



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: June 21, 2022

Agenda Item 4N
Approvals:
City Manager ES JS
Dept. Head _____
Attorney CJ
Finance JW

Department: Beaches, Parks & Recreation
Prepared By: Samantha Wylie, Beaches, Parks & Recreation Director

Subject: *MURAL ON PUBLIC PROPERTY – NORTH BEACH CONCESSION/RESTROOM BUILDING*

Fiscal Impact: Yes. If approved, Public Works would need to apply an anti-graffiti and UV sealant every two years at an estimated cost of \$750 per occurrence.

Summary: Staff, the Beaches, Parks and Recreation Commission, and the Design Review Subcommittee recommend the City Council approve a request to install a mural on the south side of the concession/restroom building located at North Beach proposed by San Clemente Sunrise Rotary and the San Clemente High School Interact Club.

Background: In 2017, the City Council approved the Artwork on Public Property procedure. This policy allows for individuals or organizations to apply to create and establish artwork on public property by going through a formal review process. This includes review by the Design Review Subcommittee and Beaches, Parks and Recreation Commission, ending with City Council approval and acceptance.

For many years, a mural was featured on the North Beach concession/restroom building depicting “Character Counts” messaging with a surf theme. This mural was designed and executed by the San Clemente Sunrise Rotary Club (“Rotary Club”) and the San Clemente High School Interact Club (“Interact Club”) in 2000-2001. See Exhibit 1 below. Due to the continued dilapidation of the North Beach concession building, in early 2017 the mural was removed to allow for critical repairs to be performed.

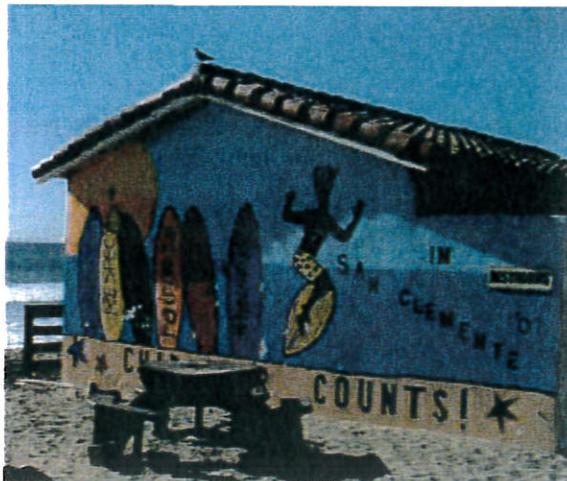


Exhibit A. Previous “Character Counts Mural”, installed 2000-01.

In June 2022, the Beaches, Parks & Recreation Department received a public art application to re-establish the “Character Counts” mural at North Beach (Attachment 1). The mural request consists of a painted mural on the south wall of the North Beach concession building.

A public notice was posted on the proposed mural site on June 9, 2022. No comments from the public have been received at the time of report preparation.

The proposed mural was reviewed by the Beaches, Parks and Recreation Commission at its June 14, 2022 meeting and the Design Review Subcommittee at its June 15, 2022 meeting. Both groups recommended the City Council approve the proposed mural.

Discussion: The proposed mural seeks to replace the previous mural on the concession building. The Rotary Club has been working with the Interact Club, SCHS Advanced Placement Art student Estella Olivares, and local professional artist, Josh Paskowitz, to prepare a new mural design that captures the essence of the previous mural while providing an update and modern appearance. The final installation of the mural will be completed by the students with support from the professional artist and members of the Rotary Club.

The applicant has submitted an in-concept design that will include youth surfers of varying ages holding surfboards that depict each of the pillars of the “Character Counts” program (Attachment 2). The final work product will be full-color utilizing similar color tones to the previous mural. Additionally, the mural will include the SCHS Triton logo, honoring the Interact Club’s contribution, and the Rotary Club logo in the lower right corner, not to exceed 12” x 12”, respectively.

The Rotary Club and the Interact Club have expressed an interest in beginning work on the mural before the July 4th holiday weekend to expedite the installation ahead of the peak summer season. The approved public art process dictates a public notice be posted on the mural site for 30 days. A public notice was posted on June 9, 2022, making a waiver of this requirement necessary to facilitate the applicant's timeline. Staff recommends accommodating this request and can make all necessary site preparations within this timeframe.

Plan & Policy Consistency:

The project is consistent with related General Plan policies as shown in the table below.

