



CITY COUNCIL STAFF REPORT

DATE: MAY 4, 2015 CONSENT AGENDA

SUBJECT: DIANE STEWART, OWNER, FOR AN ART MURAL APPLICATION FOR AN EXISTING MURAL ON THE COMMERCIAL BUILDING AT 2481-2483 N. PALM CANYON DRIVE. (CASE 15-003 MUR). (GM)

CASE: 15-003 MUR - WOMEN WITH SUNGLASSES

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council to consider a request by Diane Stewart for approval of an Art Mural Application for an existing mural on the commercial building at 2481-2483 North Palm Canyon Drive.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON THE COMMERCIAL BUILDING LOCATED AT 2481-2483 NORTH PALM CANYON DRIVE, ZONE C-1, SECTION 3.

ISSUES:

- The mural was completed in April 2012 prior to the adoption of the City's mural ordinance; however, no approvals were sought at that time to repaint the building.

BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc.</i>	
April 2012	"Woman With Sunglasses" mural painted on the side of the building at 2481-2483 N. Palm Canyon Drive
10/29/13	Code Enforcement sends first Courtesy Notice regarding painting of mural requesting compliance by November 12, 2013
06/04/14	The City Council approved Ordinance #1853, establishing the regulations and approval process for art murals.
07/30/15	Mural Application submitted to Planning Department.

ITEM NO. 2.H.

10/21/15	AAC votes to recommend approval of mural to Planning Commission as submitted.
1/14/16	Public Arts Commission recommends approval.
3/9/16	Planning Commission recommends approval of the Art Mural application to the City Council.

Most Recent Ownership	
05/23/2001	Diane Stewart

Field Check	
09/15/2015	Staff visited site to observe existing conditions

Notification	
1/27/2016	Notice sent to all property owners within 500 feet of mural site at least 30 days prior to the Planning Commission consideration.

Details of Application Request	
Site Area	
Net Area	5,310-square feet



Subject Site: 2481-2483 N. Palm Canyon Drive

Surrounding Property	Existing General Plan Designations	Existing Land Use	Existing Zoning Designations
Subject Property	MXD (Mixed-Multi Use)	Retail / Art Gallery	C-1 (General Commercial)
North	MXD (Mixed-Multi Use)	Retail / 7-11	C-1 (General Commercial)
South	MXD (Mixed-Multi Use)	Vacant - Nursery	C-1 (General Commercial)
East	MXD (Mixed-Multi Use)	Vacant	C-1 (General Commercial)
West	MXD (Mixed-Multi Use)	Multi-Family Residential	R-2 (Multi-Family Residential)

ANALYSIS:

The applicant has requested approval of an existing mural located on the angled north façade of the commercial building at 2481-2483 N. Palm Canyon Drive. The mural does not have a specific name but can be described as a form of underground public art evolved from graffiti or “Street Art” founded in urban centers. The mural was created by Los Angeles artist James Haunt known for his signature California dream girl design. The installation of the mural preceded the City’s mural ordinance, which was adopted in June 2014; final approval of this application by City Council will satisfy the requirements of the mural approval process.

The approval process for murals is identified in Section 5.81.030 of the Palm Springs Municipal Code; the application must be reviewed by AAC, the Planning Commission, the Public Arts Commission, and is then forwarded to City Council for action. The AAC reviewed the mural on October 21, 2015, and recommended approval of the application subject to the conditions proposed by staff. The AAC found that the mural enhances the otherwise blank wall of a commercial building and is appropriate in its location. The Public Arts Commission reviewed the application on January 24, 2016, and is in favor of leaving the mural in place and recommended approval to the Planning Commission and City Council. The Planning Commission reviewed the Mural Application at the March 9, 2016 meeting and voted to approve with a favorable recommendation to the City Council.

As part of the approval criteria listed in Section 5.81 of the code, the Planning Commission is to review mural applications for compatibility as to location and placement on the structure, and other applicable requirements of the zoning code. The mural has been reviewed under the Architectural Review criteria listed in Section 94.04.00(D), as detailed under the Findings section listed below.

The applicant has submitted a covenant and maintenance agreement for the mural, as required by Section 5.81.020 of the Palm Springs Municipal Code. This agreement

assures that the necessary repairs and maintenance of the mural are completed by the property owner to the reasonable satisfaction of the City. The covenant will be executed upon approval of the application.

FINDINGS – ART MURAL REGULATIONS AND REQUIREMENTS:

Palm Springs Municipal Code Section 5.81.040 requires that the owner of the property on which the mural is placed shall deliver to the City a covenant for recordation, providing that the mural will be maintained at all times in full compliance with code requirements. The covenant shall be required as a condition of approval of this request.

Palm Springs Municipal Code Section 5.81.050 outlines the following regulations for art murals:

1. *The mural shall remain in place, without alternation, for a minimum period of two years.*

If approved, the mural shall be required to remain in place for two years from the date of City Council approval. The two-year requirement will be included as a standard condition of approval.

