

**PUBLIC ARTS COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA**

REGULAR MEETING AGENDA

**Wednesday
February 17, 2021**



5:30 PM

Ann Sheffer, Chair
Shawnda Faveau

Tracy Merrigan, Vice-Chair
Russell Pritchard
Thomas Yanni

Alfonso Murray
Mara Gladstone

Pursuant to Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

To join meeting, please use the following link:

<https://us02web.zoom.us/j/83392135524?pwd=Nm02Q24rSHcyQVB3VkJwTzYyemZwQT09>

**Meeting ID: 833 9213 5524
Passcode: 699486**

Dial by your location: 669 900 6833 US (San Jose); 253 215 8782 US (Tacoma); 346 248 7799 US (Houston); 301 715 8592 US (Washington DC); 312 626 6799 US (Chicago); 929 436 2866 US (New York)

Public comment may also be submitted to jay.virata@palm Springsca.gov. Transmittal prior to the meeting is required. Any correspondence received during or after the meeting will be distributed to the Commission and retained for the official record.

CALL TO ORDER:

ROLL CALL:

ACCEPTANCE OF AGENDA:

PUBLIC COMMENTS:

This time has been set aside for members of the public to address the Public Arts Commission on items of general interest within the subject matter jurisdiction of the Commission, and agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Commission. Additionally, members of the public may address the Commission on each item listed on the posted agenda at the time each item is heard. Although the Public Arts Commission values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Five (5) minutes are assigned for each speaker.

A. PRESENTATION: Richard Noble, Proposal for "Equal Under the Law" mural celebrating LGBTQ civil rights leadership.

B. REPORT FROM THE CHAIR:

C. ITEMS FOR DISCUSSION / APPROVAL:

1. Approve contract with Nail-to-Nail for a Collections Management System for the City Public Art Collection, including management, care, and preservation recommendations, as well an internet-based platform for public access. Not to exceed \$24,000. Scope of Work attached.
2. Approve CARES projects:
 - a. Discuss/Approve Guidelines for CARES grants.
 - b. Approve loan of sculpture entitled “Popsicles” by John Cerney at 605 East Sunny Dunes, \$3,500 plus City fees.
 - c. Discuss/Approve wording of plaques for art projects.
3. Discuss/Approve revisions to the Public Arts and Mural Ordinances to submit to City Council.

E. COMMITTEE REPORTS:

1. Bench Project.
2. Stop in the Name of Love.
3. Other Mini-Grants.

4. COMMISSIONER COMMENTS/REPORTS/REQUESTS:

5. REPORT FROM DIRECTOR/STAFF:

ADJOURNMENT: The Public Arts Commission will adjourn to a Regular Meeting, Wednesday March 17, 2021 5:30 p.m. via teleconference.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way (760) 323-8204.

AFFIDAVIT OF POSTING

I, JAY VIRATA, Community & Economic Development Director for the City of Palm Springs, California, certify this Agenda was posted at or before 5:30 p.m. on February 11, 2021, as required by established policies and procedures.

/s/ Jay Virata

Jay Virata, Director
Community & Economic Development



Process for CARES and Neighborhood Grants:

1. Mini-grant proposals must be reviewed and recommended by at least two Public Arts Commissioners.
2. All art installations or murals funded through mini-grants will be **temporary** until December 31, 2021 when they will be reviewed by the Commission for longer term arrangements.
3. Any applications for placement of art on City property must be reviewed by the Planning Department for safety and structural issues, to be addressed before proceeding.
4. Any applications for placement of art or murals on private property must have the permission of the owner.
5. Contracts and/or invoices from sponsoring organizations or artists must be approved by the City Manager, however projects may be managed by independent contractors within their scope of work.
6. No public hearings will be held, but all projects will be publicized through our website and social media for public comment.
7. Funding may be given to neighborhood or business organizations or directly to artists, and all grant recipients must submit a report of expenditures and outcomes when the project has been completed.
8. These special processes will remain in effect until December 31, 2021

Funding for CARES and Neighborhood grants will range between \$500 - \$5000.

