



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 3 2 5
NOV 0 8 2013

REPORT RE:

**DRAFT ORDINANCE AMENDING SUBDIVISION (7) OF SUBSECTION (d)
OF SECTION 22.119 OF THE LOS ANGELES ADMINISTRATIVE CODE
TO ALLOW ORIGINAL ART MURALS ON LOTS THAT ARE DEVELOPED
WITH ONLY ONE SINGLE-FAMILY RESIDENTIAL STRUCTURE
AND THAT ARE LOCATED WITHIN COUNCIL DISTRICTS 1, 9 AND 14;
AND AMENDING SUBDIVISION (6) OF SUBSECTION (d) OF SECTION 22.119
OF THE LOS ANGELES ADMINISTRATIVE CODE TO ALLOW MURALS
ON EXTERIOR BUILDING OPENINGS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File Nos. 08-0515, 08-0530, 08-1233 and 11-0923

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality.

Background and Summary of the Ordinance Provisions

The purpose of the draft ordinance is to allow murals on lots that are developed with only one single-family residential structure and that are located within Council Districts 1, 9 or 14. The Director of Planning has disapproved the draft ordinance on behalf of the City Planning Commission. Accordingly, approval of the ordinance requires an affirmative vote of at least two-thirds of the members of the City Council.

The City Council recently considered and ultimately adopted an ordinance authorizing and imposing time, place and manner regulations upon Original Art Murals. The ordinance was adopted on August 19, 2013. That ordinance does not allow Original Art Murals on lots developed with only one single-family home.

Concurrently with adopting that ordinance, the City Council adopted Motion 7-F, which requests the Department of City Planning, with the assistance of the City Attorney's Office and the Office of Cultural Affairs, to prepare an ordinance allowing murals on lots developed with one single-family residence and that are located in Council Districts 1 and 14.

At a joint meeting of your Arts, Parks, Health, Aging and River Committee, and your Planning and Land Use Management Committee, Councilmember Price asked that CD 9 be added to the ordinance.

Also, staff has asked our Office to include in the amended ordinance the following: First, allow painted murals to be placed on any exterior building opening. Second, allow murals constructed of any material permissible under the existing mural regulations to be placed on roll down security doors on commercial or industrial buildings. In order to allow these murals to be installed, an exception will have to be made to the mural regulations' prohibition on placing murals over the exterior surface of any building opening.

Charter Findings

Pursuant to Charter Section 559, the Director of City Planning, on behalf of the Planning Commission, disapproved the draft ordinance and recommended that the City Council adopt it. If the City Council chooses to adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings prepared by the Director of Planning, attached to the file, or by making its own findings.

CEQA Determination

The Department of City Planning has prepared a narrative explaining why the ordinance qualifies for a Categorical Exemption (ENV-2013-3392 CE). The narrative is transmitted with this report. If you concur, you may comply with CEQA by adopting the required findings prior to, or concurrent with, your action on the ordinance.

Council Rule 38 Referral

A copy of the final draft ordinance was sent, pursuant to Council Rule 38, to the Departments of Building and Safety and Cultural Affairs, with a request that any comments they have be provided directly to Council at the time this matter is considered.

Recommended Actions

If the City Council wishes to adopt this draft ordinance, it should:

1. Find that the draft ordinance qualifies for a Categorical Exemption as set forth in ENV-2013-3392 CE.
2. Adopt the draft ordinance.

If you have any questions regarding this matter, please contact Deputy City Attorney Kenneth Fong at (213) 978-8235. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:KTF:zra
Transmittal

ORDINANCE NO. _____

An ordinance amending Subdivision (7) of Subsection (d) of Section 22.119 of the Los Angeles Administrative Code to allow Original Art Murals on lots that are developed with only one single-family residential structure and that are located within Council Districts 1, 9 and 14; and amending Subdivision (6) of Subsection (d) of Section 22.119 of the Los Angeles Administrative Code to allow murals on exterior building openings.

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

Section 1. Subdivision (7) of Subsection (d) of Section 22.119 of the Los Angeles Administrative Code is amended to read as follows:

(7) No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures. Notwithstanding the foregoing, a mural may be placed on a lot that is developed with only one single-family residential structure and accessory structures if the lot is located within the boundaries of Council Districts 1, 9 or 14, as defined by Los Angeles Ordinance No. 182168. The mural regulations set forth in this Section 22.119 are permissive. Thus, murals are only allowed as authorized by this Section 22.119. Any murals that are not so authorized are prohibited.

Sec. 2. Subdivision (6) of Subsection (d) of Section 22.119 of the Los Angeles Administrative Code is amended to read as follows:

(6) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors and vents. Notwithstanding the foregoing, a mural consisting of paint or any other material permitted under this Section 22.119 may be placed on roll down security doors on a commercial or industrial building.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all of its members, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Kenneth T. Fong
KENNETH T. FONG
Deputy City Attorney

Date 11-6-2013

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it not be adopted

Nov. 8, 2013

See attached report.

Michael LoGrande
Michael LoGrande
Director of Planning

File No(s). CF Nos. 08-0515, 08-0530, 08-1233 and 11-0923