2. *No part of a mural shall exceed the height of the structure to which it is tiled, painted, or affixed.*

The mural occupies the north facing building façade visible from North Palm Canyon Drive. The mural does not exceed the height of the structure.

3. *No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.*

The mural is painted directly on the building surface, and does not project from the wall plane.

4. *No mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).*

The mural does not consist of or contain any electrical or mechanical components.

5. *No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures.*

The mural is painted on a commercial building, and is located within a commercial zoning district.

6. *No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.*

The mural does not consist of or contain any electrical or mechanical components. The mural is not illuminated at night.

7. *Digitally printed image murals shall receive approval of both the Fire Department and Department of Building and Safety.*

The mural is directly painted on the building façade, and does not use any digitally printed images. No approval shall be required from the Fire Department or the Department of Building and Safety.

8. *A mural shall not be created without the final authorization of the Palm Springs City Council.*

The mural was established in 2012 prior to the adoption of the City's regulations for murals. However, approval of this application will bring the mural into conformance to the City's approval process requirements. Should the City Council deny this application, the mural will need to be removed and the building repainted.

FINDINGS – ARCHITECTURAL REVIEW REQUIREMENTS:

In addition to the required findings listed previously, the Architectural Advisory Committee and Planning Commission reviewed the submitted application for conformance to the applicable requirements listed in Section 94.04.00(D), as discussed in the table below:

ARCHITECTURAL GUIDELINES:

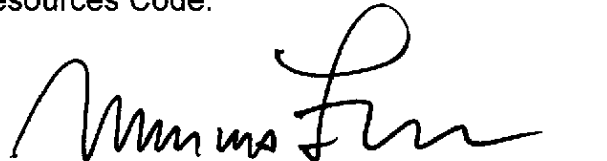
Item	Guideline	Conforms?	Staff Evaluation:
1	Is the proposed development compatible with the character of adjacent and surrounding developments?	Yes	Mural painted on the north side of the commercial building enlivens an otherwise large blank cinderblock wall with a colorful and energetic painting.

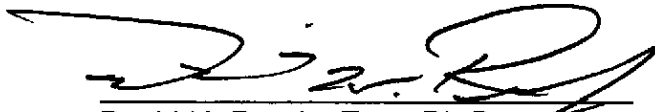
2	Is the proposed development of good composition, materials, textures, and colors?	Yes	The mural is constructed with quality materials which have been resistant to fading and changes in pigment over the past three years.
3	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	Yes	The mural as described by the artist utilizes vibrant colors consisting of oranges, blues, reds, pinks, and grays to convey an urban street image not commonly seen in Palm Springs.
4	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	Yes	The mural is painted from grade level to roof line and wraps onto the building front balcony further enhancing the uniqueness of the painting.
5	Building design, materials and colors to be sympathetic with desert surroundings	Yes	The mural utilizes a mix of vibrant colors that can be found in the surrounding desert flowers, mountains, and landscapes.
6	Harmony of materials, colors, and composition of those elements of a structure, including overhangs, roofs and substructures which are visible simultaneously	Yes	The mural uses the varying building angles to add depth and dimension to the north facing wall which would not be present if painted one solid color. The main feature of the mural being a woman with sunglasses wraps around the front façade and onto the 2 nd story balcony. The location of the woman's face positioned to the left with abstract design to the right provides an interesting art piece unlike other buildings in the immediate area.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the application is not considered a project pursuant to the terms of the California Environmental Quality Act ("CEQA"), as it will not cause a direct or indirect physical change in the environment pursuant to Section 21065 of the Public Resources Code.


