

**AGENDA – REGULAR MEETING  
PLANNING COMMISSION OF THE CITY OF REDONDO BEACH  
THURSDAY, JANUARY 19, 2012 – 7:00 P.M.  
CITY COUNCIL CHAMBERS  
415 DIAMOND STREET**

**I. OPENING SESSION**

**CITY CLERK  
(packet for scanning)**

1. Call Meeting to Order
2. Roll Call
3. Salute to the Flag

**II. APPROVAL OF ORDER OF AGENDA**

**III. CONSENT CALENDAR**

*Routine business items, except those formally noticed for public hearing (agendized as either a "Routine Public Hearing" or "Public Hearing"), or those items agendized as "Old Business" or "New Business" are assigned to the Consent Calendar. The Commission Members may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up immediately following approval of remaining Consent Calendar items. Remaining Consent Calendar items will be approved in one motion.*

4. Approval of Affidavit of Posting for the Planning Commission meeting of January 19, 2012
5. Approval of the following minutes: Regular Meeting of November 17, 2011
6. Receive and file the Strategic Plan Update of December 20, 2011
7. Receive and file written communications

**IV. AUDIENCE OATH**

**V. EX PARTE COMMUNICATIONS**

*This section is intended to allow all officials the opportunity to reveal any disclosure or ex parte communication about the following public hearings.*

**VI. ROUTINE PUBLIC HEARINGS**

*Routine public hearing items, except those pulled for discussion, are assigned to the Routine Public Hearings section of the agenda. Commission Members, or any member of the public, may request that any item(s) be removed, discussed, and acted upon separately. Items removed from the Routine Public Hearings section will be taken up immediately following approval of remaining Routine Public Hearing items. Those items remaining on the Routine Public Hearings section will be approved in one motion.*

8. A Public Hearing to consider an extension of previously approved Vesting Tentative Parcel Map No. 64780 for the construction of a 2-unit residential condominium development on property located within a Low-Density Multiple-Family Residential (R-3) zone.

APPLICANT:	Paul Kerza-Kwiatecki
PROPERTY OWNER:	Same as Applicant
LOCATION:	<b>2706 Nelson Avenue</b>
CASE NO.:	2012-01-PC-001
RECOMMENDATION:	STAFF RECOMMENDS APPROVAL

## VII. PUBLIC HEARINGS

9. A Public Hearing to consider an Exemption Declaration and Conditional Use Permit to allow the operation of a music school within a ground-floor tenant space of an existing mixed-use building on property located within a Mixed-Use (MU-1) zone.

APPLICANT:	Bernard Wong
PROPERTY OWNER:	Watt Communities at the Montecito
LOCATION:	<b>2001 Artesia Boulevard, #103 and #104</b>
CASE NO.:	2012-01-PC-002
RECOMMENDATION:	THE APPLICANT HAS WITHDRAWN THIS REQUEST

## VIII. OLD BUSINESS

*Items continued from previous agendas.*

## IX. NEW BUSINESS

*Items for discussion prior to action.*

10. Discussion on options for public art Strategic Plan objective

## X. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Commission. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.*

## XI. COMMISSION ITEMS AND REFERRALS TO STAFF

*Referrals to staff are service requests that will be entered in the City's Customer Service Center for action*

## XII. ITEMS FROM STAFF

## XIII. COUNCIL ACTION ON PLANNING COMMISSION MATTERS

## XIV. ADJOURNMENT

The next meeting of the Planning Commission of the City of Redondo Beach will be a Regular Meeting to be held at 7:00 p.m. on Thursday, February 16, 2012 in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 415 Diamond Street, Door C, Redondo Beach, Ca. during normal business hours. In addition, such writings and documents will be posted, time permitting, on the City's website at [www.redondo.org](http://www.redondo.org).

It is the intention of the City of Redondo Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (310) 318-0656 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

An agenda packet is available 24 hours at [www.redondo.org](http://www.redondo.org) under the City Clerk and during City Hall hours, agenda items are also available for review in the Planning Department.

## **ROUTINE PUBLIC HEARINGS**

The Planning Commission has placed cases, which have been recommended for approval by the Planning Department staff, and which have no anticipated opposition, on the Routine Public Hearing section of the agenda. Any member of the public or the Commission may request that any item on the Routine Public Hearing section be removed and heard, subject to a formal public hearing procedure, following the procedures adopted by the Planning Commission.

All cases remaining on the Routine Public Hearing Section will be approved by the Planning Commission by adopting the findings and conclusions in the staff report, adopting the Exemption Declaration or certifying the Negative Declaration, if applicable to that case, and granting the permit or entitlement requested, subject to the conditions contained within the staff report.

Cases which have been removed from the Routine Public Hearing Section will be heard immediately following approval of the remaining Routine Public Hearing items, in the ascending order of case number.

### **RULES PERTAINING TO ALL PUBLIC TESTIMONY**

(Section 6.1, Article 6, Rules of Conduct)

1. No person shall address the Commission without first securing the permission of the Chairperson; provided, however, that permission shall not be refused except for a good cause.
2. Speakers may be sworn in by the Chairperson.
3. After a motion is passed or a hearing closed, no person shall address the Commission on the matter without first securing permission of the Chairperson.
4. Each person addressing the Commission shall step up to the lectern and clearly state his/her name and city for the record, the subject he/she wishes to discuss, and proceed with his/her remarks.
5. Unless otherwise designated, remarks shall be limited to three (3) minutes on any one agenda item. The time may be extended for a speaker(s) by the majority vote of the Commission.
6. In situations where an unusual number of people wish to speak on an item, the Chairperson may reasonably limit the aggregate time of hearing or discussion, and/or time for each individual speaker, and/or the number of speakers. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). Groups are encouraged to designate a spokesperson who may be granted additional time to speak.
7. No person shall speak twice on the same agenda item unless permission is granted by a majority of the Commission.
8. Speakers are encouraged to present new evidence and points of view not previously considered, and avoid repetition of statements made by previous speakers.
9. All remarks shall be addressed to the Planning Commission as a whole and not to any member thereof. No questions shall be directed to a member of the Planning Commission or the City staff except through, and with the permission of, the Chairperson.
10. Speakers shall confine their remarks to those which are relevant to the subject of the hearing. Attacks against the character or motives of any person shall be out of order. The Chairperson, subject to appeal to the Commission, shall be the judge of relevancy and whether character or motives are being impugned.

11. The public participation portion of the agenda shall be reserved for the public to address the Planning Commission regarding problems, question, or complaints within the jurisdiction of the Planning Commission.
12. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith barred from future audience before the Commission, unless permission to continue be granted by the Chairperson.
13. The Chairperson, or majority of the members present, may at any time request that a police officer be present to enforce order and decorum. The Chairperson or such majority may request that the police officer eject from the place of meeting or place under arrest, any person who violates the order and decorum of the meeting.
14. In the event that any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals willfully interrupting the meeting, the Commission may order the meeting room cleared and continue its session in accordance with the provisions of Government Code subsection 54957.9 and any amendments.

#### **APPEALS OF PLANNING COMMISSION DECISIONS:**

All decisions of the Planning Commission may be appealed to the City Council. Appeals must be filed, in writing, with the City Clerk's Office within ten (10) days following the date of action of the Planning Commission. The appeal period commences on the day following the Commission's action and concludes on the tenth calendar day following that date. If the closing date for appeals falls on a weekend or holiday, the closing date shall be the following business day. All appeals must be accompanied by an appeal fee of 25% of original application fee up to a maximum of \$500.00 and must be received by the City Clerk's Office by 5:00 p.m. on the closing date.

