



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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TO: Mark Ridley-Thomas, Chairman
Supervisor Hila L. Solis
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*DLS
for
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PROGRESS REPORT ON MURAL ORDINANCE (BOARD MOTION, JANUARY 10, 2017, AGENDA ITEM NO. 3)

Background

On January 10, 2017, on a motion by Supervisor Hilda L. Solis, the Board of Supervisors (Board) instructed the Executive Director of the Arts Commission, in collaboration with the Departments of Public Works and Regional Planning, to draft a Mural Ordinance that would provide opportunities for artistic expression, increase community cultural assets and foster a sense of neighborhood pride; to develop guidelines for murals to ensure compatibility with the built environment and protect public safety; and to report to the Board within 120 days. This report is to apprise the Board of the progress on the development of the Mural Ordinance.

The purpose of a Mural Ordinance for Los Angeles County (County) is to promote, protect and regulate artistic assets in the unincorporated areas. For centuries, murals have been an important public art form. Murals can serve as focal points and enhance communities by providing opportunities for creative placemaking. Murals that address social and cultural issues are a valuable form of freedom of expression and public education when presented in an appropriate context. In many parts of the County, murals are often the only form of public art that is shared by the entire community. A Mural Ordinance will increase opportunities for artists throughout the County that tell the story of their communities. Furthermore, murals have been shown to deter vandalism by increasing awareness, ownership and pride in public assets through art creation.

Current County Policy

Currently, the County Code does not have a definition for a mural, and does not have regulations specifically for murals, with the exception of two specific plans. The East Los Angeles Form-Based Third Street Specific Plan mentions trompe l'oeil-type murals as an acceptable architectural design element for blank interior walls. It does not address murals on blank exterior walls. The Universal Studios Specific Plan authorizes the use of murals, including digitally-printed images, in two of its five "sign districts." However, these murals may contain commercial messages within a theme park setting. Neither regulation achieves the objective of promoting public art for all communities Countywide. The Department of Regional Planning maintains a policy that if a hand-painted mural contains a commercial message, including advertising name brands, trademarked products or displaying corporate logos, the mural is subject to the Sign Ordinance in Title 22 of the County Code regulating wall signs and outdoor advertising signs. The Sign Ordinance imposes limits on the size and number of wall signs and imposes zoning and distance requirements for outdoor advertising signs.

General Plan Policies

A County Mural Ordinance will support the following policies in the Los Angeles County General Plan for public arts:

- Policy Land Use 2.6: Consider the role of arts and culture in community-based planning efforts to celebrate and enhance community character.
- Policy Land Use 10.5: Encourage the use of distinctive landscaping, signage and other features to define the unique character of districts, neighborhoods or communities, and engender community identity, pride and community interaction.
- Policy Land Use 10.8: Promote public art and cultural amenities that support community values and enhance community context.

Comparative Study of Municipal Mural Programs

A summary of mural programs enacted by four jurisdictions are provided for reference.

City of Los Angeles

- The ordinance is organized in three parts: within the Signs Regulations of the Municipal Code; within the Cultural Affairs Department Trust Fund; and within the Powers and Duties Section of the Administrative Code.
- The ordinance exempts hand-painted murals from the Sign Regulations, and specifies that commercial advertising would not be permitted on a mural.
- There is a \$60 registration fee for new, original murals and free registration for existing, vintage murals.
- The City of Los Angeles Department of Cultural Affairs reviews all mural applications. The applicant must provide evidence that the local neighborhood council has been notified of the proposed mural within 45 days before the department signs off on an administrative permit for the mural. The department requires that a covenant is recorded stating that the mural applicant abides with all provisions of the ordinance.

- Development standards in the ordinance include the following: 1) a minimum time period a mural may be on the wall, 2) the placement, height, and extension from wall plane for a mural, 3) lighting, and 4) a prohibition on mechanical or electrical components. Murals are not permitted on single family residences.

City of Pomona

- The City of Pomona adopted a Public Arts Program Ordinance with an original artwork mural component in its Zoning Ordinance in 2012.
- The City's Planning Department reviews all mural applications, and refers them to the Public Art Advisory Committee (under the Cultural Arts Commission) for evaluation and recommendation on whether the proposed application meets all guidelines, and forwards the recommendation to the Cultural Arts Commission. The Cultural Arts Commission may hold a public hearing to approve or deny the mural application. Once the Cultural Arts Commission approves the application, the Planning Department issues a mural permit.
- Murals must be durable, permanent, and protected from vandalism and weathering.
- A mural permit is good for five years, and protects the mural against removal unless the building on which the mural is located is sold or substantially altered or remodeled. For a mural to be removed, the property owner must notify the Planning Department with an explanation of the circumstances that requires the removal, and that the artist has been notified of the action. After five years, a mural may be removed without notification.
- A mural is not permitted on a single family residence or any multifamily residence containing less than five dwelling units. It is not permitted on historical structures unless a historical certificate of appropriateness is also submitted and approved. It is also not permitted on the principal façade of a building. Art work that contains mechanically or digitally generated images, electrical or mechanical components, or changing images are not considered original artwork murals.

City of Pasadena

The City of Pasadena does not have a Mural Ordinance per se, but allows murals as part of its Public Arts Program. It maintains a database of all identified public art and murals throughout the city. It plans to issue a Request for Proposal to develop a Neighborhood Enhancement Mural Program to encourage placement of "high-quality murals in areas of high visibility" and these murals will be protected for a period of five years.