Flinn Fagg, AICP
Director of Planning Services


Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer

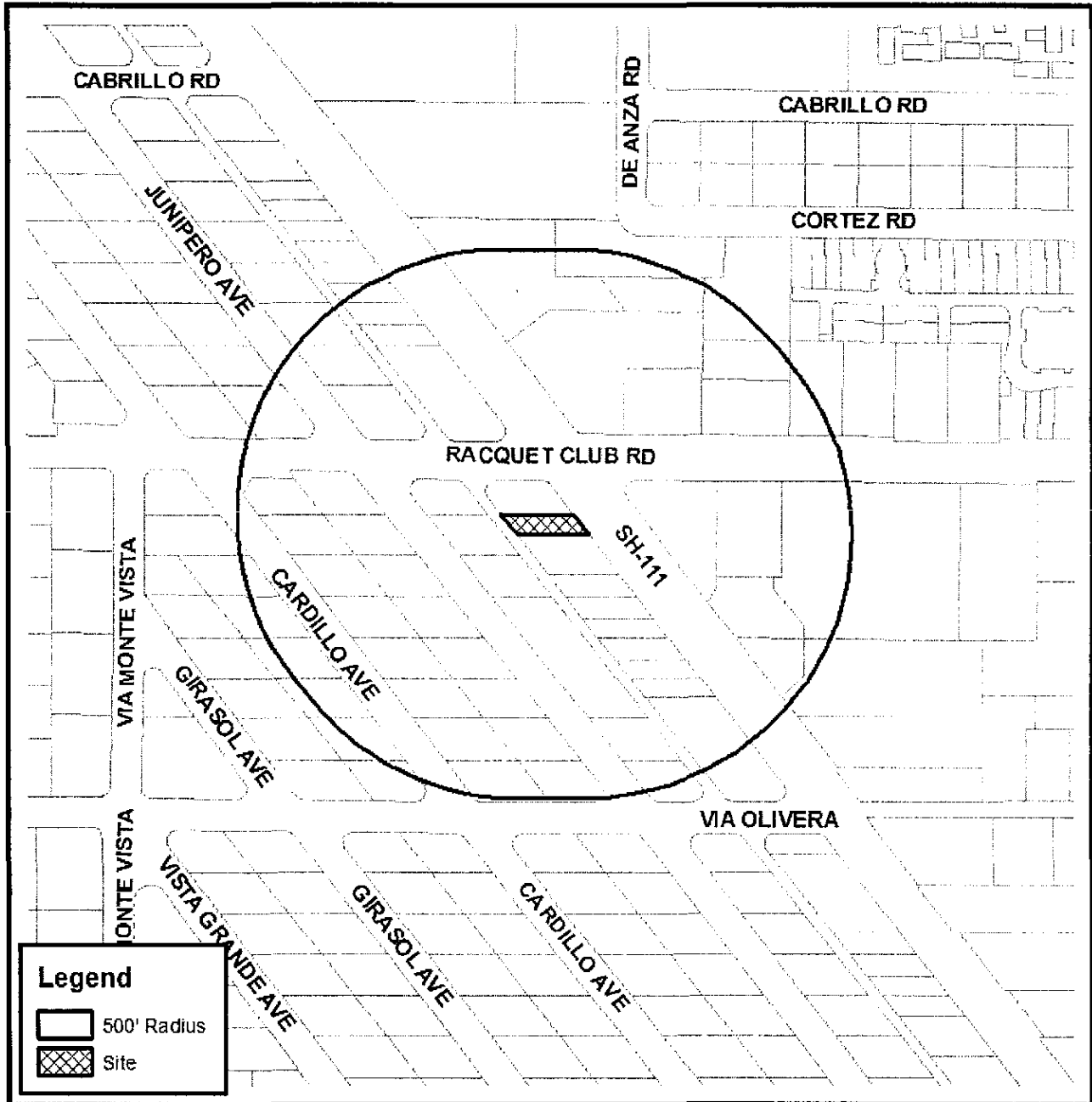
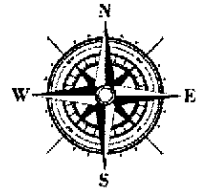

David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. Vicinity Map
2. Resolution
3. Conditions of Approval
4. Covenant to Maintain
5. Meeting Minutes of AAC on October 12, 2016
6. Meeting Minutes of Public Arts Commission on January 14, 2016
7. Meeting Minutes of Planning Commission on March 9, 2016
8. Mural Photos
9. Mural Application
10. News Article on Mural Artist - James Haunt



Department of Planning Services Vicinity Map



Legend

- 500' Radius
- Site

CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 15-003 MUR FOR AN ART MURAL ON THE COMMERCIAL BUILDING AT 2481-2483 NORTH PALM CANYON DRIVE, ZONE C-1.

- A. Diane Stewart, owner ("Applicant") has filed an application with the City pursuant to Section 5.81 of the Palm Springs Municipal Code for the approval of an existing art mural on the commercial building at 2481-2483 N. Palm Canyon Drive, Zone C-1. (Case No. 15-003 MUR) ("Application")
- B. On October 21, 2016, the Architectural Advisory Committee met and voted to recommend approval of the application to the Planning Commission.
- C. On January 14, 2016, the Public Arts Commission met and voted to recommend approval of the application to the Planning Commission and City Council.
- D. On March 9, 2016, the Planning Commission met and voted to approve with a favorable recommendation of the Mural application to the City Council.
- E. On May 4, 2016, the City Council considered the Mural Application at a regularly scheduled public meeting in accordance with applicable law.
- F. The application is not considered a project pursuant to the terms of the California Environmental Quality Act ("CEQA"), as it will not cause a direct or indirect physical change in the environment pursuant to Section 21065 of the Public Resources Code
- G. Notice was provided to all property owners within 500 feet of the location of the mural prior to the Planning Commission consideration of the Application in accordance with Section 5.81.030(a) of the Palm Springs Municipal Code.
- H. The City Council has carefully reviewed and considered all of the evidence presented in connection with the Application, including, but not limited to, the staff report, and all written and oral testimony presented.
- I. Pursuant to Section 5.81 of the Palm Springs Municipal Code, the City Council finds:
- The mural shall remain in place, without alternation, for a minimum period of two years.*
- if approved, the mural shall be required to remain in place for two years from the date of City Council approval. The two-year requirement will be included as a standard condition of approval.

