

MEETING AGENDA

CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS FACILITY REPAIR AND MAINTENANCE COMMISSION TASK FORCE

Thursday, May 2, 2024 at 10:00 A.M.
or soon thereafter as the Board of Recreation and Park Commissioners
adjourns its Regular Meeting noticed for 9:00 A.M.

Algin Sutton Recreation Center
8800 South Hoover Street, Los Angeles, CA 90044

Please Note: Public Comment Will be Taken In-Person Only

To listen to the meeting via Teleconference,
Use this link: <https://us02web.zoom.us/j/87416494098>

Or Dial (669) 900-6833 to Join the Meeting
Then Enter this Webinar ID: 874 1649 4098 AND PRESS #

LUIS SANCHEZ, CHAIR
MARIE LLOYD, COMMISSIONER

Staff:

Jimmy Kim, General Manager
Cathie Santo Domingo, Assistant General Manager
Darryl Ford, Superintendent
City Attorney Representative

TO LISTEN TO THE MEETING VIA TELECONFERENCE, YOU MUST DIAL (669) 900-6833, AND ENTER 874 1649 4098 AND THEN PRESS #, OR USE THE LINK <https://us02web.zoom.us/j/87416494098>. PUBLIC COMMENTS WILL BE TAKEN IN PERSON ONLY. EACH SPEAKER WILL BE GRANTED A MAXIMUM OF TWO (2) MINUTES FOR PUBLIC COMMENTS.

NOTICE TO PAID REPRESENTATIVES – IF YOU ARE COMPENSATED TO MONITOR, ATTEND, OR SPEAK AT THIS MEETING, CITY LAW MAY REQUIRE TO REGISTER AS A LOBBYIST AND REPORT YOUR ACTIVITY. SEE LOS ANGELES MUNICIPAL CODE 48.01 ET SEQ. MORE INFORMATION IS AVAILABLE AT <https://ethics.lacity.org/lobbying/>. FOR ASSISTANCE, PLEASE CONTACT THE ETHICS COMMISSION AT (213) 978-1960 OR ethics.commission@lacity.org.

THIS AGENDA AND ITS REPORTS ARE AVAILABLE ONLINE AT: <https://www.laparks.org/commissioners/facility-task-force>.

1. CALL TO ORDER
2. CURRENT BUSINESS
 - A. RAP Art Policy
Informational Report
3. PUBLIC COMMENT

April 4, 2024

Comments by the Public on Matters within Task Force Jurisdiction

4. NEXT MEETING

The next Facility Repair and Maintenance Commission Task Force Meeting is tentatively scheduled for Thursday, June 6, 2024 at 10:00 A.M. or soon thereafter as the Board of Recreation and Park Commissioners adjourns its Regular Meeting noticed for 9:00 A.M., at Valley Plaza Recreation Center, 12240 Archwood Street, North Hollywood, CA 91606.

5. ADJOURNMENT

Additional Information

Under the California State Ralph M. Brown Act, those wishing to make audio recordings of the Commission Task Force Meetings are allowed to bring tape recorders or camcorders in the Meeting.

Sign language interpreters, assistive listening devices, or any auxiliary aides and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For additional information, please contact the Commission Office at (213) 202-2640.

Information on Agenda items may be obtained by calling the Commission Office at (213) 202-2640. Copies of the Commission Task Force Agenda may be downloaded from the Department's website at www.laparks.org.

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
FACILITY REPAIR AND MAINTENANCE COMMISSION TASK FORCE BRIEFING
May 2, 2024

RAP Public Art Policy Discussion

Background

The Department of Recreation and Parks' (RAP) displays and is home to several pieces of public art throughout the City. Artwork on RAP's property includes, but is not limited to, murals, sculptures, monuments, plaques, and other artwork. The public art on RAP property is usually installed via one of the following mechanisms:

- As part of the City's Permanent Art Collection
- As part of the Percent for Public Art Program/Public Works Improvements Art Program per LAAC 19.85
- As previously installed art on property that was donated to RAP
- Via unsolicited proposals from the public, Council Office, non-profits, other agencies, etc.
- Via third parties, including lessees

Artwork installed on RAP property requires approval by the Board of Recreation and Parks Commissioners (Board). However there are examples of artwork that has been installed in RAP property without RAP's permission and/or Board approval.

Department of Cultural Affairs (DCA) Role in Art on RAP Property

The DCA is responsible for the conservation and preservation of all paintings, documents and records in possession of the City of Los Angeles, of historic or artistic value (LAAC 22.112). DCA also spearheads the City of Los Angeles' efforts in supporting and providing access to quality visual, literary, musical, performing, and educational arts programming; managing vital cultural centers; preserving historic sites; creating public art; and funding services provided by arts organizations and individual artists. The Board of Cultural Affairs Commissioners (CAC) shall approve the installation of the following: "all paintings, mural decorations, inscriptions, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration" (LAAC 22.109).

The City's Permanent Art Collection and artwork installed as part of the Percent for Public Art Program/Public Works Improvements Art Program are overseen by DCA. All costs related to maintenance and restoration of artwork installed as part of these two programs are the responsibility of DCA.

Example: *In a small park on the west side of the City, one of the arms of an iconic bronze statue was stolen. DCA was notified and the statue was restored.*

For artwork under the purview of DCA, RAP staff notifies DCA if the artwork has been damaged or stolen. DCA utilizes their specialized on-call contractors for art restoration. However, if artwork

from the Permanent Art Collection is stolen, it may not always financially possible or feasible for DCA to replace the artwork.

Example: *In a large park on the east side, several bronze busts of political figures that were donated to the City and incorporated into the City's Permanent Art Collection were stolen over the course of a few years. The consulate of the country who donated those busts was concerned that those busts had been stolen and not replaced by the City. DCA submitted an insurance claim for the missing bust but advised that the insurance payout after the deductible would not be enough to replace the busts in kind.*

RAP and Public Art

RAP has a Board adopted policy on Memorial Plaques, which was approved October 1995 (Report No. 416-95). Beyond that, RAP does not currently have a Board adopted policy as it pertains to Public Art.

There have been previous attempts by RAP staff to have a policy adopted but to no avail.