Policy	Project Consistency
<p><u>UD-1.02</u> Design of Public Plazas and Spaces. <i>“We require public plazas and spaces to be designed for safety, comfort, convenience and universal accessibility. They should be well-defined by surrounding buildings, located near the</i></p>	<p>Consistent. The project proposes a painted mural in a public space, adding public art consistent with the policy.</p>

<i>public street for good visibility and convenience and incorporate amenities such as seating, distinctive focal points, <u>public art</u>, shade trees and/or eating and entertainment facilities."</i>	
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Recommended

Action:

STAFF, THE BEACHES, PARKS AND RECREATION COMMISSION, AND THE DESIGN REVIEW SUBCOMMITTEE RECOMMEND THAT the City Council

- 1) Waive the 30-day public notice posting requirement to facilitate an expedited mural installation process; and
- 2) Approve the "Character Counts" mural proposed by the San Clemente Sunrise Rotary and San Clemente High School Interact Club to be installed on the south wall of the North Beach concession and restroom building.

Attachments:

1. Application for Art on City-Owned Property
2. Proposed Conceptual Artwork

Notification:

San Clemente Sunrise Rotary



City of San Clemente
Beaches, Parks and Recreation Department
 100 N. Calle Seville, San Clemente, California 92672
 Phone: (949) 361-8264 | Fax: (949) 361-8280

ART ON CITY-OWNED PROPERTY PROCEDURE & APPLICATION

An important source of public art is that which is privately funded, but located in a public place. Usually, such works are commissioned by an individual, a group of individuals, a non-profit organization or a business or corporation. All interested parties must proceed through the following process.

SUBMITTAL OF PROPOSAL

All proposals for privately funded public art placed on City property must be submitted by using the Art on City-Owned Property Application. The form must be accompanied by drawings, models, photographs or any other graphic depiction that will help to clearly define the artwork. All proposals must be for original works of art and refrain from the use of any copyrighted or trademarked images. Applications should be submitted to the Recreation Division with attention the Recreation Manager.

EVALUATION & APPROVAL OF PROPOSAL

Evaluation Process

Once the proposal is received by the Recreation Manager, it will be reviewed within 4-6 weeks. The Manager will evaluate the project based on the guidelines below and may make suggestions for improvements before proceeding forward through the remainder of the process.

Evaluation Guidelines

Project concepts will be evaluated based on, but not limited to, the following criteria:

- Understanding of the work that may be required by the City (ie. possible preparation of site)
- Evaluation of artistic excellence related to the art theme and concept
- Appropriateness of scale, form, material, content and design relative to the site
- Relationship to the social, cultural and/or historical identity of the site
- Compatibility and enhancement of the surrounding community
- Appropriateness of proposed materials in regards to structural and surface integrity, public safety, potential weathering, and its protection against vandalism
- Ease of long-term maintenance
- Any relevant experience in working on comparable projects
- Projects proposed for areas of high historical sensitivity, such as the Ole Hanson Beach Club and surrounding area, should be given the closest possible scrutiny to determine if the project would be an enhancement to the area

Approval Process

Once a privately funded project is recommended for placement on City-owned property, it will be reviewed by the City departments and advisory bodies listed below. The Recreation Manager acts as the project manager for all projects and is responsible for guiding the requesting agent/agency through the following approval stages.

1. Recreation Manager receives and reviews the proposed project to assure that it complies with the preliminary guidelines listed above.
2. Public Works Director or his/her designee reviews the proposal to assure:

- a. that the artwork's placement will not create undue difficulties for maintenance of the surrounding area, and
 - b. that the proposed materials are durable and will not create significant maintenance problems for the artwork itself.
3. Public Notice is displayed at the site being requested. The notice will remain in effect for 30 days, affording the general community and surrounding neighborhood an opportunity to understand the project that is being considered. Notice will also be delivered through the press media, City social media networks, and by display on the City website.
 4. Design Review Subcommittee reviews the proposal to assure that it abides by any possible architectural overlays or other related restrictions that maybe affected by the project.
 5. Beaches, Parks and Recreation Commission reviews and provides recommendation to Council on how to proceed.
 6. City Council makes additional recommendations and/or approves the concept and authorizes execution of the project.

Appeal Process

If the proposal is rejected at any stage, the requesting agent or agency has the right to appeal this decision to the City Council. The findings and rationale for rejecting the project will be made available to the Council when considering the appeal.

LABELING OF ARTWORK

Standard Plaque

The donor is directed to purchase and install a plaque for the artwork or the Recreation Manager may seek approval from Council to use public funds for the plaque. If the donor wishes to purchase and install the plaque, the following standard format must be used:

- Title of artwork
- Artist's name
- Date of completion
- Material(s) used (optional)
- Short explanation of work (optional)

Deviation from Standard Plaque

All requests to deviate from the standard plaque are made to the Recreation Manager.