*Types of CARES projects:

1. Artwork to enliven re-opened businesses and draw foot traffic, as request by owners, including on sidewalks, crosswalks, or patios.
2. Storefront installations on temporarily or permanently closed businesses
3. Loan of artwork for storefronts, medians, empty lots, or other public places

Approved by Public Arts Commission, June 2, 2020

Approval renewed February 17, 2021

DRAFT
**AGREEMENT FOR PLACEMENT AND LOAN
OF ARTWORK**

THIS AGREEMENT FOR PLACEMENT AND LOAN OF ARTWORK ("Agreement") is entered into as of this _____, day of __, 2021, by and between the City of Palm Springs, a California charter city and municipal corporation ("City"), and **John Cerney ("Artist")**

RECITALS

- A. The City has established a Public Arts Program, which authorizes the placement of works of art on appropriate private and public property, which encourages public access, and viewing of the artwork.
- B. Under the Public Arts Program, artwork may be loaned to the City with or without a fee paid for loan term.
- C. Owner desires to loan a work of art and have such work of art placed on public property in accordance with this Agreement and the City of Palm Springs Public Arts Program as established by Chapters 2.24 and 3.37 of the Palm Springs Municipal Code (Public Arts Ordinance).

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree that acceptance of the loan of the artwork described below of this Agreement is subject to the following conditions:

1. **City Representative:** The City Manager, or this designee, a Contract Officer of the City ("City Manager"), shall be the City's designated representative with respect to this Agreement. Under the direction of the City Council, the City Manager shall have the authority to give approvals or consents required hereunder and to otherwise act on behalf of the City of purposes of this Agreement.
2. **Loan Fee:** City shall pay a loan fee in the amount of Five Thousand Dollars (\$3500) payable within thirty (30) days of installation and receipt of invoice from Owner.
3. **Loan Term:** The loan term shall be eight (8) months, with an option to renew for an extended period of time as agreed upon by both parties.
4. **Termination:** Both the City and the Owner have the right to terminate this Agreement upon thirty (30) days' advance written notice, with or without cause. Upon termination, the City shall cause the artwork to be removed at City's cost and expense.
5. **The Artwork:** The Owner will loan to the City a free-standing sculpture entitled "Popsicles". as shown in Exhibit "A" (the Artwork).
6. **Location and Site Preparation:** The artwork shall be located 605 East Sunny Dunes.

7. Security: City shall be responsible for security to protect the artwork from damage, vandalism, or theft.
8. Transport: The artwork shall be delivered to the City and installed by the artist.
9. Insurance: City shall procure and maintain, in a form and amount consistent with the City's past practice in insuring public art installed and maintained on City owned property, appropriate insurance for the artwork. City shall provide Owner with a Certificate of Insurance naming Owner as an additional insured.
10. Care and Condition: The artwork is loaned in good condition unless otherwise noted. The artwork should be examined for condition upon receipt. The artwork shall at all times be given special care to protect it against loss, damage or deterioration. Should loss or damage or deterioration be noted, the Owner is to be notified immediately and in detail. It is understood that the artworks covered by this Agreement shall remain in the condition in which they are received. The artwork shall not be, repaired, retouched, moved, or altered in any way. Regularly scheduled cleaning of artwork shall be performed by Owner.
11. Credit: During the term of this Agreement, all formal references to the Artwork shall include the following credit line: "Collection of Palm Springs Public Arts Commission on loan from **John Cerney**."

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date first above written.

"OWNER"

Its.....

Its _ _ _ _ _

"CITY"

CITY OF PALM SPRINGS
A Municipal Corporation

City Manager



ORDINANCE NO. 1948

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND SUPERSEDING CHAPTER 5.81 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING THE REGULATION OF ORIGINAL ART MURALS.

