

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Parks and Recreation

BOARD AGENDA # *B-3

Urgent

Routine

AGENDA DATE April 23, 2013

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval of a Mural Review Policy and Application for Stanislaus County Park Facilities

STAFF RECOMMENDATIONS:

Approve a Mural Review Policy and Application for Stanislaus County park facilities.

FISCAL IMPACT:

There will be no fiscal impact to the Department of Parks and Recreation.

BOARD ACTION AS FOLLOWS:

No. 2013-182

REMOVED FROM THE AGENDA. NO ACTION TAKEN.

Approval of a Mural Review Policy and Application for Stanislaus County Park Facilities

DISCUSSION:

The Stanislaus County Parks and Recreation Commission (Commission) is an advisory body appointed by the Board of Supervisors. Section 2.40.070 of the Stanislaus County Ordinance Code describes the Commission's powers and duties to include the following: "(The Commission) shall make recommendations to the Board of Supervisors for the maintenance and operation of all public parks, campgrounds, and picnic grounds owned or controlled by the County." The Commission meets monthly to consider various matters related to County park facilities, and at its April 12, 2012, meeting a member of the public inquired about the possibility of installing a mural at Parklawn Park. Since no guidelines existed, the Commission unanimously voted during the meeting to assist in developing a proposed set of standard guidelines for staff to use to evaluate the placement of murals in County parks.

Since this time, staff has worked with the Commission, the Planning and Community Development Department, and County Counsel to develop a proposed Mural Review Policy (Policy) and application (Attachment A). On February 14, 2013, the Commission voted unanimously to recommend the attached Mural Review Policy and application to the Board for consideration and approval.

An overview of the Policy is as follows:

- *The Commission supports artistic activities and recognizes the aesthetic value of placing murals in public areas
- *Public art murals can do much to beautify the urban environment and promote community pride
- *Mural colors and themes must be consistent with the surrounding area
- *Murals must conform with all applicable codes, land use regulations, and/or entitlements
- *Durable, graffiti resistant, and weather resistant materials shall be used
- *The County assumes no financial obligation for the creation, upkeep or repair/maintenance of the mural

Parties interested in installing a mural at or adjacent to a County park must contact all adjacent property owners, neighboring businesses, etc., to explain the project and request a letter of support. Written permission is required from the property owner when a mural is proposed on property adjacent to a County park facility. When an application is received, it will first be reviewed by internal staff to ensure that it conforms with all applicable codes and land use requirements and is consistent with the surrounding area. When the internal review is complete, the proposed mural will be scheduled for consideration on the Commission's agenda. While there are no requirements for notification, staff will notify all neighboring property owners within a minimum of ¼ mile, or 300 feet in densely populated areas, when the matter is to be considered by the Commission and the Board to allow the public the opportunity

Approval of a Mural Review Policy and Application for Stanislaus County Park Facilities

to comment on the proposed mural. The Department of Parks and Recreation staff support the adoption of this Mural Policy.

POLICY ISSUE:

Approval of this agenda item is consistent with the Board's priorities of A Healthy Community and Effective Partnerships by promoting a healthy environment and improved quality of life within the Stanislaus County park system.

STAFFING IMPACTS:

Existing department staff will coordinate and process mural applications as they are received.

CONTACT PERSON:

Jami Aggers, Director of Parks and Recreation

Telephone: 209-525-6770

April 2013

Stanislaus County Parks and Recreation Department

Mural Review Policy and Application

The Stanislaus County Department of Parks and Recreation and the Parks and Recreation Commission support artistic activities within the County and recognizes the aesthetic value of placing murals in public areas.

Artists, property owners, and community residents and organizations are encouraged to work together to create new murals and when necessary to save existing murals for the enjoyment of citizens. It is known and accepted that Public Art Murals do much to beautify the urban environment and promote community pride.

Any group or individual that wishes to paint or create a mural must obtain permission from the property owner whether it is a private individual or public agency. Painting murals on public or private property without permission of the owner is illegal and punishable by law. Stanislaus County does not condone any type of illegal graffiti murals or art, irrespective of artistic content.

All murals on or adjacent to County property must be approved by the Parks and Recreation Commission and reviewed by the Planning Department to ensure conformance with all applicable land use regulations and/or entitlements. In addition, murals must meet the following Criteria:

Criteria

1. Done by a qualified artist. Murals should be signed and dated. Painting of the mural shall be supervised by the artist. Community projects must be undertaken under the direction of a qualified artist.
2. Review of mural design and location by the Director of Planning.
3. Prior approval of mural design and location by the Parks and Recreation Commission before work commences.
4. Consultation and approval with local business association, neighbors and neighboring businesses. Parks and Recreation Commission can make recommendations regarding this requirement. Adjacent property owners and neighbors letters of support must be submitted.
5. Color: consistent with the surrounding area.
6. Materials: durable, graffiti resistant and weather resistant materials.
7. Workmanship: any support/attachments must be approved by a professional structural engineer; work on site must be supervised and approved by artist.

8. Themes: consistent with surrounding area. Consideration will be given to themes that are of heritage and artistic expression. Themes must be approved by Parks and Recreation Commission.
9. Murals shall not serve as an advertisement sign in violation of County Code.