2. *No part of a mural shall exceed the height of the structure to which it is tiled, painted, or affixed.*

The mural occupies the north facing building façade visible from North Palm Canyon Drive. The mural does not exceed the height of the structure.

3. *No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.*

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The mural does not consist of or contain any electrical or mechanical components.

5. *No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures.*

The mural is painted on a commercial building, and is located within a commercial zoning district.

6. *No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.*

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7. *Digitally printed image murals shall receive approval of both the Fire Department and Department of Building and Safety.*

The mural is directly painted on the building façade, and does not use any digitally printed images. No approval shall be required from the Fire Department or the Department of Building and Safety.

8. *A mural shall not be created without the final authorization of the Palm Springs City Council.*

The mural was established in 2012 prior to the adoption of the City's regulations for murals. However, approval of this application will bring the mural into conformance to the City's approval process requirements.

THE CITY COUNCIL RESOLVES:

Based upon the foregoing, the City Council hereby recommends approval of Case 15-003 MUR for an art mural on the commercial building located at 2481-2483 North Palm Canyon Drive subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 4th day of May, 2016.

AYES:
NOES:
ABSENT:
ABSTAIN:

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RESOLUTION NO.

EXHIBIT A

Case 15-003 MUR

An Art Mural for a commercial building located at 2481-2483 North Palm Canyon Drive

May 4, 2016

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the Director of Planning Services, the Director of Building and Safety, or the Director of Community and Economic Development, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 15-003 MUR, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped July 30, 2015, on file in the Planning Division, except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 15-003 MUR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the

matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Covenant. The owner of the property on which the mural is installed shall execute and deliver to the Office of the City Clerk a covenant for recordation in a form approved by the City Attorney. The covenant shall provide that the mural will be installed and maintained at all times in full compliance Chapter 5.81 of the Palm Springs Municipal Code. In addition, the covenant shall remain in force for as long as the mural exists.
- ADM 7. Maintenance Plan. The property owner(s) and successors and assignees in interest shall maintain and repair the mural in accordance with the maintenance plan approved in conjunction with this application. This condition shall be included in the recorded covenant agreement for the property as required by the City.
- ADM 8. Minimum Time Period. The mural shall remain in place, without alteration, for a minimum period of two (2) years; the two (2) year time period shall commence upon the effective date of the approval. An "alteration" includes any change to the permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time or that result from the maintenance or repair of the mural. Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or the result of vandalism.

A mural may be removed within the first two years of the date of registration under the following circumstances:

- The property on which the mural is located is sold; or
- The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
- The property undergoes a change of use authorized by the Department of Building and Safety;

- The owner of a mural may request permission from the City Manager to remove a mural prior to the expiration of the two (2) year period, which the City Manager may grant upon making a finding that the continued maintenance of the mural is not feasible and that the early removal of the mural is not a furtherance of off-site commercial advertising.

ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances may result in proceedings to revoke the approval. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Lighting. Illumination of the mural shall be limited in accordance with the requirements of Section 5.81.050(G) of the Palm Springs Municipal Code.

PLN 2. Removal of Mural. Should the mural be removed or the building be repainted in the future, the property owner shall submit a Minor Architectural Review application for approval prior to repainting the building.

END OF CONDITIONS

NO FEE DOCUMENT
Government Code § 6103

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY OF PALM SPRINGS
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

[Space Above This Line For Recorder's Use Only]

COVENANT TO MAINTAIN ART MURAL ON PRIVATE PROPERTY

This Covenant to Maintain Art Mural on Private Property (this "Covenant") is made as of this ____ day of _____, 20____ by Diane Stewart ("Owner") for the benefit and in favor of the City of Palm Springs, a California charter city and municipal corporation (the "City").

Owner is the fee title owner of that certain real property generally located at **2481-2483 North Palm Canyon Drive** in the City of Palm Springs, County of Riverside, State of California, identified by Riverside County Assessor's Parcel Number 504-224-010 and more particularly and legally described as follows:

[Insert legal description]

Owner has installed an art mural at the above-described property (hereinafter, the "Property") in accordance with the requirements of Palm Springs Municipal Code Chapter 5.81, as may be amended from time to time, and the application approved by the Palm Springs City Council on *[insert date of approval (insert CC Resolution No.)]*(the "Mural").

Owner hereby covenants and agrees that the Mural will be maintained at all times in full compliance with Palm Springs Municipal Code Chapter 5.81, as may be amended from time to time, and kept in a good, clean, and first class condition. Owner further covenants and agrees to perform any and all necessary repairs and maintenance of the Mural, at Owner's sole cost and expense, to the reasonable satisfaction of City, as determined by the City Manager. If the Mural is damaged and/or not maintained to the standards set forth in this Covenant, City shall provide Owner with a written notice directing Owner to repair the Mural. In addition to all other remedies provided by law, if Owner fails or refuses repair the Mural within 30 days of the written notice, City at its option may require Owner to (1) remove the Mural and restore the Property its prior condition, or (2) enter upon the Property and either perform all necessary repairs or remove the Mural, and charge Owner for the costs therefor. In the event Owner fails to reimburse City for the reasonable repair or removal costs, City may assess its costs against the Property and establish a lien to be collected in the same manner as nuisance abatement liens pursuant to Section 11.72.265 of the Palm Springs Municipal Code, as may be amended from time to time.

