



**SUPPLEMENTAL STAFF REPORT
DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT**



CITY PLANNING COMMISSION

DATE: October 11, 2012
TIME: After 8:30 a.m.*
PLACE: Room 350, City Hall
200 North Spring Street
Los Angeles, CA 90012

CASE NO: CPC-2008-2142-CA
COUNCIL FILES: 08-0515; 08-1233; 08-0530
CEQA: ENV-2008-2143-CE
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREAS: All

PUBLIC HEARING CONTINUED FROM JULY 12, 2012

SUMMARY: A proposed ordinance amending Sections 14.4.2, 14.4.3, 14.4.4, and 14.4.20 of the Los Angeles Municipal Code and amending Sections 5.111.2 & 22.116 and adding Section 22.119 to the Los Angeles Administrative Code to allow for the creation and preservation of Original Art Murals and Public Art Installations on private property.

RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the attached findings in Attachment 1.
3. **Adopt** the Categorical Exemption (ENV-2008-2143-CE) as the CEQA clearance on the subject.
4. **Approve** the proposed ordinance (Appendix B) and recommend its adoption by the City Council.

MICHAEL LOGRANDE
Director of Planning

APPROVED BY:

ALAN BELL, AICP
Deputy Director

PREPARED BY:

THOMAS ROTHMANN
City Planner, Code Studies
Telephone: (213) 978-1891

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 272, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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SUMMARY

The proposed ordinance (Appendix B) updates Chapter 1 of the Los Angeles Municipal Code (LAMC) to establish new definitions for “Original Art Mural” to replace the old definition of a “mural sign.” In doing so, it exempts new and existing Original Art Murals from a number of requirements and prohibitions which apply to murals when regulated as “signs”. The proposed ordinance also adds a new definition for “Public Art Installation” to ensure that all public art (whether a mural or other object) is treated similarly and not to overlap with the City’s regulations pertaining to commercial messages and signage.

New proposed Administrative Rules on Original Art Murals, to be implemented by the Department of Cultural Affairs (DCA), sets forth clear and consistent procedures and requirements for applying for a permit to create an Original Art Mural on private property. These rules and regulations set forth similar procedures and requirements for applying for a permit to protect and maintain existing Original Art Murals. These changes will remove unnecessary barriers for artists commissioned to express themselves and their work on private property.

These new opportunities for art citywide will contribute to livable, aesthetically pleasing and pedestrian friendly streetscapes in accordance with the goals and objectives of the City’s General Plan. Finally, it will free both the Department of Building Safety and Department of Cultural Affairs from the undue costs of enforcement associated with the current mural ban. The proposed ordinance will not substantially alter the building regulations set forth by the Department of Building Safety which protect the citizenry from the use of unsafe or hazardous materials and maintain necessary forms of egress. Neither shall it alter rules set forth by the Department of Public Works in protecting the pedestrian right-of-way.

STAFF REPORT

Initiation

On October 19, 2011, the Los Angeles City Council “received and filed” various Council motions related to murals and instructed the Department of City Planning, in consultation with the City Attorney, to prepare and present an ordinance to adopt a “Vintage Mural Permit” to protect and preserve existing murals and a “Time, Place, Manner Permit” to enable the creation of new murals throughout the City.

CPC hearing

On July 12, 2012, the City Planning Commission (CPC) heard and deliberated on a proposed ordinance to allow the creation and preservation of Original Art Murals. Thirty speakers spoke on the proposed ordinance and expressed concerns regarding: (1) digitally printed images being permitted as murals; (2) the registration fee for new murals; (3) the registration fee for existing murals; (4) the 100 foot height limitation, and; (5) the mural ban on residential buildings with fewer than five units.

Background

In 1986, the City adopted a Comprehensive Sign Code to address citywide signage. As part of that Code, a definition of *mural sign* being “a sign that is painted on or applied to and made integral with a wall, the written message of which does not exceed three percent of the total area of the sign” was included. Prior to the 1986 ordinance, murals were not defined and, therefore, not regulated. Without any regulation, murals soon became commonplace throughout the City. However, the 3% text limitation, a provision to distinguish art from advertising, proved a severe limitation to the recognition of the burgeoning, text-based, “graffiti art” styles of large scale outdoor painting that were developing in Los Angeles. Murals with more than 3% text, whether graffiti style or illuminated manuscript, were classified as signs while, theoretically, giant paintings of commercial logos could be considered a mural.

