

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation

BOARD AGENDA # *B-3

Urgent

Routine

AGENDA DATE May 20, 2014

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

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

STAFF RECOMMENDATIONS:

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

FISCAL IMPACT:

The fiscal impact to the Department of Parks and Recreation is anticipated to be minimal.

BOARD ACTION AS FOLLOWS:

No. 2014-247

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No.

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

DISCUSSION:

The Stanislaus County Parks and Recreation Commission (Commission) is an advisory body appointed by the Board of Supervisors. The Stanislaus County Ordinance Code, Section 2.40.070, 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 to assist in developing a proposed set of standard guidelines to evaluate the placement of murals in the County's Community Parks.

Subsequently, Parks staff began working in partnership with the Commission, the Planning and Community Development Department, and County Counsel to develop a proposed Mural Review Policy and Guidelines (Attachment A) and Mural Application (Attachment B). On November 14, 2013, the Commission voted unanimously to recommend that the attached Mural Review Policy and Mural Application to the Board for consideration and approval.

For a mural to be considered, the artist must complete and submit an application. Consideration will be given to themes that are consistent with the surrounding areas, and themes such as nature, landscape, or agriculture are encouraged. It would be the responsibility of the designated mural artist or owner of the facility on which the mural is executed to maintain the mural.

Following a review by the Parks Department, the Planning Department will review mural applications to ensure conformance with all applicable land use regulations and/or entitlements. If both the Parks and Planning Departments agree that the mural meets the guidelines, the proposed mural will be placed on the Commission's agenda for consideration. If the Commission does not recommend approval of the mural application, the application will be directed back to the applicant for revision and resubmission. If the Commission recommends approval, the matter will be forwarded to the Board of Supervisors for consideration. Murals shall not be installed until approval has been granted by the Board.

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. While there are no requirements for notification of the proposed mural, 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 to comment on the proposed mural. Once the mural is approved by the Board, the Commission will be advised so that it may be noted in the Commission's meeting minutes. The final application form becomes the mural permit. Upon completion of the mural, it will be inspected by the Parks Department and pictures of the mural will be provided to the Commission.

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

For step-by-step application processes, please refer to the Stanislaus County Parks and Recreation Department Mural Review Policy. This document also includes the Guidelines for Mural Production, routing process and a process flow chart (Attachment C) to assist with a successful completion of a mural project.

The Department of Parks and Recreation and the Commission support artistic activities within the County and recognize the aesthetic value of placing murals in public areas in or near Community Parks. Artists, property owners, and community residents and organizations are encouraged to work together to beautify the urban environment and promote community pride.

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

March 2014

Stanislaus County Parks and Recreation

Mural Review Policy and Guidelines

The Stanislaus County Parks and Recreation (Parks Department) and the Stanislaus County Park Commission support artistic activities within the County and recognizes the aesthetic value of placing murals in public areas in or near Community Parks.

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 property 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 follow the process of review by Stanislaus County Planning and Community Development (Planning Department) to ensure conformance with all applicable land use regulations and/or entitlements, review and recommendation by the Park Commission, and approval of the Stanislaus County Board of Supervisors. In addition, murals must meet the following Criteria, which are also outlined on the application:

1. Mural must be completed by an artist with prior experience. Murals should be signed and dated. Painting of the mural shall be completed by the artist. Community projects must be undertaken under the direction of an experienced artist.
2. Review of mural design and location must be approved by the Director of Planning.
3. Prior recommendation of mural design, size and location by the Parks Department, the Park Commission and approval by the Stanislaus County Board of Supervisors, before work commences.
4. Consultation is required with local business associations, neighbors and neighboring businesses. Park Commission can make recommendations regarding this requirement. Adjacent property owners and neighbors' letters of support must be submitted.
5. Colors: consistent with the surrounding area.
6. Size: Some community parks contain walls that run the entire length of the park. The Park Commission may recommend restricting the size of the mural to ensure that it blends in with the surrounding area.
7. Materials: durable, graffiti resistant and weather resistant materials.
8. Workmanship: any support/attachments must be approved by a professional structural engineer; work on site must be supervised and approved by artist.

