

DEPARTMENT OF CULTURAL AFFAIRS  
City of Los Angeles



Antonio R. Villaraigosa  
MAYOR

Olga Garay  
GENERAL MANAGER

October 7, 2011

Council of the City of Los Angeles  
Planning and Land Use Management Committee  
200 North Spring Street  
Los Angeles, CA 90012

Council of the City of Los Angeles  
Arts, Parks, Health and Aging Committee  
200 North Spring Street  
Los Angeles, CA 90012

York Chang  
PRESIDENT  
Josephine Ramirez  
VICE PRESIDENT  
Celeste Alleyne  
Annie Chu  
Richard Montoya  
Lee Ramer  
Jonathan Weedman

Re: Report on Fine Art Murals  
Council Files, 08-0515 (LaBonge, Huizar), 08-0530 (Huizar, LaBonge), 08-0530-  
S1 (Huizar, LaBonge) and 08-1233 (LaBonge, Huizar)

Honorable Members of the Planning and Land Use Management Committee  
Honorable Members of the Arts, Parks, Health and Aging Committee

### Executive Summary

In May 2002, when the City Council passed Ordinance number 174517, which amended the City-wide regulations governing prohibited signs to include Super-graphic Signs, Inflatable Devices, and Mural Signs, they also inadvertently prohibited "fine art murals" from being placed on private property. A Mural Sign permit was the over-the-counter permit issued by Building and Safety for murals on private property. This over-the-counter permit process also required the Department of Cultural Affairs' (DCA) Cultural Affairs Commission (CAC) to review and approve the Mural Sign footprint. (The CAC review requirement is still in the sign code and it should be revisited as we move forward). Now, the City Council seeks to correct this omission by establishing specific guidelines in the sign code that would allow murals to be placed on private property again, and thereby restore Los Angeles' place as the "mural capital of the world."

This report puts forth three propositions that could help clarify how the City Council may amend the City's sign code to permit murals on private property. The three proposed options are as follow:

#### **Vintage Mural Permit:**

This would be a new, over-the-counter permit, issued by Building and Safety. The permit would be based on a set of defining criteria that serve as evidence that a mural was put up before a pre-established date of "five years prior to the adoption of the new Vintage Mural Permit Ordinance." When the new Vintage Mural Permit Ordinance is instituted, we will be able to determine the number of murals executed

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prior to that date that would therefore be eligible for this designation. This permit option would enable the City to capture and permit retroactively most of the existing murals in the Department of Cultural Affairs' database and beyond. In the case of maintenance, the City would require the mural to be repaired, if it is in poor condition, and have an anti-graffiti coating applied to it as a condition of receiving the permit.

**Time/Place/Manner Permit:** An over-the-counter permit issued by Building Safety based on the following requirements:

- Cannot exceed height of 35' from grade
- Must remain in place without alterations for minimum of 5 years
- Must have no exterior lighting
- Maximum size is 1000 sq.ft.
- Only one mural allowed per lot
- May not cover doors or windows or other architectural elements such as cornices and pilasters
- Must be placed on flat planes of walls
- Property owner responsible for maintenance and must apply an anti-graffiti coating to the mural
- Fine Art Murals would be exempt from the wall sign calculations for allowable signs on private property, as currently listed in the sign code

**Public Art Easement Permit:** A mural permit issued by the Department of Cultural Affairs for larger murals on private property based on the following possible requirements:

- Murals may be created with either a non-standard or new material but the media must be appropriate to ensure the murals' longevity and durability.
- Must be larger than 1000 sq. ft.
- Commitment from City to apply anti-graffiti coating to the mural and to abate graffiti during life of the permit.
- Signed easement form from property owner (Grantor) with a commitment to keep mural in place and unchanged for 5 year minimum
- Compliance with City codes for safety, accessibility and lighting.

May be fully privately funded, and/or fully or partially funded by the City of Los Angeles

The first two permit processes are cost neutral for the City. However, the Public Art Easement permit process would have to be supported by new City program funding and would require buy-in from private property owners who would have to agree to donate their property in the form of an easement to the City. Finally, the requirements and responsibility for maintaining new murals would be better defined in all three mural permit processes, something that is not the case now.

The Department's propositions and recommendations were based on three primary insights: 1) the contextual realities of the City; 2) the existing conditions of murals in our City; and 3) the City of Portland, Oregon's Fine Art Mural and Public Art

Easement Ordinances as a model. Drawing from these insights and experiences we were able to widen the menu of permit options available for your joint Committee to consider, with the goal of creating the right conditions for murals to be permitted on private property once again. It is essential to understand that a singular permit option will not solve all the problems of murals. Multiple permit options would need to be established in order to provide the flexibility needed by multiple constituencies and to create a more cohesive permitting approach for the City.

Respectfully submitted,

  
Olga Garay-English  
General Manager

## Background

On July 13, 2010, the Department of Cultural Affairs (DCA) submitted a report to your joint Committee, outlining two proposed mural permit processes, i.e. Time/Place/Manner and Public Art Easement. Both mural permit processes were modeled after the City of Portland, Oregon's *Original Art Murals* and *Public Art Easement Ordinances*.

Our report described how Portland's mural permit processes could be modified and used by the City of Los Angeles to create a two-part mural permit process to allow fine art murals to be placed on private property in Los Angeles. A copy of that report is attached for your reference.

Furthermore, at the July 13, 2010 meeting, the Planning Department verbally proposed a third model for permitting fine art murals on private property, i.e. "Vintage Murals Permit" and Councilmember Jose Huizar verbally requested the Department of Cultural Affairs review a 37-page Report and Mural Preservation Proposal submitted by the Social and Public Art Resource Center (SPARC), relative to the research the Department was undertaking as part of the proposed mural permitting options. (See attached SPARC report).

From the discussions, your joint Committee put forth the following new instructions:

- a. INSTRUCT [Planning, Cultural Affairs, Building and Safety Departments and City Attorney] to continue to work on recommendations relative to the previous June 1, 2010 special joint PLUM/APHA committee instructions and report back with more refined and detailed recommendations in 60 days on those instructions for permitting existing and new murals.
- b. Additionally, include in the 60-day report back, specific address of the following:
  1. INSTRUCT Department of Cultural Affairs (DCA) working with the Planning Department and with other City departments to continue to review all the universes of existing murals (3 groups) to develop recommendations for the three (3) proposed permitting approaches identified for permitting existing and new murals. (Mural age, size, funding source, whether abutting or viewable from the public right of way, etc.)
  2. INSTRUCT the Planning Department with the other City departments to bring recommendations that allow the recommendations for the Time/Place/Manner approach to be comprehensively/holistically reviewed with other sign code matters but processed separately and expeditiously [in the case of murals].