This Covenant shall remain in full force and effect for as long as the Mural exists, shall run with the land, shall be binding on Owner's successors and assigns, and shall be enforceable by and shall inure to the benefit of the City.

In the event that any action or proceeding is instituted for the interpretation or enforcement of this Covenant, the prevailing party in such action or proceeding shall be entitled to recover from the other party, all costs and expenses related to such action or proceeding, including, without limitation all attorneys' fees and expert witness fees, both at trial and on appeal.

Owner hereby agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all actions, suits, claims, damages, losses, costs, penalties, obligations, errors, omissions or liabilities (collectively "Claims or Liabilities") arising out of or in any way connected with any act, omission or negligence of Owner, its agents, employees or contractors, or from the existence of the Mural on the Property, or related to this Covenant, including, without limitation, bodily injury to or death of persons, injury or damage to property and attorneys' fees, but excluding such Claims or Liabilities resulting solely from the willful misconduct of the City, its officers, agents, representatives or employees who are directly responsible to the City.

Executed this ____ day of _____, 20 ____.

"OWNER

a : _____

By: _____

Its: _____

"CITY"

CITY OF PALM SPRINGS,
a municipal corporation

ATTEST:

By: _____
City Clerk

By: _____
City Manager

APPROVED AS TO FORM:

By: _____
City Attorney

By: _____

ACKNOWLEDGEMENT

State of California

County of _____) SS

On _____ before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person (s) whose names (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

(Signature) (SEAL)

the plan. He suggested that plant sizes are too small and need to be larger than 1 gallon.

Chair Fredricks and Member Lockyer agreed that the plant sizes presented are too small.

M/S/C (Fredricks/Purnel, 6-2 absent Secoy-Jensen/Song) To continue with direction to the applicant to consider the following changes:

- Simplify plant palate.
- Add 3 shade trees to be at least 24" box.
- Barrel Cactus to be at least 10" diameter.
- Red Yucca to be 5 gallon.
- Ocotillo height to be at least 6' with multiple canes.

6. DIANE STEWART OWNER, FOR AN ART MURAL APPLICATION FOR AN EXISTING MURAL ON THE COMMERCIAL BUILDING AT 2481-2483 NORTH PALM CANYON DRIVE (CASE 15-003 MUR). (GM)

Assistant Planner Mlaker provided an overview of the existing mural. He stated that Member Secoy-Jensen sent an email suggesting that: the overspray from the mural onto the aluminum window framing is removed.

Member Fauber said he likes the mural but prefers to keep the mural on the L-shaped wall instead of building with the screen.

Member Hirschbein spoke in support of the mural. He likes the colors and what it does to this corner.

Vice-Chair Cassady and Member Purnel spoke in support of the mural.

M/S/C (Fredricks/Cassady, 6-2 absent Secoy-Jensen/Song) Approve, as submitted.

7. PALM SPRINGS PROMENADE, LLC FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 6-STORY, 112,862-SQ. FT. RESORT HOTEL CONSISTING OF 142-ROOMS, MEETING SPACE, RESTAURANTS, SPA AND FITNESS CENTER ON BLOCK "B-1" OF THE DOWNTOWN PALM SPRINGS PROJECT LOCATED AT THE NORTHEAST CORNER OF BELARDO ROAD AND MAIN STREET, ZONE CBD (CASE 3.3908 MAJ). (DN)

Associate Planner Newell summarized the project modifications as outlined in the staff memorandum.

D. LEGISLATIVE:

7. **MAKE A RECOMMENDATION TO THE CITY COUNCIL REGARDING A REQUEST FOR APPROVAL OF AN ART MURAL APPLICATION BY DIANE STEWART FOR AN EXISTING MURAL ON THE COMMERCIAL BUILDING AT 2481-2483 NORTH PALM CANYON DRIVE (CASE 15-003 MUR) IN ACCORDANCE WITH THE GUIDELINES SET FORTH BY SECTION 5.81 OF THE MUNICIPAL CODE AND SECTIONS 93.20.00 & 93.20.03 OF THE PALM SPRINGS ZONING CODE.**

RECOMMENDATION: Review Art Mural Application #15-003 and Adopt a Resolution of the Public Arts Commission Making a Recommendation to City Council for Consideration.

Glenn Mlaker, Associate Planner, City of Palm Springs Planning Department, briefly reported – Previously the City had viewed this mural as a sign until the mural ordinance was adopted in 2014. The mural was reviewed by the Architectural Advisory Committee, who recommended approval.

The Commission is in favor of leaving the mural in place.