City Attorney's Summary

This Ordinance revises the existing regulations applicable to the processing of applications for installation of original art murals on private property, including their maintenance and lifespan.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5.81 of the Palm Springs Municipal Code, ART MURALS ON PRIVATE PROPERTY is hereby amended and superseded in its entirety, to read as follows.

Chapter 5.81 ART MURALS ON PRIVATE PROPERTY

5.81.010 Purpose.

(a) This Chapter is intended to enact a process and procedures for the installation of original art murals on private property and further the public interest by: (i) encouraging artistic expression; (ii) fostering a sense of pride; (iii) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; (iv) preserving existing murals that are a valued part of the history of the City; and (v) visually activating dormant and/or vacant properties and construction sites.

(b) The City may consider the installation of murals and, at the same time, wishes to prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations do not allow commercial advertising.

(c) Mural regulations also promote public safety and welfare by ensuring the following objectives are achieved:

1. The design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.
2. Regulation will provide reasonable protection to the visual environment by controlling the size, height, spacing, and locations of such displays.

3. The public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated.
4. To impose permit requirements and regulations for murals.

5.81.020 Definition.

Pursuant to Section 93.20.03 of this Code, a "mural" means a painting or artwork temporarily or permanently affixed to a building wall, freestanding wall, or fence, which can be seen from the public right-of-way, and is distinguished from signage in that it does not advertise a business, commercial endeavor, or product sold or offered on the site or off-site.

5.81.030 Permit required.

- (a) It is unlawful for any person, firm, or corporation to authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the City without first obtaining the necessary permits.
- (b) An application for a mural shall be submitted to the Planning Department to be assessed by City staff for compliance with this Code. The application shall include a maintenance plan be submitted for review and approval.
- (c) An application for a mural shall be submitted with the notification fees and Mural Application Permit Fee, as established by resolution of the City Council.
- (d) Applications for short-term, "event specific" murals may also be approved, with a time duration as established by the City Council. All fees, permits, procedures, and requirements as otherwise specified in this Chapter shall apply to short-term event specific murals.

5.81.040 Procedure.

- (a) Prior to any action by the Public Arts Commission, the Planning Department shall send notice of such application to all property owners within 500 feet of the location of the mural at least 10 days prior to the Public Arts Commission consideration of the mural. No mural shall be permitted until the Planning Department has certified that notification has been completed.
- (b) The Planning Department shall submit the application to the Public Arts Commission who shall review the proposal, solicit public comment, and make a recommendation to the City Council based on the artistic merit and execution of the proposed art.
- (d) The Planning Department shall submit the application to the City Council for authorization.

(e) For a proposed mural on any Class 1 historic site, the application shall be referred to the Historic Site Preservation Board for recommendation prior to authorization by the City Council.

5.81.050 Requirements.

(a) The owner of the property on which a 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 with this Chapter. In addition, the covenant shall remain in force for as long as the mural exists.

(b) Upon a change of ownership of the property to which a Mural is installed, the new owner may, at the owner's election and without the need for permission from the City, terminate the covenant and remove the mural, subject to the provisions of this Chapter.

5.81.060 Regulations.

An approved mural shall comply with all of the provisions of this Section:

(a) Any alteration to an approved mural shall require approval in accordance with the procedures listed in Section 5.81.040. An "alteration" includes any change to a 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 as a result of vandalism.

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

(e) 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.

(d) Unless otherwise authorized by City Council upon making findings of no resulting impacts, 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).

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

(f) 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.

(g) Digitally printed image murals shall receive approval of both the Fire Department and Department of Building and Safety.

(h) A mural shall not be created without the final authorization of the Palm Springs City Council.

5.81.070 Violations.

(a) Nuisance. Any mural created and installed without City approval pursuant to this Chapter, or any mural that is not maintained in accordance with the approved maintenance plan, is and shall be deemed "graffiti" as that term is defined by Section 11.72.172 of this Code, and is a public nuisance pursuant to Section 11.72.174, subject to abatement pursuant to Chapter 11.72 and the specific penalties and remedies enumerated herein, including without limitation collection by lien or special assessment.

