

Tarzana Property Owners Association

August 15, 2013

Los Angeles City Council
200 N. Spring St
Los Angeles, CA 90012

Subject: **Mural Ordinance, Council File CF11-0923**

The Tarzana Property Owners Association (TPOA) strongly opposes the current Version A of the proposed Mural Ordinance to be heard before the City Council on August 20, 2013. Version A would allow murals in all residential neighborhoods; Version B would prohibit murals on homes in single family neighborhoods.

A bit of history:

- As first proposed by the Planning Department., murals were to have been excluded from residential properties of fewer than five units.
- The City Planning Commission modified the proposed ordinance to exclude residential properties of two or fewer units. Murals were to be allowed anywhere in the city except for duplex and single family zoned properties.
- PLUM subsequently directed the City Attorney to draft an ordinance allowing murals on all residential properties.
- On July 30, PLUM heard extensive testimony both for and against the two versions of the proposed ordinance and passed the proposed ordinance, without recommendation, on to the full City Council to be heard on August 20.

If adopted as proposed, this ordinance would have a tremendous impact on the character of our Single Family Neighborhoods.

There are no provisions in the ordinance regulating content, so hate messages and salacious and other themes inappropriate for children would be permitted. Motion pictures have a code indicating content, billboards do not allow hate messages or explicit sexual material; the Mural Ordinance must have some similar provision. The argument raised at the recent Planning Committee hearing that museums, art galleries, etc. allow nudity and similar content is fallacious: you choose to expose yourself to that material; here you would have no option. While the ordinance includes a provision that requires those planning to install an art mural on their property to do community outreach, **there is no requirement** to respond to, act upon, or implement comments received from neighbors or the community.

We understand that some areas of the City may desire murals as an expression of art. To accommodate those areas, we propose that the ordinance be revised to prohibit murals in single family residential areas **unless** all the adjacent neighbors and more than 50% of the residents of the area (exact boundaries need to be defined) vote to allow such murals in that area. **Opt-in, not opt-out.** This is an established method of modifying a City-wide ordinance, similar to the Residential Floor Area District provision of the Baseline Mansionization Ordinance and to the Modified Parking Requirement District Ordinance.

We request that the City Council restore the original single family residential area exclusion, adopt opt-in, not, opt-out, or send the proposed ordinance back to the City Attorney's office for reconsideration.

David Garfinkle
President, Tarzana property Owners Association
PO Box 571448 Tarzana, CA 91357-1448

www.tarzana.propertyowners.org