Planning Commission decisions on applications which do not automatically require City Council review (e.g. Zoning Map Amendments and General Plan Amendments), become final following conclusion of the appeal period, if a written appeal has not been filed in accordance with the appeal procedure outline above.

No appeals fee shall be required for an appeal of a decision on a Coastal Development Permit application.



CITY OF REDONDO BEACH  
PLANNING COMMISSION MEETING AGENDA

I, Lina Portolese hereby declare, under penalty of perjury, that I am over the age of 18 years and am employed by the City of Redondo Beach, and that the following document: Planning Commission Meeting Agenda of January 19, 2012  
(agenda date)

was posted by me at the following location(s) on the date and hour noted below:

Posted on: 1/12/2012 at 3:00 pm  
(date) (time)

Posted at: City Hall, Door "A", 415 Diamond Street, Redondo Beach

City Clerk's Counter, Door "C", 415 Diamond Street, Redondo Beach

  
Signature

1/12/12  
Date

January 12, 2012

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )       ss  
CITY OF REDONDO BEACH     )

**AFFIDAVIT OF POSTING**

Pursuant to the requirements of Government Code Section 54955, agendas for a Regular Planning Commission meeting must be posted at least seventy-two (72) hours in advance and in a location that is freely accessible to members of the public. As Planning Technician of the City of Redondo Beach, I declare, under penalty of perjury, that in compliance with the requirements of Government Code Section 54955, I caused to have posted the agenda for the January 19, 2012 Regular Meeting of the City of Redondo Beach Planning Commission on Thursday January 12, 2012, in the following locations:

City Hall, Door "A", 415 Diamond Street, Redondo Beach  
City Clerk's Counter, Door "C", 415 Diamond Street, Redondo Beach.



Lina Portolese  
Planning Technician

**CALL TO ORDER**

A Regular Meeting of the Planning Commission was called to order by Chair Parsons at 7:00 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

**ROLL CALL**

Commissioners Present: Benning, Zager, Mitchell, Sanchez, Kim (arrived at 7:04 p.m.), Chair Parsons  
Commissioners Absent: Biro  
Officials Present: Aaron Jones, Planning Director  
Anita Kroeger, Associate Planner  
Diane Cleary, Minutes Secretary

**SALUTE TO THE FLAG**

At the request of Chair Parsons, Commissioner Benning led the Commissioners and audience in a Salute to the Flag.

**APPROVAL OF ORDER OF AGENDA**

Motion by Commissioner Zager, seconded by Commissioner Sanchez, to approve the Order of Agenda as presented. Motion carried unanimously, with Commissioners Biro and Kim absent.

**CONSENT CALENDAR #4 THROUGH #7**

Motion by Commissioner Zager, seconded by Commissioner Sanchez, to approve the following Consent Calendar items, and by its concurrence, the Commission:

4. **APPROVED AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION MEETING OF November 17, 2011**
5. **APPROVED THE FOLLOWING MINUTES: Regular Meeting of October 20, 2011**
6. **RECEIVED AND FILED THE STRATEGIC PLAN UPDATE: PREVIOUSLY RECEIVED AND FILED**
7. **RECEIVED AND FILED WRITTEN COMMUNICATIONS**

Motion carried unanimously, with Commissioners Biro and Kim absent.

**AUDIENCE OATH**

Chair Parsons asked that those people in the audience who wish to address the Commission on any of the hearing issues stand and take the following oath:

Do each of you swear or affirm that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth?

People in the audience stood and answered, "I do."

### **EX PARTE COMMUNICATIONS**

None.

### **ROUTINE PUBLIC HEARINGS**

None.

### **PUBLIC HEARINGS**

#### **8. APPROVE A LOT LINE ADJUSTMENT ON PROPERTY LOCATED WITHIN AN INDUSTRIAL (I-1B) ZONE 2410-2420 MARINE AVENUE**

Motion by Commissioner Benning, seconded by Commissioner Zager, to open the Public Hearing at 7:05 p.m. regarding Case No. 2011-11-PC-016, the applicant being TCRF Redondo, LLC, to consider an Exemption Declaration and Lot Line Adjustment, on property located within an Industrial (I-1B) zone. Hearing no objections, Chair Parsons so ordered.

In response to Chair Parsons, Planning Director Aaron Jones clarified that Southern California Edison is not party to any of these properties and not subject to this application.

Associate Planner Anita Kroeger gave a staff report and stated on June 17, 2010, the Planning Commission approved a project on the subject property including the construction and operation of two hotels and a recreational vehicle and storage business. Most recently, the City and developer have reassessed the site parcelization and have determined it would be beneficial to reconfigure the parcels according to the general locations of the two hotels, the area dedicated to the traffic circulation and parking, and the area proposed for the recreational vehicle storage area, and in order to do so, a lot line adjustment must be approved. She said there are two owners involved to include the City and the private party. The request is to reconfigure the four parcels based on the way the property will be used and each building would then be on a stand alone parcel and also is preferable in terms of financing. She also reviewed a comparison of the four parcels as they are currently laid out and as proposed and staff recommends approval.

Planning Director Aaron Jones stated the applicant could not attend tonight but asked that staff and the Commission proceed with the hearing in his absence.

Motion by Commissioner Benning, seconded by Commissioner Zager, to close the Public Participation Section of the Public Hearing at 7:09 p.m. Hearing no objections, Chair Parsons so ordered.

Motion by Commissioner Benning, seconded by Commissioner Sanchez, to approve an Exemption Declaration and Lot Line Adjustment, on property located within an Industrial (I-1B) zone, at 2410-2420 Marine Avenue, Case No. 2011-11-PC-016, TCRF Redondo, LLC, applicant, subject to the 4 findings in the staff report. Motion carried unanimously, with Commissioner Biro absent.

**9. APPROVE RENOVATION, EXPANSION OF OFFICES, CLASSROOM BUILDINGS, KITCHEN, STORAGE BUILDINGS, AND SITE IMPROVEMENTS FOR AN EXISTING CHURCH FACILITY  
722 KNOB HILL AVENUE**

Motion by Commissioner Zager, seconded by Commissioner Benning, to open the Public Hearing at 7:10 p.m. regarding Case No. 2011-10-PC-014, the applicant being St. Katherine Greek Orthodox Church, to consider an Exemption Declaration, Conditional Use Permit, and Planning Commission Design Review to allow the renovation and expansion of offices, classroom buildings, kitchen and storage buildings, and site improvements for an existing church facility, on property located within a Single-Family Residential (R-1) zone. Hearing no objections, Chair Parsons so ordered.