(b) Administrative Penalty. Any person who creates, allows to be created, causes or otherwise maintains any mural identified as a public nuisance pursuant to this Chapter is guilty of a violation of this Subsection, and is subject to an issuance of administrative citation as follows. Prior to the issuance of a citation hereunder, the City shall issue notice to any person that violates this Subsection (b), giving that person thirty (30) days from the issuance of the notice to remove the mural created and installed without City approval. If the mural is timely removed in compliance with the City notice issued, no citation shall issue. If the mural is not timely removed, an administrative citation shall issue with a fine in the amount of one thousand dollars (\$1,000.00). In the event the mural is not removed within forty five (45) days of the issuance of the City's notice, a second administrative citation shall issue with a fine in the amount of two thousand five hundred dollars (\$2,500.00). In the event the mural is not removed within sixty (60) days of the issuance of the City's notice, a third administrative citation shall issue with a fine in the amount of five thousand dollars (\$5,000.00). As an alternative to removing the mural, a person subject to administrative penalty and citation may apply to the City for approval of the mural pursuant to Section 5.81.040. No mural that has been subject to administrative penalty and citation, however, shall be approved unless the applicable fine has been paid in full.

(c) Civil Actions. Any person who creates, allows to be created, causes or otherwise maintains any mural identified as a public nuisance pursuant to this Chapter shall be subject to a civil action undertaken pursuant to Section 1.01.240, including reimbursement of city costs and an award of attorneys' fees.

(d) Cumulative Remedies. In addition to, and not in lieu of, any other remedy allowed by law, all remedies prescribed under this Section 5.81.070 are cumulative, and the election of one or more remedies does not bar the City from pursuit of any other remedy, criminal, administrative or civil, which may be pursued by the City to enforce this Chapter and/or address any violation hereof.

Section 2. Neither introduction nor adoption of this Ordinance represents a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) section 15378, because this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines.

Section 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 4. PUBLICATION. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance, and to cause the same or a summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 24th DAY OF JANUARY, 2018.

ROBERT MOON, MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC, CITY CLERK

CERTIFICATION

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

I, ANTHONY J. MEJIA, Interim City Clerk of the City of Palm Springs, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council held on January 3, 2018, and adopted at a regular meeting held on January 24, 2018, by the following vote:

AYES:

Ordinance No. _____
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NOES:
ABSENT:
ABSTAIN:

ANTHONY J. MEJIA, MMC CITY CLERK
City of Palm Springs, California

ORDINANCE NO. 18_2_7_0_6

An ordinance amending Sections 14.4.2, 14.4.3 and 14.4.20 of the Los Angeles Municipal Code; and amending Sections 5.111.2 and 22.116 of, and adding Section 22.119 to, the Los Angeles Administrative Code to allow for the creation of new Original Art Murals and the preservation of Vintage Original Art Murals on private property.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. The definition of "Mural Sign" is deleted from Section 14.4.2 of the Los Angeles Municipal Code.

Sec. 2. The following definitions are added to Section 14.4.2 of the Los Angeles Municipal Code in proper alphabetical order:

Original Art Mural. A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Public Art Installation. A facility, amenity or project that does not contain any commercial message and which is either an "approved public arts project" as defined by Section 19.85.4 of the Los Angeles Administrative Code or approved pursuant to Section 91.107.4.6 of the Los Angeles Municipal Code. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Vintage Original Art Mural. An Original Art Mural that existed prior to the operative date of this definition.

Sec. 3. Subsection E of Section 14.4.3 of the Los Angeles Municipal Code is deleted.

Sec. 4. Subdivision 10 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code is deleted.

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Sec. 5. Section 14.4.20 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 14.4.20. ORIGINAL ART MURALS, VINTAGE ORIGINAL ART MURALS, AND PUBLIC ART INSTALLATIONS.

