

CONTINUED FROM: TUESDAY, AUGUST 20, 2013

Items Noticed for Public Hearing

ITEM NO. (15)

[11-0923](#)

CONTINUED CONSIDERATION OF CATEGORICAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the creation of new original art murals and the preservation of existing original art murals on private property.

A. Recommendations for Council action:

1. FIND that this action is categorically exempt from California Environmental Quality Act pursuant to Article III, Section 1, Class 1 of the City's Environmental Guidelines. [ENV 2008-2143-CE]
2. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC) as the FINDINGS of the Council.
3. REVISE new Los Angeles Administrative Code Section 22.119(d)(6) to read:

No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors and vents, except that murals and public art installations shall be allowed on roll-down security doors.
4. APPROVE the July 30, 2013 technical changes from the City Attorney:
 - a. Revise the last sentence of the first paragraph in Section 14.4.20 for Ordinance Version A and B to read:

A building permit from the Department of Building and Safety is required for new hand-tiled or digitally printed Original Art Murals and all Public Art Installations.
 - b. Update, if Ordinance Version B is approved, the delayed operative date of 90 days.
 - c. Delete the Citywide Sign Code's current ban on "mural signs" to avoid inadvertent use of that prohibition against Original Art Murals.
 - d. Add the term "Vintage Art Mural" immediately after the term "Original Art Mural" in Section 22.119(b)(1) in either Ordinance Version A or B.
5. APPROVE the proposed amendments to Ordinance Version B below:
 - a. Keep a two-year requirement and have for property owners, through the Department of Cultural Affairs, a process to de-register and remove murals.
 - b. Revise Appendix B of Ordinance Version B to reflect the above recommendation.
 - c. Allow communities to opt in for single family residences if the community wants.
6. INSTRUCT the Department of City Planning, in conjunction with the City Attorney, to report back on:

- a. The pro's and con's of opting in and out for each version of the Mural Ordinance.
- b. How to streamline each process for opting in and opting out.
- c. The adjudication process when there are controversies regarding a mural, whether the mural is hate speech, obscene speech or art.
- d. The adjudication process should a neighborhood or Neighborhood Council want to opt out.

B. SUBMITS WITHOUT RECOMMENDATION the recommendation of the City Attorney, SUBJECT TO THE APPROVAL OF THE MAYOR:

ADOPT the accompanying ORDINANCE Version A or B, along with any amendments made during Council consideration of this matter.

Fiscal Impact Statement: None submitted by the City Attorney and the LACPC. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes

Support Proposal: LA-32 Neighborhood Council
 Reseda Neighborhood Council
 Silver Lake Neighborhood Council
 Winnetka Neighborhood Council

Against Proposal: Valley Village Neighborhood Council
 Mid-City Neighborhood Council
 Encino Neighborhood Council
 Greater Wilshire Neighborhood Council
 Westside Neighborhood Council

General Comments: North Hills West Neighborhood Council
 West Hills Neighborhood Council
 Studio City Neighborhood Council
 Glassell Park Neighborhood Council

(10 VOTES REQUIRED ON SECOND READING)

Items for which Public Hearings Have Not Been Held - (10 Votes Required for Consideration)

ITEM NO. (16)
[13-0002-S93](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST (CLA) and RESOLUTION relative to the City's position to oppose AB 994, which would require that every county in California administer pre-trial diversion programs through their county superior courts.

Recommendation for Council action, pursuant to Resolution (Englander - Buscaino), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2013 - 2014 State Legislative Program OPPOSITION to AB 994 (Lowenthal), which would require that every county in California administer pre-trial diversion programs through their county superior courts, would give the courts the ability to grant diversion in lieu of jail time for nearly every misdemeanor charge, and would remove all prosecutorial discretion in the application of misdemeanor pre-trial diversion programs.

Fiscal Impact Statement: None submitted by the CLA. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

(Rules, Elections and Intergovernmental Relations Committee waived consideration of the above

matter)