9. Themes: consistent with surrounding area. Consideration will be given to themes that are of artistic expression. Themes such as nature, landscapes, or agriculture are encouraged.
10. Murals shall not serve as an advertisement sign in violation of County Code.
11. 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 the artist wishes to preserve the mural, it is his or her responsibility to reach an agreement regarding maintenance, and preservation with the property owner. Approval by the Stanislaus County Board of Supervisors does not constitute an indication or promise of any conservation or restoration funds from the County of Stanislaus.
12. PROPERTY OWNERS: Murals are protected under the California Art Preservation Act of 1980 (Civil Code Section 980 et.seq.), and/or federal copyright laws. THE PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING THEIR OWN LEGAL ADVICE AND FOR COMPLIANCE WITH ALL APPLICABLE LAWS.
13. If vandalism/graffiti to the mural occurs, it is the responsibility of the artist to remove graffiti within 48 hours after notification, (consistent with County-wide ordinances regarding graffiti removal). If the graffiti is not removed and the mural is not repaired by the artist, Stanislaus County can remove the graffiti vandalism using their standard removal techniques/materials.
14. It is the responsibility of the artist 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 artist as needed. By submitting the application both the artist and property owner agree that should the mural be defaced and/or not repaired, maintained, preserved and/or conserved to the satisfaction of Stanislaus County, Stanislaus County has, in its sole discretion, the authority to repair, maintain, preserve, and/or conserve the mural, or alternatively, the authority to remove, alter, or destroy the mural.
15. If for any reason the mural is removed, altered, or destroyed by the property owner and/or artist, the property owner and/or artist are responsible for restoring the property to the original condition.
16. A public meeting on the proposed mural will be held, with notice of the meeting provided to the neighbors, neighborhood association and/or district coalition, and posted at the site of the proposed mural.

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. Include a written description of the project and a picture of the mural art with a copy of 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 Director of Parks and Recreation.

5. The Director of Parks and Recreation will first forward the mural application package to the Director of Planning for review, followed by the Park Commission for consideration. If recommended for approval, the application will be forwarded to the Board of Supervisors for consideration. If the Park Commission recommends denial, the application will be directed back to the mural applicant. If revised, the application will be reconsidered. Neighboring property owners, as described within item no. 2 above, will be notified by the Parks Department, when this matter is scheduled for consideration by the Park 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.
7. The artist will sign an agreement with the County that outlines the terms and conditions of the work to be performed within a Stanislaus County owned park.
8. The mural shall not be considered completed until "final approval" has been given by the Park Commission. Upon completion of the mural, pictures or slides of the mural project shall be presented by the artist to the Park Commission for inspection, at a regularly scheduled monthly meeting. Additionally, 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 name of the person who applied the coating. If the mural is consistent with the project approved by the Board of Supervisors, the project will receive "Final Approval" which will be reflected in the Park Commission meeting minutes. If further mural work is required, the artist shall complete the work as directed by the Park Commission before final approval is given.
9. To contest/appeal a Park Commission recommendation – After the second denial from the Park Commission, the Applicant may attach a letter stating their case facts to the application and submit it to the Board of Supervisors office at 1010 Tenth Street, Modesto, CA.

Guidelines for Mural Production

Site Preparation

Proper preparation of the site and mural production will guarantee that this Public Art piece 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, primer and paint products.

Area is to be pressure washed to remove any dirt and existing paint prior to the commencement of work. Surface should be completely dry before proceeding.

Spackle or another 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. Property Owner Responsibility

It is the responsibility of the artist 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 artist as needed. By submitting the application both the artist and property owner agree that should the mural be defaced and not repaired, maintained, preserved and/or conserved to the satisfaction of Stanislaus County, Stanislaus County has, in its sole discretion, the authority to repair, maintain, preserve, and/or conserve the mural, or alternatively, the authority to remove, alter, or destruct the mural.

If for any reason the mural is removed, the property owner and/or artist are responsible for restoring the property to the original condition.

3. Mural Vandalism

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

ROUTING PROCESS

1. Director of Stanislaus County Parks and Recreation

2. Director of Stanislaus County Planning and Community Development

(Signature)

(Date)

(Print name)

3. Director of Stanislaus County Parks & Recreation

(Signature)

(Date)

(Print name)

4. Stanislaus County Park Commission Recommendation:

___ **Recommended** ___ **Not Recommended**

Explanation (not recommended):

(Signature of Chairperson)

(Date)

(Print name)

5. If application is not recommended by the Park Commission, the application will be returned to the applicant.

6. If application is recommended, Parks Department staff will forward the request to the Board of Supervisors for final approval via Board Resolution.