RAP regularly receives unsolicited proposals from outside entities for the installation of public artwork, murals, monuments, and memorial plaques on City parkland. Over the years, RAP staff has faced several challenges in regards to the maintenance, preservation and removal of Public Art from RAP property.

For artwork under the purview of RAP, Planning staff is required to conduct research regarding the installation before Construction and Maintenance staff can proceed with any maintenance or remediation. In many cases, there are no records about the installation. Other times, staff is able to locate the approvals related to the installation but there is no record of a signed Artist Waiver that waives specific rights under the Visual Artists Rights Act of 1990 (VARA) and the California Art Preservation Act of 1979 (CAPA).

VARA: The Visual Artists Rights Act of 1990 modifies federal copyright law and grants the author of a "work of visual art" certain "moral rights" – the rights of attribution and integrity. The right of attribution allows an artist to claim authorship of his/her work., and the right of integrity allows an artist to protect his/her artwork from being modified or destroyed without his/her permission, even after the artist has transferred physical possession and title of the artwork and/or all copyrights to the artwork.

CAPA: The California Art Preservation Act of 1979 grants artists certain rights of attribution and integrity very similar to those granted under VARA. These rights of integrity can limit RAP's ability to modify, redevelop or demolish its property on which the work of visual art is sited.

In those instances where there is no signed Artist Waiver on file, RAP staff must consult with City Attorney to determine how to best proceed in a way that minimizes any potential future risk or liability to the City.

RAP typically requires the applicant or an entity identified by the applicant to commit to maintaining the artwork as RAP does not have the staff resources or expertise to sufficiently

maintain artwork. If the artwork is not sufficiently maintained, then RAP will remove the artwork if there is a signed Artist Waiver on file. This model has worked with varying levels of success but the most problems arise when there is no Artist Waiver on file.

Example: *In a downtown park, several art elements were installed as part of a major park restoration project funded by the Community Redevelopment Agency but they were not part of the City's Permanent Art Collection. Approximately 20 years later, the park was in need of a redesign and rehabilitation. Since there was no Artist Waiver available for the installation, RAP was notified by the artist and DCA that it would be a violation of the artist's rights to modify or remove the artwork in the restoration of the park. City staff had to meet with the artist and DCA to come to an agreement about how to proceed with restoration of the park. Ultimately, the artist signed a letter acknowledging the project's plans and the City agreed to work with the artist during demolition so that the artist could preserve certain elements of the artwork before they were destroyed.*

Example: *A park in South LA was constructed and donated to the City. The park included a mural painted on the neighbor's wall and building that faced into the park. There was no Artist Waiver for the mural. The mural was heavily vandalized and portions were painted over entirely with black paint. The City received numerous complaints from the community regarding the state of the mural. As the wall and building on which the mural was located did not belong to RAP and there was no Artist Waiver, RAP staff was not able to fix the issue. After multiple correspondence with the artist over a few years, the artist signed the Artist Waiver. RAP staff then had to get the adjacent property owner to sign a reverse right-of-entry permit to get permission to paint over the mural. Eventually, RAP got all the necessary permissions to paint over the mural.*

Example: *RAP received complaints about a vandalized mural in the Wilmington area of the City. There were no records regarding the installation, and thus, no Artist Waiver. The mural also contained symbolism/language that was not necessarily appropriate for public property. After consultation with the City Attorney and staff research into copyright records, RAP was given permission to remove the mural. However, RAP staff familiar with the site recommended that the mural not be removed until a replacement mural had been approved because of the inviting nature of a blank wall for future vandalism.*

Although Public Art can be beneficial for local communities and the City, and can serve a recreational purpose, the installation, maintenance, display, and preservation of Public Art is not directly within RAP's current mission or staff expertise. Objectively, RAP parkland has become a repository for memorial plaques and other monuments that have limited or no connection to the parks in which they are located and the maintenance, upkeep, and repair of this Public Art requires an ever-increasing amount of staff time and resources.

Proposed Art Policy

As previously mentioned, there is no Board adopted policy as it pertains to Public Art. RAP staff currently utilizes an internal and unofficial policy. A Board adopted Public Art Policy will provide clarity and direction to staff and the public regarding RAP's goals and objectives surrounding Public Art. It will also assist staff in reviewing proposals for Public Art and developing recommendations for the Board's consideration.

In drafting this Public Art Policy (Policy), staff acknowledges that art proposals can come through various avenues and art can be a complicated and sensitive issue. This Policy aims to specifically address unsolicited, community-driven art proposals. RAP will continue to partner with DCA for installations that will be incorporated into the City's Permanent Art Collection or installed as part of Percent for Public Art Program/Public Works Improvements Art Program, which both require RAP Board approval but are not subject to this Policy.

The purpose of this Policy is to protect RAP's assets, define RAP's role in the Public Art realm and the goals for the Public Art, and establish guidelines and procedures for proposed art. RAP staff is recommending that Public Art only be approved on a temporary basis (installation period of 12 months to 5 years) and the proposed art must serve a recreational purpose in line with RAP's mission, vision and values. Public Art should also create opportunities for community engagement and building for the park and its surrounding community. The creation and/or installation of any Temporary Installation on RAP property shall involve (1) community input via survey, community meeting, Neighborhood Council and/or Park Advisory Board; and (2) a community event commemorating the creation and/or installation of the artwork.

This new Policy shall replace the adopted policy on Memorial Plaques, which was approved October 1995 (Report No. 416-95). Monuments, as well as plaques and signage acting as a memorial or mark of an event or person, are not permitted under the proposed Policy.

The proposed Policy details various guidelines and criteria for all artwork on RAP property and additional requirements for specific art mediums.

All future art installations under this Policy will be required to sign an Artist Waiver, and applicants will be asked to commit to the maintenance of the artwork for the duration of the installation. If the artwork is not sufficiently maintained, then RAP staff will remove the artwork.

As part of the Policy, RAP staff is recommending that an application fee be required to cover a portion of staff costs for the review and processing of application. A fee to cover the future cost of removal of the artwork by RAP staff will also be required prior to the issuance of a Right-of-Entry permit for installation. The fee for removal will be determined by RAP on a case-by-case basis.

The Policy also provides information about the City's Permanent Art Collection and the removal of Public Art from RAP property.