3. INSTRUCT Department of Cultural Affairs, and other City departments to identify contractual, staff and any other costs associated with implementing the City's mural permitting and maintenance program.
4. INSTRUCT the CAO, Department of cultural Affairs, Dept. of Public Works and other City departments to identify and prepare a breakdown of the potential City funding sources mentioned in the DCA report dated July 6, 2010, 1% Arts Development Fee, the Public Works Capital Improvement Projects Fund for Arts & Cultural facilities and Services, Graffiti Reward Trust Fund and the potential billboard tax (including account balances, what other services are funded through each source, etc.) and identify any other potential funding resources and any impacts in implementing the Public [Art] Easement Program.

This report will address the verbal and written instructions from the Committee.

## **Introduction**

Over the past year, and the primary reason for why this report has taken a considerable amount of time to develop, the Department of Cultural Affairs has continued to work with other City departments to refine our recommendations for a possible multi-pronged approach to permit murals on private property. As part of our research, we have engaged our own stakeholders in developing and reviewing the three proposed mural processes. We have coordinated with our colleagues in the Departments of City Planning (DCP) and Building and Safety to establish specific guidelines as well as potential enabling language for the proposed mural permit options. We have also participated in meetings with artist stakeholders, including muralists and organizations such as SPARC and In Creative Unity (ICU) Art, and attended additional stakeholder and community meetings with muralists and artists at the request of the Eleventh Council District. Our staff has served as a panelist at two community workshops about murals in the City, and we have contributed to two articles on Street Art and Murals—in *Los Angeles Magazine* and *Public Art Review*—as well as attended Street Art exhibitions and programming at the Museum of Contemporary Art (MOCA) and Pasadena Museum of Contemporary Art (PMCA) in order to understand and further engage in dialogue about the importance of murals and street art in our City.

In short, we have heard from stakeholders who have stated affirmatively that murals activate Los Angeles with an urban language that reflects the City's diverse voices and empowers neighborhoods. It is long overdue for the City to resolve the murals issue in direct response to the stakeholder feedback the Department has received, the research the Department has conducted and in response to the desires of the City's elected officials.

## **Research Methodology**

The Department was instructed to review the "universe" of existing murals to analyze the current conditions of 1,614 murals listed in our database. The goal was to identify a set of defining characteristics that would be quantitative, measurable, and content-neutral and could be used to develop enabling criteria for the three proposed mural permit options. It should be noted that the Department of Cultural Affairs murals database does not include every mural that exists in the City. Many more murals may exist in the City for which we have no mechanism to capture their information. Our database should therefore be seen as a "representative sample" of all possible murals that may exist in the City.

The defining characteristics we have identified are Location, Age, Size, Placement, Materials and Funding. Each characteristic has its own set of variables, which we break-out by the number of murals within each variable. The results of each characteristic are represented by a bar graph showing the existing conditions of the murals in our sample. We also analyzed the administrative and/or contractual costs associated with implementing the three mural permit processes. Finally, we

reviewed the issues associated with mural maintenance and presented recommendations that clearly delineates who should be responsible for maintaining new murals under each of the mural permit processes.

This report is intended to provide guidance to the joint Committee's development of a series of options and recommendations to City Council clarifying how murals could be permitted on private property. Following our analysis is a chart that compares how the city of Portland, Oregon's Time/Place/Manner and Public Art Easement mural permit process may be modified for Los Angeles. Our analysis of SPARC's report is attached as an Addendum.

### Mural Locations

When analyzing the 1,614 murals in our database, we wanted to identify and isolate the number of exterior murals located on private property.

In doing so, we learned the following:

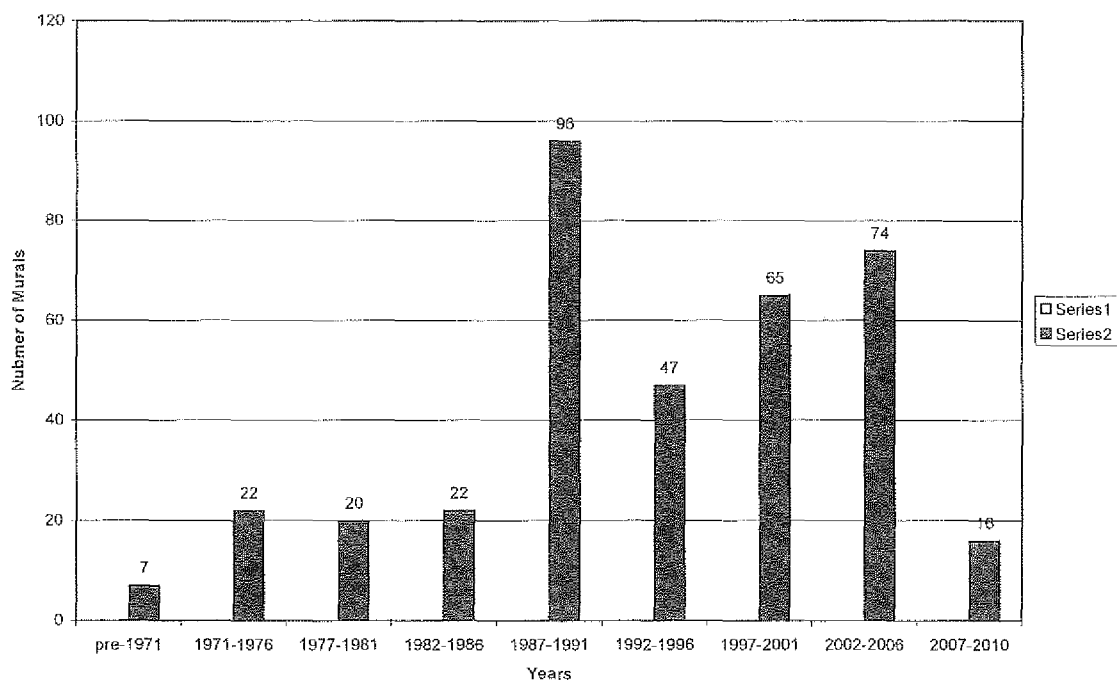
- 402 murals no longer exist, either because they were painted out or because the private property was substantially altered or remodeled in such a way that the modifications precluded the continuance of the mural.
- 424 murals were located on Los Angeles Unified School District (LAUSD), Los Angeles County, State of California, CalTrans, or Federal property, and may not be subject to the City's sign code provisions.
- 261 murals were located on City property and have either received a permit from the Cultural Affairs Commission or permission from the City agency where the murals were located.