Stanislaus County Parks and Recreation

3800 Cornucopia Way, Suite C • Modesto, CA 95358 • 209-525-6750 • <http://www.stancounty.com/parks>

Original Art Mural Permit Application

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

Application Date _____

Mural Installation Street Address _____

Property Owner Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Mural Artist/Sponsor Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Type of Mural (check all that apply)

- Mural painted on exterior building or wall Mural consisting of tile or other material affixed to exterior building or wall

Proposed mural dimensions

width	height	total area	depth of mural from plane of wall	overall mural height above grade
ft.	ft.	sq.ft.	in.	ft.

RESPONSIBILITY STATEMENT

The property owner must agree to comply with each of the following terms as consideration for issuance of an Original Art Mural permit. The application will not be accepted unless the property owner of the property on which the mural is to be located agrees to these terms by initialing each of them.

- Mural completed by an artist with prior experience. 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 an experienced artist.
- Review of mural design and location by the Director of Planning.
- Prior recommendation of mural design, size and location by the Parks and Recreation Dept, the Parks and Recreation Commission and approval by the Stanislaus County Board of Supervisors, before work commences.
- 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.
- Color: consistent with the surrounding area.
- Size: Some community parks contain walls that run the entire length of the park. The Parks and Recreation Commission may recommend restricting the size of the mural to ensure that it blends in with the surrounding area.
- Materials: durable, graffiti resistant and weather resistant materials.
- Workmanship: any support/attachments must be approved by a professional structural engineer; work on site must be supervised and approved by artist.
- Themes: consistent with surrounding area. Consideration will be given to themes that are of artistic expression. Themes such as nature, landscapes, or agriculture are encouraged.
- Murals shall not serve as an advertisement sign in violation of County Code.

9. Themes: consistent with surrounding area. Consideration will be given to themes that are of artistic expression. Themes such as nature, landscapes, or agriculture are encouraged.
10. Murals shall not serve as an advertisement sign in violation of County Code.
11. 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 Stanislaus County Board of Supervisors does not constitute an indication or promise of any conservation or restoration funds from the County of Stanislaus.
12. PROPERTY AND BUILDING OWNERS: Murals are protected under the California Art Preservation Act of 1980 (Civil Code Section 980 ET seq.), and/or federal copyright laws. THE PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING THEIR OWN LEGAL ADVICE AND FOR COMPLIANCE WITH ALL APPLICABLE LAWS.
13. It is the responsibility of the artist 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 owner/artist as needed. By submitting the application both the mural owner and property owner agree that should the mural be defaced and not maintained in good repair, the County has the authority to paint over the mural.
14. If vandalism to the mural occurs, it is the responsibility of the mural owner/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/artist, Stanislaus County can remove the graffiti vandalism using their standard removal techniques/materials.
15. A public meeting on the proposed mural will be held, with notice of the meeting provided to the neighborhood association and district coalition, and posted at the site of the proposed mural. I understand that a permit for an Original Art Mural will not be issued until the neighborhood contact requirements specified in Section III of the Original Art Mural Administrative Rules have been met.

With my signature below, I attest that each of the above initialed items is true, and I agree to each of these terms. I understand that I am contractually bound by these terms for the life of the mural. Violations of any of the above initialed terms, or regulations will be enforced by Stanislaus County.

Mural Owner Name (printed) _____

Mural Owner Signature _____ Date _____

Property Owner Name (printed) _____

Property Owner Signature _____ Date _____

Original Art Mural Application Submittal Requirements

All mural applications must be accompanied with the following information:

- Completed "Original Art Mural" application form, including signature of property owner and mural art owner
- One 8.5 x 11 inch site plan drawn to scale that identifies:
 - property lines
 - building location and façade on which the mural will be located
 - names of streets that abut site
 - north arrow
- One 8.5 x 11 copy of building elevations, drawn to scale that identifies:
 - location and dimensions of existing and proposed murals
 - height of the mural above grade
 - the building eave/cornice and roof line
- Details about how the mural is affixed to building façade
- Written description of material(s) used for the mural
- Design of Mural

All information is subject to change.

