



MURAL PERMIT POLICY AND PROCEDURES DRAFT

1. INTRODUCTION

Murals, like other public art, create a focal point for physical gathering, discussion, sharing of common interests, and provide an opportunity for personal and community reflection, all of which is beneficial to the health, welfare, and quality of life of the community. Murals are most often proposed by community members or organizations, but may also be commissioned by the City. It is the intent of the City that murals and other forms of public art be promoted and supported within the City of San Luis. Since most murals are highly visible, criteria, standards and procedures are deemed necessary and appropriate by the City as set forth below.

Murals are intended to attract attention, represent free artistic expression and be consistent with first amendment protections. Murals are generally located in high visibility areas such as on or in City buildings, within public spaces, on private places, or are visible to the public from a right-of-way. Because most murals are highly visible, public participation in the evaluation of location and design is deemed necessary and appropriate by the City.

2. OBJECTIVE, APPLICABILITY AND DEFINITIONS

A. Objective

The purpose of this policy is to establish standards for evaluating murals and a procedure for reviewing and evaluating proposed mural design and location within the City.

B. Applicability

This policy shall apply to any mural proposed on /or in a City space or building, a public place or is visible from a public right-of-way within the City.

C. Definitions

- 1) City Spaces and Buildings. The term "city spaces and buildings" shall mean any property (other than a right-of-way) owned by the City of San Luis.
- 2) Right-of-ways. The term "right-of-ways" shall mean any public or private parcel or easement utilized for the purpose of public vehicular and/or pedestrian movement within the City limits.
- 3) Mural. A "mural" means an outdoor wall decoration consisting of related elements intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. It may be a painting, a sculpture, tile, or a carved wood panel. The mural may not be used for advertising

purposes nor shall there be any lighting (neon or other artificial light) within the mural. Lighting of the mural by indirect sources may be approved in conjunction with the request.

4) Private Places. The term "private places" shall mean any exterior area on private property, which is easily accessible and clearly visible to the general public. Murals on private property may be open to the general public and clearly visible from adjacent public areas such as streets, sidewalks, or other public thoroughfares.

3. REVIEW CRITERIA

A. General Criteria: The City Council and any Commission reviewing the mural shall consider the proposals to ensure design integrity using the following criteria:

- 1) The mural is not primarily for business advertising purposes.
- 2) The mural does not create an environmental, ecological, or public safety issue.
- 3) Where proposed to be placed on private places and buildings visible from public rights-of-way, the mural complies with Standards for Murals in private places set forth in (Section B).
- 4) Where murals are proposed on City spaces and buildings the mural complies with Standards for Murals on City spaces and buildings set forth in (Section C).
- 5) The applicants are including adequate safeguards to prevent and ensure repair of the mural in the event of graffiti or other vandalism which shall be included in the City approved agreement.

B. Standards for Murals in private places. The City hereby establishes the following policy on content of art placed in /or on private places and visible from right-of-way within the City:

- 1) Nudity. Artwork containing nudity may be permissible unless a) it would constitute obscene matter, i.e., matter taken as a whole, which to the average person applying contemporary community standards appeals to the prurient interest and which depicts in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value; or b) it promotes sexual violence against an individual or group.
- 2) Violence. Artwork may be excluded if it promotes or, condones violence against an individual or group, or its graphic quality would be objectionable to the mural's target audience.

C. Standards for Murals on City spaces and buildings. The City hereby establishes the following policy on content of art placed in /or on City spaces and buildings owned by the City:

- 1) Nudity. Artwork containing nudity may be permissible unless a) it would constitute obscene matter, i.e., matter taken as a whole, which to the average person applying contemporary community standards appeals to the prurient interest and which depicts in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value; or b) it promotes sexual violence against an individual or group.
- 2) Violence. Artwork may be excluded if it promotes or, condones violence against an individual or group, or its graphic quality would be objectionable to the mural's target audience.

3) Partisan Political Statements on Public Property. Artwork on public property which contains partisan political statements may be excluded.

4 . APPLICATION AND PERMIT PROCEDURE

A. Application: Application forms for mural permits are available from the Planning and Zoning Department, 1090 E Union Street, San Luis (928) 341-8563. The application shall be submitted by the person or organization proposing the mural and shall include the individual or organization's name, address, and daytime telephone number. If located on private property, the application shall include reliable evidence of ownership of the parcel or owner written authorization as well as owner contact information.

B. Information Required: Application forms for mural permits shall include the following minimum information and any additional information deemed necessary by staff of the Planning and Zoning Department to complete the review of the application:

- Copies of a color sketch to include full and accurate summary of the dimensions, weight or other physical characteristics of the proposed mural drawn to scale in 8 ½" x 11" format.
- Copies of the elevation of the building noting the location and dimension of the mural in 8 ½" x 11" format. Information as to existing texture and material of the building may also be required.
- A written description of the proposed mural, the artistic purpose of the mural, including subject matter; type of paint and sealer to be used; and expected life span for the mural.
- A written plan for routine maintenance prepared in coordination with the building owner for proper long-term care of the artwork. The plan must address graffiti removal, maintenance of peeling/flaking paint, fading, etc.; a façade easement will be required for private property locations.
- A description of costs associated with recurring maintenance costs.
- A description of the process to be used to create the mural. For example, will children be involved in the design process working with a professional artist?
- Photographs of the building on which the mural is proposed;
- Artist's credentials, including photos of previous works, and references;
- Other information the Planning and Zoning Director may reasonably require to secure compliance with applicable regulations and design guidelines.

C. Processing Procedure:

1) Upon receipt of an application form for a mural permit, staff shall notify and route copies of the application materials to appropriate departments and appropriate agencies. Staff shall examine the application for completeness, for conformance with the City's existing rules, regulations and policies and make a recommendation to the City Council. The following criteria shall be the basis for review, comment, and recommendation on any proposed mural:

- a) Safety concerns that exist or may arise due to the nature of the mural or its placement.

- b) Negative impacts of the mural given environmental and ecological considerations of the proposed location.
 - c) Poor site selection/planning including landscaping, drainage, grading, lighting, and seating considerations.
 - d) Poor accessibility to the public including persons with disabilities.
 - e) Negative impact on adjacent property owners' sight line and site views.
 - f) Vulnerability to vandalism.
 - g) Missing other site requirements such as water, electricity, and lighting due to the nature of the mural.
 - h) Lack of durability of the mural and its inability to withstand exposure to the elements.
 - i) Availability of maintenance to properly care for and keep the mural safe from vandalism and graffiti.
 - j) Whether the proposed artwork would interfere with access and use of City right-of-way or public areas or public areas for their principle intended uses.
 - k) The budgetary impact of acceptance of the mural and cost of site development.
- 2) The application for mural and maintenance agreement shall be submitted to the City Council for a consideration.
- 3) The City Council shall, approve, conditionally approve, or deny the mural permit application.