business.
4. One member may demand a roll call of the ayes and noes on any question.
5. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered.
6. The order of voting shall be that the motion maker shall vote first, the Commissioner seconding the motion shall vote second, the remaining Commissioners alphabetical with the Chair always voting last.
7. The minutes of the Commission's proceeding shall show the vote of each member for roll call votes, including if they were absent or abstained to vote on a matter considered.
8. A member shall disqualify himself/herself from voting in accordance with the Conflict of Interest Law. When a person disqualifies himself/herself, he/she shall state prior to the consideration of such matter by the Commission that he/she is disqualifying himself/herself due to a possible conflict of interest, state the general nature of the conflict of interest, and shall then leave the voting area.

**G. Minutes:**

All motions, orders, and resolutions, and such other matters as the Commission orders shall be entered into the minutes.

**H. Conduct of Meetings:**

All business of the Commission shall be conducted according to "Robert's Rules of Order."

**I. Resolutions:**

Resolutions shall be numbered consecutively and must be signed by the Chair and Secretary to the Commission and shall be kept in a resolution file, and may be referred to by number.

**J. Order of Meetings:**

1. Unless the Chair directs, the order of business shall be as follows:

- a. The Chair shall take the chair precisely at the time appointed for the meeting and shall immediately call the Commission to order.
- b. Members present and absent shall be recorded.
- c. The minutes of any preceding meeting shall be submitted for approval.
- d. Any member of the audience may comment on any matter that is not listed on the agenda. A time limit of 3 minutes may be imposed on each individual speaker if the Chair so directs.
- e. The public shall be advised of the procedures to be followed in the meeting.
- f. The Commission shall then hear and act upon those items outlined on the agenda.
- g. Agenda Item for Approved Minor Use Permits: All approved Minor Use Permits listed on the Agenda for Commission and Public Information shall be subject to a 10-day appeal period.
- h. Planning Commission/Community Development Director Comments and Items.
- i. Adjournment

**K. Presentation or Hearing of Proposals:**

The following shall be the order of procedure for public hearings or other proposals concerning City matters, unless the Chair in his/her discretion shall otherwise direct.

1. The Chair shall announce the item listed on the agenda.
2. If a request is made for continuance, a motion may be made and voted upon to continue the item to a definite time and date, or continue indefinitely. If a previously advertised public hearing item is continued indefinitely, the item must be legally re-advertised.
3. The staff shall be asked to present the substance of the agenda item, staff report, recommendation, and answer technical questions of the Commission.
4. Order of Testimony:

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- a. Applicant's statement
- b. Statements from the public
- c. If determined by the Chair to be necessary, a rebuttal from the applicant
- d. Public hearing closed
- e. The Commission shall then deliberate and either take action on the matter or continue the matter to another date and time certain, or indefinitely.

**L. Rules of Testimony:**

1. Persons presenting testimony to the Commission are requested to give their name and address for the record. They may also be requested to voluntarily sign the attendance sheet.
2. If there are numerous people in the audience who wish to participate on an issue, and it is known that all represent the same opinion, a spokesperson should be selected to speak for the entire group. The spokesperson will have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
3. To avoid unnecessary cumulative evidence, the Chair may limit the individual and/or total amount of time allocated for public testimony on a particular issue.
4. Irrelevant and off-the-subject comments will be ruled out of order.
5. The Chair will not permit personal remarks regarding the staff or individual Commissioners during a public hearing. Complaints should be submitted in writing or presented verbally as a separate item on the agenda.
6. No person shall address the Commission without first securing the permission of the Chair to do so.

**M. Review and Amendments Procedure:**

1. These By-laws may be reviewed at the second meeting in July of each year by a subcommittee with members appointed by the Chair with the consent of the Commission. The review subcommittee shall present their recommendation for amending or not amending these Rules to the Commission.

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2. In addition, the By-laws may be amended at any meeting of the Planning Commission by a majority (3 affirmative votes) of the Commission provided that notice of the proposed amendment is received by each Commissioner not less than five (5) days prior to said meeting.

**BE IT FURTHER RESOLVED** that the Community Development Director shall furnish copies of this Resolution to the Planning Commission and copies of these By-laws shall be available for public inspection at City Hall.

On motion by Commissioner Keen, seconded by Commissioner Ruth, and by the following roll call vote to wit:

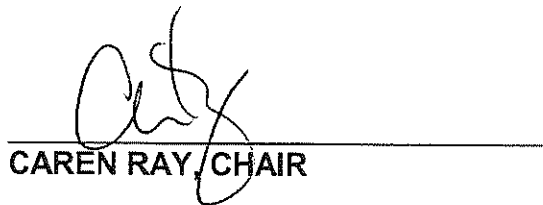
**AYES:** Commissioners Keen, Ruth and Chair Ray  
**NOES:** Commissioners Barneich and Brown  
**ABSENT:** None

the foregoing Resolution was passed and adopted this 3rd day of February 2009 and becomes effective immediately.

ATTEST:



LYN REARDON-SMITH  
SECRETARY TO THE COMMISSION

  
CAREN RAY, CHAIR

AS TO CONTENT:



ROB STRONG  
COMMUNITY DEVELOPMENT DIRECTOR