In 2002, the City’s exemption for fine art murals from the Comprehensive Sign Code was challenged on the grounds that the City was unconstitutionally privileging one type of protected speech over another by prohibiting unlimited space in the built environment to advertising. The court ruled to place a general ban on outdoor advertising while creating the enabling legislation to establish the concept of “sign districts” to permit outdoor advertising in designated areas tailored to specific communities. This ban included *mural signs*.

Since 2002, a number of sign districts, specific plans, and development agreements have been adopted to allow special sign rules in areas throughout the City. However, such zoning tools are expensive and time-consuming to establish, often adopted to enable signage revenue for particular development projects. Once established, the wall space within a sign district becomes valuable advertising space thereby limiting space for murals. Since 2008, a number of Council motions instructed relevant City departments to suggest ways out of the ban and the Department of Cultural Affairs has submitted several reports detailing potential new approaches to permit murals.

In 2010, with the resolution of the World Wide Rush lawsuit that deemed the ban on off-site signs unconstitutional, the City was able to move forward with considering both revisions to the Comprehensive Sign Code and a separate mural ordinance. The attached ordinance (Appendix A) outlines a new mural program for the City.

Current Regulation of Murals

Murals are not entirely banned in Los Angeles. The Comprehensive Sign Code currently contains three, narrow outlets by which murals may be lawfully created on private property. In addition, because of government speech protections, murals may be created on public property, whether owned by the City, County, State, or Federal Government. Such protections allow the Venice Art Walls, mural programs on LAUSD campuses, multi-media public art at Metro rail stations, etc.

Further, existing murals, created prior to the 2002 ban and those approved through past mural programs are presumably grandfathered in today's existing regulations. However, the lack of clarity in current regulations threatens many of these murals as property owners are unsure whether their existing murals are protected. Some have faced citations. Others have painted over murals fearing violations. Moreover, new murals are banned and there is no mural permitting or registration system. Individuals painting or allowing new fine art murals on private property that are visible from the public right-of-way may violate the sign code.

Outreach & Development of Proposed Ordinance

In early 2011, Council District 11 organized a series of mural meetings with the Venice Arts Council and the Venice Neighborhood Council and invited staff from DCP and DCA. In July, 2011, DCP organized a "Mural Working Group" at the Southern California Institute of Architecture to workshop three potential solutions to the mural ban that had been discussed in Council Committee and previous reports. In August, 2011, DCP presented these three options, "public art easements," "time/place/manner permits," and "mural districts," to the Cultural Affairs Commission. On October 12, 2011, DCP made the same presentation of potential options to the joint-PLUM/APN Committee of the City Council. The Committee voted to move forward with developing a time/place/manner permit for new murals and an existing "vintage" mural permit. City Council voted to support the Committee's action on October 19, 2011.

Since October 2011, DCP held workshops on the essential components of the proposed ordinance (Appendix B). On December 7, 2011, DCP released a "discussion draft" of the mural ordinance for a 60-day public comment period. On January 10, 2012 staff held an official workshop and public hearing in City Hall to gather public testimony on the discussion draft. From late October 2011 through early February 2012 when the comment period ended, DCP staff participated in over two dozen outreach events organized by various Council Offices, arts organizations, galleries, and emergent groups of individual artists, culminating in a meeting in the Arts District on February 7, 2012 where nearly 200 stakeholders attended. Through links on media sites and the blogosphere, thousands of people have viewed the discussion draft on Code Studies' social media outlets. Over 800 Angelenos attended at least one of the various "Mural Ordinance Update" meetings. Over 250 individuals submitted written comments by email or spoke at the January 10, 2012 hearing.

In addition to local outreach, extensive research on other cities' mural ordinances was instrumental in structuring a mural ordinance for Los Angeles. Specifically, several components of the proposed ordinance mirror that of Portland, Oregon's successful mural program.

Proposed Ordinance

The proposed ordinance (Appendix B) amends Article 4.4 (the Sign Code) of the Los Angeles Municipal Code (LAMC) and amends Article 3 of Chapter 7 of the Los Angeles Administrative Code. The LAMC edits carve out a distinct space for murals in the City's sign regulations while the Administrative Code edits establish a time/place/manner administrative permitting system for murals on private property to be administered by the Department of Cultural Affairs (DCA). Additionally, Public Art Installations are included in the proposed ordinance to ensure that all public art (whether a mural or other object) is treated similarly and does not conflict with the City's regulations pertaining to commercial messages and signage.