Attachments

- 1) Draft RAP Art Policy

Department of Recreation and Parks Public Art Policy

I. Background and Purpose of the Policy

Per Los Angeles City Charter Section 590, the Department of Recreation and Parks (RAP) shall have the duty and power to establish, construct, maintain, operate and control all parks in the City of Los Angeles. The Board of Recreation and Parks Commissioners (Board) shall have the power to control all RAP property, which extends to the approval of Public Art on RAP property (Charter Section 591).

RAP parks currently house several integral pieces of artwork from the City's Permanent Art Collection, which is overseen by the Department of Cultural Affairs (DCA). DCA is responsible for the conservation and preservation of all paintings, documents and records in possession of the City of Los Angeles, of historic or artistic value (LAAC 22.112). DCA also spearheads the City of Los Angeles' efforts in supporting and providing access to quality visual, literary, musical, performing, and educational arts programming; managing vital cultural centers; preserving historic sites; creating public art; and funding services provided by arts organizations and individual artists. The Board of Cultural Affairs Commissioners (CAC) shall approve the installation of the following: "all paintings, mural decorations, inscriptions, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration" (LAAC 22.109).

RAP regularly receives unsolicited proposals from outside entities for the installation of public artwork, murals, monuments, and memorial plaques on City parkland. The RAP Board has previously approved the installation of temporary Public Art at various locations or accepted donated parkland with existing artwork. In other cases, third parties, including lessees of RAP facilities, have installed Public Art on RAP property without the RAP Board's approval. Over the years, RAP staff has faced several challenges in regards to the maintenance, preservation and removal of Public Art from RAP property. Under federal and state law, artists and certain artworks are granted certain protections that cause liability to RAP when Public Art is installed on RAP's property, even without RAP's permission, which limits RAP's future ability to modify, redevelop or demolish buildings or redesign parks.

The Visual Artists Rights Act of 1990 (VARA) modifies federal copyright law and grants the author of a "work of visual art" certain "moral rights" – the rights of attribution and integrity. The right of attribution allows an artist to claim authorship of his/her work., and the right of integrity allows an artist to protect his/her artwork from being modified or destroyed without his/her permission, even after the artist has transferred physical possession and title of the artwork and/or all copyrights to the artwork. The California Art Preservation Act of 1979 (CAPA) grants artists certain rights of attribution and integrity very similar to those granted under VARA. These rights of integrity can limit RAP's ability to modify, redevelop or demolish its property on which the work of visual art is sited.

RAP's mission is "... to enrich the lives of the residents of Los Angeles by providing safe, welcoming parks and recreation facilities and affordable, diverse recreation and human services activities for people of all ages to play, learn, contemplate, build community and be good stewards of our environment." RAP works to build healthy communities through people, parks and programs.

Although Public Art can be beneficial for local communities and the City, it is not directly within RAP's current mission or staff expertise to display, maintain, or preserve Public Art. RAP parkland has become a repository for memorial plaques and other monuments that have limited or no connection to the parks in which they are located and the maintenance, upkeep, and repair of this Public Art requires an ever increasing amount of staff time and resources. The purposes of this Policy are:

1. To protect RAP's property and assets.
2. To protect RAP from future liability related to Public Art installations that are not part of the City's Permanent Art Collection or DCA's Percent for Public Art Program/Public Works Improvements Arts Program (PWAP) (LAAC 19.85).
3. To define RAP's mission as it pertains to Public Art and its role in the art community and the City's code provisions regarding Public Art.
4. To establish clear guidelines, requirements, and procedures for temporary constituent-driven Public Art installations. To replace the existing RAP Memorial Plaque Policy, approved by the Board on October 18, 1995 (Report No. 416-95). Report No. 416-95 aimed to create a policy and procedure for memorial plaques that commemorate or memorialize an event, notable individual, social movement, message, or a vision for the future, which may have no direct relationship to the park or RAP.

The following categories of artwork shall be exempted from this Policy:

1. Plaques installed pursuant to the Sponsorship Recognition Policy or its successor policy.
2. RAP initiated signage installed for the purpose of information and/or identification. Examples include signage used to enumerate park rules and regulations, identify plants, wayfinding signage, interpretive signage, and standard building signage.
3. Permanent Installations incorporated into a construction project process (i.e., installations as a part of the Percent for Public Art Program/Public Works Improvements Art Program per LAAC 19.85), which installations will be presented directly to the RAP Board for approval.
4. Permanent Installations proposed for incorporation into the City's Permanent Art Collection. Such installations are subject to the approval of DCA staff, CAC, and the RAP Board.

It is also not the intent of this Policy to change RAP's standards for building commemorative plaques for projects managed by the Department of Public Works' Bureau of Engineering (Report No. 07-115). This Policy will also not apply to building commemorative plaques for projects managed by RAP.

II. Definitions

Applicant: An individual, constituent, organization, or business entity submitting a proposal for the installation of Public Art on RAP property.

Monument: A subset of Public Art that refers to a structure erected in remembrance of a person(s) or event, such as a statue, defined stone, sculpture, or other lasting evidence or identifying mark.

Mural: A subset of Public Art that refers to artwork painted or applied directly on an interior or exterior wall, ceiling or other large permanent surface.

Permanent Installation: Public Art installations intended to remain on RAP property in perpetuity (i.e., a period no less than 25 years). Public Art will only qualify as a Permanent Installation if the artwork is installed as part of DCA's Percent for Public Art Program (LAAC 19.85), Mural Program, City Art Collection or other program in which DCA's Cultural Arts Commission approves the installation and is responsible for its maintenance.

Plaque or Signage: Plaques or signage may be considered a subset of Public Art, but are generally informational in nature (i.e., artistic wayfinding signs or similar).

Public Art: Works of art (including, without limitation, artwork, sculptures, murals, monuments, and memorial plaques) in any media that have been planned and executed with the specific intention of being sited or staged within a publicly accessible space. The term also applies to artwork exhibited in publicly accessible buildings.

Sculpture: A three-dimensional work of art, inclusive of statues, that is made of stone, clay or other materials.

Temporary Installation: Public Art projects with an installation period between 12 months and 5 years.

III. RAP and Public Art

1. RAP's Role in Public Art

- a. RAP shall only permit Temporary Installations. Permanent Installations are not governed by this Policy, and instead require CAC approval per LAAC 22.109.

