

June 24, 2013

Herb Wesson,
President, City Council
City Hall
City of Los Angeles

Dear Council President Wesson and City Council Members,

I generally support a majority of the provisions contained in the Mural Ordinance approved with the leadership of Council Member Ed Reyes, Chair of the Planning Land Use and Management Committee at its meeting in January.

1. The Mural Ordinance adopted at that meeting rectified a number of issues among the citywide alliance of public artists, urban planners, community leaders and others interested in restoring Los Angeles' legacy in public art. The version before the city council represents a consensus on a wide range of issues that were debated during a twenty month public hearing process and formal meetings with the Cultural Affairs Commission, the Central City Planning Commission and the PLUM committee.

The numerous revisions reflect what the public art community has advocated, it is a basic ordinance that works for the entire city, and is not complicated with niche language that would hinder the production of, and support for, public art in the future.

A guiding principle for the artistic community was ordinance text that did not complicate nor frustrate the production of public art. In addition, grand-fathering in Vintage Public Art is an enlightened aspect of public policy on this matter.

Implementing a fee structure that recognizes the financial realities of muralists, and the relatively modest fees they often receive is fair.

There apparently remains one key debate, restriction solely based on property characteristic, a provision which I and virtually the entire citywide artistic community oppose. PLUM was correct in adopting an ordinance with no class nor property based restrictions in relation to public art. I address this specific issue within these comments to the council.

2. Opposition to Any Restrictions related to Property Characteristics or Value

Class and ethnic segregation in relation to which type of property owners will be allowed to benefit from and appreciate public art, and should NOT be contained in any version of the Mural Ordinance.

This is a sad commentary of the status of this city, that in the 21st century some council members are advocating class and ethnic segregation in terms of which property owners will be specifically excluded from enjoying public art.

Eliminate Public Art and Urban Revitalization Projects and Programs

Specifically, one regressive impact of this proposal will result in the termination of the Green Alleys Project at Jefferson High School, of which I'm a sponsor. It will end a community revitalization project focused on alley restoration that involves students, teachers, administrators, parents, community members, and the pro-bono efforts of landscape architects, city planners, architects and others who have supported this innovative urban renovation strategy.

The City should be embarrassed to even consider incorporating ordinance language that specifically and unconstitutionally will eliminate any homeowner in this section of South Central Los Angeles, who have only one home on their lot, from any further participation in the Green Alley's Project, or face penalties imposed by the city in relation to the specific language contained in this text.

The city has provided neither extensive written and/or verbal justification as to why this is essential nor why advocating class and ethnic segregation in public art is a pro-active public policy for the long term future of this city.

Environmental Racism

Others view this as overt Environmental Racism. I will withhold judgement on this claim, at this time. Conversely, there is no question that is highly regressive, class and ethnic based segregation. In the 21st century, in this city, it is stunning that the vision within some segments of this city, has sunk to this depth.

Deny single family owners the ability to beautify their property

A one size fits all provision, is an antithesis to the entire public hearing process toward developing an ordinance that is not restrictive and works for the entire city. A majority of communities in this city are 'culturally enlightened' in relation to art in public and private spaces.

In addition, any type or form of art would be banned on all single family residential properties if language to this effect were to be adopted by the council. This is counter productive and bad public policy.

Anti-Cultural and Public Art Overlay Zone

For those neighborhoods that wish to assume a Neanderthal vision of public art, (Conversely, which is now celebrated in every city, worldwide), the council can add an, "Anti-Cultural and Public Art Overlay Zone" provision into the ordinance. This would potentially allow any community the ability to ban public art in their respective neighborhood. Thus, the ordinance would not deny the rights for those areas of Los Angeles that have celebrated public art and murals for over SIX DECADES.

Any arbitrary, specious, irrational and unconstitutional limitations solely based on property, specifically defending the rights of multi-unit property owners over all others, especially those in lower income minority communities will be vigorously challenged in court.

3. Support Grand fathering Vintage Murals into the ordinance.

During the public hearing process leading to the "Final Draft Mural Ordinance." There exists citywide consensus for incorporating specific language recognizing Vintage Murals as a distinct and important category. They are different. These murals have assisted in defining Los Angeles as a public art center.

Vintage Murals also have historic and cultural value, to the immediate and surrounding community, distinct from other public art, from any era, 1960s to the current period. They definite art styles, artistic movements, reflect important historical events, and they recognize the essential culture of communities.

Vintage Murals also deserve specific attention since they have received national and/or international acclaim.

In addition, vintage designation is a direct benefit to tourism and the economy of art patrons regionally and nationally.

