

APPROVED
JAN 21 2021
BOARD OF RECREATION
AND PARK COMMISSIONERS

BOARD REPORT

NO. 21-006

DATE January 21, 2021

C.D. 6

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: DELANO RECREATION CENTER – APPROVAL OF MURAL INSTALLATION – CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO ARTICLE III, SECTION 1, CLASS 11(5) [INSTALLATION OF SIGNS ON CITY PROPERTY MANAGED BY A CITY DEPARTMENT WHICH HAS A SIGN POLICY ADOPTED BY THE BOARD OF COMMISSIONERS] OF CITY CEQA GUIDELINES AND ARTICLE 19, SECTION 15311(a) OF CALIFORNIA CEQA GUIDELINES

AP Diaz	_____	M. Rudnick	_____
H. Fujita	_____	<i>for</i> C. Santo Domingo	<u>DF</u>
V. Israel	_____	N. Williams	_____



General Manager

Approved X Disapproved _____ Withdrawn _____
If Approved: Board President *Sylvia Patawaran* Board Secretary *H. Williams*
With Correction

RECOMMENDATIONS

1. Approve the installation of the mural at Delano Recreation Center for an installation period of 10 years (Project) as depicted in Attachment 1 of this Report;
2. Approve the attached “Artist Waiver for Public Art, Murals, Monuments and Memorial Plaques” as shown as Attachment 4 of this Report and authorize its execution;
3. Determine that the proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 11(5) [Installation of signs on City property managed by a City Department which has a sign policy adopted by the Board of Commissioners] of City CEQA Guidelines and Article 19, Section 15311(a) of California CEQA Guidelines and direct RAP staff to file a Notice of Exemption (NOE) with the Los Angeles County Clerk;
4. Authorize RAP’s Chief Accounting Employee to prepare a check to the Los Angeles County Clerk in the amount of \$75.00 for the purpose of filing an NOE; and,
5. Authorize RAP staff to make technical corrections as necessary to carry out the intent of this Report.

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SUMMARY

Delano Recreation Center is located at 15100 Erwin Street in the Van Nuys community of the City. This 4.45 acre facility provides multipurpose fields, a play area, and a recreation center for the use of the surrounding community. Approximately 6,307 City residents live within a one-half mile walking distance of Delano Recreation Center.

The Los Angeles Organizing Committee for the Olympic and Paralympic Games 2028 (LA28) commissioned the installation of a few, select LA28 murals throughout the City as part of the launch of the LA28 official logo and emblem reveal and to engage the community and promote a positive social change as part of the emerging Olympic & Paralympic Games.

In August 2020, RAP staff issued a ROE permit for the installation of a temporary mural at Delano Recreation Center (the only City park site chosen for this special honor), which would remain until the end of September 2020. The installation of the mural was completed on September 1, 2020, as depicted in Attachment 1.

The mural installed at Delano Recreation Center includes the LA28 emblem designed by Olympian and professional soccer player Alex Morgan on a background inspired by the scenery of California and as a nod to RAP's successful GirlsPlayLA program and the Youth Sports Program. The mural is located on a portion of the northern facing wall around the entrance to the recreation center facing the site's **baseball diamond** (shown in Attachment 2).

The mural was designed specifically for Delano Recreation Center by local artist Kristy Sandoval. Sandoval is first-generation Chicana raised in the Northeast San Fernando Valley. Since 2008, Sandoval has painted more than 30 art murals focusing on human rights, world affairs from an environmental standpoint and female empowerment.

The Office of Council President Nury Martinez and District 6 requested the temporary mural installation be made permanent.

Subsequently, LA28 submitted an art application requesting the mural be approved for an installation period of 10 years. LA28 will remove the Snapchat logo and the LA28 logos on the top right portion of the mural (shown in Attachment 3) and those areas will be painted to match the background of the existing mural. LA28 will also coat the mural in the required anti-graffiti coating.

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RAP's standard Waiver of Rights as part of the mural application process has been enacted with the following modifications, under the proposed revisions to the "Artist Waiver for Public Art, Murals, Monuments and Memorial Plaques" as Attachment 4. Per the proposed revisions:

- The "LA28" logo, designed by Alex Morgan, will remain the intellectual property of LA28, who would retain the sole rights to removal and modification of the "LA28" logo portion of the mural at any time.
- RAP would have the right to remove but not change or modify the "LA28" logo at any time
- RAP would have the rights to modify any other portion of the mural except the "LA28" logo.
- City agrees to provide the following notice for any Film LA permit, or other permit that may involve capturing the mural for commercial uses or purposes: "*The mural at Delano Park contains the intellectual property of Los Angeles Organizing Committee for the Olympic and Paralympic Games 2028 dba LA28, and may not be reproduced or used without the express written consent of LA28*"
- City may photograph the mural for the City's non-commercial publicity and educational purposes

Upon approval of this Report, the revised "Artist Waiver for Public Art, Murals, Monuments and Memorial Plaques" will be signed by LA28 and executed by RAP staff.

Per LA28, the mural needs to be approved by the end of January 2021 at which point the mural has to be removed and the wall restored to its original state due to the expiration of LA28's contract with the artist.

RAP staff has contacted the Department of Cultural Affairs (DCA) staff to coordinate the necessary approval of the mural. The conceptual and final approval for the project from the DCA Board of Commissioners is pending. Should the mural not receive the necessary approvals from DCA Board of Commissioners, then the mural shall be removed by LA28 and the wall restored to its original state.