Associate Planner Anita Kroeger gave a staff report and reviewed the zoning map, aerial view and surrounding area. She said the church was originally built in 1963 with various remodels and additions. Since that time, however, the sanctuary has continued to always have seating for 300 people. Parking is based on the maximum seating available in the sanctuary at 1 parking space for every 5 seats and the site provides 60 parking spaces. She said a similar project was approved by the Planning Commission in 2006, however, those entitlements expired after 36 months since they were not exercised. She reviewed the current request for a three phase plan and said the applicant has stated that they have sufficient funds to proceed with the construction of Phase I and Phase II at this time. However, they are still in the progress of raising the funds for Phase III. She reviewed the requirements for a Conditional Use Permit and Planning Commission Design Review and said the land use will remain the same and has served a maximum of 300 parishioners since 1963 and will continue with 300. She said the remodel and addition will simply increase, expand, and make more effective all the ancillary uses. She said the proposal will meet all of the requirements of the zone, no additional parking will be required and there are no potential impacts on noise or traffic. She reviewed the design review requirements and said it is staff's opinion that all of the aspects of the project are good in terms of form and function. She said the collection of structures when complete will create a courtyard at the rear and the most striking improvement will be the construction of the domed cube shaped structure during Phase III. She said staff recommends approval.

In response to Commissioner Zager, Associate Planner Anita Kroeger stated Conditions 15, 16 and 17 allow for timing up to 36 months between the phases without the applicant having to come back.

In response to Chair Parsons, Associate Planner Anita Kroeger stated 300 would be the maximum number of people that could sit in the sanctuary.

Dan Young, Architect for the Project, gave credit to Bill O'Dowd who helped the church with the vision in 2006 and said they are following suit with this project, noting they have been working on this project for many years.

Chair Parsons commented that Mr. O'Dowd was a great architect and former Planning Commissioner for many years.

Motion by Commissioner Zager, seconded by Commissioner Benning, to close the Public Participation Section of the Public Hearing at 7:24 p.m. Motion carried unanimously.

Commissioner Zager stated the plan is well thought out, the materials will be beautiful, the church has been an integral part of the community for a long and has been a great neighbor.

Commissioner Benning hoped that the Festival will continue while the project is under construction.

Chair Parsons stated the Mayor and City Council made a presentation at the church on behalf of the City to the congregation for the church's 40<sup>th</sup> anniversary. He supported the phasing process of the project but also pointed out that the project can be started as long as progress is taking place but this could go on for 20 years while the permit still stays in place.

Planning Director Aaron Jones clarified that the CUP does run with the land but there are some other permits and entitlements that don't necessarily carryforward such as the building permit maximum life which is now limited to a two year period unless extended. He believed that putting the phasing into the project for Conditions 15, 16 and 17 makes good sense.

Motion by Commissioner Benning, seconded by Commissioner Zager, to approve an Exemption Declaration, Conditional Use Permit and Planning Commission Design Review to allow the renovation and expansion of offices, classroom buildings, kitchen and storage buildings, and site improvements for an existing church facility, on property located within a Single-Family Residential (R-1) zone at 722 Knob Hill Avenue, Case No. 2011-10-PC-014, St. Katherine Greek Orthodox Church, applicant, subject to the 5 findings and 19 conditions in the staff report. Motion carried unanimously, with Commissioner Biro absent.

#### **NEW BUSINESS**

None.

#### **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

None.

#### **COMMISSION ITEMS AND REFERRALS TO STAFF**

The Commissioners wished everyone a Happy Thanksgiving.

#### **ITEMS FROM STAFF**

Planning Director Aaron Jones also wished everyone a Happy Thanksgiving.

#### **COUNCIL ACTION ON PLANNING COMMISSION MATTERS**

Planning Director Aaron Jones stated City Council acted on Tuesday night to extend the massage permit moratorium. He stated there will be amendments to the code on the Commission's Work Plan relative to massage practitioners and business establishments with a 12-month period to accomplish this work before the Commission. He also said the City Council reviewed all of the CIP projects.

#### **ADJOURNMENT: 7:31 P.M.**

There being no further business to come before the Commission, Commissioner Zager moved, seconded by Commissioner Sanchez, to adjourn the meeting at 7:31 p.m. to a Regular Meeting to be held at 7:00 p.m. on Thursday, December 15, 2011 in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California. Motion carried unanimously, with Commissioner Biro absent.

Respectfully submitted,

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Aaron Jones  
Planning Director



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# Administrative Report

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Council Action Date: December 20, 2011

**To: MAYOR AND CITY COUNCIL**

**From: BILL WORKMAN, CITY MANAGER**

**Subject: STRATEGIC PLAN UPDATE ON SIX-MONTH OBJECTIVES, WATER QUALITY IMPLEMENTATION MATRIX, GREEN TASK FORCE PRIORITY MATRIX, AND MAJOR CITY FACILITIES PRIORITY LIST**

## **RECOMMENDATION**

Receive and file the monthly updates to: 1) the six-month strategic objectives established at the Strategic Planning Retreat held on September 14, 2011; 2) the Water Quality Implementation Matrix; 3) the Green Task Force Priority Matrix; and 4) the Major City Facilities Priority List.

## **EXECUTIVE SUMMARY**

On September 14, 2011, the City Council held a Strategic Planning Workshop to establish six-month objectives. Monthly updates are provided to the Mayor and Council to enable them to monitor the City's progress. Updates to the Water Quality Implementation Matrix, the Green Task Force Priority Matrix and the Major City Facilities Priority List are also provided. This current update is the second update of the September 14, 2011 Strategic Planning session's six-month objectives. The next Strategic Planning Retreat will be held on March 1, 2012.

## **BACKGROUND**

The City Council's Strategic Plan directs the development of the City budget, program objectives, and performance measures. The goals provide the basis for improving services, and preserving a high quality of life in the City.

The City began strategic planning in 1998 with the creation of the first three-year strategic plan covering the period of 1998-2001. In October 2001, a second three-year plan was developed for 2001-2004. At the February 25, 2003 retreat, these Core Values were added: Openness and Honesty, Integrity and Ethics, Accountability, Outstanding Customer Service, Teamwork, Excellence, and Fiscal Responsibility. A third three-year plan was developed in March 2004, covering the period of 2004-2007, and including a vision statement. In September 2007, the fourth three-year plan was

developed with new goals and objectives. Finally, on March 3, 2010, the fifth three-year strategic plan was developed. The following are the five strategic plan goals for 2010-2013. They are not in priority order:

- Improve financial viability and expand economic opportunities;
- Improve public facilities and the infrastructure;
- Increase organizational effectiveness and efficiency;
- Maintain a high level of public safety; and
- Vitalize the Waterfront and Artesia Corridor.

The City Manager provides monthly updates to the adopted six-month objectives to enable the Mayor and City Council to monitor the City's progress on the Strategic Plan.

#### Water Quality Implementation Matrix

On July 19, 2005, the City Council adopted a resolution to form a 15-member Water Quality Task Force. During their 12-month assignment, the Task Force developed a Recommendations Report. The Report was presented to a joint meeting of the City Council and Harbor Commission. The City Council directed staff to report back with a prioritized action plan for implementation. The Recommendations Implementation Matrix was received by the Council on November 21, 2006, with direction for staff to provide a status report to accompany the Strategic Plan reports. The monthly status update is attached.

#### Green Task Force Priority Matrix

On January 16, 2007, the City Council adopted a resolution to form a 15-member Green Task Force to study and address a variety of environmental issues faced by the City. During their 12-month assignment (later extended to 15 months), the Task Force developed a Sustainable City Plan that included 26 recommendations. The Report was presented to the City Council on May 13, 2008. The City Council directed staff to assemble the recommendations into a matrix. On August 19, 2008, the City Council received and filed the Green Task Force Priority Matrix and reviewed it on October 21, 2008. The monthly status update is attached.