This resulted in a remaining balance of 507 existing murals that are located on private property and of these, 138 are interior murals. This left us with a total of **369** exterior murals located on private property, and that number will comprise our murals sample for the purpose of this report. The following table shows a breakdown of the 1,614 murals in our database by locations:

Number of Murals	Location of Murals	City Mural Permit Required
402	No longer in existence	N/A
355	Los Angeles Unified School District Property	May not be subject to permit requirement
38	County, State or Federal Property	May not be subject to permit requirement
61	Cal Trans Freeway Property	May not be subject to permit requirement
261	City Property	Yes
507	Private Property ( Exterior & Interior)	Yes
<b>* 369</b>	<b>Exterior Only</b>	<b>Yes</b>



Murals by Age



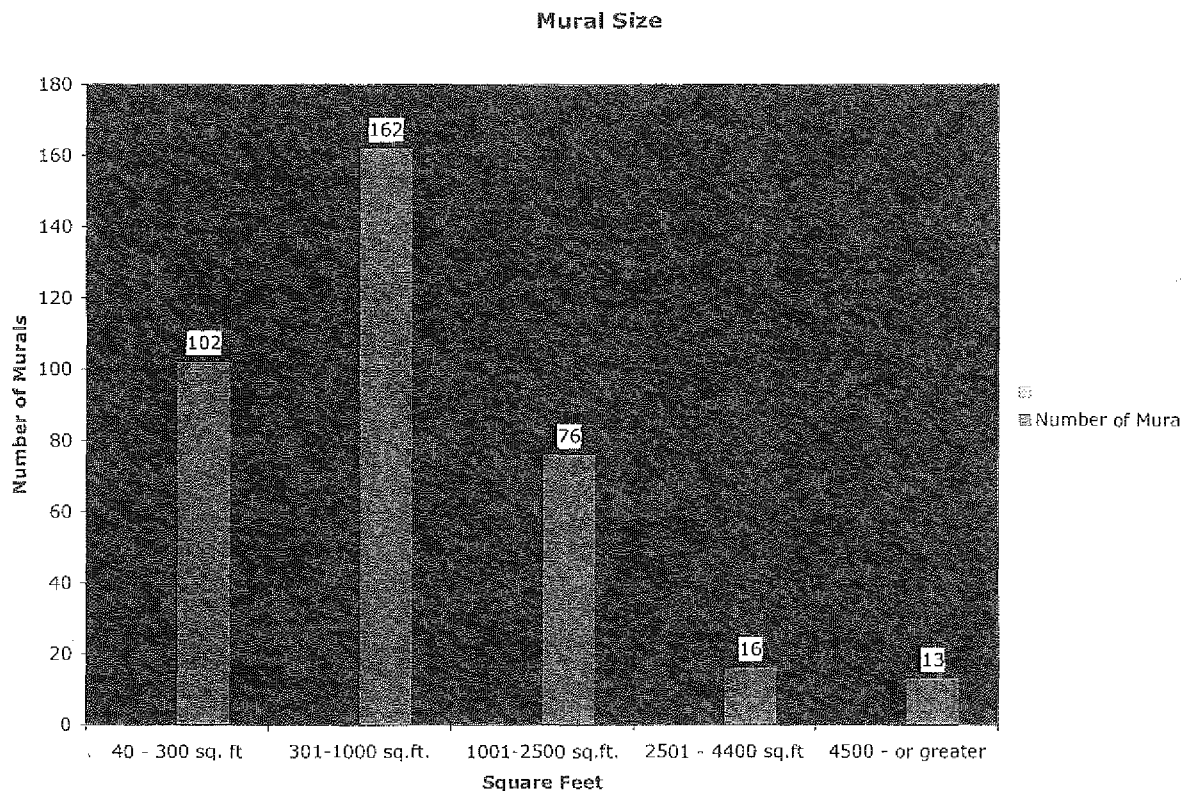
### Murals by Age

We analyzed the murals along the following three distinct time periods: pre-1986, 1987-2001, and 2002-2010. The reason for doing this was because the City's mural permitting requirements was different during each time period. Therefore, the permit factors governing murals was unique to those time periods and would determine if a mural was legal or not.

For example, murals created prior to 1986 predate the City's current sign code. Prior to that date, the sign code did not mention murals, and, as a result, murals on private property did not require a mural permit. Moreover, between 1987 and 2001, the sign code was amended to include a section for "Mural Signs" and the City required murals that either abutted City property or were viewable from the public right-of-way obtain a permit from the Cultural Affairs Commission. This time period predates the City's ban on billboards and "mural sign" prohibition. Therefore, 279 of the 369 murals created during this time period are most likely legal.

Finally, the City's billboard ban and "mural signs" prohibition went into effect in 2002 and consequently, the murals produced from 2002 to 2010 are apparently not legal -