MOTION: By Commissioner Gladstone, second by Vice Chair Yanni to recommend approval of the mural to Planning Commission and City Council; unanimously approved

E. SUBCOMMITTEE REPORTS

8. Special Projects Report by Chair Sheffer

Chair Sheffer prepared and distributed a summary of actions taken by the Commission in 2015.

Chair Sheffer also distributed copies of an article from Palm Springs Life (Summer 2015).

Copies were also distributed of the Public Art Map, which is created by the Commission/City of Palm Springs and was used in a Chamber of Commerce publication.

Chair Sheffer moved to create a subcommittee to work on a “book” on the restoration of the Hunt Totem Pole; Ms. Aylaian advised Chair Sheffer that this item was not on the Agenda for action, this would not be an appropriate time for a vote. This item will be reported on in Reports of Staff; if Commissioners would like something more discussed or action taken they may make that request during Commissioner Comments.

Chair Sheffer would like a social media presence; would like to write an RFP and hire a web developer or social media “person” to hire on a contract.

COMMISSIONER COMMENTS/REPORTS/REQUESTS:

Commissioner Sand – has been asked by the James O. Jessie Desert Highland Unity Center to come to another community meeting to discuss further what the ideas are regarding the mural. Would like to find out what the community would like to do in regards to archiving, preserving and/or fund-raising, etc.

Commissioner Edmundson – has concerns on the reinstallation of the Totem Pole. It would again sit where it might get hit by sprinklers; is also concerned about the elements, i.e., sun, heat and rain damage; knows that people in that community feel very strongly about the Totem Pole. There is a lot of discussion that needs to happen before the reinstallation and need to be sensitive to what everyone wants. This item will be agendaized for the next regular meeting.

The agenda was unanimously approved, as amended.

PUBLIC COMMENTS:

Chair Klatchko opened public comments:

FRANK TYSEN, Historic Tennis Club Neighborhood Organization, chairman, spoke in full support of the Item 2B., the Orchid Tree project.

RANDY SCOTT, resides on Marguerite Street, questioned if funds have been acquired for the landscape improvements on a vacant lot adjacent to the new development on 34th Street.

There being no further appearances public comments was closed.

1. CONSENT CALENDAR:

ACTION: Approve Items 1A and 1B as part of the Consent Calendar.

Motion: Commissioner Donenfeld, seconded by Vice-Chair Calderine and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calderine, Chair Klatchko

ABSENT: Commissioner Hirschbein

1A. APPROVAL OF MINUTES: FEBRUARY 24, 2016

Approved, as submitted (noting Commissioner Weremiuk's abstention).

1B. DIANE STEWART OWNER, FOR AN ART MURAL APPLICATION FOR AN EXISTING MURAL ON THE COMMERCIAL BUILDING AT 2481-2483 NORTH PALM CANYON DRIVE (CASE 15-003 MUR). (GM)

Approved, as submitted.

2. PUBLIC HEARINGS:

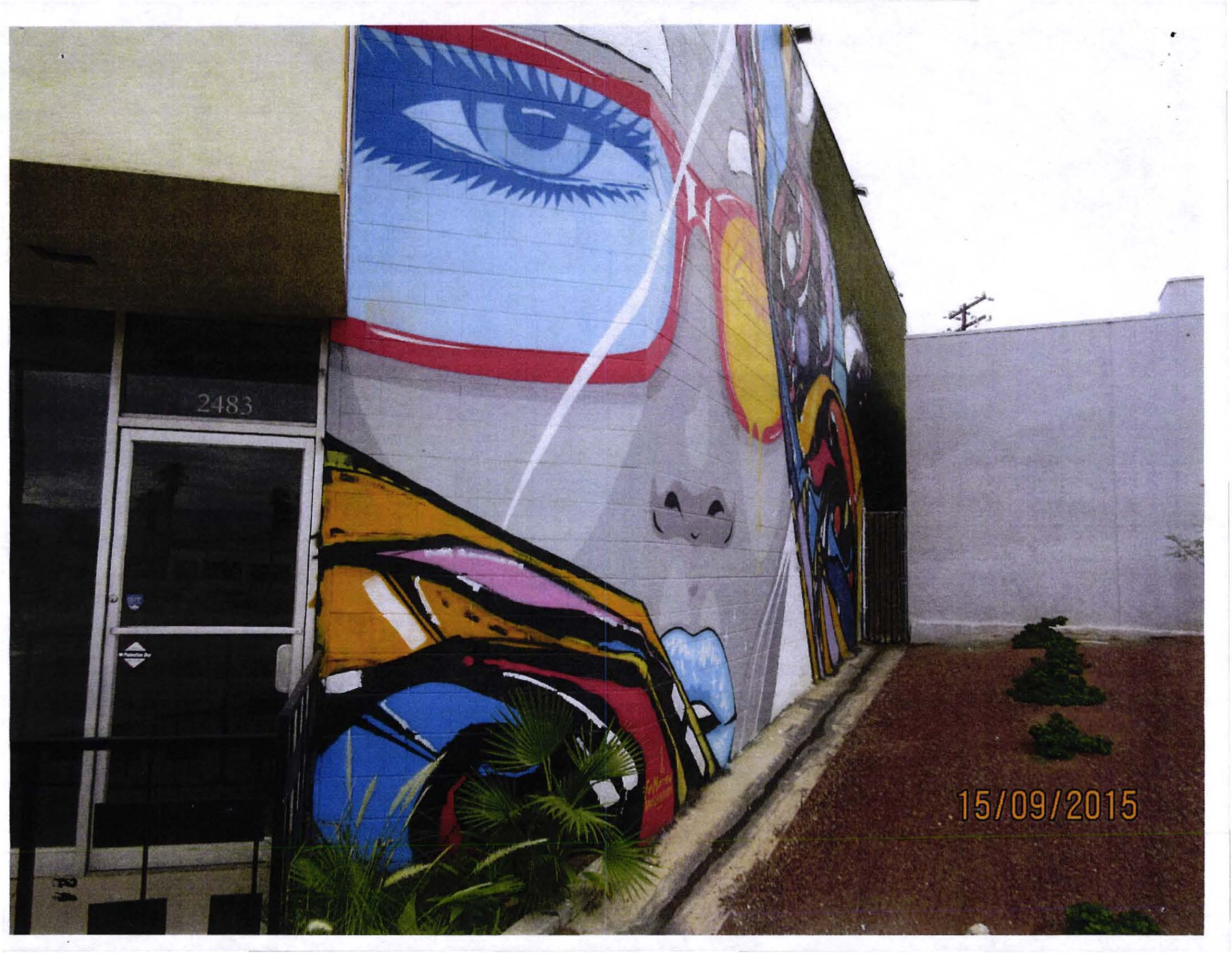
Item 2B. was heard out of order.