#### Major City Facilities Priority List

On February 13, 2007, the City Council adopted the Major City Facilities Priority List. The Council requested that the list come back periodically for review. The attached version reflects the addition of the Dominguez Park Community Center as directed by the City Council during adoption of the Fiscal Year 2007-2008 Budget on June 19, 2007.

**COORDINATION**

All departments participated in the development of the Strategic Plan and in providing the attached update. Relevant departments have reviewed the Water Quality Implementation Matrix, Green Task Force Matrix, and Major City Facilities Priority List.

**FISCAL IMPACT**

The total cost for this activity is included in the City Manager's Office's portion of the FY 2011-2012 Adopted Annual Budget, and is part of the department's annual work plan.

Submitted by:



Office of the City Manager

**Attachments:**

- Strategic Plan Update - Six-Month Objectives dated December 20, 2011
- Water Quality Implementation Matrix dated December 20, 2011
- Green Task Force Implementation Matrix dated December 20, 2011
- Major City Facilities Priority List dated June 2007

# CITY OF REDONDO BEACH STRATEGIC OBJECTIVES

September 14, 2011 – March 1, 2012

ACM=Asst. City Manager    FS = Financial Services    HBT=Harbor, Business and Transit    PW=Public Works    RCS= Recreation and Community Services

<b>THREE-YEAR GOAL: IMPROVE FINANCIAL VIABILITY AND EXPAND ECONOMIC OPPORTUNITIES</b>									
WHEN	WHO	WHAT	STATUS			COMMENTS			
			DONE	ON TARGET	REVISED				
1. At the October 4, 2011 City Council meeting	Mayor and City Council	Consider establishing a Subcommittee to consider tentative plan proposed by AES, review AES-submitted application to the State Energy Commission, review potential uses and disposition of the property, and review continued use of Edison power lines.		X		Held pre-application workshop with full Council. Second workshop TBA.			
2. By January, 2012	City Attorney	Provide legal advice to the Mayor and City Council regarding legal ramifications of the Council and/or individual Council members advocating specific positions to State agencies and the general public regarding AES re-powering.			X	Revised from November 1, 2011 to January, 2012.			
3. At the February 21, 2012 City Council Meeting	ACM	Present to the City Council for action a revised hotel lease, with financing, for the Marine Avenue site.			X	Revised from December 20 <sup>th</sup> .			
4. At the March 20, 2012 City Council Meeting	ACM	Complete Phase I of the Galleria Opportunities Progress Report and present a report to the City Council.			X	Revised from December 15 <sup>th</sup> .			
5. By January 31, 2012	ACM, working with the Mayor and City Council	Implement PERS contract amendments for second tier retirement benefits.		X					
6. At the February 7, 2012 City Council meeting	City Engineer	Present to the City Council the Green Task Force Matrix for consideration as the City's Sustainability Communities Strategy.		X					

7. At the February 14, 2012 City Council meeting	Planning Director and City Engineering	Review commercial on-street and on-site parking standards and present options for possible amendments to such standards to the City Council for direction.		X		
8. By February 15, 2012	HBT Director (lead) and FS Director, working with the City Attorney	Review, update and present to the City Council for action taxi cab licensing regulations and fees.		X		
9. By March 1, 2012	ACM	Recommend to the City Council for action entering into an agreement with an affordable housing developer to commit housing funds and avoid elimination of the Redevelopment Agency.		X		
10. By March 1, 2012	City Manager, in coordination with the Chamber of Commerce	Host a business development workshop on conducting foreign trade.		X		

**THREE YEAR GOAL: IMPROVE PUBLIC FACILITIES AND INFRASTRUCTURE**

WHEN?	WHO	WHAT	STATUS			COMMENTS
			DONE	ON-TARGET	REVISED	
1. By March 1, 2012	RCS Director, working with Leadership Redondo	Present to the City Council for consideration the MOU and plans and specifications for construction of the new Veterans Park events facility.			X	Project schedule to be revised after receipt of missing design components by Leadership Redondo.
2. By December 1, 2011	City Engineer, working with the PW Director and RCS Director	Present to the City Council for consideration a scope of work and project schedule for Perry Park and La Paz Parkette improvements.	X			
3. By February 1, 2012	Fire Chief, working with the City Attorney	Prepare and present for City Council consideration an ordinance modifying the city code to allow for the installation of BBQ pads in City parks.	X			Completed.
4. By March 1, 2012	City Engineer, working with the PW Director	Present to the City Council for consideration the initiation of the Proposition 218 process for implementation of new wastewater rates.			X	
5. By March 1, 2012	City Engineer	Present to the City Council for consideration options for low impact stormwater development ordinance(s).			X	
6. By March 1, 2012	RCS Director, working with the City Attorney	Present to the City Council for consideration agreements for the use of the Edison rights-of-way.			X	

**THREE-YEAR GOAL: INCREASE ORGANIZATIONAL EFFECTIVENESS AND EFFICIENCY**

WHEN	WHO	WHAT	STATUS		COMMENTS
			DONE	ON TARGET	
1. By November 15, 2011	City Council and Management Staff, with the RBUSD Board and Staff	Hold a joint public meeting to identify common issues (e.g. land swap, construction and other impacts) and how to address them.	X		
2. By November 15, 2011	City Manager, with the Beach Cities Health District	Participate in the Vitality City Program and provide an update to the City Council.	X		
3. By March 31, 2012	ACM	Develop and recommend to the City Council for action a revised Employee Training Plan consistent with the Succession Plan.		X	Revised from December 6 <sup>th</sup> to March 31 <sup>st</sup> .
4. At the February 7, 2012 City Council meeting	City Clerk (lead), IT Director and City Engineer	Develop plans for Phase II of Council Chambers improvements, including automation of the agenda process.		X	
5. By March 1, 2012	FS Director	Distribute to each employee the full cost of their City position.		X	
6. By March 1, 2012	IT Director, working with the FS Director	Develop and present to the City Council for action contract amendments to upgrade the financial management system to MUNIS version 9.x.		X	
7. By March 1, 2012	Planning Director, with the Police Chief and RCS Director	Recommend to the City Council for consideration a policy regarding the use of food trucks during special events and TUP (Temporary Use Permit) activities.		X	
8. By March 1, 2012	City Clerk	Prepare and present to the City Council for consideration a measure for the March 2013 ballot to establish administrative purchasing limits.		X	

**THREE-YEAR GOAL: MAINTAIN A HIGH LEVEL OF PUBLIC SAFETY**

WHEN	WHO	WHAT	STATUS			COMMENTS
			NO LONGER ON TARGET	ON TARGET	REVISED	
1. At the November 15, 2011 City Council meeting	Planning Director and Police Chief	Present to the City Council for consideration an extension of the urgency ordinance for massage permits.	X			Completed.
2. By December 15, 2011	Fire Chief	Design and implement a table top drill to re-familiarize city staff, the City Council and outside agencies with their roles and responsibilities during citywide emergencies.	X			Completed.
3. By December 15, 2011	Fire Chief	Complete the FEMA required Nimscastr and required documentation to ensure the availability of disaster reimbursement funding to the City.	X			Completed.
4. By February 1, 2012	Planning Director and City Attorney	Present to the City Council for consideration options for regulation of short-term vacation rentals.		X		
5. By February 15, 2012, contingent upon Federal authorization	Police Chief (lead), Fire Chief, Library Director and City Engineer	Coordinate and have installed an emergency generator at the Main Library for EOC (Emergency Operations Center) expansion.		X		
6. By March 1, 2012	Police Chief and Fire Chief	Develop and present to the City Council a Response and Recovery Plan for Critical Incidents involving the threat of violence in a City facility.		X		
7. By March 1, 2012	Fire Chief	Maintain a high level of interoperability with the new Harbor Patrol Facility and the development on Mole B, including the coordination with other City departments, and provide updates to the City Council via the City Manager.		X		

