



Department of City Planning - Code Studies Section

Workshop & Public Hearing Notice

Citywide Proposed Zoning Code Amendment

CASE: CPC-2008-2142-CA
ENV-2008-2143-CE

The Mural Ordinance
Council District: All

This notice is to inform you of a workshop and public hearing for case number CPC-2008-2142-CA, a proposed zoning code amendment that has been initiated by the Department of City Planning. All interested persons are invited to attend the public hearing at which you may listen, speak, or submit written information relating to the environmental determination and the proposed project.

PLACE: Los Angeles City Hall
Room 1020
200 N. Spring St, Los Angeles, CA 90012

TIME: Tuesday, January 10, 2012 at 1:00 p.m.

STAFF: Tanner Blackman, tanner.blackman@lacity.org, 213-978-1195

THE LAST DAY TO SUBMIT
COMMENTS WILL BE:

WEDNESDAY,
February 8, 2012

PROPOSED PROJECT: A proposed ordinance adding Article 4.1 to and amending Sections 14.4.2, 14.4.4, 14.4.20, and 19.01 of Chapter I of the Los Angeles Municipal Code to allow for the creation of original art murals on private property through a time/place/manner administrative permit; preserve existing vintage art murals; and make minor technical corrections.

PURPOSE: The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. First, planning staff will present on the proposed project and take questions. Then, the hearing will be conducted by a Hearing Officer who will consider all the testimony presented at that time and any written communication received prior to or at the hearing from affected and/or interested persons regarding this Project, as well as the merits of the proposed ordinance as it relates to existing environmental and land use regulations. The environmental document will be among the matters considered at the hearing. After the hearing, Code Studies staff will prepare a report, including a final recommendation, which will be considered by the City Planning Commission at a later date.

EXHAUSTION OF ADMINISTRATIVE REMEDIES: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter. Any written correspondence delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

ADVICE TO PUBLIC: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda.

WRITTEN COMMUNICATION: Written communications should cite the Case Number indicated at the top of this notice and may be mailed to the Attention of the Staff Contact identified above at the Los Angeles Department of City Planning, Office of Zoning Administration, City Hall - Room 763, 200 N. Spring Street, Los Angeles CA 90012.

REVIEW OF THE FILE: The complete file including application and an environmental assessment is available for public review at the Department of City Planning, City Hall - Room 763, 200 N. Spring Street, Los Angeles CA 90012 between the hours of 8:00 AM to 5:00 PM, Monday through Friday. Please call the Staff Contact indicated at the top of this notice several days in advance to assure its availability. Case files will not be available for inspection on the day of the hearing.

ACCOMMODATIONS: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance.

Other services, such as translation between English and other languages, may also be provided upon request. Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.

To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice. Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.

QUESTIONS & ANSWERS

THE MURAL ORDINANCE



Q: *What is the Mural Ordinance?*

A: On October 19, 2011, after several committee meetings, the LA City Council instructed the Department of City Planning (DCP) to prepare an ordinance to create a “time/place/manner” “administrative permit” system to allow for the creation of new fine art murals throughout the City as well as a “vintage mural permit” to protect and preserve the City’s existing fine art murals. The attached discussion draft of a new Mural Ordinance presents a blueprint to allow murals on private property in the City of LA. DCP helps guide the development of private property throughout the City through implementation of the General Plan and the Zoning Code, including regulation of signage and, in specific districts, aesthetics. DCP has worked closely with the Departments of Cultural Affairs and Building & Safety, as well as the City Attorney’s Office and numerous Council Offices to prepare this discussion draft.

Q: *Why do we need a Mural Ordinance?*

A: Since 2002, new murals have been generally banned in the City of Los Angeles and only allowed in specified areas. But, the problem goes back to the current definition of murals, written in 1986, which defines murals as a type of sign. This definition was created to exempt fine art murals from new sign regulations. However, the exemption was challenged legally. In response, the City Council placed “mural signs” under the same general ban as outdoor advertising, with exceptions for specific plans, sign districts, and development agreements. Over the years, the 2002 ordinance has proven very limiting to the creation of new murals in the City of LA.

Q: *What is a discussion draft? How can I be heard?*

A: The draft Mural Ordinance is not the final Planning Department recommendation. This is a discussion draft to solicit input from the public. DCP staff will conduct a Workshop & Public Hearing in City Hall on January 10, 2012, and will accept written comments until February 8, 2012. After the comment period, staff will revise the draft based on feedback received and present a recommended ordinance and report to the Cultural Affairs Commission and the City Planning Commission, hopefully in March 2012. At these Commission meetings and at future City Council Committee meetings, you will have the opportunity to speak directly to the decision-makers during public testimony.

Q: *What does the draft ordinance do?*

A: The Mural Ordinance discussion draft presents an administrative permitting approach to allow the creation of new murals on private property through time/place/manner regulations. Through an “administrative permit” process, murals would be allowed if they meet the minimum requirements of the ordinance and procedures of the Administrative Rules.