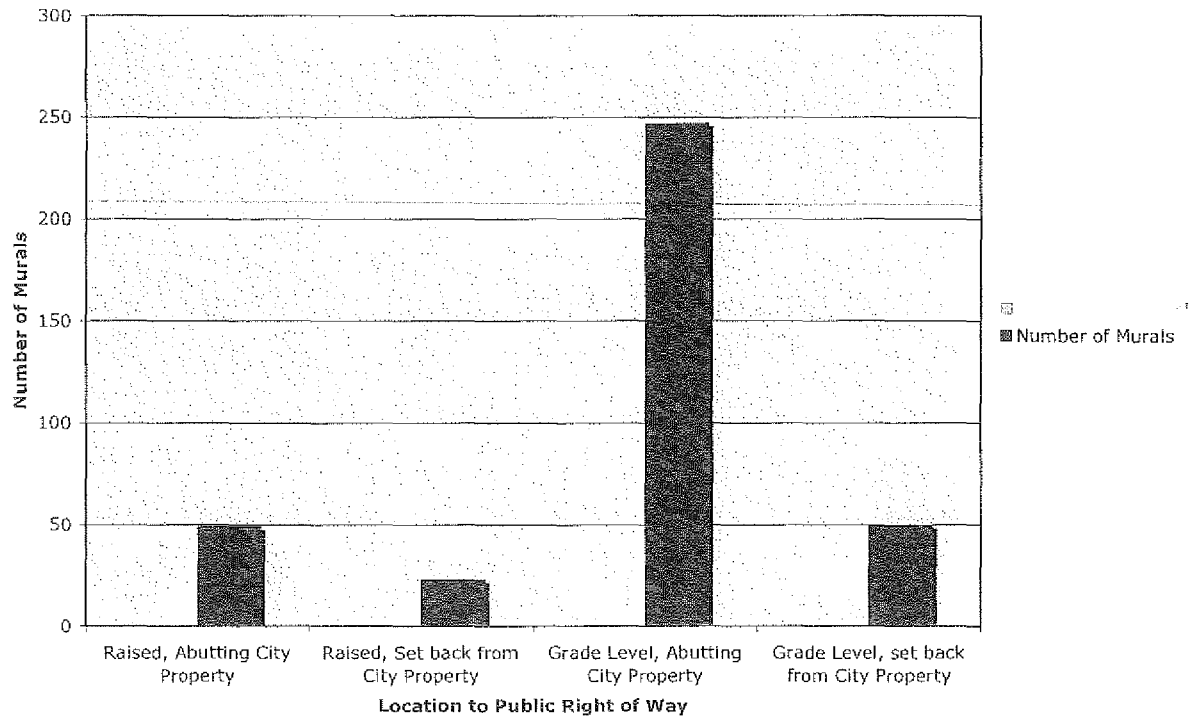
although 54 murals in our sample from this time period were reviewed and approved by the Cultural Affairs Commission and may in fact be legal.



**Murals by Size:**

In our report dated July 6, 2010 we recommended that murals with a maximum size of 300 sq.ft. should be permitted under the proposed Time/Place/Manner permit process. However, based on our findings, it is clear that a 300 sq.ft. mural may be too small for the proposed Time/Place/Manner permit. The overwhelming majority of existing murals, 238 of the 369 murals are between 301-2,500 sq.ft. Therefore, we are changing our recommendation and propose that a maximum size of 1,000 sq.ft. should be used for the proposed Time/Place/Manner permit process and murals larger than 1000 sq.ft. would be better suited for the proposed Public Art Easement permit, which is designed to address larger murals.

### Mural Locations

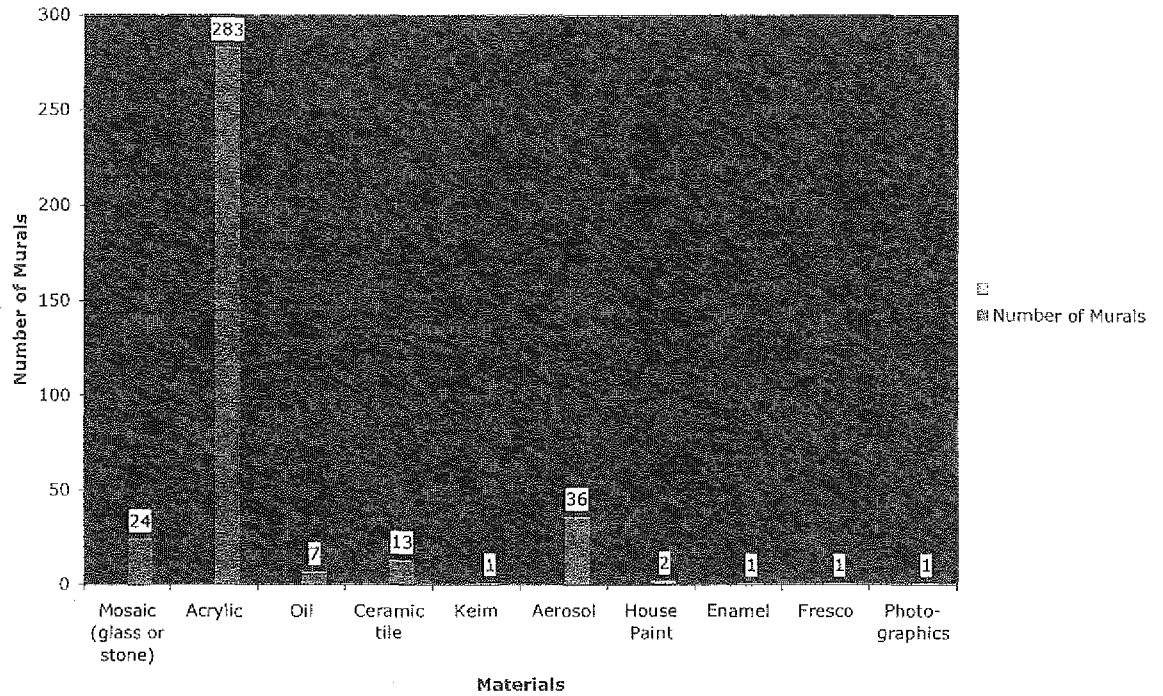


### Placement

We found that 296 of the 369 murals are located at grade level, and are either abutting or set back from City property. This is a clear indication that grade level is a desired location for murals and in the case of new murals, would meet the proposed Time/Place/Manner permit location requirement. We do not believe the proximity of a mural to the public right of way is a significant factor vis-à-vis the three proposed mural permitting processes. Additionally, since the proposed Time/Place/Manner permit would be issued as an over-the-counter permit by Building and Safety, there would no longer be a need to have the Department of Cultural Affairs' Cultural Affairs Commission review Time/Place/Manner murals that abut City property. This requirement is currently stated in the sign code and would need to be removed, if this is a choice that Council accepts.

Pre-1986: 65 murals abut City property  
 1987-2001: 168 murals abut City property  
 2002-2010: 63 murals abut City property

### Murals by Material



### Murals by Materials

As can be seen by the chart above, the majority of murals created in the City of Los Angeles were created with paint or tile. In our report dated July 6, 2010, we had proposed the following definition for fine art murals under the Time/Place/Manner permit: "A one-of-a-kind original artwork that is painted directly upon an exterior wall of a building". In our sample, painted murals are the number one material choice of existing murals, followed by ceramic tile mosaic as the number two choice. Based on these findings, we propose changing our recommendation for the definition of fine art murals under the Time/Place/Manner permit to: "A hand-produced work of visual art that is tiled or painted by hand directly upon or affixed directly to an exterior wall of a building".