**THREE-YEAR GOAL: VITALIZE THE WATERFRONT AND ARTESIA CORRIDOR**

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the September 20, 2011 City Council meeting	HBT Director	Present to the City Council for action a plan for operational and financial improvements to Harbor and Pier parking.	X			
2. By January 31, 2012	HBT Director	Develop a RFP for a partner(s) for the Harbor Waterfront Revitalization Project and present to the City Council for action.			X	Anticipated completion date revised to January 31, 2012
3. By November 15, 2011	City Engineer	Present to the City Council a summary of the initial steps required to rename Artesia Boulevard.	X			
4. By November 15, 2011	City Engineer, working with the Planning Director and HBT Director	Present to the City Council for consideration the Vitality City recommended Harbor Drive Bike Path and Streetscape Plan.	X			
5. By December 31, 2011	City Manager, working with the Artesia Boulevard Working Group	Complete and present to the City Council for action a Strategic Plan for Artesia Boulevard.			X	Revised from December 31, 2011 to March 1, 2012.
6. By March 1, 2012	HBT Director	Present to the City Council for action a partner(s) for the Harbor Waterfront Revitalization Project.		X		
7. By March 1, 2012	Planning Director	Pursue funding to commence an Artesia Corridor Revitalization Study and report progress to the Planning Commission and City Council.		X		

Water Quality Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS			TARGET DATE	COMMENTS
			DONE	ON TARGET	FUTURE		
1 <b>Street Sweeping (9a)</b> Revoke all street sweeping exemptions to meet NPDES requirements.	Engineering	Resolution on policies and procedures adopted.	X				Project completed.
2 <b>Trash Truck Leaks (9a)</b> Prevent trash trucks from leaking.	Public Works	Discussion with solid waste management company to identify enhancements to the existing processes to insure leaking trucks are identified and repaired	X				Project completed.
3 <b>Trash Bin Leaks (9a)</b> Prevent trash bins from leaking.	Public Works	Discussion with solid waste management company to identify enhancements to the existing processes to insure leaking trash bin are identified and repaired	X				Project completed.
4 <b>Red Tide Monitoring (9a)</b> Coordinate with USC to establish monitoring locations for monitoring devices.	Harbor	Buoys installed for full-time use in March. Data downloaded weekly. USC team working on transmitting data electronically.	X				Project completed.
5 <b>Rain Gutter Routing (9a)</b> Route all gutters on pier buildings through an alternate system.	Engineering	Plans and specification design work	X				Project completed.
6 <b>Develop Bacterial Source Identification (9b)</b> <b>(Source Point Testing - 9a)</b> Use DNA tests or other methods to identify bacterial sources.	Engineering	LA County Sanitation will report findings with preliminary action plan to technical group in June, 2009.	X			Aug-10	Project Completed.

Water Quality Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS		TARGET DATE	COMMENTS
			DONE	ON TARGET		
7 <b>Harbor Circulation Improvement (9b)</b> <b>(Marina Aeration - 9a)</b> Investigate installation of facilities to increase circulation in the Harbor.	Engineering	Preliminary design done -pending funding source		X	TBD	For Budget Consideration Funding from Federal Government being requested FY 2012-13
8 <b>Commercial Best Management Practices (9a)</b> Establish a volunteer program for implementing BMPs at commercial establishments at the Harbor / Pier / Waterfront areas.	Harbor / Engineering	Presented to Harbor Commission on 09/08/08.	X		Dec-08	BMPs approved by CC - November, 2008. Pamphlets distributed 12/08
9 <b>Hazardous Waste Drop (9a)</b> Expand hazardous waste drop-off program. <i>Especially at water areas south of the Redondo Municipal Pier</i>	Public Works / Fire	No action at this time.		X	TBD	For Budget Consideration FY 2012-13
10 <b>Parking Lot Debris Catchers (9a)</b> Initiate pilot program for small catch basin debris filters. <i>Implement Harbor Leasee parking lot sweeping program</i>	Engineering	Plans and specification design work	X		Jan-10	Project completed.
11 <b>Harbor Trash Skimmers (9a)</b> Initiate alternate methods for removing floating harbor materials.	Engineering	Plans and specification design work				
12 <b>Oil spill clean-up (9a)</b> Purchase oil absorbing snakes for use in oil spill clean-up.	Fire	400 feet of snake absorbent purchased and stored at Harbor Patrol. Task Completed.	X			Maintenance agreement in progress. Project completed.
13 <b>Laws &amp; Regulations (9a)</b> Review existing State & Federal laws as pertains to water quality.	Engineering		X		Mar-11	Project completed.
14 <b>Watershed Management Program (9a)</b> Establish urban watershed program similar to Santa Monica.	Engineering			X	TBD	For Budget Consideration FY 2012-13

Water Quality Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS		TARGET DATE	COMMENTS
			DONE	ON TARGET		
15 <b>Pet Waste (9a)</b> Install 'doggie poles' with waste bags in public areas.	Engineering / Public Works	Presented to CC - 10 containers installed on Esplanade / Harbor Drive	X			Project Completed.
16 <b>Sprinkler Standards (9a)</b> Develop a Certification program for commercial & residential properties with installed water-wise irrigation systems and landscaping. <i>Coordinate with West Basin Water District's existing program</i>	Engineering			X	TBD	For Budget Consideration FY 2012-13
17 <b>Hot Line (9a)</b> Establish a Water Quality Hot Line for public reporting of concerns. <i>Establish a web link to the WQTF Plan and matrix</i>	Engineering		X		Jul-08	Project completed. (PW investigating marketing of hotline)
18 <b>Ongoing Water Quality Task Force (9a)</b> <i>Staff report needed to determine how to continue the WQTF through either the Harbor Commission or Public Works Commission</i>	Harbor / Engineering	No new progress		X	TBD	Planning Stage
19 <b>Continuous Deflection Separation Units (9a)</b> Evaluate possibility of installing additional CDS units on all waterfront discharge storm drains. <i>Photos of annual cleaning will be posted</i>	Engineering			X	TBD	For Budget Consideration FY 2012-13
20 <b>Non-profit formation (9a)</b> Consider creation of a 501(c)3 organization to assist in grant funding development.	City Manager / City Attorney		X		Jun-08	For Budget Consideration 501(c)3 created, website - <a href="http://www.cleanwaterfrontredondo.org">www.cleanwaterfrontredondo.org</a>
21 <b>Develop Clean Waterfront Plan (9b)</b> Plans could include improvements based on successes in Santa Monica & Newport.	Harbor	Sample plans collected. Adopted BMPs will be key component of plan.		X	TBD	For Budget Consideration FY 2012-13
22 <b>Develop Clean Marina Program (9b)</b> Establish program and recognition standards.	Harbor	All 4 RB marinas participate in a recognized program or have committed to do so. Staff providing assistance and monitoring progress.		X	TBD	For Budget Consideration FY 2012-13