15/09/2015

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2483

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JAMES HAUNT

15/09/2015



CITY OF PALM SPRINGS
PLANNING DEPARTMENT APPLICATION
ART MURAL

RECEIVED
JUL 30 2015
PLANNING SERVICES
DEPARTMENT

ART MURAL APPLICATION # 15-003

Definition: Mural – a painting or artwork temporarily or permanently affixed to a building wall, freestanding wall, or fence, on a commercial, industrial, or multi-family building, visible to a public right-of-way distinguished from signage in that it does not advertise a business, commercial endeavor, or product sold or offered on the site or offsite.

Applicant's Name: Diane Stewart

Applicant's Address: [REDACTED]

[REDACTED] Email: [REDACTED]

Site Address: 2481-2483 N Palm Canyon Drive Site APN: 504-224-010

Property Owner: Diane Warren Stewart Phone # [REDACTED]

Property Zone: C1 Sec: B Twp: 4 Range: 4

Title of Mural: California Dream

Description of Mural:

Original painting of womans face with sunglasses by James Haunt, additional abstract outline by Zes - Los Angeles based mural artists, painted April 2012

Procedure: An application for an Art Mural Permit shall be submitted to the Department of Planning Services in compliance with all requirements of Section 5.81 of the Municipal Code and Sections 93.20.00 & 93.20.03 of the Palm Springs Zoning Code. This application shall be accompanied by the following:

1. A processing fee of \$1,000.00, plus Notification fee of \$872.00.
2. Detailed drawings with color samples or photograph of sufficient descriptive clarity to indicate the nature of the mural including background information about the artist.
3. Detailed site plan showing the location of the mural in relation to immediate vicinity.
4. Photos of proposed mural location showing properties immediately adjacent to site.
5. Justification Letter.
6. Notice labels for all property owners within 500 feet from mural site.
7. Covenant agreement by property owner to be recorded.
8. Maintenance plan guaranteeing the mural be maintained in a first class appearance to the satisfaction of the City, including protection of the mural against physical defacement, or alteration.

Applicant's Signature Diane Stewart		Property Owners Signature Diane Warren Stewart		Date of Submittal 07-27-2015
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Mural was painted by the artists over two years ago prior to the existence of any permit regulations. The mural is being maintained by the artists, and will continue to be maintained by them. I have mailed a check made out to the City of Palm Springs for the full amount of \$936.00 which is what I have been quoted by Mr. Douglas Holland, Palm Springs City Attorney. Thank you, Diane Stewart

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JUL 30 2015

PLANNING SERVICES
DEPARTMENT

18-003

Street Art Meets Desert Art

By Ann Japenga

In desert art circles, the name Kevin Stewart equals respectability. The art appraiser and dealer is known for his impeccably pressed pinstripe shirts and his encyclopedic knowledge of desert art. You could take the man anywhere.

So what was he doing out in front of his Palm Springs gallery on Friday, with hip-hop music blaring, urban youth milling about, and a long-haired young man on a ladder spray-painting a woman's face on the side of his building?

In a clattering collision of universes, Kevin Stewart—the dean of desert art dealers—has just become the father of Palm Springs Street Art. A form of underground public art evolved from graffiti, Street Art has exploded in urban centers and even rated its own show at the Museum of Contemporary Art in LA last year. But there's been no action in the Coachella Valley and this industrial-looking stretch of North Palm Canyon had never seen a spray can. Till now.