- b. As stewards of thousands of acres of parkland, open space, and limited assets, Public Art should not reduce RAP's capacity for programming or reduce usable open space.
 - c. Monuments, as well as plaques and signage acting as a memorial or mark of an event or person, are not permitted under this Policy.
 - d. It is not the intent of this Policy to address Public Art exhibitions that contain multiple elements or features that span across one or more parks. Such proposed installations are beyond the scope of this Policy and shall only be considered if they are proposed and managed by DCA or another City department.
2. RAP's Goals for Public Art
- a. Public Art installations should serve a recreational purpose in line with RAP's mission, vision and values.
 - b. Public Art should create opportunities for community engagement and building for the park and its surrounding community. The creation and/or installation of any Temporary Installation on RAP property shall involve (1) community input via survey, community meeting, Neighborhood Council and/or Park Advisory Board; and (2) a community event commemorating the creation and/or installation of the artwork.

IV. General Public Art Guidelines

- 1. Temporary Installation proposals shall be evaluated on an individual basis, with the design of such installations subject to review and approval by RAP's Planning, Maintenance, and Construction Branch (PMC), the Facility Repair and Maintenance Commission Task Force (Task Force), and the RAP Board.
- 2. RAP shall bear no financial responsibility for the installation, maintenance or removal of any Public Art without exception. If any piece or portion of Public Art is vandalized or stolen, RAP shall be under no obligation to repair or replace the artwork. The Applicant shall treat Public Art with an anti-graffiti coating unless RAP determines that such treatment is unnecessary or infeasible for a particular installation.
- 3. Public Art installations must be designed and constructed of a material that is appropriate for park placement, with minimal or no potential design-related liability risk, and offer no safety hazards.
 - a. Public Art should not be painted on, nor obscure, any architectural features such as windows, doors, pilasters, cornices, doors, or other building trim, feature bands, and/or other recessed or projecting features.

- b. Public Art installation should be easily accessible by RAP staff for removal, if necessary.
 - c. Under no circumstances shall the Public Art include any living components such as landscaping or trees.
 - d. RAP is under no obligation to accommodate requests for landscaping, tree trimming, or relocation of park amenities, or similar requests, to accommodate a Public Art installation. If RAP chooses to approve such a request, any related cost (direct or indirect) shall be borne by the Applicant.
4. RAP staff will evaluate any proposal for restoration, modification or improvement to existing Public Art on RAP property if the artwork is (1) solely under the control of RAP, and (2) not part of the City's Public Art Collection, Percent for Public Art, Mural Program or any other program where DCA is responsible for the artwork's conservation and maintenance. The review process for the Public Art Application will follow the same procedures as detailed in this Policy, including submission of the application form and the required application fee.
 5. RAP staff may administratively reject any Public Art Application at any time prior to RAP Board approval for any reason. RAP staff will issue a letter to the Applicant notifying them that the Public Art Application has been rejected, and identifying the specific reasons for the rejection. Once RAP staff rejects a Public Art Application, said proposal shall not be evaluated any further unless the Applicant submits a substantially revised Public Art proposal and pays the required application fee.
 6. Public Art Installations for a period of less than 12 months shall not be permitted unless the Public Art is part of an installation proposed by DCA or another City department.
 7. At the end of a Temporary Installation's lifespan, RAP shall restore the area to its condition before the artwork's installation, with the Applicant responsible for all costs arising from such restoration.

V. Mural Requirements

Any Public Art installation that involves the installation of a mural will be subject to the following requirements:

1. Murals may be made of paint, tiles, mosaics, etc., and should be applied directly to the project wall or surface. Murals involving mosaics and/or tile may require a building permit. Murals painted on a substrate or vinyl material may also require a permit from the Los Angeles Fire Department. Any required permit approvals must be obtained prior to the installation of the Public Art.

2. Murals are not allowed on walls made of stone, unpainted brick or any other porous material.
3. Murals cannot cover any existing signage, doors or windows on the proposed location.
4. Murals may be installed on the interior or exterior of a building or wall with a finished surface.
5. Murals should ideally be located in an area that is not easily accessible to potential vandalism.

VI. Sculpture Requirements

Any Public Art installation that involves the installation of a sculpture will be subject to the following requirements:

1. The sculpture must be installed in a location that does not present any safety hazard or impact to any existing areas of play.
2. The installation of the sculpture shall not damage any walls, ground or infrastructure on RAP's property or require permanent fixtures or footings.
3. RAP is under no obligation to replace the sculpture at any time if it is vandalized or stolen.
4. Any sculpture will be reviewed by the Department of Building and Safety (LADBS) following conceptual approval of the Public Art installation by the RAP Task Force. The Applicant will be responsible for any and all plan check and permit related fees.
5. The building permit for the Public Art installation will not be issued by LADBS until the Public Art installation has been approved by the RAP Board.

VII. Signage/Plaque Requirements

Any Public Art installation that involves the installation of an informational plaque or signage shall be subject to the following requirements:

1. Signage/plaques must be made of bronze or low vulnerable materials, such as concrete or plexiglass. The material of the signage is subject to the approval of RAP.
2. Signage/plaques should be no greater than 12" wide and 18" long.
3. Signage/plaques shall have no commercial or religious symbols.
4. All other plaque or signage content, including design, text font, verbiage, illustration, graphics and scope, is subject to RAP review and approval.

5. If the plaque or signage is not affixed to a building, it must be installed on an unobtrusive pedestal or stone or existing pole that does not present any safety hazard or impact to any existing areas of play.
6. RAP is under no obligation to replace the plaque or signage at any time if it is vandalized or stolen.
7. A QR code or link to a third party site is subject special consideration by RAP and may require disclaimer language or an additional agreement to maintain the third party site. RAP shall advise on a case-by-case basis.
8. Notwithstanding other provision of this Policy, plaque or signage installations related to the naming or renaming of a RAP park, amenity or building are not subject to any maximum installation period.