Water Quality Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS		TARGET DATE	COMMENTS
			DONE	ON TARGET		
<p><b>23 Develop &amp; Implement BMPs for Bait Barges (9b)</b>  Ensure that bait barges are properly disposing of waste.</p>	Fire / Harbor / Planning / Engineering / Public Works	<p>Inspections completed. BMPs drafted and will be presented to Harbor Commission. Fire Completed physical inspection of barge. No hazardous storage or processes noted. Barge operates seasonally, per hazmat tech. No disclosure manifest warranted.</p>	X			Project Completed
<p><b>24 Develop &amp; Implement BMPs for Fuel Dock (9b)</b>  Ensure that fuel docks within King Harbor employ BMPs while conducting business.</p>	Harbor / Fire	Presented to Harbor Commission on 09/08/08.	X		Dec-08	BMPs approved by CC - November, 2008. Pamphlets distributed 12/08
<p><b>25 Develop &amp; Implement BMPs for Boaters (9b)</b>  Encourage and educate boaters in BMPS for boating.</p>	Harbor	Presented to Harbor Commission on 09/08/08.	X		Dec-08	BMPs approved by CC - November, 2008. Pamphlets distributed 12/08
<p><b>26 Develop &amp; Implement BMPs for Boat Yards &amp; Maintenance Facilities (9b)</b>  Adopt CASQA's BMPs and ensure they are followed.</p>	Harbor	Presented to Harbor Commission on 09/08/08.	X		Dec-08	BMPs approved by CC - November, 2008. Pamphlets distributed 12/08
<p><b>27 Design &amp; Construct Harbor Circulation Improvements (9b)</b>  Study improving circulation methods and utilize power plant intake lines.</p>	Engineering			X	TBD	For Budget Consideration FY 2012-13
<p><b>28 Develop &amp; Implement a program to insure that BMPs (9b) applicable to the beach and pier area are fully utilized</b>  Aggressively adhere to all LARWQCB TMDLs.</p>	Public Works		X		Jul-07	Project Completed

Water Quality Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS			TARGET DATE	COMMENTS
			DONE	ON TARGET	FUTURE		
29 <b>Pier Fish Cleaning Station, Boaters and Charter Boats (9b)</b> Ensure sink wastes are diverted to the sewer system, educate boaters.	Harbor / Public Works	Confirmed that sink wastes are diverted to the sewer system.	X				Project Completed
30 <b>Watershed Runoff (9b)</b> Investigate permeable surfaces for rainstorm waters.	Engineering						
31 <b>Develop &amp; Implement a Community Outreach Plan (9c)</b> Utilize volunteer forces to educate the community at large.	Harbor / Engineering	Sample plans from other jurisdictions being collected.				TBD	For Budget Consideration FY 2012-13
32 <b>Explore funding opportunities at the Federal, State, County, Local, Corporate, and Private levels</b> Increase City visibility and funding for water quality tasks.	Engineering / City Manager					TBD	For Budget Consideration FY 2012-13
33 <b>Harbor Emergency Response Volunteer Team (9e)</b> Immediate mitigation of red tide forces through volunteer teams.	Harbor / Fire Public Works			X			Ongoing
34 <b>Street &amp; Harbor Lease Hold Sweeping**</b> Coordinate with businesses for sweeping	Harbor	PW, Harbor, & Fire held a Red Tide Response Drill for City crews & volunteers September 27, 2007.  Policies and ordinances from other jurisdictions being collected. Staff discussing current practices with leaseholders.	X				Project Completed
35 <b>Web Page Update**</b> Monthly updated posting to the City website	Engineering			X			Ongoing

\*Note - Details of timeline and a breakdown of steps will be provided for each task on the matrix as implementation progresses.

\*\* By City Council direction from 11/21/06 CC meeting

Green Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS			TARGET DATE	COMMENTS
			DONE	ON TARGET	FUTURE		
1 <b>Sustainability:</b> Add sustainability as one of Redondo Beach's Core Values listed in its Annual Reports and Strategic Plans.	ACM		X				"Enhance the livability and environmental sustainability of our community" revised in the March 25, 2009 Strategic Planning workshop.
2 <b>Full-Time Employee:</b> Designate a full-time, on-going staff position dedicated to implementing and researching all Green Task Force Initiatives, including grant writing.	ENG				X		Next opportunity to be evaluated is as part of the 2012-13 Budget Cycle
3 <b>Public Education Program:</b> Support a comprehensive public education program to promote green living and building ideas, energy and resource conservation, and other environmental concepts such as "teaching Green" or "Sustainable Works."	PW			X			"Green Building" consumer education materials received and available at the Building counter.
4 <b>Cool City Classification:</b> The City Council should sign the U.S. Mayors Climate Protection Agreement and establish a Cool Cities program for the City of Redondo Beach.	ENG		X				Baseline inventory presented to CC - March 16, 2010.
5 <b>Eco-Friendly Business Initiatives:</b> As part of the Economic Development Council, the City should identify a representative to implement eco-friendly initiatives within the business community.	HBT				X		
6 <b>Support for RBUSD Environmental Programs:</b> Direct staff to reach out to the Redondo Beach Unified School District (RBUSD) in promoting, supporting, and implementing green initiatives.	ACM				X		
7 <b>Green Building Incentives:</b> Develop a set of incentives in the form of rebates, space offset programs, and recognition programs for green/sustainable building practices.	BLDG		X				City Council adopted Green Building Code on 12/07/10.
8 <b>Fee Structure:</b> Balance fee structure to accommodate rebate incentives given for green homeowners, and builders.	BLDG		X				City Council approved Tier 1 & Tier 2 rebate programs on 12/07/10.

RECOMMENDATION	LEAD	PROGRESS	STATUS			TARGET DATE	COMMENTS
			DONE	ON TARGET	FUTURE		
9 LEED Standards: Adopt LEED standards for all city buildings.	BLDG			X			North Branch Library certified as LEED GOLD building - presented @ SOTC on 02/22/11.
10 Ordinance Update: Review and update ordinances to support LEED compliant measures.	BLDG/ENG				X		
11 Staff Training: Train appropriate city staff and acquire LEED certification to eliminate need for hiring LEED consultants.	ENG			X			Staff attended fall 2011 CALBO green workshops.
12 Educational Plan: Implement an educational plan, including web access and distribution of green vendors and services, for all constituents – homeowners, developers, builders, Chamber of Commerce, regional networks, etc.	PW				X		Public Works to coordinate an energy efficiency / water conservation workshop w/ SBESC.
13 Urban Forest Ordinance: Pass an Urban Forest Ordinance that solidifies and codifies current practices regarding trees in the city.	PW				X		
14 Pursue Tree City USA Designation: The City Council should seek designation as a Tree City USA that provides direction, technical assistance, public attention, and national recognition for urban and community forestry programs.	PW				X		
15 Land Use Policy, Zoning Regulation, and Associated Fee Amendments: Amend land use policies, zoning regulations and associated fees to provide an incentive for maintaining existing and/or creating new non-public open space.	Planning				X		
16 Historical and Specimen Tree Protection: Revise relevant preservation ordinances to include Specimen Trees and revise a complete list of trees on public and private land that are, or can be, landmarked or designated as specimen trees.	Planning / PW / RCS		X				Existing code provides for applications to designate trees as historic landmarks.

