



CITY OF EMERYVILLE

M E M O R A N D U M

DATE: August 8, 2019

TO: Public Art Committee (PAC)

FROM: Emi Thériault, Community and Economic Development Coordinator II

SUBJECT: **Mural Program Guidelines Review**

RECOMMENDATION

Staff recommends that the PAC provide staff updated direction on the development of the City's inaugural Public Art Mural Program Guidelines (Guidelines) for recommendation to the City Council for adoption.

BACKGROUND

The Public Art Master Plan (PAMP), adopted by the City Council on December 6, 2016, identifies several conceptual programs and projects, including a Murals Program. On January 12, 2017, the PAC directed staff to focus initial PAMP implementation efforts on the development of program guidelines for a mural program sponsored by the City. By the end of February, PAC had selected a subcommittee to work with staff to develop administrative guidelines and an approval process. On April 18, 2017 PAC's Mural Program Subcommittee had worked with staff to develop a draft set of Guidelines but recommended that a pilot mural project be implemented prior to action on the draft Mural Program. Consequently, although the draft was fully developed at that point, the review was tabled, pending completion of the pilot mural project.

The pilot mural project consisted of a request for mural installation adjacent to the Emeryville Greenway running diagonal between the intersections at Powell and Hollis and Stanford at Peladeau (Peladeau Park). The primary lessons learned from the pilot mural project are analyzed in Attachment 1.

The Pilot Mural Project was completed by the end of Spring 2018, however, due to a lack of funding for a Mural Program at that time, additional review of the Guidelines and the program in general was tabled pending identification of funds. As described in a separate report to the PAC, funds have since been identified that may be used for the Mural Program.

. With completion of the successful Pilot Mural Project and identification of an ongoing resource to fund a Mural Program, the PAC requested staff to return with the Guidelines for its consideration. The Guidelines were presented to the PAC at its meeting of July 11, 2019. Copies of the Guidelines were distributed to the PAC after the July PAC meeting and are found as Attachment 2 to this report.

The following discussion provides a general overview of potential pathways for mural proposals and related PAC review opportunities. Staff is requesting the PAC discuss these considerations and provide staff feedback. During the PAC's review of the Guidelines on July 11, 2019, the PAC noted that the Guidelines were largely ready for a recommendation to the City Council for approval. If possible, staff requests the PAC provide specific, targeted updates and comments that can be incorporated into the Guidelines for a recommendation to the City Council.

An action on the Guidelines by the PAC would be in the form of a recommendation to the City Council, which would then review the Guidelines and related processes for adoption. The Guidelines by nature are intended to provide a framework for process and are not regulatory, although aspects of the process are required by the Municipal Code (e.g. review and approval of project contracts by the City Council). The intent of the Guidelines is to provide a consistent process through which the community and artists can propose and implement mural projects to beautify the City of Emeryville and otherwise promote the arts.

DISCUSSION

Overview of Considerations

There are several considerations and potential pathways to the creation and implementation of a mural project:

Eligible Proposals:

- The Guidelines allow for any member of the community, including residents, business owners, City staff, elected officials and appointed committee members to make a proposal for a mural.
- Proposals are subject to review by the PAC where required by provisions of the Municipal Code.

Location:

- PAC invites a call for proposals:
 - For a specific location, or
 - For a general area or city-wide
- City staff recommends a graffiti site for a mural
- Artist(s) submits a proposal for a specific site
- Community member or business owner submits a proposal for a specific site
- Property owner elects to install a mural on their private property, a specific site

Potential Funding Sources:

- Private funds
- Public Art funds
- Other Public funds (e.g. Façade Grant funds, Graffiti Abatement funds, Community Grant)

Application of Funds:

- To be used on private property
- To be used on a publicly owned property or infrastructure within the public right of way

PAC Review is Required When:

- The project is funded entirely by Public Art funds
- The project is funded by a combination of Public Art funds and Other Public funds
- The project is proposed for installation on a publicly owned property or infrastructure within the public right of way