Not much had been going on at the Stewarts' building since they recently opened a new gallery in Santa Barbara. Then Kevin's wife, Diane, alerted me by e-mail the other day that I might want to check out the progress on their new mural.

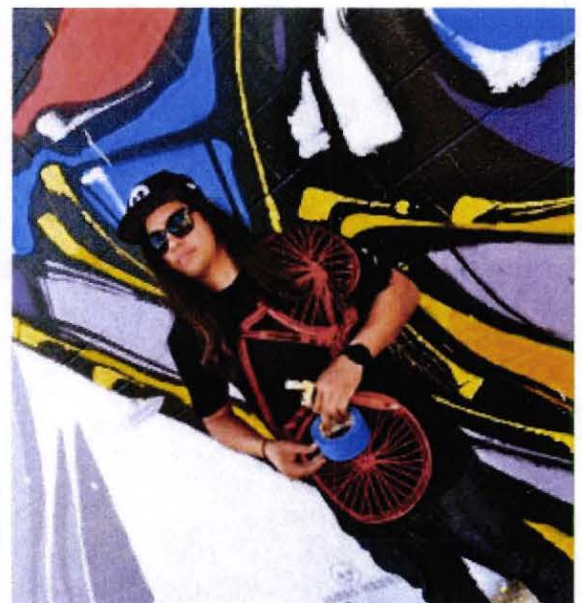
I parked at the 7-11 at North Palm Canyon and Racquet Club and walked around the corner to find a cherry picker parked in front of the gallery. The side of the building was nearly covered by dark, edgy swaths of paint. Kevin and Diane's 20-year-old son, Jeff, was out front wearing a T-shirt designed by artist James Haunt, the same man who was currently standing on the ladder above us.

Haunt dropped an empty spray can that clattered to the sidewalk; we all jumped back. When passer-by spotted the artists, they honked their horns happily—no doubt overjoyed to see urban street action amidst the numbing expanse of country clubs.

The mural is a byproduct of the Coachella Valley Arts and Music Festival, starting next weekend (April 13, 2012). The artists painting Kevin's building had done gigs at Coachella in the past and this year wanted to find a wall to paint.



Photos by Christy Porter



James Haunt, photo by Christy Porter

James Haunt and friends were looking for a likely site one day, with Palm Springs art collector Chris Cowper in tow. As they drove by the corner of Palm Canyon and Racquet Club, Chris saw the angled wall of the Stewarts' building and decided to phone Kevin, a friend who had appraised his art in the past. He didn't really think the traditional art dealer would jump at the chance to have his building splattered with glorified gangster graffiti.

Kevin told Chris he'd think about it and call him back. "I thought about it for about three minutes before I said OK," Kevin told me. "I said: 'Palm Springs needs this'"



James modifying his brushes.

Kevin was worried his wife Diane might not agree, so he didn't bring it up until the painters were already at work. The team set up in the middle-of-the night, and were questioned about their unusual operation by the police.

The crew assured police the building owner was on board. As it turned out, both building owners were on-board: Diane, too, was delighted with the idea.

As I talked to Kevin out in front of his building, watching the artists at work, he was as enthused as I'd ever seen him. In fact he said he hadn't been as jazzed since he joined the Love-Ins in San Francisco during the hippie era. "Art is about reaction. This is something that's surprising," he said. "These guys have so much inside them that they want to express. Their art is big."

Kevin has no plans of abandoning California Impressionism in favor of Street Art. Well, maybe just for today. "We're going to open some minds," he said. "This art can get your mind going."



The artists were equally jazzed—by being the first in Palm Springs and by the size and visibility of the wall. "Hey this is a monster wall," said crew member Justin Glikman.

While Street Art may be getting more mainstream in recent years (thanks in part to Keith Haring and Shepard Fairey) it remains unsanctioned. No one had a permit in their pocket, so as we stood on the corner we all kept looking over our shoulders for a City inspector who might show up and object.

Even if they did, "It's up. We're there," Justin said with relief.

The Stewarts' mural is a collaboration between James Haunt, known for his signature California dream girl design, and Zes MSK who has a more abstract style. James arrived fresh from painting the first-ever Street Art mural at the Roxy in LA.

On a break from the ladder, the artist told me he's hardly ever visited the Palm Springs area, except for the Coachella Festival, but during this visit he went hiking in the Indian Canyons. "It's growing on me," he said. Street, meet desert. Desert, meet Street.

Palm Springs first major Street Art went up in just two days. As a final touch, James Haunt painted a tribute to Kevin and Diane Stewart's son, who died last year of a rare genetic disease: "*For Matthew, who loved art.*"

For more information: JamesHaunt.com

Inquiries: Justin@jameshaunt.com

When in Santa Barbara, be sure and visit the Stewarts' new gallery:

Kevin Stewart Fine Art

215 W. Mission Street. (805) 845-0255

stewartfineart@cox.net