Green Task Force  
Recommendations Implementation Matrix

12-20-11

RECOMMENDATION	LEAD	PROGRESS	STATUS			TARGET DATE	COMMENTS
			DONE	ON TARGET	FUTURE		
17 <b>High Profile City Projects:</b> Implement two or three specific high-profile energy and resource projects that would help showcase the City's efforts to become a beacon of Green adaptation.	ENG			X			LED streetlight fixtures installation complete along Artesia Blvd. and in Riviera Village.
18 <b>Renewable Energy Project Financing:</b> Establish a relationship with a third party financing company to provide funding for both City and private projects involving conversion or adaptation to green energy.	HBT			X			06-22-10 - CC Adopted Resolution to participate in LA CO AB-811 program.
19 <b>Inter-departmental Staff Resource Utilization Committee:</b> Establish an inter-departmental staff committee whose purpose it is to create and maintain a Long-Term Resource Utilization Policy that would include a prioritized list of energy conservation and generation projects aimed at reducing city-wide energy consumption.	ACM				X		
20 <b>Shop &amp; Dine Redondo Program:</b> Collaborate with the Redondo Beach Chamber of Commerce & Visitors Bureau to develop a "Shop & Dine Redondo" Program specifically designed to build a stronger local economy, healthier environment and reduce the total vehicle miles driven by those living and/or working in the community.	HBT				X		NRBBA 'Dine Around Artesia' held May 19, 2011.
21 <b>Strategic School Traffic Reduction Plan:</b> Collaborate with the Redondo Beach Unified School District (RBUSD) and local residents to develop a Strategic Traffic Reduction Plan.	ENG			X			Staff coordinated implementation of pilot "Walking School Bus" programs in conjunction with Vitality City focus.
22 <b>Residential Development Rights Transfer System:</b> Research the feasibility of developing and implementing new density neutral land policies, zoning regulations and legal mechanisms that would allow owners of residentially-zoned properties to sell permitted development rights for transference to other properties located within specified public transit zones that also provide an ample amount of local shopping and dining opportunities.	Planning					X	

Green Task Force  
Recommendations Implementation Matrix

RECOMMENDATION	LEAD	PROGRESS	STATUS			TARGET DATE	COMMENTS
			DONE	ON TARGET	FUTURE		
<p>23 Strategic New Parkland Development Plan: Develop a Strategic New Parkland Development Plan specifically focused on creating more neighborhood oriented parkland in the park poorest areas in the city.</p>	RCS				X		
<p>24 Beach Cities Transit &amp; Visitor Information Kiosks: Collaborate with the Redondo Beach Chamber of Commerce to create one or more Beach Cities Transit (BCT) &amp; Visitor Information Kiosks at high traffic locations near transit stops in the city.</p>	HBT				X		
<p>25 Beach Cities Transit Wi-Fi Service Pilot Program: Perform a feasibility study on implementing at Beach Cities Transit (BCT) Wi-Fi Service Pilot Program.</p>	HBT				X		
<p>26 Integrated Bicycle Master Plan: Expand the Local Bikeway Plan into an Integrated Bicycle Master Plan, including bike racks, which will transform Redondo Beach into a premier bicycle friendly city.</p>	ENG			X			<p>The City's adopted Bicycle Master Plan submitted to Metro's "Call for Projects" to implement the class 2 and class 3 bicycle facilities, approved by Metro board - 10-22-09.</p>

## **Major City Facilities Priority List**

June, 2007

In order for the City to ensure quality services to our residents, businesses, and visitors, we need to have a plan for our future facilities needs. The City's current Five Year Capital Improvement Program (CIP) addresses the near future. Through this process, the City's most pressing capital needs are programmed using funding sources available over the 5 year planning period. For ease of reference, the adopted CIP includes a "needed, but not funded" list of capital projects. This list is designed to track possible future projects, however, there is little to no likelihood of funding in the short term. There is no planning document in place to take address facilities needs beyond this 5 year horizon. In order to set priorities beyond this horizon, a City Facilities Priority List has been developed.

The City has also developed a draft Asset Management Plan. This Asset Management Plan is a blueprint for the City to maximize the financial returns from its real property assets. The draft Asset Management Plan has not yet been finalized or presented to the City Council for approval as many of the assets in the draft Asset Management Plan assumed to possibly generate on-going revenues are encumbered with current facilities or seen as possible sites for new or relocated facilities. A City Facilities Priority List will enable the City to identify which assets are needed over the longer term and which are available for development through the Asset Management Plan.

The City's adopted Strategic Plan established the following three year goals:

- **Achieve financial stability and balanced economic growth.**
- **Maintain and improve public facilities, infrastructure and open spaces.**
- **Improve the attractiveness and livability of our neighborhoods.**
- **Maintain and improve public safety.**
- **Maintain and improve communication, productivity and efficiency in a healthy workplace.**

Included in the current Strategic Plan are a number of objectives directly related to facilities and asset management. These include:

- Present to the City Council an inventory list of citywide real property assets.
- Develop a Facilities Master Plan for preventive maintenance of all City facilities.
- Develop and present to the City Council a City facilities overview for improvement and/or replacement of major City facilities, including financing options and prioritization.

Having functional and updated public facilities can assist in achieving all of the Strategic Plan goals and other strategic objectives. For example, achieving customer service related objectives could be assisted by the development of functional, efficient, and customer friendly service areas. There is also a direct link between the quality of public facilities and providing a healthy workplace.

The City's future facility needs are many, with funding unlikely to be available over the near or even long-term to meet them all. A Major City Facilities Priority List will be useful to guide staff and the community as we seek funding for our many facilities needs.

### Relationship to Statements of Financial Principles

The City's adopted Statements of Financial Principles has a number of points which can guide the City's future efforts in meeting its long-term facility needs. Financial Principles relating to the financing of facilities include:

- 2.a) The City will maintain a level of expenditures which will provide for the well-being and safety of the general public and citizens of the community;
- 2.b) The City will manage its financial assets in a sound and prudent manner;
- 2.c) The City will maintain and further develop programs to assure its long-term ability to pay the costs necessary to provide the highest quality service required by the citizens of Redondo Beach;
- 2.e) The City will maintain and improve its infrastructure;
- 2.f) The City will provide funding for capital equipment replacement, including a long-term technology plan, to achieve greater efficiency in its operations.
- 3.e) One-time revenues shall be used for one-time expenditures;
- 3.g) The City will continue to explore revenue raising alternatives as necessary and pursue all grants available to local government.
- 5.c) The City will set aside a reasonable and prudent amount of General Fund monies for capital improvements and repairs of various facilities, in its annual budget process.
- 5.f) The long-term operating impact of any capital improvement project must be disclosed before the project is recommended for funding.
- 10.a) Enterprise activities will be programmed to generate sufficient revenues to fully support the Enterprise's operations including debt service requirements, current and future capital needs.

These Financial Principles were considered in establishing the recommended prioritization.

### Relationship to 2006 Community Opinion Survey

The City initiated a survey of residents to gauge their level of satisfaction with life and services in Redondo Beach and other matters. The survey was conducted by True North Research in October 2006, with the final report dated December 18<sup>th</sup>, 2006. A number of the highlights from the survey, as summarized below, have broad relevance to facilities planning

- When asked about what one change the City could take to make Redondo Beach a better place to live, now and in the future, the sixth highest response was improving public safety/enhancing police department (5%).
- Residents rated 20 specific services with public safety services ranked as most important, including maintaining a low crime rate, providing fire protection and prevention services, and providing emergency medical services being the top three, with providing Library services being 7<sup>th</sup>.
- The level of satisfaction with these same 20 services was also surveyed, with residents most satisfied with fire protection and prevention services, emergency medical services, and maintaining a low crime rate, among others.
- The highest ranked spending priorities included improving disaster preparedness.
- Fifty-six (56%) of voters initially indicated that they would support a \$30 million public safety bond to replace deteriorating police facilities, make public safety buildings earthquake safe, improve access to the disabled, and upgrade the Emergency Operations Center.
- One of the top candidates for improvements to bolster resident satisfaction includes preparing the City for disasters.

