

APPROVED
09-21-2016

BOARD OF RECREATION
AND PARK COMMISSIONERS

BOARD REPORT

NO. 16-202

DATE September 21, 2016

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN HEIGHTS RECREATION CENTER – MURAL RESTORATION;
EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) PURSUANT TO ARTICLE VII, SECTION 1, CLASS 1 (1) OF THE CITY
CEQA GUIDELINES

Jos AP Diaz _____ V. Israel _____
*R. Barajas *USD* _____ K. Regan _____
H. Fujita _____ N. Williams _____

[Signature]

General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATION

1. Approve the reinstatement of a previously existing mural at Lincoln Heights Recreation Center;
2. Find the subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (1) of the City CEQA Guidelines;
3. Direct Staff to file the Notice of Exemption (NOE) within five working days of approval;
4. Direct the Chief Financial Officer to authorize a check to the Los Angeles County Clerk in the amount of \$75 for filing the NOE; and,
5. Authorize the Department of Recreation and Parks (RAP) to issue the appropriate Right of Entry permit.

SUMMARY

Lincoln Heights Recreation Center is a 2.88 acre park located at 2303 North Workman Street in the Northeast Los Angeles community. Lincoln Heights Recreation Center features an auditorium, basketball courts (both indoor and outdoor), children's play area and an indoor gym. This facility serves the surrounding community by providing a variety of youth sports and arts activities as well as after school clubs, summer camps, and educational programs such as tutoring and computer use.

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The Department of Recreation and Parks (RAP) has received a request from Councilmember Gilbert Cedillo's Office, First Council District (Council District 1), processed through the Department of Cultural Affairs (DCA), to restore a previously existing mural at Lincoln Heights Recreation Center. DCA is collaborating with the Council Office and has allocated Twenty-Four Thousand Dollars (\$24,000.00) to restore the mural titled, "¡Trucha! Vital Decision Ahead."

In 1988, East Los Streetscapers was selected to paint the "¡Trucha! Vital Decision Ahead" mural on the exterior wall of the Lincoln Heights Recreation Center for the filming of a television afterschool special. Though originally intended as a temporary installation, the mural remained in place until 2013 when it was painted over without advance notice to the artists. The mural had suffered vandalism while in place, prompting its removal; however, Council District 1 Office seeks to have the mural restored to its original condition (Project). DCA has contracted with the original artist, Wayne Healy, to restore the mural in place and has identified funds that can be utilized for this restoration.

The mural deals thematically with the positive and negative forces that influence youth decision-making. The mural originally contained the element of a syringe wielding skeleton that would not be in keeping with RAP's current policy on public art in parks. The artist has expressed willingness to modify this portion of the mural, as necessary, in order to comply with RAP's current policies. Photographs of the original mural and current conditions at the Recreation Center are attached hereto as Exhibit A.

The proposal to restore this mural was presented to the Facilities Repair and Maintenance Commission Task Force on April 6, 2016, at which time the Project was given conceptual approval to be followed by the appropriate public outreach. The Project was then presented to the Lincoln Height Recreation Center Park Advisory Board (PAB) on June 14, 2016. The PAB unanimously recommended approval of the project provided that the mural be reinstalled without the inclusion of the syringe. All other elements of the mural were deemed by the PAB to be appropriate for installation at the park. The artist has agreed to this specific modification to the original work.

The artist has declined to sign the standard Waiver of Proprietary Rights for Artwork Placed upon City Property, however the artist has entered into a contractual agreement with DCA which protects the City from copyright infringement liability. Removal of the restored mural is subject to the provisions of Federal and State law that require notice to artists prior to physical defacement, mutilation, alteration or destruction of works of fine art (17 U.S. Code 106A; California Civil Code section 987).

Council District 1 and Metro Region management and staff support this project at Lincoln Heights Recreation Center.

ENVIRONMENTAL IMPACT STATEMENT

The Project consists of minor modifications and alterations through the creation of a mural on the exterior of an existing public structure involving negligible or no expansion of use beyond that previously existing. Therefore, Staff recommends that the Board make a determination that the

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proposed Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant Article III, Section 1, Class 1(1) of the CEQA Guidelines. A Notice of Exemption will be filed with the Los Angeles County Clerk within five working days upon approval.

FISCAL IMPACT STATEMENT

There will be minimal fiscal impact to RAP as the cost of the mural installation is being funded by the Department of Cultural Affairs. RAP will be responsible for maintenance of the mural as it is being installed with public funds.

This Report was prepared by Melinda Gejer, City Planning Associate, Planning, Construction and Maintenance Branch.

LIST OF ATTACHMENTS

- 1) Exhibit A – Photographs of Original Mural and Current Conditions

Previously Existing Mural at Lincoln Heights Recreation



Current condition at Lincoln Heights Recreation Center



Lincoln Heights Recreation Center – Mural Restoration