



Patrice Lattimore <patrice.lattimore@lacity.org>

Council File 11-0923 Murals: Please adopt Version B = No murals on single family/low density residential zones, please!

1 message

Barbara Broide <bbroide@hotmail.com>

Tue, Aug 27, 2013 at 4:41 PM

To: "(councilmember.cedillo@lacity.org)" <councilmember.cedillo@lacity.org>, Councilmember Paul Krekorian <councilmember.krekorian@lacity.org>, "(councilmember.blumenfield@lacity.org)" <councilmember.blumenfield@lacity.org>, Councilmember Tom LaBonge <councilmember.labonge@lacity.org>, Paul Koretz - cd 5 <paul.koretz@lacity.org>, "(councilmember.martinez@lacity.org)" <councilmember.martinez@lacity.org>, "(councilmember.fuentes@lacity.org)" <councilmember.fuentes@lacity.org>, Councilmember Bernard Parks <councilmember.parks@lacity.org>, "(councilmember.price@lacity.org)" <councilmember.price@lacity.org>, Councilmember Wesson <councilmember.wesson@lacity.org>, "(councilmember.bonin@lacity.org)" <councilmember.bonin@lacity.org>, Councilmember Mitch Englander <councilmember.englander@lacity.org>, "(councilmember.ofarrell@lacity.org)" <councilmember.ofarrell@lacity.org>, "Councilmember.Jose Huizar" <councilmember.huizar@lacity.org>
Cc: Patrice Lattimore - LA City <patrice.lattimore@lacity.org>, City Clerk June Lagmay <june.lagmay@lacity.org>

Dear Councilmembers:

We have attended many Planning Department, Council committee meetings leading up to the adoption of a citywide Mural Ordinance. Our last and most recent letter of August 20th expressed our comments on the two versions before Council (see attached). We sincerely hope that you will adopt **Version B** and refer the Ordinance back to the Planning Dept. to develop a mechanism whereby local communities can initiate an "OPT IN" process should they wish to allow for murals on single family and low density residential properties.

An OPT IN process cannot be hastily created or implemented. It should be crafted with diligence. As there is yet controversy surrounding the measure's adoption in residential areas, why not move forward on the approval for commercial and industrial properties and take the needed time to address concerns and issues surrounding the implementation of the ordinance in residential areas? That would seem to be the most prudent path. There are still important issues and sensitivities to be worked out.

For example: We can share with you a mural recently installed on one of our main commercial thoroughfares. It may demonstrate to you the sensitivities of having murals in residential neighborhoods where neighbors may have very different ideas as to what constitutes art and what is pleasant to look at day in and day out and what is NOT. Would you want to have to look outside your front door each day to view a very large painting of a dog relieving himself across a wall, fence or garage into an oversized (and overflowing) URINAL? That is what we see as we drive down our local commercial street. But at least one can take another route home and do not have to see it from one's home. Not so if murals are permitted in all residential areas. Attached you will find photos of that mural. The title is: "Can't Stop." You be the judge!

We trust that you will work with the City Attorney's office to tighten up the language surrounding the definition of "commercial message."

We sincerely regret that we will be unable to send a representative of our board to your Council meeting Wednesday.

Thank you for your consideration,

Barbara Broide
President

for Westwood South of Santa Monica Blvd. Homeowners Association

4 attachments



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2852K



P1010117.JPG
2858K



P1010118.JPG
2856K

 **WSSM Position Mural Ordinance 8-20-13.doc**
45K

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
P. O. Box 64213
Los Angeles, CA 90064-0213
www.westwoodsouth.org

August 19, 2013

Honorable Herb Wesson, Council President
LA City Councilmembers: Blumenfeld, Bonin, Buscaino, Cedillo, Englander,
Fuentes, Huizar, Krikorian, Koretz, Martinez, O'Farrell, Parks, Price,
Via email: Patrice.lattimore@lacity.org

RE: Mural Ordinance - CF 11-0923

As the homeowner association representing over 3800 households in West Los Angeles, we are pleased to see progress being made to allow for the structured return of mural art to the streets of Los Angeles. It is unfortunate that issues related to signage resulted in a halt to the installation of new murals while sign laws were being clarified in the courts. However, this has provided the City with the opportunity to craft a Mural Ordinance that avoids future litigation and that establishes a framework to govern these installations that is respectful of all the local communities that make up the City of Los Angeles.