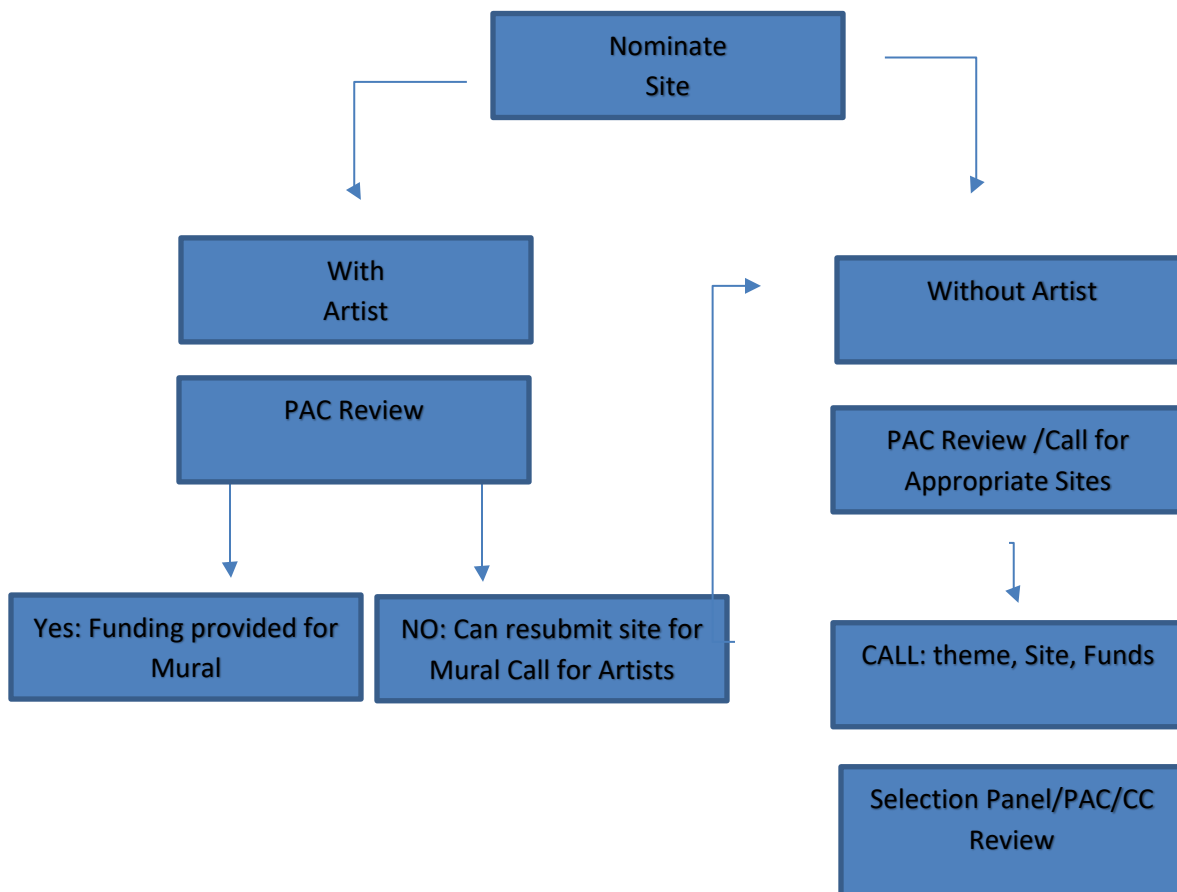
PAC Review is Not Required nor Provided for in Municipal Code When:

- The project is funded entirely by private funds and located on a private property
- The project is funded entirely by Other Public funds (with no match from Public Art funds)

A figure illustrating funding as it relates to the PAC’s review opportunities is included as Attachment 3.

Review Process:

Staff proposes a two-step process for selecting sites and murals for the sites, illustrated below.



Step One: Nominate sites

Property owners or artists may nominate a site (consistent with the Guidelines) with an artist pre-selected for PAC consideration. The PAC may review such proposals including factors relating to applicant's site control and ability to enter into an Agreement of appropriate term. The PAC can review on an ad-hoc basis or on a set schedule (such as annually or bi-annually). Applications could be accepted on a rolling basis. After review, if the PAC declined to approve a proposal for funding, the site owner could be asked to submit an application to be considered for a call for an artist to be selected by the PAC, as outlined below in Step Two.

If a site owner or tenant nominates a site without a pre-selected artist they would be considered for Step Two of the selection process.

Step Two: Call for artist specific to nominated site(s)

With a site or multiple sites nominated as described above under Step One, the PAC can release a call for mural proposals consistent with the Guidelines and identifying the theme, location and budget for each nominated site. The recommended mural would be subject to City Council approval and funding allocations.