### Murals Funding

The primary source of funding for murals has come from the private sector, having financed 216 of the 369 murals in our sample. The Community Beautification Grant has been the largest source of City-funding for new murals and it has been eliminated. Other City programs such as the Neighborhood Pride Citywide Mural Program, Murals Rescue or Targeted Neighborhood Initiative (TNI) have ended. Today, the remaining City-funding sources still in-tact to fund murals are the Council Civic funds, which tend to be modest amounts and are used and determined by each Council Office, and to a limited degree DCA's Cultural Grant Program, also modest in size, typically. The Cultural Grant Program is not dedicated funding for just mural projects and the department has not received a grant proposal specifically to fund a mural in over 5 years.

Finally, in terms of the City's Percent-for-Art Programs, murals located on private property and created in satisfaction of a developer-initiated Arts Development Fee obligation is still a potential funding option for new murals. Paid-in Arts Development Fees managed by DCA have many more restrictions and may not be an appropriate source of funding for new murals at this time. The Public Works Improvements Arts Program, or Public One-Percent for Art Program, is an option for new murals located on City property - but not on private property.

The following table provides a breakdown of nine (9) funding sources for murals over the past 40 years (listed from the largest to the smallest funding source) and the current status of each:

Private Funds	Number of Murals	Status of Funding
Various	216 murals	Declined
Developer Initiated Arts Development Fee (ADF) Projects	18	Reduced
<b>City Funds:</b>		
Public Works/Community Beautification Grant	70 murals	Funding has been eliminated
Great Walls/Neighborhood Pride Citywide Mural Program	41	Program has ended
Council Office Special Funds and Civic Funds	16	Funds are still available
Community Redevelopment Agency	10	Reduced funding
Department of Cultural Affairs Grants Program	7	Not "mural-specific" funding
Mural Rescue Program	6	Program has ended
Targeted Neighborhood Initiative	2	Program has ended
Mayor's Office	1	One-time project

**Identify administrative, contractual, staff and other costs associated with implementing the City's mural permitting and maintenance program.**

In our report dated, July 6, 2010, we reported the proposed Time/Place/Manner permit process would be cost-neutral for the City to implement, because the cost to create and maintain new murals on private property would be paid for by private funds. We believe this may still be the case but would defer to the Departments of City Planning and Building and Safety to ascertain if there are any other costs associated with implementing this proposed model of which we may not be aware.

We also stated that the Public Art Easement process would be cost-neutral for the City to implement, in that no new funds would be required to create new murals. We believed the existing City-wide funding sources, listed above, could presumably be used to fund new murals through the proposed Easement permit process.

However, in light of the funding analysis we conducted to identify if the potential funding sources mentioned in our July 6, 2010 report were still viable, we can confirm those funding sources are no longer available today. Moreover, new City funding would have to be identified to support the proposed Public Art Easement process, therefore making this option a new programmatic cost proposition for the City.

If DCA is instructed to move forward with the proposed Public Art Easement approach, we would require one additional staff person to administer the program. The current Arts Manager who oversees the murals program spends less than 50% of her time on mural-related issues and the rest of her time on two other City art programs. Failure to properly staff this new program could result in the Public Art Easement approach being a time-consuming permitting process for the public. Also, the cost to apply an anti-graffiti coating to new murals as well as the potential cost of ongoing maintenance and repair of murals with a Public Art Easement permit, over the life of the permit, would be an additional contractual cost borne by the City. We cannot forecast these costs at this time.

It is also not clear what size of a City grant or percentage of City-funding would be needed in order to claim a mural as a City project and therefore eligible for easement status. For example, in the city of Portland, Oregon, their Regional Arts & Culture Council (RACC) has a dedicated source of funding to create new murals under their Public Art Easement program. The maximum grant they provide is \$10,000, and they require a minimum 1:1 match from other sources, and for the property owner to maintain the mural.

Los Angeles does not currently have a dedicated source of funding to support the creation of new murals under the proposed Public Art Easement process. However, the City does have a dedicated source of funding to apply an anti-graffiti coating on murals and to remove graffiti from murals that are coated, i.e. Public Works Graffiti

Abatement program. If the cost of maintaining a mural is factored in as a valid contribution of City-funding, in lieu of the cost of creating a new mural, then the minimum City funding requirement can be established in order to claim a mural as a City project. This item will require further study to determine the appropriate percentage of a murals' project budget would be needed in order to satisfy the City's minimum funding requirement.

### **Mural Maintenance**

Mural maintenance is generally thought of as only keeping a mural "graffiti-free". Presently, when a mural has graffiti on it, the Department of Building and Safety can require the property owner to remove the graffiti. Municipal Code 91.8102 stipulates that the property owner is responsible for maintaining their property graffiti-free. If, however, the property owner has an agreement with a third party to maintain the mural, then that party is responsible for the maintenance.

Moreover, if a mural has an anti-graffiti coating on it, the property owner – or third party, can safely remove the graffiti without damaging the mural. However, if the mural does not have an anti-graffiti coating on it, then removing the graffiti would be more difficult. In the latter instance, the tendency has been to leave the graffiti on because to remove it would damage the mural.

In its broadest context, mural maintenance does not only mean keeping a mural graffiti-free. It also should include repairing the material degradation of the mural such as paint flaking, bubbling, powdering, and loss of image. It is in this context that the responsibility to "maintain"/repair a mural is less clearly understood by the private property owner and presumably not well articulated in the third party agreements. From the regulatory side, if a mural is in poor material condition, then the City has no mechanism to require the private property owner to repair it.

Under the proposed Time/Place/Manner permit process, we have proposed that the property owner be required to apply an anti-graffiti coating to a new mural, thereby making it easier for them to safely remove graffiti from the mural in a timely fashion. Under the proposed Public Art Easement process we propose that the City apply an anti-graffiti coating to the new mural and that the City be responsible for maintaining the mural over the life of the permit - as patron. Additionally, under the proposed Vintage Mural permit process, the property owner would be required to remove any existing graffiti, make repairs to the mural if it is poor condition and apply an anti-graffiti coating to the mural as a condition of receiving the permit. In all three permit processes the person or entity responsible for maintaining the new mural would be listed on the mural permit.

## **CONCLUSION**

We continue to believe the proposed Time/Place/Manner permit option shows the most promise for permitting new smaller murals on private property. We also believe the proposed Vintage Mural permit process would enable the City to permit most of the 369 existing murals in our database and beyond, if the threshold for the permit is set at five years from the adoption of the ordinance. Both of these models appear to be a cost effective and efficient method for permitting new and existing murals, respectively.