VIII. Procedures for Temporary Installations

1. Any Applicant proposing a Temporary Installation must complete and submit a Public Art Application form (Application), along with an application fee of \$500, via email to rap-publicart@lacity.org to via mail to Planning Division: 221 North Figueroa Street, Fourth Floor - Suite 400, Los Angeles, CA 90012. Upon request, RAP will accept ACH or credit card payment. Upon receipt the RAP staff will notify the Applicant of receipt of the Application and application fee.
 - a. For the Community Input Checklist (included in the Application), documented input shall include, but is not limited to, the appropriate Park Advisory Board and/or Neighborhood Council, the Council Office in which the park is located, and any other affected advisory/user group identified by RAP. The Applicant shall gather community input from all applicable parties identified on the Community Input Checklist.
 - b. In order to prioritize community driven Public Art, RAP will require the Applicant to include members of the surrounding community in the creative and installation process. Residents in close proximity to the site of the Public Art proposal must be allowed to contribute to the initial design of the artwork as well as participate in its ultimate creation, while being overseen and supervised by the Applicant or the professional artist spearheading the artwork. The Applicant should describe how the Public Art will meet the community engagement requirement.
2. The Application must specify a length of installation. In no event shall an Applicant propose an installation period of less than 12 months and more than 5 years.
3. The Application must include a written commitment to maintain the Public Art, and specify the person or organization responsible for such maintenance. The Applicant must also commit to complying with the requirements of this Policy, as amended from time to time.

4. The Application must include a signed Artist Waiver, which is included in the Application,(Exhibit B) in order to be considered complete. By signing the Artist Waiver, the Applicant agrees that:
 - a. RAP reserves the absolute right to *immediately* change, modify, destroy, remove, relocate, move, replace, transport, repair and restore any Public Art, including an approved Temporary Installation.
 - b. Artist has waived his or her rights of attribution and integrity as may be provided for under VARA, CAPA, and any other laws that convey rights of the same nature as those conveyed under VARA and CAPA.
5. PMC staff will review the Application according to this Policy. The review process may include staff input from the RAP Partnership Division, Operations Branch, Maintenance Division, and the City Council Office. The evaluation process may include, but not be limited to, analysis of the following: subject matter, proposed location, visual impacts, time-frame, impact on the park and/or community, materials to be used, project logistics, and potential community support or objections.
6. Upon completion of project evaluation, staff shall present the Application to the Task Force for additional discussion, guidance and a Conceptual Approval of the proposed Temporary Installation.
7. The proposed Temporary Installation will be presented to the RAP Board for final consideration.
8. Upon RAP Board approval of the Temporary Installation, RAP Planning staff will issue an ROE authorizing the Applicant's access onto RAP property to perform the installation and maintenance within the specified space. Prior to receiving the ROE permit, the Applicant must:
 - a. Make a payment to RAP in an amount determined by RAP to be sufficient for the eventual removal of the installation;
 - b. Submit the ROE questionnaire (Exhibit C) to RAP staff, as well as provide a clear site map of the requested permit area;
 - c. Provide proof of insurance (as detailed in Exhibit D), the amount of which will be determined by RAP's Risk Management section; and
 - d. Procure any required permits from the Department of Building Safety, or any other governing agency, at the Applicant's sole expense.
9. Upon completion of the Temporary Installation, PMC staff will inspect the installation to ensure consistency with Board approval. At least one photograph shall be taken and placed in the application file for future reference.

10. The RAP Board may require that Applicants include an expository plaque, signage, brochure, or other educational item that includes information such as the name of the artist, the date of installation, purpose of the Temporary Installation, etc., which would be the financial responsibility of the Applicant.

IX. City's Permanent Art Collection

The City's Permanent Art Collection is managed within the DCA's Public Art Division. The Public Art Division oversees the acquisition of artwork through donation or gift, loaning artwork, permission to site artwork on city property, and the subsequent and ongoing care of the City's Permanent Art Collection. The goal of this Collection is to enhance the climate for artistic creativity, promote understanding and awareness of the visual arts, and heighten the artistic heritage of the City of Los Angeles.

Several pieces of Public Art on RAP property are part of the City's Permanent Art Collection, and thus, under the purview of DCA. RAP staff should collaborate closely with DCA staff if questions arise regarding a specific piece of Public Art on RAP's property and confirm whether the artwork is part of the City's Permanent Art Collection. If the artwork is under the purview of DCA, any maintenance, vandalism, or requests for removal or restoration should be directed to DCA.

For information concerning the process for donating or gifting Public Art to the City's Permanent Art Collection, please contact DCA. It should be noted that RAP Board approval is required for any installation on RAP property, and that all approvals are contingent on the acceptance of the artwork into the City's Permanent Art Collection.

X. Procedure for the Removal & Destruction of Public Art on RAP Property

In order for Public Art to be installed on RAP property, the Applicant must submit a Public Art Application as well as a signed Artist Waiver. By signing the Artist Waiver, the Applicant agrees that, among other things, RAP reserves the absolute right to *immediately* change, modify, destroy, remove, relocate, move, replace, transport, repair and restore the Public Art.

In cases where Public Art was previously installed on RAP property and there is no signed Artist Waiver (and one cannot be obtained), the removal of the artwork can be a complicated process. For this situation to arise the most common reasons include:

- The artwork was installed without RAP's approval or knowledge.
- A previously approved piece of art has undergone significant modifications that deviate from the original approved design.
- A piece of art that was installed prior to the implementation of the Artist Waiver must be removed for a specific reason.
- RAP accepted donated parkland with existing artwork.

When such circumstances arise, RAP staff will consult with the City Attorney as necessary to ensure that the City complies with its obligations under CAPA, VARA, and any other applicable laws.

XI. Exhibits

Exhibit A – Public Art Application (Rev. XX/20XX)

Exhibit B – Artist Waiver (Rev. XX/20XX)

Exhibit C – Right-of-Entry Permit Questionnaire (Rev. XX/20XX)

Exhibit D – Submitting Proof of Insurance (Rev. XX/20XX)

Note: The above Exhibits are subject to change at RAP's discretion, except the Artist Waiver.

DRAFT

Public Art Application

Department of Recreation and Parks



THIS APPLICATION FOR TEMPORARY PUBLIC ART INSTALLATIONS ON RAP PROPERTY UNDER THE RAP'S ADOPTED ART POLICY.

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

ART INSTALLATION INFORMATION

Park Name: _____

Proposed Installation Location*: _____

Art Title/Description:

Artist Name(s): _____

Installation Period (12 months to 5 years maximum): _____

Estimated Cost (Materials, Labor, Insurance, etc): _____

Funding Source: _____

ART MAINTENANCE**

Please provide the name and contact information for the person or entity who will be responsible for the maintenance of the artwork for the duration of the installation.