Q: *What are Administrative Rules?*

A: Not everything needs to go into the ordinance. For example, specifics like the Original Art Mural application form, acceptable verification of the age of a Vintage Art Mural, and procedures for review by the Office of Historic Resources will be included in the Administrative Rules. DCP staff will continue to workshop these particulars with the public in outreach during the comment period. Recommended Administrative Rules will be included in the final staff report.

Q: What are the next steps?

A: Please review the draft ordinance language, attend a Mural Ordinance Update outreach event (*for info please go to www.facebook.com/LACityCodeStudies*), and submit comments to Tanner Blackman at tanner.blackman@lacity.com. Anyone submitting comments will be added to the Mural Ordinance email list to receive notification of future staff reports and public hearings.

Q: What are the contents of the Mural Ordinance discussion draft?

A: The discussion draft adds one new Article to the Zoning Code; deletes two small section and edits one section of the Sign Code; and edits one of the Planning & Zoning Fees:

One New Article, *Original Art Murals*, in six parts

- Purpose Explains the intent of the mural ordinance. Please help the Planning Department find the right language to describe how murals benefit our community and how they differ from signs.
- Definitions Contains new definitions that do not exist in other parts of the LA Municipal Code. These may not be perfect yet. This is just a discussion draft. We're interested in your thoughts on how to define "Original Art Mural" and "Vintage Art Mural" for Los Angeles. Also, the definition of "compensation" needs refinement – the intent is not to restrict property owners from hiring artists to paint and maintain murals only to limit the receipt of compensation for the placement of the mural on a property.
- Requirements Contains the "time/place/manner" requirements for approval of new Original Art Murals and the relationship of the new Article to other sections of the Municipal Code.
- Vintage Murals States that Vintage Art Murals are considered compliant with the Municipal Code. Also, offers a "Vintage Mural Permit" to protect vintage murals in case there is ever a question or enforcement issue.
- Procedures States that the Director of Planning will approve Original Art Mural applications if they meet requirements; requires adoption of Administrative Rules by the City Planning Commission; and describes the "Neighborhood Involvement Requirement."
- Enforcement Describes the process for administrative enforcement of Original Art Mural permits through the Department of City Planning.

Two deletions and one edit to the Sign Code

- Deletions Deletes definition of "Mural Sign" and prohibition of Mural Signs.
- Edit Creates reference to the new Article for Original Art Murals

One edit to the Planning & Zoning Fees

- Edit Adds fee for Original Art Mural Permits. In setting a new fee, the Planning Department must either do a comprehensive fee study to determine the costs of such a program OR identify an existing fee in the Zoning Code with a similar amount of review and staff resources. The administrative sign-off for building permits is a simple administrative process, like the Original Art Mural permit.

APPENDIX A

ORDINANCE NO. _____

A proposed ordinance adding Article 4.1 to and amending Sections 14.4.2, 14.4.4, 14.4.20, and 19.01 of the Los Angeles Municipal Code to allow for the creation of original art murals on private property through a time/place/manner administrative permit; preserve existing vintage art murals; and make minor technical corrections.

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

Section 1. Article 4.1 of Chapter I of the Los Angeles Municipal Code is added to read:

ORIGINAL ART MURALS

SEC. 14.1.1. PURPOSE

The purpose of this Article is to permit and encourage Original Art Murals on a content-neutral basis with certain terms and conditions. Original Art Murals comprise a unique medium of expression that serves the public interest. Original Art Murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community-building through the presence of and identification with original works of art; education about the history of communities depicted in original works of art; and a reduction in the incidence of vandalism. Murals can increase community identity and foster a sense of place if they are located in a manner visible to pedestrians, are retained for substantial periods of time, and include a neighborhood process for discussion.

SEC. 14.1.2. DEFINITIONS

The definitions of the following terms shall apply to this Article. Other terms used in this Article shall have the meanings set forth in Section 12.03 of this Code, if defined in that Section.

Alteration. Any change to the permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors, or size of the permitted Original Art 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 Original Art Mural that result from the

maintenance or repair of the permitted Original Art Mural shall not constitute “alteration” of the permitted Original Art Mural. Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted Original Art Mural is repaired due to the passage of time or as a result of vandalism.

Changing Image Mural. A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

Compensation. The exchange of something of value, including, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. “Compensation” does not include:

goodwill; or

an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.

Original Art Mural. An original work of visual art produced by hand that is tiled, painted directly upon, or affixed directly to an exterior wall of a structure. Original Art Mural does not include:

mechanically-produced or computer-generated prints or images, including but not limited to digitally printed vinyl;

murals containing electrical or mechanical components; or

changing image murals.

Vintage Art Mural. An original work of visual art produced by hand that was tiled, painted directly upon, or affixed directly to an exterior wall of a structure prior to the date of adoption of Ordinance No. _____.