The new Administrative Code Section 22.119 sets forth specific Administrative Rules for applying for permits for new Original Art Murals and the preservation of existing Original Art Murals. Further, DCA will supplement the mural permit application with clear and concise instructions for the applicant in supplying all the necessary information for permitting. If these applications are fully completed and submitted, and all the requirements set forth in this section are met, the intended project will receive a permit without exception. All mural permit fees will be directed towards the pre-existing "Cultural Affairs Trust Fund" as outlined in Article 11 of Chapter 5 of the Los Angeles Administrative Code. The fund shall be used in support of ongoing cultural programs.

The effect of these changes will be the creation of permitting new Original Art Murals and documenting existing Original Art Murals and exempting such murals from applicable restrictions in the current Sign Code and other ordinances that regulate signs. These edits follow the Council's instruction to create a "time/place/manner" "administrative permit" to allow the creation of new fine art murals and an existing "vintage" mural permit to preserve and protect existing murals.

The proposed ordinance requires that an Original Art Mural shall:

1. remain unaltered for a minimum of two years
2. not exceed the height of the structure
3. not extend more than six inches from the building façade
4. not exceed 100 feet
5. not include electrical or moving components
6. not cover windows or doors
7. be banned on residential buildings with fewer than five units
8. comply with the illumination limitations for billboards

Changes to the July 12, 2012 draft ordinance include:

1. murals and public art installations must comply with billboard lighting standards
2. digitally printed image murals are allowed for restoration purposes only
3. digitally printed image murals must receive LAFD and DBS approval
4. fees are not required to register an existing mural
5. all new mural fees are set at \$60

Administrative Rules

Several provisions of the proposed ordinance refer to “Administrative Rules” to be established by DCA to implement the mural ordinance. These rules refer to simple procedural matters that need not be codified but are important to processing and documenting mural requests. The Administrative Rules spell out the type of information DCA needs to adequately document a new or existing mural. Further, the mural ordinance will require inter-agency cooperation between DCA, DCP, and DBS for implementation. For example, DCA must know when and how to refer mural requests to DBS for approval of possible tiling materials or to DCP for review with compliance of protections for historic structures. DBS must be able to identify and recognize DCA’s mural permits when investigating potential sign violations. The Administrative Rules allow some flexibility in changing the basic mechanics of the program design without needing to come back and adopt a new ordinance for simple fixes.

CONCLUSION

The proposed ordinance sets forth clear requirements and regulations for declaring and registering a proposed piece of art as an Original Art Mural or a Public Art Installation and the proper registration requirements for declaring an existing piece of art as an existing Original Art Mural or Public Art Installation. In doing so, the ordinance will exempt such works from a number of stringent requirements applied to signage in the City in recognition of the fact that there is clear and positive public benefits to street-level mural art and other public art.

The new protections afforded mural and other public art will further release the City’s public agencies from the costs of continued enforcement of the current sign regulations. Finally it will demonstrate the City’s commitment to the prosperous cultural and artistic life of its citizenry. This ordinance clarifies enforcement responsibilities and should relieve thousands of property owners from the threat of potential current sign violations. Further, DCA will be empowered to permit and encourage new Original Art Murals and Public Art Installations on private property throughout the City through an accessible, sensible, cost-neutral administrative permit.

APPENDIX B

A proposed ordinance amending Sections 14.4.2, 14.4.3, 14.4.4, and 14.4.20 of the Los Angeles Municipal Code and amending Sections 5.111.2 & 22.116 of and adding Section 22.119 to the Los Angeles Administrative Code to allow for the creation of new Original Art Murals and the preservation of existing Original Art Murals on private property.

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

Section 1. The following definition is deleted from Section 14.4.2 of the Los Angeles Municipal Code:

~~**Mural Sign.** A sign that is painted on or applied to and made integral with a wall, the written message of which does not exceed three percent of the total area of the sign.~~

Sec. 2. The following definitions are added to Section 14.4.2 of the Los Angeles Municipal Code:

Original Art Mural. A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Public Art Installation. A facility, amenity, or project that does not contain any commercial message and which is either an “approved public arts project” as defined by Section 19.85.4 of the Los Angeles Administrative Code or approved pursuant to Section 91.107.4.6 of the Los Angeles Municipal Code. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Sec. 3. Subsection E of Section 14.4.3 of the Los Angeles Municipal Code is deleted:

~~**Mural Signs.** The following provisions of this Code, as applicable, shall apply to mural signs: Section 14.4.4A.; 14.4.5; 14.4.6; 14.4.20; 91.6205; and 91.6207.~~

Sec. 4. Subdivision 10 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code is deleted:

~~10.—Are mural signs, except when mural signs are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement.~~

Sec. 5. Section 14.4.20 of the Los Angeles Municipal Code is amended to read:

SEC. 14.4.20. MURAL SIGNS. ORIGINAL ART MURALS and PUBLIC ART INSTALLATIONS.