An Original Art Mural that conforms to the requirements of Section 22.119 of the Los Angeles Administrative Code is not considered a sign and therefore is not subject to the provisions of this Article or any other ordinance that regulates signs. Any supposed "mural" that does not conform to the requirements of Section 22.119 of the Los Angeles Administrative Code shall be considered a sign and subject to the provisions of this Article or any other ordinance that regulates signs and digital displays. A Public Art Installation registered pursuant to the requirements of Section 19.85.4 of the Los Angeles Administrative Code or the requirements of Section 91.107.4.6 of the Los Angeles Municipal Code is not a sign, but is subject to Section 14.4.4-E of this Article and any other applicable zoning and land use regulations set forth in the Los Angeles Municipal Code. A building permit from the Department of Building and Safety is required for a new hand-tiled or digitally printed Original Art Mural or any Public Art Installation.

Severability. If any part, sentence, phrase, clause, term or word in Section 14.4.2 or Section 14.4.20 of this Code relating to Original Art Murals is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this Code, the Los Angeles Administrative Code or any other City regulation regulating signage, billboards or Original Art Murals.

Sec. 6. Section 5.111.2 of the Los Angeles Administrative Code is amended to add a new Subsection (h) to read as follows:

(h) Fees charged for the registration of Original Art Murals, pursuant to Section 22.116(b) of the Los Angeles Administrative Code, shall be placed in the Fund and allocated for mural registration program implementation.

Sec. 7. Section 22.116 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 22.116. Fees.

(a) **Schedule of Fees for Application for Architectural Approval.** As required by Section 22.109 of this Code, each application for approval of the design or location of any arch, bridge, structure, or approach belonging to any private individual or corporation by the Board of Cultural Affairs Commissioners shall be accompanied by the payment of a fee in accordance with the following schedule:

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Total Valuation of Project		Fee	
From	To		
	\$0.00	\$1,500.00	\$60.00
	1,500.01	10,000.00	80.00
	\$510,000.01	25,000.00	100.00
	25,000.01	50,000.00	120.00
	50,000.01	150,000.00	140.00
	150,000.01	250,000.00	160.00
	250,000.01	500,000.00	200.00
	500,000.01	1,000,000.00	300.00
	1,000,000.01	Over	400.00

(b) **Fee For New Mural Registration.** As required by Section 22.119 of this Code, each application for registration with the Department of Cultural Affairs of an Original Art Mural on private property shall be accompanied by the payment of a \$60.00 fee. Monies collected from each application for mural registration shall be deposited into the Cultural Affairs Department Trust Fund, as established by Section 5.111.2 of the Los Angeles Administrative Code, for mural registration program implementation.

Sec. 8. A new Section 22.119 of the Los Angeles Administrative Code is added to read as follows:

Sec. 22.119. Original Art Murals on Private Property.

(a) **Purposes.**

(1) These regulations relating to Original Art Murals in the City of Los Angeles further the following purposes: (1) encouraging artistic expression; (2) fostering a sense of pride; (3) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; and (4) preserving existing murals that are a valued part of the history of the City of Los Angeles.

(2) The City wishes to encourage the installation of murals and, at the same time, prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the installation of the equivalent of an off-site commercial sign on a mural. This restriction on commercial advertising is intended to work in tandem with and help preserve the citywide ban on off-site commercial signs set forth in Section 14.4.4

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of the Los Angeles Municipal Code. Both the ban and the exclusion of commercial advertising on murals are supported by the United States Supreme Court's ruling in *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981). In *Metromedia*, the Supreme Court ruled that the only reasonable way that cities can stop the proliferation of off-site commercial signs is to ban them. The Supreme Court also ruled that cities can carve out exemptions to such a ban for noncommercial signs and on-site commercial signs.

(3) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

(i) That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

(ii) That the regulations will provide reasonable protection to the visual environment by controlling the size, height, spacing and location of such displays.

