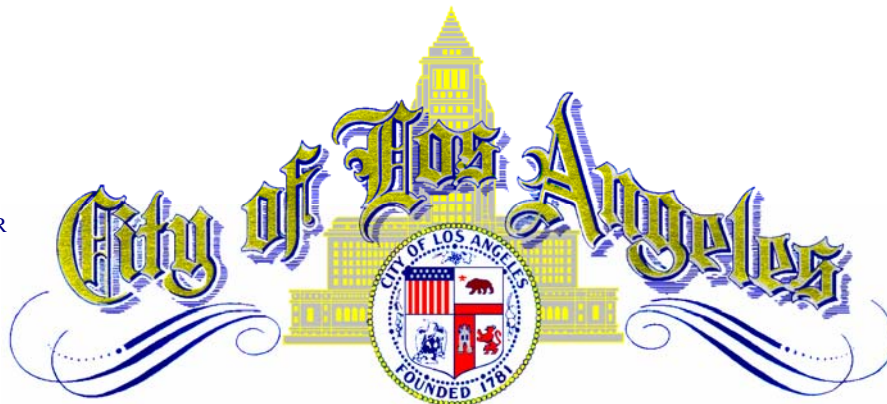


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## ***Councilman Mitchell Englander Twelfth District***

March 18, 2013

Dear Neighborhood Council Members,

I would like to bring a timely and important matter to your attention and ask for your input.

The Mural Ordinance (CF 11-0923) that was considered by the PLUM Committee was drafted with the intent of achieving two main goals. They are:

- 1) To facilitate the placement of new murals;
- 2) To ensure currently existing murals would be protected and preserved.

We recognize and support both of these most laudable goals, and agree that legislation to achieve them is needed. However, the ordinance was extensively modified during its progression from its inception to the draft considered by PLUM. During that time, it became very rigid and imposed a "one-size fits all" set of criteria for the entire City with no means for communities to tailor the ordinance to suit their needs or reflect their individual characters.

As currently drafted and approved by PLUM, anyone who fills out the requisite form as prescribed by the Department of Cultural Affairs (DCA) and conforms to the very general criteria set forth therein can site a new art mural on private property. This includes single family homes. The provision contained in an earlier draft to prohibit murals on residential buildings with fewer than 5 dwelling units has been eliminated, thus now allowing murals on single family homes in all single family areas as well. Furthermore, the ordinance requires that digital printed images be listed as "Original Arts Installations" and therefore be considered murals. Again, while this may be favored in some communities, it may not be favored by others.

Next, there is no vehicle in the ordinance to provide a means for individual communities or Neighborhood Council areas to tailor the ordinance to reflect the individual character of their areas. It does not recognize the differing views that exist throughout the City, and


does not make provision for a way either to decline being included or provide a way to carve out portions where the ordinance as drafted would work.

Finally, there is the issue on grandfathering existing murals. There was a provision in an earlier draft that required all existing art murals to be registered with the Department of Cultural Affairs, thereby creating a catalog of all existing murals that would be grandfathered and become the "vintage art murals" referenced in the ordinance. That is now gone. Without such an accounting, the City has no way of knowing what is really out there and eligible for grandfathering.

As illustrated in the brief summary above, the ordinance that was approved by the PLUM Committee in January is very different from what was originally discussed and presented across the City. During the interim, the changes outlined were made without extensive outreach to the various segments of the City, including Neighborhood Councils and/or homeowner groups. They have not had an opportunity to review and take a position on the ordinance as its new drafted form, which should include studying the impacts it could have on single family zones, and the provision in the ordinance that deals with grandfathering.

In order to correct this oversight, Neighborhood Councils should take a position based on this new draft that has not been circulated for public discussion prior to a vote by the full City Council. In addition, Neighborhood Councils should consider requesting the Planning Department to launch an extensive outreach effort prior to the ordinance being voted on by the City Council, to contact all the Neighborhood Councils and homeowner associations with complete information about the current ordinance. During this effort, the Neighborhood Councils should be asked to take a position on the ordinance and given the opportunity, if they desire, to be excluded from its provisions.

Sincerely,



MITCHELL ENGLANDER  
Councilman, 12th District