

Murals Project Planning Commission Hearing May 12, 2009



City of Portland Bureau of
Planning and Sustainability

Sam Adams, Mayor | Susan Anderson, Director

Background – Why we're here.



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Murals Prior to 1998

Prior to 1991

- Exempt from sign regulations and/or size restrictions.
- No permit required.

1991-1998

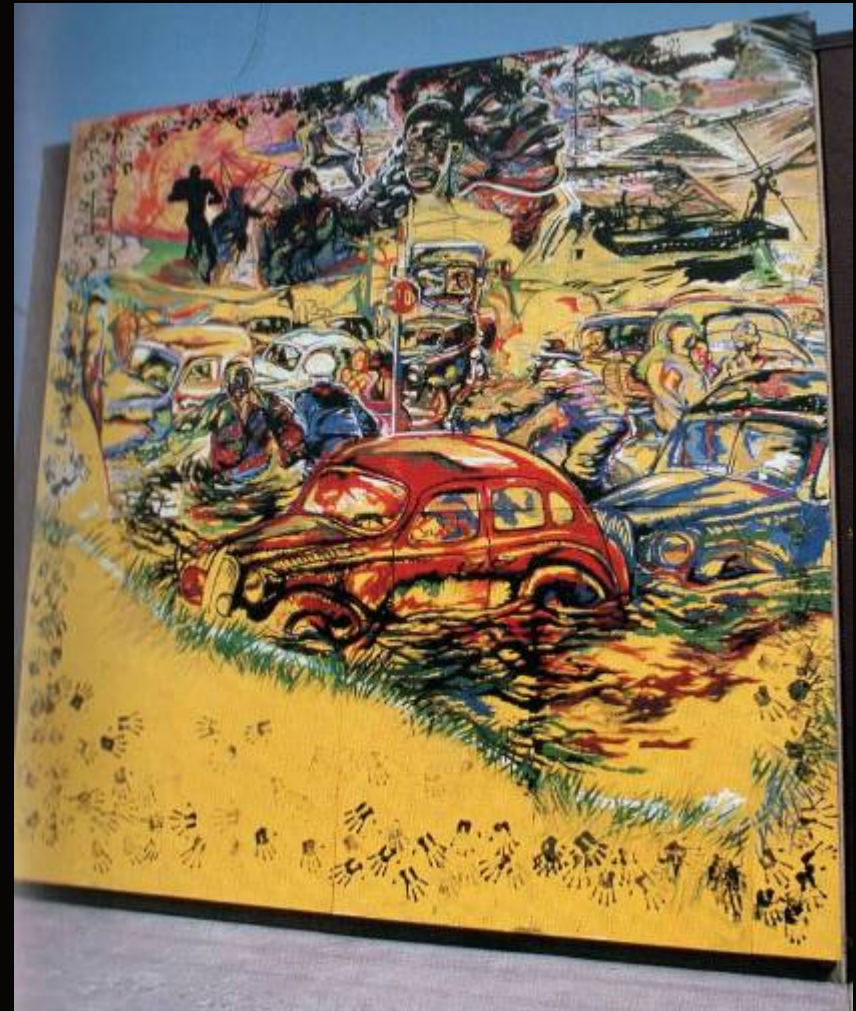
- Definition changed to distinguish unregulated murals from regulated signs.
- Distinction continued until lawsuit in 1998.



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Vanport – The Flood N Vancouver & N Alberta



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Murals Since 1998

1998

- Lawsuit from Billboard company.
- Claimed murals exemption was unconstitutionally content-based.
- City forced to either abandon all sign regulations or treat murals as “signs”.

Since 1998

- Murals subject to same limitations as signs.



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Legal Basis for lawsuit – Treatment of numbers, letters, trademarks and logos

Federal Constitution:

- Protects all speech. Greater latitude in regulating commercial vs. non-commercial speech.

Oregon Constitution:

- All speech (commercial and non-commercial) regulated equally. Gives even higher level of protection for speech than does US Constitution.



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Size Limitations: Regulation as Signs

Mirador Store forced to cover mural under sign code



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A PARTIAL FIX:

The Public Art Mural Program administered by the RACC

2005

- City created a Public Art Mural program administered by RACC.
- Program allows City to add murals to its public art collection.
- The mural itself is owned by City through an easement granted by building owner.



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School & Community Resource Action Project (SCRAP)

N. Williams Ave. Dim: 17' H x 40'W
Completed in 2005



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Albina Press Café

4637 N. Albina Ave. Dim: 35'W x 22'H (est)
Completed 2005



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RACC Public Art Mural Program Issues

- RACC program is mostly a funding program.
- Intended to increase city's collection of public art.
- Less effective for independent mural processes
- Process can be difficult for community based murals.
- Some RACC standards may discourage amateur or community submissions.



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Legal Landscape

- Can't regulate content.
- Can regulate physical size and location.
- Can regulate based upon application of materials.



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Proposed Mural Process

- New city code (separate from RACC and sign code) to allow original art murals.
- Code will outline basic allowances for murals.
- Administrative rule will create process and standards for murals.
- Murals defined as hand produced works of art, applied to the wall in a defined way (*paint or tile*).
- Murals created in this way will be exempt from the sign code and design review process



Proposed Mural Code Requirements

- Must remain in place for 5 years
- Subject to a height limit.
- No revenue stream.
- Additional standards in design overlay zones.
- Prohibited in historic and conservation districts and on landmarks.
- Neighborhood Contact Required.



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Proposed Mural Administrative Rule

- Details process for applying for a mural.
- Provides steps for neighborhood involvement.
- Lists additional standards in design overlay zones.
- Details process for inspections, alterations, and removal of mural.



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Proposed Mural Process



Limitations in Design Overlay Zones including downtown

Prohibited in Historic/Conservation Districts or Landmarks



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Design Overlay Zone

Addl. Standards & Restrictions

- Murals will not cover or obscure architectural features (windows, doors, trim, cornices, etc.)
- Murals will not be placed on unpainted brick or stone walls
- Murals not allowed to cover walls with a specific texture, color or material approved through design review.



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Design Overlay Zone

Add Standards & Restrictions

- Minimum size for a mural is 32 square feet.
- Additional height restriction. (*mural can't be higher than floor plate of 3rd floor*)
- Only one mural permit per wall.
- In Central City plan district, murals not allowed on street facing walls closer than 20' to street.



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Historic Landmarks and Districts

- Discussed at Landmarks Commission on April 6th.
- Landmarks Commission does not support a non-discretionary review option in historically sensitive areas.
- We will pursue expansion of RACC program into these areas.
- Design Commission's opinion is to allow murals on non-contributing buildings.
- Testimony expected on this issue at Planning Commission.



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Mural Process: *non-discretionary*

- Acquiring a mural permit is only requirement.
- Not a land use code. No land use reviews required to install a mural.
- Permit will be reviewed by planners and technicians with BDS.
- Requirements in design overlay zones are only standards, not discretionary.
- Once neighborhood involvement completed, permit will be issued.



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Planning Commission Recommendation

- Planning Commission recommendation is on amendments to Title 32 and Title 33.
- Planning Commission can also make suggestions on other aspects of the project to the City Council, but these are not binding.
- City Council will review the entire package of code amendments, but Administrative Rules will be subject to a separate BDS hearing.



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Next Steps

- Issue on Mayor's 100 day schedule
- Proposed Draft was released April 16th.
- City Council tentatively scheduled for later in June,
- Administrative Rules and Fees determined in July.
- Up and running in August.



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Questions??



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