First Name Last Name

Company Name

Address

City/State Zip Code

Phone Email

Please list the anti-graffiti product(s) or measures for proposed installation:

*Please describe the exact location of the installation within the park. Please provide a site plan, if necessary.

**Per the adopted Art Policy, RAP shall not be responsible for the maintenance of the proposed artwork.

Public Art Application

Department of Recreation and Parks



ADDITIONAL INFORMATION

Written Narrative (*maximum two pages*) – in the order they appear below. Please address and include a description of the following items:

- Funding Source(s) – Identify all funding sources such as grants, fund-raised monies, or donations and include whether these funds are committed or proposed.
- Artist Selection Process – How was the artist selected? How many artists were interviewed/considered?
- Design – How was it derived?
- Community Context – How does the design fit within the existing environment in terms of size, color, surrounding building types, materials, theme, community culture or architectural design, etc.
- Production Process – How will the proposed wall/area be prepared? What type of medium will be used? Who will do the actual production – the artist, the artist and assistants, or the artist and students?
- Maintenance – Describe the maintenance activities that will be required to maintain the installation over its lifespan.
- Miscellaneous - If there are circumstances which may further a more complete understanding of the project, do not hesitate to submit additional information, as this is the applicant's primary opportunity to clarify and define the project.

DRAFT

Public Art Application

Department of Recreation and Parks



ADDITIONAL INFORMATION CONTINUED...

Written Narrative continued from previous page (*maximum two pages*)

DRAFT

Public Art Application

Department of Recreation and Parks



COMMUNITY ENGAGEMENT

Please describe how the proposed art installation will meet the community engagement requirement described in the Art Policy. Attach additional sheets if necessary.

DRRAFT

REQUIRED ATTACHMENTS

- **Artist(s) Resume** - please be sure the resumes list other past public art projects the artists have done, with descriptions, locations, and dates of each project.
- **Relevant Press** - one review (one page maximum) of the artist's work or the applicant's work.
- **Detailed Sketch and/or Drawing** – Colors and details must be accurately indicated and rendering must be to scale. Indicate the precise area of the park where the project is proposed. Provide a photograph of the proposed location with an overlay of the proposed project at scale.
- **Color Photographs of the Site and Surroundings** – Show adjacent buildings, buildings across the street, and local landmarks that indicate the flavor of the neighborhood.
- **Contract with Artist for Installation** (if applicable)

Public Art Application

Department of Recreation and Parks



COMMUNITY INPUT CHECKLIST

Please provide a description and relevant documentation demonstrating that the applicant has conducted the required community outreach regarding the proposed art installation. Attach additional pages if necessary.

Park Advisory Board (if applicable): _____

Contact Information (Name, Email): _____

Dates & Description of Outreach: _____

Supporting Documentation: _____

Neighborhood Council: _____

Contact Information (Name, Email): _____

Dates & Description of Outreach: _____

Supporting Documentation: _____

Council Office: _____

Contact Information (Name, Email): _____

Dates & Description of Outreach: _____

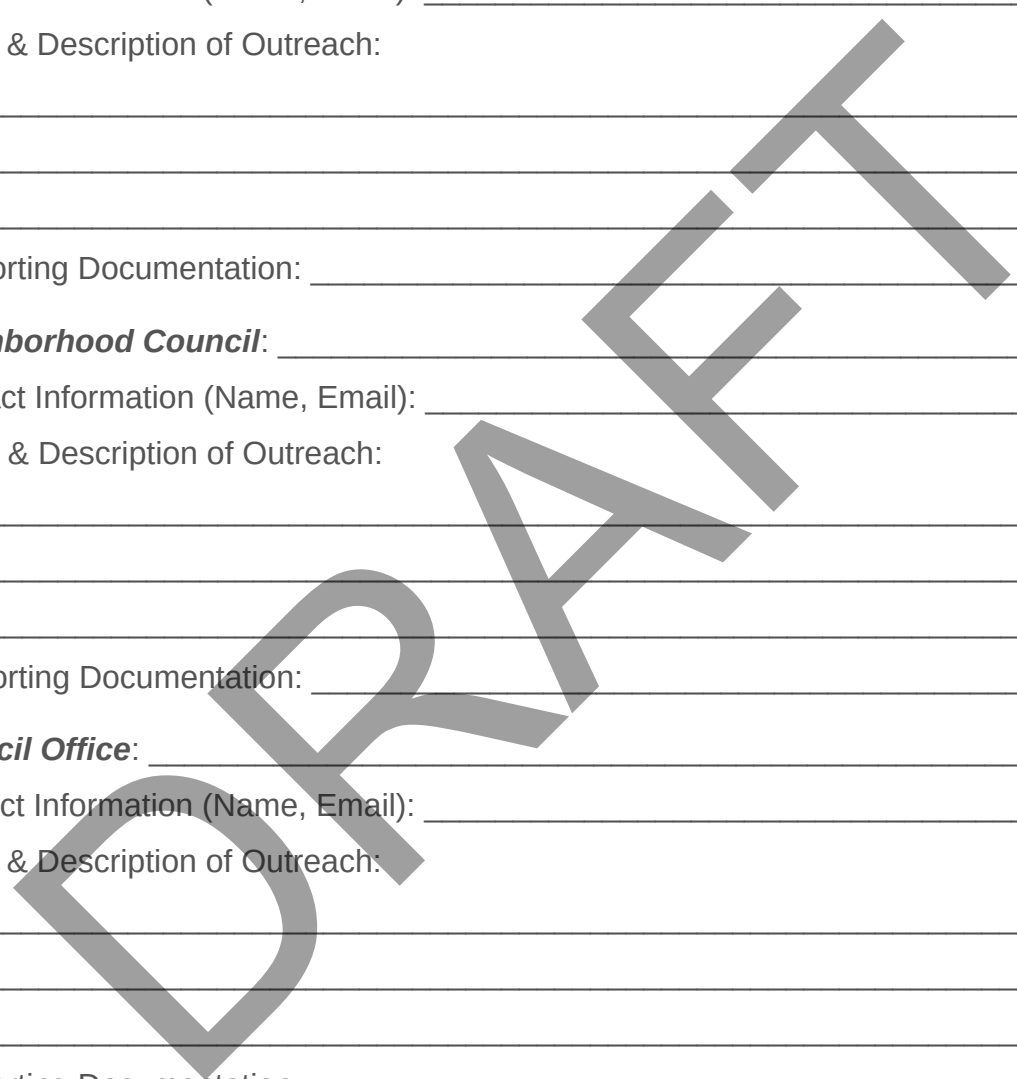
Supporting Documentation: _____

Additional Community Group (if applicable): _____

Contact Information (Name, Email): _____

Dates & Description of Outreach: _____

Supporting Documentation: _____



Public Art Application

Department of Recreation and Parks



APPLICANT INFORMATION

First Name Last Name

Company Name

Address

City/State Zip Code

Phone Email

ARTIST INFORMATION (USE SEPARATE PAGE IF MULTIPLE)