(iii) That the public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.

(iv) That consideration will be given to equalizing the opportunity for messages to be displayed.

(v) That adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

(vi) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

(vii) To provide registration requirements and regulations for Original Art Murals as defined in Section 14.4.2 of the Los Angeles Municipal Code.

(b) **Original Art Mural Registration.**

(1) **Authority.** The Department of Cultural Affairs shall have the authority to determine that an application for an Original Art Mural or Vintage Original Art Mural meets all of the applicable registration requirements as established in the Mural Ordinance Administrative Rules.

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(2) **Administrative Rules.** The Department of Cultural Affairs is authorized and directed to adopt Mural Ordinance Administrative Rules implementing this section.

(3) **Neighborhood Involvement Requirement.** The Mural Ordinance Administrative Rules to be adopted by the Department of Cultural Affairs shall include a neighborhood involvement requirement. Specifically, the rules shall include a requirement that an applicant for mural approval send notice of that application to the Neighborhood Council which has jurisdiction over the area of the City in which the proposed mural will be installed at least 45 days prior to the Department registering the mural. No mural shall be registered until the applicant certifies that he or she has completed this neighborhood involvement requirement. This is a procedural requirement only, and the General Manager shall at all times retain sole authority to approve or deny an application for a mural based on the criteria in Section 22.119 of the Los Angeles Administrative Code and any Mural Ordinance Administrative Rules promulgated by the Department of Cultural Affairs. Further, in no event will registration of a mural be granted or denied based upon the content of the mural.

(4) **Covenant.** In connection with the installation of a new Original Art Mural, the applicant shall be required to record a covenant with the Office of the County Recorder and the Department of Cultural Affairs. The covenant shall require that the mural comply at all times with all provisions of the Original Art Mural Regulations specified in Subsection (b) of this Section 22.119. In addition, the covenant shall remain in force for as long as the mural exists.

(5) **Change of Ownership.** Upon a change of ownership of the property to which an Original Art Mural is affixed, a new owner may, at the owner's election and without the need for permission from the Department of Cultural Affairs, de-register the mural with that department and terminate the covenant.

(c) **Grandfathering of Vintage Original Art Murals.** Any Vintage Original Art Mural installed prior to the effective date of this section, shall have legal nonconforming status and, notwithstanding any provision of this Section 22.119 to the contrary, not require registration under this Section 22.119. But a Vintage Original Art Mural which has not gained legal nonconforming status through law other than this Section 22.119 cannot qualify for legal nonconforming status under this Section 22.119 if it consists or contains any of the following: 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 lighting 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).

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(d) **Original Art Mural Regulations.** An Original Art Mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

(1) The mural shall remain in place, without alteration, for a minimum period of two-years. "Alterations" include any change to a 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. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute an "alteration." Such minor changes may include slight unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. A mural may be removed within the first two years of the date of registration under the following circumstances:

(i) the property on which the mural is located is sold; or

(ii) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or

(iii) the property undergoes a change of use authorized by the Department of Building and Safety.

(iv) the owner of a mural may request permission from the Department of Cultural Affairs to remove a mural prior to the expiration of the two year period, which the Department 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 in furtherance of off-site commercial advertising.

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

(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.

(4) No part of a mural shall exceed a height of 100 feet above grade.

(5) 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).

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(6) No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.

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

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

(9) Digitally printed image murals shall receive approval of both the Los Angeles Fire Department and the Department of Building and Safety.

(e) **Severability.** If any part, sentence, phrase, clause, term, or word of this Section 22.119 is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such invalidity or unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this Administrative Code, the Los Angeles Municipal Code, or any other City regulation regulating signage, billboards, or Original Art Murals.

