

# City of San Bruno Community Services

## Mural Program

### I. PROGRAM STATEMENT

It is the intent of the City of San Bruno to facilitate the installation of artistic murals in appropriate locations throughout the city. Murals can play an important role in enriching community spaces and enhancing cultural and social life. This program enables the City to effectively facilitate mural opportunities by providing a mural review and approval process, criteria, and a funding process for proposed murals to ensure consistency, transparency, and aesthetic value of mural installations in the community.

### II. PURPOSE

The goal of this program is to facilitate the installation of murals by providing the City, mural applicants, artists, and property owners with a consistent and clear process for creating murals that enhance the general health and welfare of the community.

### III. DEFINITIONS

- A. **“City”** means the City of San Bruno.
- B. **“City Property”** means property on which the City has rights of ownership or use, including property owned, operated, licensed, or leased by the City.
- C. **“Mural”** means a work of art that is fully integrated into the exterior of property, for decorative purposes only, and includes no commercial message.
- D. **“Commission”** means the City of San Bruno Culture and Arts Commission
- E. **“City Council”** means the San Bruno City Council
- F. **“Alteration”** means any change to an approved mural, including but not limited to any change to the image(s), materials, colors, or size of the mural

### IV. MURAL APPLICATION PROCESS

The installation of new murals may be initiated by the City or by private property owners. Murals require approval by the City Council prior to installation.

#### **Mural Installations Initiated by the City on City Property**

1. City staff or the Culture and Arts Commission may initiate a mural installation on City property by selecting an appropriate City property for the mural and a scope and theme for the mural. An initial recommendation on the mural may be provided by the Commission, potentially utilizing community engagement.
2. Once this property and a scope and theme is selected, staff will present this to the City Council for action on the designation of the location of the mural on City property and a scope and theme for the mural and, if needed, appropriation of the funding.
3. Following City Council conceptual approval, staff will release a request for proposal (RFP) requesting specific proposals for mural project installations on selected City property.

4. The Commission will review the responses to the RFP according to criteria listed in Section VI and make a recommendation to the City Council for their review and action on the mural.
5. The City Council shall make a final decision on the mural.

#### **Private Property Owner Initiated Murals**

1. Private property owners may initiate the installation of a mural by submitting a mural application to the Community Services Department, Library Division. The Community Services Department will be responsible for ensuring that applications are complete according to objective criteria in Section V. Incomplete applications will not be accepted and will be rejected.
2. The property owner shall agree to enter into an agreement with the City for an easement for the mural and the artist shall enter into an agreement with the City to grant the City rights to the artwork.
3. Upon approval by the Community Services Department that all objective criteria in Section V are met, the Commission will review mural applications at one of their meetings and make a recommendation to the City Council for their review and action on the mural.
4. The City Council shall make a final decision and authorize the City Manager to enter into an agreement with the property owner for an easement for the mural and an agreement with the artist to grant the City rights to the artwork.

### **V. OBJECTIVE MURAL APPLICATION REQUIREMENTS FOR APPROVAL BY COMMUNITY SERVICES**

This section contains objective approval criteria for both City and privately initiated murals. The Community Services Department shall determine that all requirements are met before a mural application can appear before the Commission.

- A. Proposed murals must be original works of art.
- B. A mural must be designed and installed under the supervision of a qualified artist, muralist or other qualified professional who has sufficient knowledge and experience in the design and execution of such projects, as well as with the application of the selected medium.
- C. The applicant must have a feasible funding plan to finance the installation of the mural (see Section VIII on the use of public funds to finance a mural).
- D. The Commission will recommend an installation period for the mural.
- E. Once the City Council approves the final mural design, the artist cannot change the design without returning to City staff for approval of the changes.
- F. Murals become the property of the City. The approval and acceptance of each public art mural shall be contingent upon the conveyance of a mural easement to the City from the owner of the structure upon which the mural will be located. The terms of the easement are specified in Section X.
- G. The mural artist must grant the City full rights to the artwork, including the waiver of all rights under the California Art Preservation Act (CAPA) and the Visual Artist Rights Act of 1990 (VARA).
- H. Each mural requires a maintenance plan and a contract with the artist providing for duration of artwork and decommissioning procedures.

