



'Tasmanian devil' raised some hackles

Graffiti-review process proposed

By CHELA ZABIN
STAFF WRITER

Whether murals on private property should go through a design review process will be discussed by the Watsonville City Council at its meeting tomorrow night.

The question was first raised by Planning Director Maureen Owens in a memo to the city manager in April. But it has become a matter of public debate since the completion this summer of a mural on a Main Street building.

The mural, which depicts a "Tasmanian devil" and the words

"The City of Watsonville," done in a stylized graffiti-art mode, drew a number of community complaints. The devil's gesture — a finger pointing toward the words — was interpreted by some as obscene. Some complained that the mural was ugly. Others said they just didn't think it was art.

In her memo, Owens proposed making murals and other forms of public art subject to review and approval by both the city's Design Review Commission and the City Council, with the commission making recommendations and the council making final decisions. Owens said an alternative would

be to have the Design Review Commission make the decision, with the council hearing only appeals.

When the artwork is proposed for publicly owned sites, it would be reviewed first by the city's Recreation and Parks Commission before being forwarded to the commission and the council, she suggested.

But City Attorney Luis Hernandez, in a memo to the council on the matter, said he thinks the writing's on the wall as far as regulating murals goes. While the city can, and does, regulate signs, murals — when they are art, not

advertising — are protected by the First Amendment, he wrote.

"It would be difficult to draft an ordinance which avoids unnecessary intrusion on the freedom of expression," he said. "Were the city simply to add such murals, etc., to the definition of signs (in the Watsonville Municipal Code), it would be my opinion that such an ordinance would be unconstitutional on its face."

Hernandez gave, as an example, the case of the city of Indio, which tried to apply its sign ordinance to a mural on a private business es-

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tablishment that displayed aspects of Mexican heritage. The city lost its case when the court found that the ordinance did not provide "definite, objective guidelines for the issuance or denial of permits for those exercising First Amendment rights," he said.

The city could, of course, regulate art on its own buildings, he said.

Hernandez is instead suggesting an informal review process by the Design Review Commission, which would make non-binding recommendations to the applicant.

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REFERENCE

WATSONVILLE
REGISTER-PAJARANIAN
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