



Date: December 3, 2024

To: Honorable Mayor and Members of the City Council

From: Crystal Cammarota, Deputy City Clerk III

By: Rebecca Poirier

Subject: SECOND AND FINAL READING OF **ORDINANCE NO. 3941**

RECOMMENDATION

Second and Final Reading of **ORDINANCE NO. 3941** Amending Section 911.2.260 of Article 2 of Chapter 11 of Division 9 of the Torrance Municipal Code Relating to “Original Art Display,” Renumbering Existing Article 10 of Chapter 11 of Division 9 Relating to “Enforcement” as a New Article 11 of Chapter 11 of Division 9, and Adding Section 911.10.010 of Article 10 of Chapter 11 of Division 9 “Mural Policy” Setting Policy for Murals on Public and Private Properties and Approve an Ordinance Summary for Publication. This item is for consideration of adoption of the Ordinance only.

The item was previously discussed, and action was taken at a prior council meeting.

FUNDING

None Required.

DISCUSSION

At the regular meeting of the City Council held on the 19th of November, 2024 this Ordinance was discussed, introduced, and approved for its first reading by the following roll call vote:

AYES:	COUNCILMEMBERS	Gerson, Kaji, Kalani, Lewis, Mattucci, and Mayor Chen.
NOES:	COUNCILMEMBERS	None.
ABSTAIN:	COUNCILMEMBERS	None.
ABSENT:	COUNCILMEMBERS	Sheikh.

ATTACHMENTS

1. Ordinance 3941
2. Ordinance Summary

ORDINANCE NO. 3941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING SECTION 911.2.260 OF ARTICLE 2 OF CHAPTER 11 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE RELATING TO "ORIGINAL ART DISPLAY," RENUMBERING EXISTING ARTICLE 10 OF CHAPTER 11 OF DIVISION 9 RELATING TO "ENFORCEMENT" AS A NEW ARTICLE 11 OF CHAPTER 11 OF DIVISION 9, AND ADDING SECTION 911.10.010 OF ARTICLE 10 OF CHAPTER 11 OF DIVISION 9 "MURAL POLICY" SETTING POLICY FOR MURALS ON PUBLIC AND PRIVATE PROPERTIES

WHEREAS, California Constitution Article XI, Section 7 provides that a city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City wishes to encourage the installation of murals, but prevent the proliferation of off-site commercial signs; and

WHEREAS, the City's mural policy exclude commercial advertising on murals to prevent the installation of the equivalent of an off-site commercial sign on a mural; and

WHEREAS, the United States Supreme Court ruled that the cities can ban off-site commercial signs, but can have exemptions for noncommercial signs and on-site commercial signs; and

WHEREAS, the City wishes to mitigate blight, graffiti, and vandalism; and

WHEREAS, the City wishes to support the creation of murals to foster the City's cultural identity and encourage mural creation as part of the broader place-making efforts throughout the City; and

WHEREAS, the design, construction, installation, repair, and maintenance of murals will not interfere with traffic safety or otherwise endanger public safety.

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1

Chapter 11 of Article 2 of Division 9, Section 911.2.260 of the Torrance Municipal Code is amended to read in its entirety as follows:

“911.2.260 ORIGINAL ART DISPLAY.

"Original art display" means a work of visual art that is either affixed, placed or painted directly on to the exterior wall of a structure with the permission of the property owner."

SECTION 2

Article 10 of Chapter 11 of Division 9 entitled Enforcement is renumbered and amended to read in its entirety as follows:

“ARTICLE 11 – ENFORCEMENT**911.11.010 ENFORCEMENT.**

It shall be the duty of the Community Development Director to enforce the provisions of this Chapter. The Chief of Police and all officers charged with the enforcement of the law shall assist the Community Development Director in the enforcement of this Chapter.

911.11.020 RIGHT OF ENTRY.

Upon presentation of proper credentials, the Community Development Director or his duly authorized representative may enter at reasonable times, any building, structure or premises in the City to perform any duties imposed upon him by this Chapter.