- I. Murals must be visible from the public right-of-way and purposefully integrated into the interior or exterior of the property on which it is located.
- J. Murals shall only be allowed on structures or fences within approved zoning districts. These districts shall include all mixed-use and commercial zones (CBD, TODS, TOD1, TOD2, MXR, CC, C-N), as well as any planned development or specific zones/overlays that explicitly allow murals.
- K. The City reserves the right to reject any application for any reason.

## **VI. CRITERIA FOR REVIEW OF MURAL APPLICATIONS BY THE COMMISSION AND CITY COUNCIL**

Once vetted by the Community Services Department, mural approval applications will be reviewed by the Commission. The Commission will provide an advisory recommendation to the City Council who will review and make a final decision on the mural application, according to the criteria below.

### **Concept of Art**

- Strength of art concept
- Originality and craftsmanship of proposed artwork
- Appropriateness of the visual imagery for all audiences (not reflecting politics or containing sexual, religious, or violent content or expressing a commercial aspect)

### **Scale**

- Appropriateness of scale of the artwork for the surrounding environment
- Appropriateness of the wall upon which the mural will be installed
- Strength of concept in regard to the target audience for the artwork (pedestrians, from moving vehicles, stationary audience, etc.)

### **Context**

- Creatively responds to the site and character of the San Bruno Community.

### **Feasibility**

- An appropriate budget and proposed materials to ensure durability for the proposed lifespan on the artwork
- Suitability of the wall surface to receive the proposed materials
- Commitment to prepare the surface for painting and to use acceptable UV/graffiti protective coating

### **Artist Qualifications**

- Have previously designed and installed projects of similar style, medium, and scope, particularly in the nine county Bay Area
- Demonstrated ability to complete mural in a timely manner and with an appropriate level of quality of materials
- Ability and willingness to collaborate with City staff and the Commission

## **VII. APPEALS ON THE MURAL AGREEMENT ACTION**

**Appeals:** All City Council decisions with regard to the mural agreements are final.

## VIII. PUBLIC ART MURAL PROGRAM FUNDING

The City Council may receive a funding recommendation from the City Manager and may approve a budget allocation for murals as part of the annual City operating budget process, utilizing the public art fund. The Culture and Arts Commission may recommend mural project funding as part of this process, subject to review by City staff prior to inclusion in the City Manager's recommended budget to the City Council. Annual mural funding is subject to the availability of funds at the beginning of each fiscal year. City Staff may establish procedures for allocating such funds during the fiscal year, such as issuing a request for proposals or establishing selection criteria. Murals may also be funded by private parties, provided the City owns the mural through an agreement with the property owner for an easement for the mural and an agreement with the artist to grant the City rights to the artwork.

## IX. MURAL AGREEMENT REQUIREMENTS

**Mural Agreements Required:** Any applicant seeking to construct, install, modify, maintain, or engage in an activity relating to a mural shall obtain City Council approval for the City to enter into the required mural agreements pursuant to the requirements of this program

**Mural Application Form:** The applicant shall submit a complete, duly executed mural application in a form approved by the Community Services Director, which may be updated from time to time. The application will not be considered duly filed or complete unless submitted in accordance with the requirements of this program. The applicant shall pay any applicable application processing fee, as set by the master fee schedule, at the time the application is submitted.

**Applicant:** The applicant of any mural installation request shall be either: (1) the property owner(s); or (2) an authorized agent.

**Property Owner Authorization:** If the property owner(s) is not the mural applicant, the explicit written consent of the property owner(s) is also required in the application.

**Failure to Adhere to Mural Agreement Requirements:** In the event that the installation plan submitted is not adhered to, and the City has identified either a safety risk to either the artist(s) and/or the public, the City has the right to stop work until such time that safety issues or concerns are addressed by the structure owner and artist(s).

## X. MURAL EASEMENTS

As stated in Section V, the approval of a public art mural shall be contingent upon the conveyance of a public art mural easement to the City from the owner of the building upon which the mural will be located. The terms of the easement agreement include:

- Shall grant the right to create the public art mural on the property;
- Provide that the person granting the easement will include access to maintain and restore the public art mural in its original condition for the period of the easement; and
- State that upon termination of the easement, the property owner shall remove the mural, and restore the property to its prior condition.