Application Process

1. Application must be made prior to commencing. See attached Application Form/Information, the Application Process instructions and the Routing Process form for required signatures.
2. Upon completion, the mural will be inspected by the Parks and Recreation Department. Pictures or slides of the completed project will be provided by the applicant/artist or sponsoring organization/individual, to the Parks and Recreation Commission, at a regularly scheduled monthly meeting. In addition the applicant must submit a letter stating the type of anti-graffiti coating which has been applied to the mural and the date of application, along with the individual who performed the work. If the mural is consistent with what was approved by the Parks and Recreation Commission, the project will receive "Final Approval" which will be reflected in the Commission's meeting minutes. The final application form is to be considered the mural permit.

The Following Conditions of Approval Apply:

Mural permit or approval does not warrant or guarantee that, after installation, the mural will be preserved or remain intact for the expected life span of the mural. If parties want to preserve the mural, it is their responsibility to reach an agreement regarding maintenance, and preservation with the property/building owner. Approval by the Parks and Recreation Commission does not constitute an indication or promise of any conservation or restoration funds from the County of Stanislaus. *See maintenance and repairs below.*

PROPERTY AND BUILDING OWNERS: Murals are protected under the California Art Preservation Act of 1980 (Civil Code Section 980 ET seq.). Prior to altering, painting over or removing a mural, the property/building owner must give appropriate notice of the intent to do so. The parties are responsible for compliance with these and all other applicable laws.

Guidelines for Mural Production

Site Preparation

Proper preparation of the site and mural production will guarantee that this Public Art piece of will continue to enhance the community for years.

Brick, plaster and concrete walls offer the best surface for murals. Wood and aluminum are not recommended for permanent murals. Murals may be painted directly on the final surface, or on panels which are to be fixed to the wall either before or after painting.

Ideally the mural surface should be smooth. Should there be a question, it is recommended that a professional artist or painter be consulted.

The quality of the surface preparation will determine the quality of the finished product. Be sure to follow preparation steps and consult with a qualified paint professional to determine the best filler and primer and paint products.

Area is to be pressure washed to remove any dirt and existing paint. Surface should be completely dry before proceeding.

Spackle or another of filler should be used to fill cracks, holes and to level uneven surfaces.

Prime the wall with a latex primer to provide an even surface for the mural.

Maintenance

Pollution and water cause the greatest damage to murals. Annual washing of the surface with a “gentle” soap will minimize damage. Effective surface preparation and a protective topcoat will help to keep the mural in good condition.

Mural Maintenance and Repairs

1. County Responsibility

By approving the mural project, the County does not assume any financial obligation for its creation, upkeep or repair.

2. Owner Responsibility

It is the responsibility of the designated mural project manager or owner of the facility on which the mural is executed to create and maintain the mural. The County assumes that the mural will be kept in good repair with periodic maintenance to be performed by the project manager/artists/owner as needed.

3. Mural Vandalism

If vandalism to the mural occurs, it is the responsibility of the mural owner/project manager/artist to remove graffiti within 48 hours (consistent with County-wide ordinances regarding graffiti removal). If the graffiti is not removed and repaired by the owner/project manager/artist, Stanislaus County can remove the graffiti vandalism using their standard removal techniques/materials.

**STANISLAUS COUNTY PARKS AND RECREATION COMMISSION
MURAL PROJECT APPLICATION INFORMATION**

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| APPLICATION DATE: | |
|--------------------------|--|

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|--|--|
| NAME & CONTACT INFO OF PERSON IN CHARGE &/OR MURAL OWNER: | |
| MURAL ARTIST(S) & SHORT BIO: | |
| MURAL DIMENSION(S) | |

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|---|--|
| PROPOSED TIMELINE FOR PROJECT: | |
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|--------------------------|--|
| APPLICATION DATE: | |
|--------------------------|--|

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| PROPOSED TIMELINE FOR PROJECT: | |
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COMMUNITY SUPPORT INFORMATION

Please attach any letters of support from citizen's groups, neighbors, etc.

Please describe any outreach/education efforts that will accompany project, if planned.

ADDITIONAL INFORMATION

Please attach additional sheets if necessary

Application Process

- 1. Complete the Application.**
- 2. Contact all adjacent property owners (within ¼ mile or 300 feet when in a densely populated area), neighboring businesses, citizen groups, etc., to explain your project. Provide a written description of the project and include a copy with your Application.**
- 3. Provide the names and addresses of the parties notified in writing. Request and attach their letters of support (permission from the property owner is required).**
- 4. Submit your application, letters of support, and proposed mural design/description to the Stanislaus County Director of Parks & Recreation.**
- 5. The Director of Parks & Recreation will first forward your mural application package to the Director of Planning for review, followed by the Parks & Recreation Commission for consideration and recommendation of approval/denial which will be forwarded to the Board of Supervisors. Neighboring property owners, as described within item No. 2 above, will be notified when this matter is scheduled for consideration by the Parks Commission and the Board of Supervisors.**
- 6. Prior approval of mural design and location must be obtained by the Board of Supervisors before work commences.**

Routing Process

1. Stanislaus County Director of Parks & Recreation

2. Stanislaus County Director of Planning and Community Development

(Signature)

(Date)

(Print name)

3. Stanislaus County Director of Parks & Recreation

(Signature)

(Date)

(Print name)

4. Parks & Recreation Commission Recommendation:

___ Approval ___ Denial

(Signature of Chairperson)

(Date)

(Print name)

5. After all three signatures are received, Parks Department staff will forward the request to the Board of Supervisors for final approval via Board Resolution.