The proposed Public Art Easement approach is a unique concept and a legally viable option that should also be explored. However, as stated above the Easement program would require City funding and the funding source would have to be identified by Council should they choose that option.

Finally, the three mural permit processes are presented not as an either/or approach but as a multi-tiered solution to permit murals on private property. This report is intended to help the joint Committees and City Council clarify how the City can develop a series of strategies to permit murals on private property, and to maintain them in the future.

## **RECOMMENDATIONS**

### **Time/Place/Manner and Vintage Mural Permits**

The Department of Cultural Affairs supports and recommends the Planning Department, in conjunction with the City Attorney and other City Departments, be instructed to prepare a City-wide ordinance that amends the necessary City Codes to establish a Time/Place/Manner and Vintage Mural permit process for the purpose of issuing permits for new and existing fine art murals on private property, respectively.

Additionally, the Department supports the Planning Department's recommendation to investigate the option of establishing a Vintage Mural Permit five years prior to the date the ordinance is adopted.

### **Public Art Easement Mural Permit Process**

The Department of Cultural Affairs supports and recommends the City Attorney, in conjunction with other City Departments, be instructed to prepare an ordinance that amends the Administrative Code to establish a Public Art Easement Mural Permit Process for the purpose of issuing permits for new, larger murals on private property.

### **Mural Maintenance and Repairs**

The Department of Cultural Affairs recommends that all new proposed Time/Place/Manner mural permits include the name and contact information of the party responsible for maintaining and repairing the mural.



The Department further recommends that as a condition of receiving the proposed Vintage Mural permit, the existing mural must be cleaned and or repaired and have an anti-graffiti coating applied to it, as well as submit the name and contact information of the party responsible for maintaining and repairing the mural.

Thank you.

Olga Garay-English  
General Manager

Attachments:

- 1) Comparison Chart of the Proposed Time/Place/Manner and Public Art Easement Permit Processes
- 2) SPARC Proposal Summary and Review

<p align="center"><b>"Fine Art Murals"</b>  <small>Time/Place/Manner</small> (over-the-counter) permit for  small murals on private property</p> <p align="center"><b>* Portland "Original Art Murals" <small>Time/Place/Manner</small>  Permit Program</b></p>	<p align="center"><b>"Public Art Murals"</b>  <small>Public Art Easement</small> permit for large murals on  private property</p> <p align="center"><b>* Portland "Public Art Murals" <small>Easement</small>  Program</b></p>
<p>Possible Los Angeles Fine Art Murals permit definition:</p> <p>A hand-produced work of visual art which is tiled or painted by hand directly upon or affixed directly to an exterior wall of a building.</p> <p><b>*Portland "Original Art Murals" Definition:</b>  A hand-produced work of visual art which is tiled or painted by hand directly upon or affixed directly to an exterior wall of a building</p>	<p>Possible Los Angeles Public Art Easement Mural definition :</p> <p>A one-of-a-kind original artwork that is sited in a manner accessible to the public and which has been approved as public art by the Cultural Affairs Commission.</p> <p><b>*Portland "Public Art" Definition:</b>  Public Art means original artwork which is accessible to the public and/or public employees, and which has been approved as public art by the Regional Arts and Culture Council, acting on behalf of the City of Portland.</p>
<p>Possible Los Angeles Fine Art Mural Permit Requirements :</p> <ul style="list-style-type: none"> <li>• Cannot exceed height of 35' from grade</li> <li>• Must remain in place without alterations for minimum of 5 years</li> <li>• Must have no exterior lighting</li> <li>• Maximum size is 1,000 sq. ft.</li> <li>• Only one mural allowed per lot</li> <li>• May not cover doors or windows or other architectural elements such as cornices and pilasters</li> <li>• Must be placed on flat planes of walls</li> <li>• Property owner responsible for maintenance and must apply an anti-graffiti coating to the mural</li> <li>• Fine Art Murals are exempt from sign code ratio lot calculations.</li> </ul> <p><b>*Portland "Original Art Murals" Requirements and exemptions:</b></p> <ul style="list-style-type: none"> <li>• Cannot exceed height of 30' from grade</li> <li>• Must remain in place without alterations for minimum of 5 years</li> <li>• No maximum size</li> <li>• Only one mural allowed per lot</li> <li>• May not cover doors or windows or other architectural elements such as cornices and pilasters</li> <li>• Must be placed on flat planes of walls</li> <li>• Property owner responsible for maintenance</li> <li>• Property owner cannot receive compensation for the display of the mural</li> </ul>	<p>Possible Los Angeles Public Art Easement Mural Permit Requirements:</p> <ul style="list-style-type: none"> <li>• Utilize appropriate media to ensure longevity and durability, structural and surface stability</li> <li>• Must be larger than 1,000 sq. ft.</li> <li>• Commitment from City to apply anti-graffiti coating to the mural and to abate graffiti during life of the permit.</li> <li>• Signed easement form from property owner (Grantor) with a commitment to keep mural in place and unchanged for 5 year minimum</li> <li>• Compliance with city codes for safety, accessibility and lighting.</li> <li>• May be fully privately funded, and/or fully or partially funded by the City of Los Angeles</li> </ul> <p><b>*Portland "Public Art Murals" Requirements:</b></p> <ul style="list-style-type: none"> <li>• Media <ul style="list-style-type: none"> <li>○ Appropriate media Possible to ensure mural's longevity and durability</li> <li>○ Has structural and surface stability</li> </ul> </li> <li>• Commitment to do proper wall preparation and to use acceptable graffiti/UV coating</li> <li>• signed easement form from property owner</li> <li>• Commitment to keep the mural in place as approved for minimum of 5 years and to maintain mural during that time</li> <li>• Compliance with city codes for safety, accessibility and lighting.</li> <li>• Must be visible from the public right-of-way</li> <li>• Funded by the Regional Arts &amp; Culture Council with a minimum 1:1 match from other sources</li> </ul>