Approval for mural signs shall be obtained from the Cultural Affairs Commission. The placement, height, and, and overall area of a mural sign shall be as approved by the Cultural Affairs Commission. In making its determination, the Cultural Affairs Commission shall find that the proposed sign does not conflict with the purposes and objectives set forth in Section 14.4.1 of this Code. Original Art Murals registered pursuant to the requirements of Section 22.119 of the Los Angeles Administrative Code are not considered signs and therefore are not subject to the provisions of this Article or any other ordinance that regulates signs. "Murals" that are not registered pursuant to the requirements of Section 22.119 of the Los Angeles Administrative Code shall be considered signs and are subject to the provisions of this Article or any other ordinance that regulates signs and digital displays. Public Art Installations that are registered pursuant to the requirements of Section 19.85.4 of the Los Angeles Administrative Code or the requirements of Section 91.107.4.6 of the Los Angeles Municipal Code are not signs but are subject to Section 14.4.4-E of this Article and any other applicable zoning and land use regulations set forth in the Los Angeles Municipal Code. 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.

Sec. 6. Subsection h of Section 5.111.2 of the Los Angeles Administrative Code is added to read:

(h) Fees charged for the registration of new and existing Original Art Murals, pursuant to Section 22.116(b) of the Los Angeles Administrative Code, shall be placed in the Fund and allocated for mural registration program implementation.

Sec. 7. Section 22.116 of the Los Angeles Administrative Code is amended to read:

SEC. 22.116. Design Approval Fees

(a) SCHEDULE OF FEES FOR APPLICATION FOR ARCHITECTURAL APPROVAL

As required by Section 22.109 of this Code, each application for approval of the design or location of any arch, bridge, structure, or approach belonging to any private individual or corporation by the Board of Cultural Affairs Commissioners shall be accompanied by the payment of a fee in accordance with the following schedule:

SCHEDULE OF FEES FOR APPLICATION FOR ARCHITECTURAL APPROVAL

TOTAL VALUATION OF PROJECT

Total Valuation of Project		Fee
From	To	
\$0.00	\$1,500.00	\$60.00
1,500.01	10,000.00	80.00
10,000.01	25,000.00	100.00
25,000.01	50,000.00	120.00
50,000.01	150,000.00	140.00
150,000.01	250,000.00	160.00
250,000.01	500,000.00	200.00
500,000.01	1,000,000.00	300.00
1,000,000.01	over	400.00

b) FEE FOR NEW MURAL REGISTRATION

As required by Section 22.119 of this Code, each application for registration with the Department of Cultural Affairs of an Original Art Mural on private property shall be accompanied by the payment of a \$60 fee. Monies collected from each application for mural registration shall be deposited into the Cultural Affairs Department Trust Fund, as established by Section 5.111.2 of the Los Angeles Administrative Code, for mural registration program implementation.

Sec. 8. Section 22.119 of the Los Angeles Administrative Code is added to read:

SEC. 22.119. Original Art Murals on Private Property

Purpose. The purpose of this section is to provide registration requirements and regulations for new and existing Original Art Murals as defined in Section 14.4.2 of the LAMC. For purposes of this section, an existing Original Art Mural is an Original Art Mural that existed prior to the effective date of this ordinance.

A. Original Art Mural Registration.

1. **Authority.** The Department of Cultural Affairs shall have the authority to determine that an application for an Original Art Mural meets all of the applicable registration requirements following procedures established in the Administrative Rules.

2. **Administrative Rules.** The Department of Cultural Affairs is authorized and directed to adopt Mural Ordinance Administrative Rules implementing this Section.

3. **Neighborhood Involvement Requirement.** The Mural Ordinance Administrative Rules to be adopted by the Department of Cultural Affairs shall include a neighborhood involvement requirement for any applicant of a new Original Art Mural to provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No new Original Art Mural shall be registered until the applicant certifies that he or she has completed the Neighborhood Involvement Requirement. This is a procedural requirement only and in no event will Original Art Mural registration be granted or denied based upon the content of the mural.