7

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles AUG 2 8 2013 and was passed at its meeting of SEP 4 2013

HOLLY L. WOLCOTT, Interim City Clerk

Approved _____ Deputy Mayor

Approved as to Form and Legality _____ Mayor

MICHAEL N. FEUER, City Attorney

Pursuant to Charter Section 559.1, I disapprove this ordinance on behalf of the City Planning Commission and recommend that it not be adopted. August 4, 2013 See attached report.

By Deputy City Attorney

 Deputy Mayor

Date

File No(s). CF Nos. 08-0515, 08-0530, 08-1233 and 11-0923

DRAFT 2/17/20

RESOLUTION REQUESTING CHANGES TO THE MURAL ORDINANCE

Whereas, in January 2014, the Palm Springs City Council approved an Ordinance regarding the Regulation of Original Art Murals, which was amended and superseded in January 2018 to enable a shorter timeframe for approval and less work and expense for both applicant and staff.

Whereas, the original purpose of the Ordinance was to clearly differentiate art murals from signs and preventing corporations from attempting to advertise products by masquerading as a mural.

Whereas, the administrative process and costs of formally applying for a mural remain a barrier to mural production, particularly for non-profits and communities facing income disparities.


Whereas, to help murals thrive in Palm Springs and recognize the vital cultural self-expression murals represent, the City must work to find the simplest path forward to create legal murals, while retaining our strong protections against commercial advertising.

The Public Arts Commission believes that this can be accomplished by creating a new category of "By-Right Murals," which would be exempt from the existing fees and review process, as long as the mural meets a few simple and objective conditions.

The Public Arts Commission therefore requests that the City Attorney prepare and present to the City Council revisions to the Mural Ordinance establishing a "By-Right Mural" that would exempt the approval and fee requirements for new original Art Murals if the mural meets the following requirements:

- 1) The mural has been sponsored, commissioned, or approved by the Public Arts Commission, with a cost of \$25,000 or less, and is intended as a temporary installation for no more than 18 months (at which time it must be reviewed by the Public Arts Commission for approval to remain longer.)
- 2) The mural contains no logos, text, script, numbers or other forms of writing that advertise or relate to any business, service or product offered by a commercial entity.
- 3) The mural is create using only paint or tiles and complies with the current mural requirements as far as materials or attachment to walls.

These proposed changes are based on amendments made by the Los Angeles City Council.

From: Cynthia Alvarado <Cynthia.Alvarado@palmspringsca.gov> 
Subject: RE: Bench progress-Victoria Park
Date: February 11, 2021 at 2:09 PM
To: Patrick Sheehan <mycoachellart@gmail.com>, Ann Sheffer <annsheffer@gmail.com>, Jody Diaz <jodiaz@psusd.us>, Charlie LaMorte <charlielamorte@gmail.com>



Those are Fantastic!!! 😊

From: Patrick Sheehan <mycoachellart@gmail.com>
Sent: Thursday, February 11, 2021 1:14 PM
To: Ann Sheffer <annsheffer@gmail.com>; Jody Diaz <jodiaz@psusd.us>; Charlie LaMorte <charlielamorte@gmail.com>; Cynthia Alvarado <Cynthia.Alvarado@palmspringsca.gov>
Subject: Bench progress-Victoria Park

E

Hi Ann, Cynthia, Jody, and Chuck!

We finished up (3) benches at Victoria Park this week!

Lots of PS residents and tourists out in the park enjoying the stellar weather and thanking us for beautifying the park benches.

We had several small tikes come over to inspect our work, play in the water buckets, and enjoy chalk drawing on the sidewalks nearby. So fun!

Ann, be please share the attached photos with your arts commissioners, especially Tracy and Shawnda, who mentioned last PSPAC meeting that they wanted to be kept in the loop on our progress.

We have (3) more benches to complete in this playground area of Victoria Park.

I'll be posting some of the photos in the coming days on social media and I'll make sure to tag both commissions.

Photos of the new benches are below.

BEFORE







Please don't hesitate to email or call if you have any questions.

Regards,

Patrick Sheehan
Executive Director
760-537-5957