FINAL ACCEPTANCE

Maintenance. The Recreation Manager provides the Public Works Department with a Public Art Maintenance Record form. See details regarding routine maintenance and scheduling in the section of this document titled 'Maintenance and Repair', this includes estimated lifespan of artwork.

Inspection and Acceptance. All donated projects on public property must have final inspection approval by the City's Public Works Department and the Recreation Manager. A formal letter of acceptance will be completed and delivered.

Ownership. Upon completion, the artwork becomes the property of the City of San Clemente. See details regarding routine maintenance and scheduling in the section of this document titled 'City's Right of Ownership'.

DEDICATION OF ARTWORK

Once installation is complete, the Recreation Division organizes a dedication ceremony that formally presents the piece to the community, recognizing the artistic efforts of the artist and/or organization(s).

INSURANCE REQUIREMENTS

The City's Risk Manager will be consulted to determine the appropriate type and level of insurance that may be required to carry by an artist during the time the artwork is being installed.

Once artwork is formally accepted, the City assumes responsibility and liability for the art and insurance will not be required.

AGREEMENT/CONTRACT PREPARATION

Upon conceptual approval of the project by the City Council, the artist and/or requesting organization and the City will sign a contract establishing the terms of the proposed installation of public art in the designated public place. This contract will define responsibilities of both parties and will include insurance requirements, terms of installation, and other terms as may be deemed necessary through legal review. This contract can vary based on each individual project that is proposed and approved.

MAINTENANCE AND REPAIRS

Like all City facilities, public art requires maintenance and occasional repairs. The City's guidelines encourage artwork requiring "little or no maintenance", however artwork will vary in the amount of maintenance required, resistance to vandalism, and ease of repair. Maintenance shall be comprised of the following:

- **Maintenance Record Form**

It is essential that the artist and the City be clear about maintenance expectations from project initiation. Prior to final acceptance of the artwork, the Recreation Manager ensures that the artist has completed a Public Art Maintenance Record Form. The original copy of the form is kept by the Recreation Manager and a copy is forwarded to the Public Works Department.

- **Maintenance Responsibility**

The Public Works Department is responsible for maintaining City facilities, and this includes all City-owned public art. A list that identifies which Public Works Department division is responsible for the maintenance of a particular piece of public art is available from the City's Public Art Manager.

- **Types of Maintenance.** The City is responsible for:

- **Routine Maintenance.** Such maintenance may include trash and graffiti removal, cleaning, waxing, and/or minor landscaping. Frequency will vary by type of artwork, but bi-weekly or monthly checks by maintenance staff during the normal course of their rounds would be typical.
- **Cyclical Maintenance.** Cyclical maintenance is done at regular, but much less frequent intervals. It involves more extensive treatment such as inspection and surface applications of protective coatings (e.g. repainting). Because this work could significantly affect the appearance and longevity of the artwork, it may require special knowledge or skills. Before proceeding with the work, staff should either:
 - Consult the artwork's Maintenance Record Form for specific procedures, or
 - Consult the artist or other art professional on use of cleaning compounds, paints, solvents, and surface coatings.
- **Repair and Restoration.** This involves the treatment of damaged or deteriorated artworks to return them to as close to their original appearance as possible. Extreme care must be used to maintain the artistic integrity of the artwork. The repairs must preserve the artist's intent in both design and materials. In many cases, such repairs require the involvement of the original artist, or if that is not possible, an art conservator trained in art restoration. Again, the artwork's Maintenance Record Form, prepared by the artist prior to final City acceptance of the artwork, gives some guidance on this issue. In many cases restoration

to original condition is not practical or achievable. The City will take the best possible care to maintain the artistic integrity of artwork.

CITY'S RIGHT OF OWNERSHIP

Upon completion of artwork, the City assumes complete ownership of artwork installed in or around City owned properties. The City may adhere to the following standards:

- **Relocation, Alteration or Removal**

Over time City-owned artworks may need to be relocated, altered, or removed from public display. Reasons for such changes could be as follows:

- significant changes occur in the design or function of the site or facility where the artwork is located;
- to avoid damage to the artwork, e.g. during construction activities or as a result of vandalism, war or civil unrest, natural disasters, and environmental pollution;
- to allow repairs or restoration that could not be effectively done in place;
- supporting structure is no longer in fair condition, is deemed unsafe, and/or will require repairs beyond normal wear and tear; or
- to improve public health, safety or welfare.

As necessary as removal or relocation may seem, it should be undertaken only after careful consideration. Artworks are usually created for a specific location, and changes may not be consistent with either the City's or the artist's original intent. To ensure that all parties' needs and rights are considered, City Manager approval must be secured for the relocation, alteration, or removal of permanent, city-owned artworks.