<p align="center"><b>"Fine Art Murals"</b>  <small>Time/Place/Manner</small> (over-the-counter) permit for  small murals on private property</p> <p align="center"><b>* Portland "Original Art Murals" Permit Program</b></p>	<p align="center"><b>"Public Art Murals"</b>  <small>Public Art Easement</small> permit for large murals on private  property</p> <p align="center"><b>* Portland "Public Art Murals" Program</b></p>
<p>Possible Los Angeles <u>Prohibited</u> Fine Art Murals Permit Criteria:</p> <ul style="list-style-type: none"> <li>• Mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl</li> <li>• Murals containing electrical or mechanical elements</li> <li>• Changing image murals</li> <li>• Murals on contributing historic buildings</li> </ul> <p>*Portland "Original Art Murals" <u>Prohibited</u> Murals:</p> <ul style="list-style-type: none"> <li>• Mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl</li> <li>• Murals containing electrical or mechanical components</li> <li>• Changing image murals.</li> <li>• Murals on contributing historic buildings</li> </ul>	<p>Possible Los Angeles Public Art Easement Mural Permit Review Criteria:</p> <ul style="list-style-type: none"> <li>• Artistic Merit <ul style="list-style-type: none"> <li>○ Demonstrated strength of concept, execution and originality</li> <li>○ Scale appropriate to surroundings</li> <li>○ Context, including physical, historical, and/or socio-cultural relevance to site</li> </ul> </li> <li>• Community Support from owner, neighborhood, adjacent businesses and arts community</li> <li>• Feasibility, including the ability to complete mural on time and within budget</li> </ul> <p>*Portland "Public Art Murals" Review Criteria:</p> <ul style="list-style-type: none"> <li>• Artistic Merit <ul style="list-style-type: none"> <li>○ Demonstrated strength of concept, execution and originality</li> <li>○ Scale appropriate to surroundings</li> <li>○ Context, including physical, historical, and/or socio-cultural relevance to site</li> </ul> </li> <li>• Community Support from owner, neighborhood, adjacent businesses and arts community</li> <li>• Feasibility, including the ability to complete mural on time and within budget</li> </ul>
<p>Possible Los Angeles Fine Art Murals Permit Process:</p> <ul style="list-style-type: none"> <li>• Property owner submit application to Building and Safety Department for review and approval and includes: <ul style="list-style-type: none"> <li>○ Scale building elevation drawing showing mural placement details</li> <li>○ Site plan</li> <li>○ Written description of mural type (painted, mosaic, etc.)</li> <li>○ Fee</li> </ul> </li> <li>• Property owner arranges Neighborhood Notification Meeting-public posting, mailing to specific community groups <ul style="list-style-type: none"> <li>○ Allows for input and dialogue</li> <li>○ Recommendations from community are not binding</li> </ul> </li> <li>• If mural meets all requirements, permit is issued. <ul style="list-style-type: none"> <li>○ No City content review or regulation</li> </ul> </li> <li>• Property owner notifies City of completion so an on-site inspection can verify executed mural conforms to permit requirements.</li> </ul> <p>*Portland "Original Art Murals" Process:</p> <ul style="list-style-type: none"> <li>• Same as above, with application submitted to the Portland Bureau of Development Services</li> </ul>	<p>Possible Los Angeles Public Art Easement Mural Permit Process:</p> <ul style="list-style-type: none"> <li>• Submit application to Department of Cultural Affairs (DCA)</li> <li>• Present proposal to DCA Public Art Committee for review and Cultural Affairs Commission for Review and Approval</li> <li>• Property owner provides notarized Public Art Easement agreement to DCA</li> <li>• Artist signs form agreeing to terms of the Public Art Easement agreement</li> <li>• Applicant notifies DCA when mural is complete</li> <li>• Applicant provides DCA digital images of completed mural</li> <li>• DCA provides copy of Public Art Easement to General Services Department</li> </ul> <p>*Portland "Public Art Murals" Process:</p> <ul style="list-style-type: none"> <li>• Submit Application to Regional Arts and Culture Council (RACC)</li> <li>• Proposal reviewed by Public Art Murals Program Committee for recommendation</li> <li>• RACC Board reviews/approves recommendations for funding</li> <li>• Property owner provides a notarized Art Easement agreement to RACC</li> <li>• RACC enters contract with applicant for funding</li> <li>• Artist signs form agreeing to terms of Art Easement agreement</li> <li>• Applicant notifies RACC public art staff of completion of mural.</li> <li>• Applicant submits a final report with documentation.</li> <li>• Easement recorded with Multnomah County</li> </ul>

<p align="center"><b>"Fine Art Murals"</b>  <small>Time/Place/Maintenance</small>  <b>(over-the-counter) permit for small murals on private property</b></p> <p align="center"><b>*Portland "Original Art Murals" Permit Program</b></p>	<p align="center"><b>"Public Art Murals"</b>  <small>Time/Place/Maintenance</small>  <b>Public Art Easement permit for large murals on private property</b></p> <p align="center"><b>*Portland "Public Art Murals" Program</b></p>
<p>Possible Los Angeles Fine Art Murals Permit Conditions:</p> <ul style="list-style-type: none"> <li>• Mural must be maintained for a 5 year minimum without alteration</li> <li>• Property owner is responsible for maintenance</li> <li>• Removal within 5 year period allowed (through City approval process) if: <ul style="list-style-type: none"> <li>○ Building is sold</li> <li>○ The property will be substantially remodeled or altered in a way that precludes the continuance of the mural</li> </ul> </li> <li>• Alteration of mural after 5 years allowed by reapplying for a new permit through full process</li> <li>• Removal after 5 years does not require City review or approval</li> <li>• Building owner responsible for any artists notification under the Visual Artist Rights Act (VARA) and California Art Preservation Act (CAPA)</li> </ul> <p>*Portland "Original Art Murals" Permit Conditions:  Same as above, but does not mention of VARA notification</p>	<p>Public Art Easement Mural Permit Conditions:</p> <ul style="list-style-type: none"> <li>• In effect for a period of 5 years with automatic renewal for an additional 5 years, unless and until terminated</li> <li>• Termination allowed after 5 years by either party</li> <li>• Termination allowed within 5 years upon request of the building owner for the following: <ul style="list-style-type: none"> <li>○ Required as condition of sale or refinance of property</li> <li>○ The property will be substantially remodeled or altered in a way that precludes the continuance of the mural</li> <li>○ Circumstances change materially so mural impedes reasonable use and enjoyment of property</li> <li>○ Required to notify artist under VARA/CAPA laws</li> </ul> </li> <li>• City may terminate Easement at any time</li> <li>• Required to notify artist under the Visual Artist Rights Act (VARA) and California Art Preservation Act (CAPA)</li> <li>• City is responsible for graffiti abatement</li> </ul> <p>*Portland "Public Art Murals" Conditions:  Same as above with the following exceptions</p> <ul style="list-style-type: none"> <li>• Portland requires that artist waive VARA rights</li> <li>• Portland requires Grantor (owner) to be responsible for all maintenance</li> </ul>
<p>Possible Los Angeles Fine Art Murals Permit Issuance</p> <ul style="list-style-type: none"> <li>• The Department of Building and Safety is responsible for the review, issuance, and enforcement of fine art mural permits</li> </ul> <p>*Portland "Original Art Murals" Oversight:</p> <ul style="list-style-type: none"> <li>• The Portland Bureau of Development Services is responsible for the review, issuance, and enforcement of mural permits</li> </ul>	<p>Possible Los Angeles Public Art Easement Permit Issuance</p> <ul style="list-style-type: none"> <li>• The Cultural Affairs Commission is responsible for the review and approval of Public Art Easements Permits, administered through the Department of Cultural Affairs</li> <li>• Public Art Easement agreements held by the General Services Department</li> </ul> <p>*Portland "Public Art Murals" Oversight:</p> <ul style="list-style-type: none"> <li>• The Regional Arts &amp; Culture Council Board is responsible for the application review and approval of Public Art Easement permits</li> <li>• Art Easements administered through the Regional Arts &amp; Culture Council staff</li> <li>• Public Art Easements agreements are registered with Multnomah County</li> </ul>