SEC. 14.1.3. REQUIREMENTS

A. Original Art Mural Requirements. Original Art Murals that meet all of the following requirements will be allowed upon satisfaction of the applicable permit procedures:

1. The mural shall remain in place, without alteration, for a period of five years, except in limited circumstances to be specified in the Original Art Mural Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.

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

3. No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted, or affixed.

4. Murals on properties in legally adopted specific plans, supplemental use districts, and overlay districts shall meet any specific design requirements for original art murals set forth in the ordinance(s) establishing the specific plan, supplemental use district, or overlay district.

5. Murals on properties in Historic Preservation Overlay Zones, the mural may be subject to review by the Office of Historic Resources following procedures set forth in the Original Art Mural Administrative Rules.

6. Murals on properties listed in the National Register or California Register or properties determined eligible for listing in the National Register or California Register are subject to review by the Office of Historic Resources following procedures established in the Original Art Mural Administrative Rules.

7. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property are prohibited. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

8. Murals that would result in a property becoming out of compliance with the provisions of Chapter I of this Code, any ordinance adopted pursuant to Chapter I of this Code, or any land use conditions of approval for the property on which a mural is to be located are prohibited.

B. Relationship of Original Art Mural to other Regulations. LAMC 14.4.20 from Article 4.4 of Chapter I of this Code applies only to Original Art Murals for which a permit has been obtained under this Article and any adopted Administrative Rules. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Los Angeles Municipal Code.

C. Variances to this Article. Variances to the regulations of this Article are prohibited.

SEC. 14.1.4. VINTAGE ART MURALS.

A. Vintage Mural Standards. All murals created prior to the date of adoption of Ordinance No. _____ are deemed compliant with this Article by the City of Los Angeles. Vintage Mural Permits may be obtained for murals created prior to the date of adoption of Ordinance No. _____ from the Department of City Planning following procedures established in the Original Art Mural Administrative Rules.

SEC. 14.1.5. PERMIT PROCEDURES

A. Director's Authority. The Director of Planning shall have the authority to determine that an application for an Original Art Mural, including a Vintage Art Mural, meets all of the applicable permit requirements, following procedures established in the Original Art Mural Administrative Rules.

B. Administrative Rules. The City Planning Commission is authorized and directed to adopt Original Art Mural Administrative Rules implementing this article and setting forth the substantive and procedural requirements for an Original Art Mural permit.

C. Neighborhood Involvement Requirement. The Administrative Rules to be adopted by the City Planning Commission shall include a neighborhood involvement requirement for any applicant of an Original Art Mural permit to provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No Original Art Mural permit shall be issued until the applicant certifies that he or she has completed the Neighborhood Involvement Requirement. This is a procedural requirement only and in no event will an Original Art Mural permit be granted or denied based upon the content of the mural.

SEC. 14.1.6. VIOLATIONS AND ENFORCEMENT

A. Violations. It is unlawful to violate any provision of this Article, any Administrative Rules adopted by the City Planning Commission pursuant to this Article, or any representations made or conditions or criteria agreed to in an Original Art Mural permit application. This applies to any applicant for an Original Art Mural permit, to the proprietor of a use or development on which a permitted Original Art Mural is located, or to the owner of the land on which the permitted Original Art Mural is located. For the ease of reference in this Article, all of these persons are referred to by the term "operator."

B. Notice of Violation. The Department of City Planning must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

C. Enforcement. The Director of Planning shall have the authority to enforce the regulations of this Article and the conditions of Original Art Mural permit administrative approvals pursuant to LAMC 12.29.

Sec. 2. The following definition from Section 14.4.2 of the Los Angeles Municipal Code is deleted:

~~**Mural Sign.** A sign that is painted on or applied to and made integral with a wall, the written message of which does not exceed three percent of the total area of the sign.~~

Sec. 3. Subdivision 10 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code is deleted:

~~10. Are mural signs, except when mural signs are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement.~~

Sec. 4. Section 14.4.20 of the Los Angeles Municipal Code is amended to read:

SEC. 14.4.20. MURAL SIGNS ORIGINAL ART MURALS

~~Approval for mural signs shall be obtained from the Cultural Affairs Commission. The placement, height, and, and overall area of a mural sign shall be as approved by the Cultural Affairs Commission. In making its determination, the Cultural Affairs Commissions. In making its determination, the Cultural Affairs Commission shall find that the proposed sign does not conflict with the purposes and objectives set forth in Section 14.4.1 of this Code. Murals not permitted as Original Art Murals pursuant to Article 4.1 of this code shall be considered signs.~~

Sec. 5. Subsection I of Section 19.01 of the Los Angeles Municipal Code is amended to read:

I. Fees for Plan Approvals.

[FILING FEE]

Type of Application	Fee*
Miscellaneous Clearance – Director or Commission	\$745
Landscape Plan Approval (including water management approval) as part of a Discretionary Approval	\$647
<u>Original Art Mural Permit or Building Permit Sign-off for minor Projects</u>	\$199

* See Section 19.01 V. for multiple applications.

Sec. 6. The City Clerk shall certify that ...

DRAFT