City of Portland, Oregon

- The City of Portland, Oregon, has a Mural Ordinance with its own title in the city's code of ordinances, and is not included as part of the city's zoning ordinance.
- The Development Services Center (the city's planning and building department) administers the mural program. The department accepts and reviews all mural applications, and also reviews any structural elements associated with the murals.

- There is a \$50 application fee, plus a \$149 structural review fee, if applicable.
- The department requires that the mural applicant hold a neighborhood meeting to explain the proposed mural, with notice of the meeting sent out 21 days ahead of the meeting date. After the meeting, the department staff may approve the application, and must allow for an on-site inspection within 12 months thereafter.
- The city excludes all digital prints and images, and any artwork containing electrical or mechanical components, or changing images from its definition of a mural. A mural is allowed only on a flat wall that is not made of stone or unpainted brick. It is not permitted on a building listed in the historic register.

Collaborative Efforts

The Los Angeles County Arts Commission consulted with the Los Angeles City Department of Cultural Affairs on February 6, 2017. In-person meetings between the Los Angeles County Arts Commission and the Departments of Regional Planning and Public Works were held on February 14, March 29, and April 11, 2017. We will continue collaborative efforts among these groups as the ordinance is drafted for their review and comment.

Proposed Ordinance Framework

The County Mural Ordinance seeks to establish a process to facilitate and protect artistic mural production in unincorporated areas of the County to enhance the quality of life for all County residents and to create a registry of new murals and historic murals. The proposed Mural Ordinance is recommended to be part of a new chapter in Title 22 (Planning and Zoning). The ordinance will include new definitions and require community notification and maintenance provisions. The Department of Regional Planning will accept and confirm completeness of applications and collect fees. However, the program will be largely administered by the Los Angeles County Arts Commission, including the review and approval of artistic content, and confirmation that the proposed project has satisfied requirements with respect to mural guidelines, community outreach, covenants and agreements.

The Mural Ordinance may also include the following components:

- **Grandfathering of Historic Murals:** Any historic mural installed prior to the effective date of the ordinance shall have legal nonconforming status and require registration. Historic murals that have not gained legal nonconforming status through law cannot qualify for legal nonconforming status if it consists or contains any of the following: electrical or mechanical components, or changing images such as moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours.

- **Mural Guidelines:** The Mural Ordinance shall provide guidelines for murals to ensure compatibility with the built environment and to protect public safety. This includes height restrictions which reflect the character and nature of the community (Pomona's height limit is 30 feet; Los Angeles' height limit is 100 feet). Murals shall not have protruding elements, extend beyond the height of the building and have strict lighting guidelines.
- **Community Input and Notification Requirements:** The Mural Ordinance shall require that the community is notified through a public meeting. This shall be satisfied by posting the notice to the site location and by sending the notice to the supervisorial district Board Office that has jurisdiction over the unincorporated area of the County in which the mural is proposed. Applicant must show evidence of outreach in their mural application.
- **Maintenance:** Maintenance guidelines shall require the applicant or property owner to apply a graffiti coating. The County shall incentivize by giving the applicant the option to have the Department of Public Works apply a coating up to a certain amount of square footage of a mural. Property owners are responsible for ensuring that murals are maintained and are in good condition. If property owners fail to maintain their artworks, the property owner shall be cited and the County may pursue additional remedies to obtain compliance.
- **Mural Alterations and Removal:** Property owners shall be required to maintain the artwork without alteration for a minimum of two years. An alteration includes anything that changes the content, color or size of the mural. Murals may be removed if the building changes ownership or has been substantially remodeled. The Arts Commission shall consider cases where maintenance of the mural presents a significant hardship for the property owner. In instances where the artwork is removed, the property must be returned to its pre-mural condition.

Fees

The Mural Ordinance shall establish an appropriate fee structure that will not discourage applications, but sufficiently support some costs of the Arts Commission for new expenses to support administration of the program. Monies collected from each mural application shall be deposited into the Civic Art General Fund.

Consultation Services

A full-time contractor under the authority of the Arts Commission shall administer the program. The contractor will have duties involving mural application review, partnering with mural organizations such as the Los Angeles Mural Conservancy and Social and Public Art Resource Center to identify significant historic murals in unincorporated areas, including field work; developing, implementing and managing a mural registry to track

new and historic permitted murals and communicating with the Departments of Fire, Public Works, Regional Planning and the public.

Next Steps

The intent of the Mural Ordinance is to provide opportunities for artistic expression, to increase cultural assets and foster a sense of neighborhood pride within the unincorporated communities. Through this ordinance, the County seeks to make a clear distinction between signage and murals, and preserve existing murals with historic significance in unincorporated areas of the County.

The timeframe for drafting and adopting a zoning ordinance typically requires nine months. It is anticipated that the development of a mural policy for the County of Los Angeles would require collaboration with Departments of Regional Planning, the Arts Commission and Public Works to develop the guidelines, application review and enforcement procedures. Once drafted, a period for public comment and input is recommended.

A public hearing on the proposed ordinance is anticipated at the Regional Planning Commission during the third quarter of 2017, but no later than December 2017. Once the Regional Planning Commission recommends approval of the ordinance to the Board, the Board may conduct a public hearing sometime during the last quarter of 2017 or first quarter of 2018.

If you have any questions, please contact Grace Ramirez-Gaston, Los Angeles County Arts Commission at (323) 342-4419 or gramirezgaston@arts.lacounty.gov or Bruce Durbin, Ordinance Studies Section, Department of Regional Planning at (213) 974-6432 or bdurbin@planning.lacounty.gov.

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