911.11.030 ABATEMENT OF NONCONFORMING SIGNS.

- a) A period of 10 years subsequent to the date of the adoption of this Chapter is hereby established for the abatement of signs legally existing prior to said date but which signs become nonconforming as a result of regulations contained herein. This provision applies to signs previously permitted by variance or other zoning exception as well as to signs otherwise established. Illegally erected signs are subject to immediate abatement.
- b) Nonconforming, painted, wall signs are subject, in addition to the abatement procedures set forth, to immediate abatement when the business occupying the premises changes to a different business or different owner necessitating repainting of the signs.
- c) Abatement periods established herein are subject to appeal before the Planning Commission and City Council.

911.11.040 UNSAFE AND UNLAWFUL SIGNS.

- a) Signs and sign structures shall be maintained at all times in a state of good repair, safe and secure with all braces, bolts, clips, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, able to withstand at all times the wind pressure for which they were originally designed.

- b) No person maintaining any sign, sign structure or billboard shall fail to keep the ground space within 8 feet from the base of said sign, signboard, billboard or advertising structure free and clear of weeds, rubbish and other flammable waste material.
- c) If the Community Development Director shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Section, the permittee or owner thereof shall be given written notice. If the permittee or owner fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, such sign or advertising structure may be removed or altered to comply by the Community Development Director at the expense of the permittee or owner of the property upon which it is located. The Community Development Director shall refuse to issue any subsequent building, electrical, plumbing or mechanical permits for the property on which the offending sign was located if any owner or permittee shall refuse to pay costs so assessed. The Community Development Director may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.
- d) The Community Development Director may cause any illegal temporary sign, including flags, pennants, banners and temporary window signs to be removed within a 24 hour period.”

SECTION 3

Section 911.10.010 of the Torrance Municipal Code is be added to read in its entirety as follows:

“Article 10 – MURALS

911.10.010 MURAL POLICY

The City Council adopts the Mural Policy adopted by resolution as City Policy 4. The Mural Policy may be revised from time to time by resolution.”

SECTION 4

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

SECTION 5

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 6

This ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). This ordinance is exempt pursuant to CEQA Guidelines 15378, because the activity undertaken involves general text amendments that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and does not meet the definition of a "Project" under CEQA. The proposed Ordinance is also exempt from CEQA Guidelines under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. The ordinance consists only of artwork display regulations. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings.

SECTION 7

This ordinance shall take effect 30 days after the date of its adoption. Within 15 days following adoption, this ordinance or a summary of this ordinance if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and **APPROVED** this 19th day of November, 2024.

ADOPTED and **PASSED** this 3rd day of December, 2024.

Mayor George Chen

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

by _____
Tatia Y. Strader, Assistant City Attorney

Rebecca Poirier, City Clerk

ORDINANCE NO. 3941 SUMMARY

On November 19, 2024, the City Council of the City of Torrance introduced by title only, at first reading, Ordinance No. 3941 “An Ordinance of the City Council of the City of Torrance, California, Amending Section 911.2.260 of Chapter 11 of Article 2 of Division 9 of the Torrance Municipal Code to Define an Original Art Display and to Add Section 911.11.010 to Regulate the Process for Placement of Public Art Murals on Private and Public Properties. On November 19, 2024, the City Council of the City of Torrance adopted Ordinance No. 3941. Ordinance No. 3941 will take effect 30 days after the adoption date of December 3, 2024. The following is a summary of Ordinance No. 3941.

Amendment to the Torrance Municipal Code:

Ordinance No. 3941 would amend Torrance Municipal Code Section 911.2.260 of Chapter 11 of Article 2 of Division 9 Entitled “Original Art Display” to define the visual art that may constitute the placement of art in the public realm.

Ordinance No. 3941 will renumber existing Article 10 of Chapter 11 of Division 9 entitled Enforcement to a new Article 11 of Chapter 11 of Division 9.

Addition to the Torrance Municipal Code:

Ordinance No. 3941 would add Section 911.10.010 to Regulate the Process for Placement of Public Art Murals on Private and Public Properties. Specifically, guidelines and procedures are set forth for the process of placing a public art mural on a private or public property.

The full text of Ordinance No. 3941 is available for inspection during regular business hours at the City Clerk’s Office (3031 Torrance Boulevard, Torrance, California 90503) Monday through Friday with alternating closed Fridays from 7:30 a.m. to 5:30 p.m. or at <https://www.torranceca.gov/government/city-clerk>.