4. **Covenant.** The applicant shall record a covenant with the Office of the County Recorder and the Department of Cultural Affairs. The covenant shall be valid as long as the mural exists and shall affirm that the mural complies with the Original Art Mural Regulations specified in Subsection B of this Section.

5. **Change of Ownership.** Upon a change of ownership of the property to which the mural is affixed, a new owner may deregister the mural with the Department of Cultural Affairs and terminate the covenant.

B. Original Art Mural Regulations. Original Art Murals that meet all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

1. The new Original Art Mural shall remain in place, without alteration, for a minimum period of two years. "Alterations" includes any change to a permitted mural, including but not limited to any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. New Original Art Murals may be removed within the first two years of the date of registration under the following circumstances:

- a. the property on which the mural is located is sold; or
 - b. the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
 - c. the property undergoes a change of use authorized by the Department of Building and Safety.
2. No part of a new or existing Original Art Mural shall exceed the height of the structure to which it is tiled, painted, or affixed
 3. No part of a new or existing Original Art Mural shall extend more than 6 inches from the plane of the wall upon which it is tiled, painted, or affixed.
 4. No part of a new Original Art Mural shall exceed a height of 100 feet above grade.
 5. No new or existing Original Art Mural may consist of, or contain, electrical or mechanical components, or changing images (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).
 6. No new Original Art Mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
 7. No new Original Art Mural shall be placed on a lot that has an exclusively residential structure with fewer than five dwelling units.
 8. No new Original Art Mural shall be arranged and illuminated in a manner that will produce a light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.
 9. Digitally printed restorative image murals shall receive LAFD and LADBS approval.

Sec. 9. The City Clerk shall certify ...

LAND USE FINDINGS

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it supports:

Goal 3D of the Framework Element of the General Plan, “Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles’ neighborhoods,” – Appendix A specifically addresses Objective 3.8, to “Reinforce existing...neighborhood districts which accommodate a broad range of uses that...promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit” through implementation of Policy 3.8.4, which aims to “enhance pedestrian activity by the design and siting of structures in accordance with Chapter 5 *Urban Form and Neighborhood Design*” toward enhanced “livability” by addressing the lack of “visual and recreational amenities”; and

Goal 3F of the Framework Element of the General Plans aims at creating, “Mixed-use centers that provide jobs, entertainment, culture, and serve the region,” – Appendix A addresses Objective 3.10 to “Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve...and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles” through implementation of Policy 3.10.3 by allowing for murals on private property which “Provide for the development of public streetscape improvements, where appropriate.”

2. In accordance with Charter Section 558 (b) (2), that the proposed ordinance (Appendix A) is directly related to the General Plan, specific plans, or other plans being prepared by the Department of City Planning in that it supports:

Goal 5A of the Framework Element of the General Plan, “A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.” – Appendix A addresses Objective 5.5 to “Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm” by the increased allowance of community-based and site specific murals that fulfill Policy 5.5.3 to “Formulate and adopt building and site design standards and guidelines to raise the quality of design Citywide” with respect to murals and public art improvements; and

Goal 7A of the Framework Element of the General Plan, which aims to create a “vibrant economically revitalized City,” by addressing Objective 7.8, to “Maintain and improve municipal service levels throughout the City to support current residents’ quality of life and enable Los Angeles to be competitive when attracting desirable new development” by creating a sensible mural permitting process where one does not currently exist. The clustering of creative industry in Los Angeles has given it a regional advantage in this regard, and the arts have proven themselves to be the precursor to investment and economic development in increasing demand for complementary goods and services as well as attracting the highly productive

“creative class.” In this way expanded space for artists can fulfill policy 7.8.1., to “place the highest priority on attracting new development projects to Los Angeles which have the potential to generate a net fiscal surplus for the City.

ENVIRONMENTAL FINDING

A Categorical Exemption, ENV-2008-2143-CE, was signed on this matter on April 25, 2012, and this ordinance was determined to constitute a Class 1 Categorical Exemption; where the adoption and implementation of the proposed “mural ordinance” will permit only “operation, repair, maintenance or minor alteration of existing private .. structures” (Section 15301). Per City of Los Angeles CEAQ Guidelines, the project constitutes a Class 1 Categorical Exemption for “interior or exterior alteration, remodeling, or minor construction where there will be negligible or no expansion of use” (Article 3, Class 1.a.). Per CEQA Guidelines Section 15352, the passage of this ordinance by City Council is the final legislation action and constitutes an “approval” for purposes of CEQA.