4. Require Specific Regulatory Criteria for the use of Vinyl in Public Spaces

Vinyl installation required by digitally created images is not public art. In essence, it is computer oriented design, that is then superimposed on walls through various types of vinyl. This is problematic issue on three levels. While this ordinance addresses the inherent toxic and hazardous nature of this product, I sense that it should be in a different category, not in this mural ordinance.

Irrespective of this ordinance, Building and Safety, the Fire Dept, and potentially Zoning Administration are required to review this environmentally hazardous product prior to approval. Vinyl produced design has to be installed, often affixed, not directly attached to a wall. Thus, this type of structural engineering will essentially require a Building Permit, and an inspection for public safety, fire and engineering integrity.

Vinyl is toxic, as are the compounds contained in the inks required to transition from a computer design to a digital vinyl surface. This places the immediate and surround public at risk This a fundamental reason why almost 95% plus of digital art is on billboards, a critical distance from the pedestrian public.

Vinyl begins to erode from the date of installation. Most vinyl advertising is designed to last a relatively short period of time. It appears that a significant majority of vinyl art will not maintain its integrity for the minimum two years of attention as required in this text. Once it has to be replaced it loses VARA status, because it is no longer an 'original art', in relation to this law. Also, if the artist is required to maintain the art, s/he will have to return to the city for re-permitting.

I highly recommend, as have others throughout this process, that vinyl art be placed in a section of the sign ordinance which is designed for installation products, that specifically resemble what will occur with vinyl art. The City Council is correct in directing the Cultural Affairs Dept. to develop a separate category for this type of art that encompasses a definitively different set of installation requirements versus a painted mural.

5. Sensitive approach toward any Fee Structure

The City Council should incorporate a fee waiver for any mural and/or public art project that is on a educational site, utilizes apprenticeships for the local community or is implemented on a pro-bono basis (with the exception of supply costs).

In addition, all fees collected, which will be relatively modest in scope, should be utilized to enhance the legacy of public art, not solely for administrative purposes.

Conclusion

I generally support a majority of the provisions contained in this Mural Ordinance and urge the City Council to support the PLUM committee's recommended text without any fundamental changes.

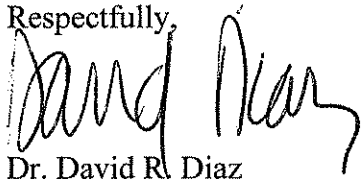
In relation to the issue of arbitrary ethnic and class discrimination in relation to any restrictions on property rights, the Council can adopt a provision, tentatively labeled, 'Anti-Cultural and Art Overlay District', in which communities can eliminate any cultural elements to residential units in their respective neighborhood. (In similar fashion to Historic Preservation Districts, in relation

to local architectural character).

In addition, rest assured that if the City of Los Angeles adopts a Mural Ordinance that endorses specious, arbitrary, and unconstitutional ethnic and class based segregation in relation to which classes of property owners are allowed to benefit directly from public art, I commit that I will be in state and/or federal court in opposition to the City's action on this aspect of the mural ordinance.

One final point, Los Angeles is NOT a planned unit development, (i.e, Mission Viejo or Simi Valley), nor is it a macro home owners association. It is a dynamic multi cultural city. No ordinance should limit the inherent creativity and power of art by irrational restrictions that only serve narrow interests. This ordinance has to work for the entire city.

Respectfully,



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M.C.R.P. Masters in City and Regional Planning, UC Berkeley, 1976
Ph.D. Urban Planning, UCLA, 1994

cc: Los Angeles City Council Members

July 30, 2015

PLUM Committee

Subject: Mural Ordinance CF# 11-0923

Ladies and Gentlemen:

Our city imposes high taxes and reduced services. I oppose this mural ordinance, first of all, because the only industries in this city that are flushed with funds are the newly formed H&CID, the City's "anti-gang" program, and the Arts and Cultural Affairs department. And that fact, that our City continues to do selective enforcement, of our municipal codes.

Furthermore, the city council has failed to enforce what they have already previously determined by ordinance years ago. The power of graffiti creates fear and insecurity within the community whether it is displayed on public or private property. It creates a blight element that leads to depreciation of property. It also depreciates the value of adjacent and surrounding properties. Graffiti creates a negative impact on the entire city. Who will determine what is art and what is graffiti? This Mural Ordinance may have regulations, but our city does not have the ability to enforce the LAMC equally. or eliminate its' history of selective enforcement.

DAVID BARRON
SUNLAND-TUJUNGA