Contract language on relocation, alteration or removal ensures that:

- The artist's contract clearly acknowledges the City's rights to relocate, alter or remove the artwork, with or without special conditions requiring written notice to the artist, prior artist permission, arbitration in the event of a dispute, or other provisions;
 - The City has the permanent addresses and phone numbers of the artist and/or organization of at least one responsible party who can be contacted regarding relocation, alteration or removal. It is the responsibility of the artist to keep this information current.
- **Approximate Lifespan**

The lifespan of artwork can vary based on original application and unforeseen maintenance challenges. It is estimated that the approximate lifespan for coastal zone locations is 10 years and the approximate lifespan for inland location is 15 years.

Please retain this packet of information for your records throughout the art planning process.



City of San Clemente
Beaches, Parks and Recreation Department
 100 N. Calle Seville, San Clemente, California 92672
 Phone: (949) 361-8264 | Fax: (949) 361-8280

ART ON CITY-OWNED PROPERTY APPLICATION

Please review the procedure guidelines before completing this application. The donor/owner must complete and sign this application form. If the donor/owner is not the artist who created the artwork, the artist must also sign this Application below. In order to process your application as quickly as possible, the application must be submitted to the Recreation Division in complete form. Incomplete applications will be delayed in the review process and are grounds for denial.

APPLICANT INFORMATION			
Donor/Organization Name:	San Clemente Sunrise Rotary		
Primary Contact:	Sally Guon	Phone:	
E-mail Address:			
Mailing Address:			
Non-Profit ID #:	61-1952119	SC Business License #:	19454

ARTWORK INFORMATION			
Title of Artwork:	Character Counts		
Artist Name/Company:	Stella Olivares*SCHS & Joshua Paskowitz*Muralist		
E-mail Address:		Phone:	
Mailing Address:	TBD		
Proposed Location:	North Beach; south exterior wall of restroom & concession stand		
Description of Work: <i>(Attach additional drawings, models, photographs or other graphic depiction which will help more clearly define the artwork)</i>	A multicultural mural depicts the heart and soul of San Clemente's youthful beach vibe demonstrating Character Counts in San Clemente. Six pillars of character are ethical values that transcends all socioeconomic, cultural + religious differences. The playful boardwalk scene is a regular at our beaches as free-spirited youth eagerly celebrate surf-life in our coastal community. A strategically placed board adds life to the mural and will serve as backdrop for photo-op by locals and tourists alike.		
Goal of the artwork/significance to the community:	A timeless mural at N. beach is iconic to our culture in San Clemente + N. beach. A mural depicting our town where Character Counts will create synergy in our community + bring a nostalgic past to the present + beyond		
Materials/Medium:	outdoor water/weatherproof acrylic latex	Dimensions:	approx 25' w X 15' h
Appraised Value:	TBD		
Is the artwork commissioned?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the artwork donated?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If commissioned, please provide the artist's SC Business License #:			

ACKNOWLEDGEMENT OF APPLICATION AND EXPECTATIONS

By signing this Application below and in consideration for participating in the City's Art on City-Owned Property program, the artist/owner acknowledges and understands that upon completion and installation of the artwork, and upon its acceptance by the City Council, the work shall become the property of the City of the San Clemente. The City retains the right to remove or relocate the artwork in its sole discretion as the interest of the public welfare, health and safety may require.

If the artwork is damaged, defaced, altered or destroyed by human acts or by acts of nature, the City retains the right to remove, restore, repair or replace the artwork at any time in keeping with the artist's original design intent, without consulting the artist, or his or her heirs or assigns. The City will make reasonable efforts to contact the artist, or if unavailable, another design professional, to advise or assist in any restoration work.

I have read, understand and accept the terms herein and represent that I am the owner / sponsor of the artwork which is the subject of this Application. (owner, artist, or owner/artist)

Sally Guon / San Clemente Sunrise *Sally Guon* 6/13/2022
Print Name Signature Date

I have read, understand and accept the terms herein and represent that I am the _____ of the artwork which is the subject of this Application. (owner, artist, or owner/artist)

Print Name Signature Date

Please make a copy of the application for yourself, prior to submitting it to the Recreation Division. Your application will be circulated to all additional approval bodies and required City departments.

SUBMISSION CHECKLIST

- Application
- Copy of City of San Clemente Business License (plus, artist's if applicable)
- Photo of proposed location
- Design Concept & Drawings

Please **submit this application to the City of San Clemente Recreation Division** by email at recreation@san-clemente.org or mail to 100 N. Calle Seville, San Clemente 92672. For questions, please contact Recreation at (949) 361-8264.