The review process outlined in the Guidelines provides for both PAC-directed calls for proposals as well as Community-member requests for a mural project at a specific site. Both PAC-directed calls and Community member requests may be submitted in conjunction with a recommendation of Staff e.g. to address a site with ongoing graffiti issues or a building that provides an inviting nuisance (is likely to be tagged) because of a wide expanse of unarticulated elevation. The Guidelines include all the general process, application submittal, and review criteria needed to process a mural proposal.

Before submitting the Guidelines to the City Council for consideration, staff has asked the PAC to take a final look at the Guidelines in view of lessons learned from the Pilot Mural Project and to consider questions from staff, detailed in the following section.

On July 11, 2019, the PAC's review of the Guidelines resulted in a direction to staff to bring the item back for additional review, prior to consideration of a recommendation to City Council. The PAC asked for time to study the document and to provide staff with comments that might be incorporated into the Guidelines. Since that time, and following outreach to Committee members, staff has received comments from two members. Those comments, and other comments received by PAC at the July 11, 2019 meeting are noted below.

Staff is requesting the PAC discuss these outstanding and potential modifications to the Guidelines and to confirm which, if any, of these changes should be incorporated into the Guidelines with a recommendation to the City Council on the Guidelines.

Discussion Questions:

1. *For all types of proposals, should a) the Review process require a selection committee be formed for initial review to determine a short list of finalists, or b) should all artist submittals be brought before the full PAC?*

The current Guidelines provide for a Selection Committee process to assist with the initial application submittal compliance review and to provide a short list of proposals that meet the submittal requirements and the theme, artist experience confirmation, and evidence of art quality requirements for proposals.

2. *Should project nominations be accepted a) on a “rolling basis” to allow for Community-driven proposals throughout the year, or b) on an annual basis pursuant to a competitive call for nominations?*

Staff proposes nominations be accepted on a rolling basis, following the two-step process above.

3. *Should a minimum percentage match be required of Public Art Funds to obtain other City funds for a project, which would enable the PAC to gain purview over other city-funded projects not currently subject to PAC review?*

PAC’s review of proposed art works is ensured with AiPP investment in a mural. Murals commissioned with other public funds may not be reviewed by PAC if located on private property. Matching funds could ensure PAC review. Revision of other programs such as the Façade Grant or Community Grant may need to be considered by the City Council to align and leverage each program efficiently.

4. *How will the budget for a mural project be determined? ...Should the call for artist proposals include information regarding the maximum budget for the call?*

Staff would recommend that the PAC determine the budget on a per project basis in consideration of several factors including the scope and size of the project. Using a case-by-case determination could allow for the potential variation in Art Funds budget required, in view of potential matching funds. The PAC is asked to confirm if the Guidelines should be updated to articulate that the budget maximum should be referenced and, if so, whether the budget should be shared in the call for artists.

5. *As written, the Guidelines allow for anyone to submit a proposal for a Public Art funded mural. Should the Guidelines limit who can propose a mural for PAC consideration? May an artist or person who does not live or work in the community but has an idea for a mural be able to submit a proposal, for example?*

Site control or agreement for site access may be a minimum criterion.

6. *Should the recommendation to the City Council on the Guidelines request that the City Council consider applying the Guidelines to all murals funded by public funds, regardless of whether Public Art funds are to be used?*

As noted above, the PAC's purview is limited to review of projects that use Public Art Funds and for projects to be installed on Public Property. It should be noted that this would be a request for Council to extend the purview of PAC and would require an amendment to the Municipal Code, City Attorney review, and related public hearings to update the City regulations to expand the authority of the PAC. City Council's review of the proposal may necessitate consideration of how the expansion of duties might extend to other City committees.

7. *Should PAC request a notification requirement for mural projects?*

If a mural is subject to Council review due to the use of public funds and/or the proposed location of the mural on public property, the project is reviewed by Council and the related agenda is posted for public view. Projects that include use of Public Art funds or are to be located on Public property are also subject to the PAC's review. The Municipal Code currently requires written notice to property owners within a specified radius of a project site for certain types of development projects. It should be noted that this would be a request to Council to update various program documents and regulations relating to the expenditures of public funds that could be used for murals. Additional review by the City Attorney, and potentially several City Council actions related to requests to update the various funding programs and regulations would be required, as murals installed by private entities such as Lanesplitter or Bay Street require no permits or discretionary review.

Attachments

1. Pilot Lessons Learned
2. Mural Program Guidelines
3. Matrix of Mural Review Requirements