Same as Applicant Different as Applicant

First Name Last Name

Company Name

Address

City/State Zip Code

Phone Email

PRIMARY CONTACT FOR ART APPLICATION

Name (Required)

Email (Required)

Public Art Application

Department of Recreation and Parks



ARTIST WAIVER AND LICENSE FOR PUBLIC ART, MURALS, MONUMENTS, AND PLAQUES (REV. 04/2024)

Waiver of Rights of Attribution and Integrity for Artwork Placed upon City Property.

License for Government Purposes

The provisions of this paragraph shall apply to modify Artist's rights of attribution and integrity as set forth 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 ("Other Laws"), as against the City of Los Angeles ("City") and its agents. Artist hereby waives their rights of attribution and integrity as may be provided for under VARA, CAPA and Other Laws without waiving any other rights of ownership or other intellectual property rights in the artwork/project identified below, and provided that Artist shall retain the right to be identified as the author of the artwork/project identified below without obligating the City to provide attribution.

Artist represents that there are no outstanding claims against the Artwork described below. Artist grants the City of Los Angeles, California an irrevocable license to graphically reproduce (through photography, the internet or otherwise) the image of the Artwork for non-commercial government (e.g. education, public information, promotion of the arts, etc.) purposes.

In accordance with the waiver set forth above, Artist agrees that 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] ("Artwork"):

Entitled [title of work]:

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

In whole or in part, in City's sole discretion.

Artist's Address for Notice:

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, Maintenance and Construction Branch, 221 N. Figueroa Street, Suite 400, Los Angeles, CA 90012.

Artist Signature: _____

Date: _____

Print Name: _____

Public Art Application

Department of Recreation and Parks



APPLICANT INSTRUCTIONS

APPLICANT DECLARATION: A SIGNATURE FROM THE APPLICANT ATTESTING TO THE FOLLOWING, IS REQUIRED BEFORE THE APPLICATION CAN BE ACCEPTED.

A. I hereby certify that the information provided in this application, including renderings and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of Recreation and Parks, I agree to revise the information as appropriate and resubmit the application if required.

B. I understand and agree that any report, rendering, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and, if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.

C. I understand that the burden of proof to substantiate this request is the responsibility of the applicant.

D. I understand that there is no guarantee, expressed or implied, that any application will be approved. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.

E. I understand that this application will be reviewed and processed based on the requirements set forth by RAP's adopted Art Policy. If the artwork described in this application does not comply with the policies and guidelines set forth by the Art Policy, then this application will be rejected. If the artwork described in the application is approved, I agree to comply with any applicable requirements of this Policy, as amended from time to time, during and after the installation of such artwork.

F. I understand that if this art application is rejected, I am not entitled to a refund of the application fee.

G. I understand that if the art installation described in this application is approved that I will be required to pay an additional fee to cover any costs associated with the removal of the artwork as determined by RAP prior to the installation.

H. I affirm and agree that the person or entity identified to maintain the art installation will do so for the duration of the installation period.

I. I understand that RAP can remove, alter or modify the artwork for any reason at any time.

J. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial of this application.

Application Filing Process:

- **Electronically:** Applications may be submitted via email at rap-publicart@lacity.org.
- **Via Mail:** Applications and additional attachments can be mailed to the following address: ATTN: Planning Division, 221 N. Figueroa Street, 4th Floor, Los Angeles, CA 90012

The City requires an original or digital signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: _____

Date: _____

Print Name: _____

Public Art Application

Department of Recreation and Parks



**ARTIST WAIVER AND LICENSE FOR PUBLIC ART, MURALS,
MONUMENTS, AND PLAQUES (REV. 04/2024)**
*Waiver of Rights of Attribution and Integrity for Artwork Placed upon City
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License for Government Purposes

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In accordance with the waiver set forth above, Artist agrees that 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] ("Artwork"):

Entitled [title of work]:

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

In whole or in part, in City's sole discretion.

Artist's Address for Notice:

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, Maintenance and Construction Branch, 221 N. Figueroa Street, Suite 400, Los Angeles, CA 90012.

Artist Signature: _____

Date: _____

Print Name: _____

EXHIBIT C

City of Los Angeles Department of Recreation and Parks



Right of Entry (ROE) Questionnaire

PLEASE ALLOW AT LEAST TWO (2) WEEKS TO PROCESS YOUR REQUEST.

ANY PROJECT OVER A YEAR IN TERM REQUIRES BOARD OF RECREATION AND PARKS COMMISSIONERS' APPROVAL.

Name of Person, Company, or Government Agency Requesting

Permittee Contact Information

The permittee is the organization conducting the work. In most cases, this would be the contractor.

Name		Title	
Address			
Phone		Cell	
Email		Other	

ROE Location

Please attach a site map with the project area clearly marked, including ingress and egress points.

Park Name	
Park Address	

Project Details

If you are unsure about your term dates, please provide your best estimate, allowing for a minimum of two weeks for processing. Reminder that any term over a year in length requires Board approval

Term Start		Term End	
Times of Operation			
Purpose or Scope of Work			
<i>Include the number of people to be on site, number/type of vehicles or any other machinery. In general, the more details provided, the better.</i>			

Permittee Insurance

Contact the City Administrator's Office (CAO) to process your insurance at [KwikComply](#)

Insured Name			
Policy Number		Certificate Approval Number	

CITY OF LOS ANGELES

INSTRUCTIONS AND INFORMATION
ON COMPLYING WITH CITY INSURANCE REQUIREMENTS

(Share this information with your insurance agent or broker)

1. **Agreement/Reference** All evidence of insurance should identify the nature of your business with the CITY. Clearly show any assigned number of a bid, contract, lease, permit, etc. or give the project name and the job site or street address to ensure that your submission will be properly credited. Provide the **types of coverage and minimum dollar amounts** specified on the Required Insurance and Minimum Limits sheet (Form Gen. 146) included in your CITY documents.