In response to Versions A and B of the draft murals ordinance submitted by the Los Angeles City Attorney on 6-17-2013, Westwood South of Santa Monica Blvd. Homeowners Association (WSSM) has adopted the following positions:

I. We SUPPORT Version B on the Condition that the seven (7) revisions set forth below are incorporated:

1. Murals shall be clearly prohibited in all residential zones on all dwellings, including but not limited to single family homes and apartment buildings, except that in all residential zones murals that are not visible from the public-right-of-way or from neighboring properties shall be permitted.
2. Communities that wish to allow murals in residential zones shall be required to apply for permission to allow murals in such zones, using currently available planning processes; *or* via a less time-consuming "streamlined" process to be developed and set forth pursuant to the ordinance.
3. Existing murals shall be clearly grandfathered (and inventoried so that existing murals can be distinguished from any new mural installations).
4. "Digitally printed images" shall be prohibited and/or not included within the definition of "Original Art Mural." If included, the term "digitally printed images" shall be defined with greater clarity; any definition shall specifically exclude images which extend around corners and cover more than one exterior wall (commonly known as "building wraps") in all residential zones.

5. The “Neighborhood Involvement Requirement” (Sec. 22.119 (b)(3)) shall set forth key administrative rules relative to notice and procedures for holding the required community meeting, including without limitation a requirement that the applicant shall confer in advance with the applicable Neighborhood and/or Community Council to arrange an acceptable time, at a regularly scheduled meeting of such Council, for the required community review and comment on the proposed mural, and that the applicant shall be responsible for required mailing and posting of notice on-site at least 45 days prior to the meeting. “Community Councils” shall be expressly added, along with Neighborhood Councils and Business Improvement Districts, as entities entitled to receive notice.

6. The term “commercial message” shall be defined with greater clarity; specifically, the following language shall replace the definition of “Original Art Mural” (Section I): “A one-of-a-kind, hand-painted, hand-tiled [or digitally printed, *if this language is retained*] image on the exterior wall of a building that does not function as or contain any commercial message and for which nothing of value has been given to the owner or person in control of the building in exchange for permission to use the building for the image or to the artist in exchange for including the image any specific products or goods produced for sale or purchase (commonly known as “product placement”). For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.”

7. Specific enforcement procedures and funding sources for enforcement shall be provided.

II. We OPPOSE Version A; if Version A is adopted instead of Version B, we urge the following nine (9) revisions:

1. In all residential zones, murals shall be limited to areas that are not visible from the public-right-of-way or neighboring properties.

2. In all residential zones, direct illumination of murals on dwellings shall not be permitted; indirect or incidental illumination of any murals resulting from otherwise permitted landscape lighting shall be allowed.

3. In all residential zones, murals on dwellings shall not exceed 18 feet from grade or one-story from grade in height, whichever is less, regardless of the actual structure height.

4. A less time-consuming “streamlined” process shall be developed and set forth pursuant to the ordinance, to allow any communities that wish to prohibit murals in residential zones to apply for such prohibition.

5. Existing murals shall be clearly grandfathered (and inventoried so that there can be no confusion between new and grandfathered installations).

6. “Digitally printed images” shall be prohibited and/or not included within the definition of “Original Art Mural.” If included, the term “digitally printed images” shall be defined with greater clarity; any definition shall specifically exclude images which extend around corners and cover more than one exterior wall (commonly known as “building wraps”) in all residential zones.

7. The "Neighborhood Involvement Requirement" (Sec. 22.119(b)(3)) shall set forth key administrative rules relative to notice and procedures for holding the required community meeting, including without limitation a requirement that the applicant shall confer in advance with the applicable Neighborhood and/or Community Council to arrange an acceptable time, at a regularly scheduled meeting of such Council, for the required community review and comment on the proposed mural, and that the applicant shall be responsible for required mailing and posting of notice on-site at least 45 days prior to the meeting. "Community Councils" shall be expressly added, along with Neighborhood Councils and Business Improvement Districts, as entities entitled to receive notice. Further, in all residential zones: 1) the applicant shall also be required to mail notice of the community meeting to all owners and/or residents of properties located adjacent to and across-the-street from the location of the proposed mural; and 2) these requirements shall not be deemed "procedural only" and no action shall be taken by the City on any permit application pursuant to this section unless and until all requirements of Sec. 22.119(b)(3) are met.

8. The term "commercial message" shall be defined with greater clarity; specifically, the following language shall replace the definition of "Original Art Mural" (Section I): "A one-of-a-kind, hand-painted, hand-tiled [or digitally printed, *if this language is retained*] image on the exterior wall of a building that does not function as or contain any commercial message and for which nothing of value has been given to the owner or person in control of the building in exchange for permission to use the building for the image or to the artist in exchange for including the image any specific products or goods produced for sale or purchase (commonly known as "product placement"). For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold."

9. Specific enforcement procedures and funding sources for enforcement shall be provided.

Thank you for your consideration.

Sincerely,



Barbara Broide
President

cc: Planning Dept.
holly.wolcott@lacity.org