The Office of Council District 6 has provided a letter of support for the mural, which also states that the mural has broad support from the surrounding community (Attachment 5). To date the mural has been a wonderful addition to the recreation center and a nice vantage point for RAP's Alternative Learning Site.

ENVIRONMENTAL IMPACT

The proposed Project consists of the installation of signs on City property managed by a City Department which has a sign policy adopted by the Board of Commissioners. As such RAP staff recommends that the Board of Recreation and Park Commissioners (Board) determines that it is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 11(5) of City CEQA Guidelines and Article 19, Section 15311(a) of California CEQA Guidelines. A Notice of Exemption will be filed with the Los Angeles County Clerk upon the Board's approval.

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FISCAL IMPACT

RAP will be responsible for the maintenance of the mural. It is anticipated that the maintenance of the mural will incur an annual cost of approximately Seven Thousand, Five Hundred Dollars (\$7,500.00) to RAP's General Fund. This estimate includes the on-going application of anti-graffiti coating a few times a year and consistent cleaning (ie. pressure washing) and anti-graffiti removal. Should the mural or the "LA28" logo be de damaged beyond RAP's staff's ability to restore or clean, then LA28 will be contacted to restore the mural or "LA28" logo or the wall will be restored to its original state.

STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

Goal No. 1: Provide Safe and Accessible Parks

Outcome No. 2: All parks are safe and welcoming

Result: The LA28 mural demonstrates the diversity of Los Angeles and enhances the park user's experience.

This Report was prepared by Meghan Luera, Management Analyst, Planning, Maintenance and Construction Branch.

ATTACHMENTS

- 1) Mural at Delano Recreation Center
- 2) Location of Mural
- 3) Items to be Removed from Current Mural at the end of January 2020
- 4) Revised "Artist Waiver for Public Art, Murals, Monuments and Memorial Plaques"
- 5) Letter of Support for the Mural

ATTACHMENT 1

LA28 Mural



ATTACHMENT 2

Location of Mural



ATTACHMENT 3

Logos to be removed in December 2020



ATTACHMENT 4

CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS

Planning, Construction, and Maintenance Branch

Artist Waiver for Public Art, Murals, Monuments, and Memorial Plaques (Rev. 08/2014)

Waiver of Proprietary Rights for Artwork Placed upon City Property

The provisions of this paragraph shall apply to modify Artist’s rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C. §§106A and 113(d) (“VARA”), the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 (“CAPA”), and any rights arising under United States federal or state law or under the laws of another country that convey rights of the same nature as those conveyed under VARA and CAPA, as against the City of Los Angeles (“City”) and its agents.

The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the [describe the artwork/project: mural, sculpture, etc. and medium]: mural depicted on Exhibit A with sunset background and “LA2028” component;

Entitled [title of work]: Delano Park LA28 Mural;-

And located at [identify site, including interior location if applicable]: _____

Delano Park, 15100 Erwin St., Van Nuys, CA 91411;

In whole or in part, in City’s sole discretion, provided the Artist retains all right and title to, and interest in the “LA28” component of the mural, and nothing contained herein shall be deemed to transfer any right or title to, or interest in, to the “LA28” component to the City. For the avoidance of doubt, the City shall have the right to remove, but not to change or to modify the “LA28” component without the consent of Artist. Further for the avoidance of doubt, Artist shall have the right, at its sole discretion, to remove the “LA28” component, or the mural in its entirety. City agrees to provide the following notice for any Film LA permit, or other permit that may involve capturing the mural for commercial uses or purposes: “The mural at Delano Park contains the intellectual property of Los Angeles Organizing Committee for the Olympic and Paralympic Games 2028 dba LA28, and may not be reproduced or used without the express written consent of LA28.” For clarity, City may photograph the mural for the City’s non-commercial publicity and educational purposes.

Artist’s Address for Notice:

10900 Wilshire Blvd, Suite 700, Los Angeles, CA 90024

Artist bears the sole responsibility for providing the City with any changes to the Artist’s Address for Notice. Notice of changes must be mailed to the Department of Recreation and Parks, Planning, Construction and Maintenance Branch, 221 N. Figueroa Street, Suite 400, Los Angeles, CA 90012.

Artist Signature/Date

Recreation and Parks Signature/Date _____

LOS ANGELES CITY COUNCIL PRESIDENT

NURY MARTINEZ

COUNCILWOMAN, 6TH DISTRICT

December 4, 2020

Meghan Luera
Management Analyst
Department of Recreation and Parks
Planning, Maintenance and Construction
221 North Figueroa St., Suite 400
Los Angeles, CA 90012

RE: Delano Park LA28 Mural

Dear Ms. Luera,

This letter is in support of the LA28 Mural at Delano Recreation Center.

This mural was created by Kristy Sandoval, a local artist from the San Fernando Valley. It converted a blank wall into a large piece of public art, which has become a local landmark in the community and it has broad support from the surrounding neighborhood.

Increasing the amount of public art in my district is a big priority of mine and urge your support of this mural.

If you have any questions please contact my Planning Director, Max Podemski, at (213) 473-7006.

Sincerely,



NURY MARTINEZ
LA City Council President
Councilwoman, 6th District