## **ADDENDUM**

### **Social and Public Art Resource Center (SPARC) Action Items to Save LA Murals and Mural Rescue Program Preliminary Proposal**

At the July 13, 2010 joint PLUM and APHA Committee, SPARC entered into public record a proposal outlining its approach for conserving the 105 murals created through their Great Walls/Neighborhood Pride Program. Councilmember José Huizar verbally requested that the Department of Cultural Affairs report back on the feasibility of SPARCS' proposal relative to the research the Department was undertaking as part of the proposed mural permitting options. This report is in response to that request.

#### **Proposal Overview**

The proposal contains background information on the 30 year history of the organization in regards to mural creation, maintenance, and advocacy as well as background information on the 105 murals created through SPARCS' Great Walls/Neighborhood Pride Program. The proposal advances and elaborates on the following seven action items required to address the issues affecting murals in Los Angeles:

1. Redirect graffiti abatement money to a youth murals program
2. Establish a Mural Rescue Program that employs youth mural crews
3. Establish alternative sentencing for convicted graffiti vandals
4. Establish Community Mural Education Events
5. Direct tax revenues from sales of spray paint & markers to fund a Mural Restoration program involving artists, youth and community members.
6. Enforcement of the Visual Artists Rights Act (VARA)
7. Allocate 1% of Public advertising space i.e., Billboards for Public Art

#### **Proposal Summary**

The SPARC proposal would establish Mural Rescue Crews composed of youth hired specifically for this program, or those performing community services for vandalism, as a youth job training program. SPARC would provide training in graffiti abatement by teaching the youth how to apply and utilize wax-based anti-graffiti coatings, as well as other mural conservation techniques. The program would also utilize the original mural artists or their surrogates to carry out mural restorations.

Additionally, the program would seek to reconnect the restored murals to the surrounding community through mural re-dedications and education outreach to neighboring schools and community centers near each mural, with the goal of educating these youth about the history and importance of this art form. The program would emphasize "neighborhood stewardship" and stated the following project goals:

- “• To preserve, restore and maintain Los Angeles historic murals and public art sites.
- To train and employ urban youth artist as stewards of murals in diverse communities of Los Angeles
- To reduce graffiti vandalism cost and increase youth and communities public arts opportunities by redirecting 10% of estimated \$70 million annual graffiti abatement public spending in the City and County of Los Angeles
- To reduce youth incarceration by providing alternative sentencing community service and public art education”

The proposal also included an initial breakdown of the project design, phases of implementation, training development, evaluation, educational guidance, job placement and resource development. The proposed annual Mural Rescue Crew Budget is **\$445,260.00** and is anticipated to cover the cost of conserving 40 murals plus, school presentations, art exhibits and community outreach. This breaks down to a cost of approximately \$10,000.00 per mural.

### **Department of Cultural Affairs (DCA) Analysis**

The Department agrees with SPARC that there is a great need for mural conservation programs in the City, and that youth involvement in this type of intervention can serve as a catalyst for renewed appreciation and understanding of this important art form. Many of the 105 SPARC murals are iconic within the history of murals in Los Angeles.

The budget of approximately \$10,000 per mural is on par with the costs of mural restorations that DCA has undertaken in the past. From 2001 – 2009, the Department restored 32 murals, valued at \$456,730 at an average cost of \$14,228 per mural. It is important to note the difference between the cost of “mural conservation” and “graffiti abatement” on murals, the latter of which is currently provided by the Department of Public Works at a cost of \$250 per treatment. Graffiti abatement does not address graffiti on uncoated murals, and murals with bubbling, flaking, and powdering paint or other material issues.

It is our opinion that graffiti abatement of murals that are in relatively good condition, with anti-graffiti coatings already on them, and the ongoing maintenance of these works can be a good fit for a youth intervention training program. However, conservation of murals with more damage and physical degradation would be better suited for professional art conservators working in tandem with the original artists.

### **Conclusion**

There are a few elements of the proposal, such as establishing alternative sentencing for convicted graffiti vandals, and redirecting sales tax revenue that may fall outside the City’s jurisdiction and should be reviewed by the proper authorities. The reallocation of graffiti abatement funds toward a youth mural program would have direct budgetary implications to the Department of Public Works graffiti abatement program and, as such, should be addressed by them.

Regarding the Visual Artists Rights Act (VARA), the Department of Cultural Affairs regularly advises other City agencies regarding the VARA notice requirements, and follows the requirements of this act on DCA interactions with artists.

Because the proposal is directly related to youth training and education, this proposal may be a better initiative incorporated into other City programs such as Summer Night Lights and or the Community Development Department job training programs, for example.

This project also appears to be a good business model to serve the private sector. There is a great need for abatement and conservation on many murals on private property. As part of a startup project, approaching individual private businesses with a modified concept could also be a suitable option for SPARC to consider.

### **Recommendations**

Instruct the Department of Public Works, City Attorney's Office and other relevant City departments to review the feasibility of the SPARC proposal ,vis-à-vis their ongoing programs, to implement the ideas put forth in it.

Respectfully submitted.