2. **When to Submit** Normally, no work may begin until a CITY insurance certificate approval number ("CA number") has been obtained, so insurance documents should be submitted as early as practicable. For **As-needed Contracts**, insurance need not be submitted until a specific job has been awarded. **Design Professionals** coverage for new construction work may be submitted simultaneously with final plans and drawings, but before construction commences.

3. **Acceptable Evidence and Approval** Electronic submission is the required method of submitting your documents. **KwikComply** is the CITY's online insurance compliance system and is designed to make the experience of submitting and retrieving insurance information quick and easy. The system is designed to be used by insurance brokers and agents as they submit client insurance certificates directly to the City. It uses the standard insurance industry form known as the **ACORD 25 Certificate of Liability Insurance** in electronic format. **KwikComply** advantages include standardized, universally accepted forms, paperless approval transactions (24 hours, 7 days per week), and security checks and balances. The easiest and quickest way to obtain approval of your insurance is to have your insurance broker or agent access **KwikComply** at <https://kwikcomply.org/> and follow the instructions to register and submit the appropriate proof of insurance on your behalf.

Contractor must provide City a thirty (30) day notice of cancellation (ten (10) days for non-payment of premium) AND an Additional Insured Endorsement naming the CITY an additional insured completed by your insurance company or its designee. If the policy includes an automatic or blanket additional insured endorsement, the Certificate must state the CITY is an automatic or blanket additional insured. An endorsement naming the CITY an Additional Named Insured and Loss Payee as Its Interests May Appear is required on property policies. All evidence of insurance must be authorized by a person with authority to bind coverage, whether that is the authorized agent/broker or insurance underwriter.

Additional Insured Endorsements DO NOT apply to the following:

- Indication of compliance with statute, such as Workers' Compensation Law.
- Professional Liability insurance.

Verification of approved insurance and bonds may be obtained by checking **KwikComply**, the CITY's online insurance compliance system, at <https://kwikcomply.org/>.

4. **Renewal** When an existing policy is renewed, have your insurance broker or agent submit a new Acord 25 Certificate or edit the existing Acord 25 Certificate through **KwikComply** at <https://kwikcomply.org/>.

5. **Alternative Programs/Self-Insurance** Risk financing mechanisms such as Risk Retention Groups, Risk Purchasing Groups, off-shore carriers, captive insurance programs and self-insurance programs are subject to separate approval after the CITY has reviewed the relevant audited financial statements. To initiate a review of your program, you should complete the

Applicant's Declaration of Self Insurance form (<http://cao.lacity.org/risk/InsuranceForms.htm>) to the Office of the City Administrative Officer, Risk Management for consideration.

6. **General Liability** insurance covering your operations (and products, where applicable) is required whenever the CITY is at risk of third-party claims which may arise out of your work or your presence or special event on City premises. **Sexual Misconduct** coverage is a required coverage when the work performed involves minors. **Fire Legal Liability** is required for persons occupying a portion of CITY premises. Information on two CITY insurance programs, the SPARTA program, an optional source of low-cost insurance which meets the most minimum requirements, and the Special Events Liability Insurance Program, which provides liability coverage for short-term special events on CITY premises or streets, is available at (www.2sparta.com), or by calling (800) 420-0555.

7. **Automobile Liability** insurance is required only when vehicles are used in performing the work of your Contract or when they are driven off-road on CITY premises; it is not required for simple commuting unless CITY is paying mileage. However, compliance with California law requiring auto liability insurance is a contractual requirement.

8. **Errors and Omissions** coverage will be specified on a project-by-project basis if you are working as a licensed or other professional. The length of the claims discovery period required will vary with the circumstances of the individual job.

9. **Workers' Compensation and Employer's Liability** insurance are not required for single-person contractors. However, under state law these coverages (or a copy of the state's Consent To Self Insure) must be provided if you have any employees at any time during the period of this contract. Contractors with no employees must complete a Request for Waiver of Workers' Compensation Insurance Requirement (<http://cao.lacity.org/risk/InsuranceForms.htm>). **A Waiver of Subrogation** on the coverage is required only for jobs where your employees are working on CITY premises under hazardous conditions, e.g., uneven terrain, scaffolding, caustic chemicals, toxic materials, power tools, etc. The Waiver of Subrogation waives the insurer's right to recover (from the CITY) any workers' compensation paid to an injured employee of the contractor.

10. **Property** Insurance is required for persons having exclusive use of premises or equipment owned or controlled by the CITY. **Builder's Risk/Course of Construction** is required during construction projects and should include building materials in transit and stored at the project site.

11. **Surety** coverage may be required to guarantee performance of work and payment to vendors and suppliers. A **Crime Policy** may be required to handle CITY funds or securities, and under certain other conditions. **Specialty coverages** may be needed for certain operations. For assistance in obtaining the CITY required bid, performance and payment surety bonds, please see the City of Los Angeles Contractor Development and Bond Assistance Program website address at <http://cao.lacity.org/risk/BondAssistanceProgram.pdf> or call (213) 258-3000 for more information.

12. **Cyber Liability & Privacy** coverage may be required to cover technology services or products for both liability and property losses that may result when a CITY contractor engages in various electronic activities, such as selling on the Internet or collecting data within its internal electronic network. Contractor's policies shall cover liability for a data breach in which the CITY employees' and/or CITY customers' confidential or personal information, such as but not limited to, Social Security or credit card information are exposed or stolen by a hacker or other criminal who has gained access to the CITY's or contractor's electronic network. The policies shall cover a variety of expenses associated with data breaches, including: notification costs, credit monitoring, costs to defend claims by state regulators, fines and penalties, and loss resulting from identity theft. The policies are required to cover liability arising from website media content, as well as property exposures from: (a) business interruption, (b) data loss/destruction, (c) computer fraud, (d) funds transfer loss, and (e) cyber extortion.