These results would tend to reinforce that public safety facilities should be given priority, especially those facilities which are designated as essential facilities for the purpose of disaster preparedness and response.

## Project Descriptions

***Aquatics Center and Events Plaza*** – The aging facilities at Seaside Lagoon are inadequate and would require substantial reinvestment in the current structures and operation. In addition, contradictory regulations regarding water quality have adversely impacted the ability of the City to operate the current facility without running the risk of violating State water quality standards. A new replacement aquatics amenity including an events plaza have been proposed as part of a development on the Redondo Beach Marina site, though in a more southerly location adjacent to the location of a proposed boat launch. The City is currently undertaking an initial assessment of alternatives for a new aquatics center and events plaza. The initial estimates of cost range from \$8 to \$15 million depending upon the scope of amenities. It is anticipated that this replacement facility would be funded from Harbor Enterprise funds and development related revenues.

***Anderson Park Community Center*** – City facilities in Anderson Park include a senior center located on School property, modular and annex buildings used for recreation and child development programs, the Boy Scout House and the Girl Scout House. The combined area of these facilities is 8,365 square feet. Over the years, there has been discussion about consolidating and expanding these facilities on the same site, in a new structure. In 1978, there was a significant amount of analysis done regarding a new community center and gymnasium in two new structures, plus a remodeled Senior Center. The total estimated cost of this scope of development was \$5 million. Lack of funding did not allow the project to proceed. The 2001-2006 Capital Improvement Program included a smaller scale consolidated facility, without the gymnasium, with an estimated cost of \$1.5 million. An initial \$150,000 was funded in the 01/02 fiscal year, and this amount was carried over into both the 02/03 and 03/04 fiscal years. During this time, there was a series of scoping meetings, but no identified funding source for the full amount. The \$150,000 in initial funding was eliminated from the CIP in the 04/05 Fiscal Year. As part of the FY 2006/07 budget, \$50,000 was allocated to undertake a new Anderson Park Master Plan that will include a facilities needs assessment. In the first quarter of 2007, the City will be engaging the services of a consulting firm to undertake the Master Plan.

***City Hall Replacement*** – The current City Hall of approximately 38,000 square feet was mostly built in 1961 with subsequent additions and has met the City's needs to a great degree for the last four decades, with some minor additions and remodeling. However, the building's design is highly inefficient in its layout and configuration due to its numerous entrances and corridors. It is difficult to secure and does not have a customer-friendly design. The building does not meet current standards for elements of life safety, including seismic safety, which could limit the ability of the structure to be used in the event of a natural disaster, thereby complicating the City's emergency response and recovery operations. Ultimately, a new facility could be constructed on the current civic center site which would have an efficient design, allow for improved customer service, and promote operational savings. In addition, certain off-site City offices, such as the Recreation & Community Services administrative offices, could potentially be consolidated into a new structure. A three-story structure complementary to the Library building of approximately 50,000 square feet is estimated to cost \$10 million. If the Police facility were relocated outside of the Civic Center area, this, together with a new City Hall on a smaller footprint may present an opportunity to make the Broadway frontage available for development. This may be a way to partially fund the cost of a replacement City Hall.

**Dominguez Park Community Center** - The Dominguez Park/Heritage Court Master Plan, adopted by the City Council in December of 1992, included a 3000 square foot Community Building. The building was designed to incorporate materials and forms to complement the adjacent historic structures. The building included a 2000 square foot multi-purpose room, two smaller meeting rooms, a non-commercial kitchen, restrooms and a mechanical/storage room. The estimated cost of the structure in 1992 was \$360,000.

**Fire Station One/Administration** - Fire Administration is currently located in Fire Station One on Broadway. This facility was constructed in 1958 and was designed to accommodate 11 firefighters. Today the station supports 33 firefighters 24/7-365 days annually. While adequate for the foreseeable future, the temporary relocation of Fire Administration and suppression personnel would facilitate a remodel of the existing fire station to allow for an upgrade to current standards. In addition, the possible relocation of Fire Administration into a new Police or Public Safety facility would allow for better coordination of public safety services and some economies of scale. Fire Station One is also designated as a critical service facility in the event of a natural disaster or other emergency situation; facilities upgrades there would serve that purpose. Alternatively, Fire Administration could remain at Fire Station One if it could be accommodated as part of a remodel and expansion of the facility. However, given the constrained size of the site, this can only be determined through a specific design analysis.

A Needs Assessment was done regarding Fire Administration, Fire Station One, and the Harbor Patrol in 2002. This effort, an outgrowth of the Heart of the City Plan which did not ultimately proceed, looked at number of alternative scenarios and provides an indication of scale for each of the components. Since that time, the Fire Department has not modified its operations and is consistent with the needs assessment performed in 2002. Based on those findings, the Fire Department requires an additional 4000 square feet of Administrative & Lobby office space and an additional 3000 square feet of Firefighter living area. This would require the addition of a second story for both additions should the existing site be utilized.

**Harbor Patrol Building** - Currently located on Mole B, the existing facilities consist of an aging permanent structure, housing office and operational functions, and a modular unit as a residential component. A replacement facility which combines all required functions into a single contemporary structure would improve operational efficiency and address inadequacies. The Harbor Patrol facility needs were determined to be approximately 1,500 square feet of space as part of the 2002 Needs Assessment described under Fire Station One/Administration.

**New Corporation Yard** - The City's existing Corporation Yard on Gertruda is physically inadequate and limits the City's ability to ensure public works services are provided in the most operationally efficient manner. The existing facility is situated on two separate parcels (approximately 1.71 acres) on opposite sides of Gertruda. The City purchased a 5.36 acre parcel of land along Kingsdale Avenue in north Redondo Beach as a possible site to relocate the Corporation Yard. While this site could allow for the development of a more adequate replacement facility, the site is not centrally located and may be more valuable from an economic development perspective given its adjacency to the South Bay Galleria. An alternative concept which would provide economies of scale is the co-location of the Corporation Yard with the Parks Yard on Beryl. This more intensive scope of development on an existing City owned site would still allow for the sale and/or reuse of the Gertruda and Kingsdale sites. The westerly Gertruda parcels have already been rezoned to Residential Medium Density (RMD) and R-3. The Beryl site may not be sufficient in size to allow the Police Firing Range to continue to operate on this site, requiring relocation of the range.

**North Branch Library/Hayward Center** - A conceptual design has been completed for a replacement facility for the existing North Branch Library and Hayward Community Center located on Artesia Boulevard. This new facility would replace an aged and inadequate existing facility, built in 1949, as well as serve as a catalyst for the on-going revitalization of Artesia Boulevard. The estimated cost of this new 12,000 square foot facility is \$5,800,000. The City Council has set-aside \$1,895,000 of the amount needed. The Library Foundation's fundraising efforts have raised approximately \$620,000 to date. The City has also been pursuing other funding sources, including a County-related source. The recent failure of a statewide Library Bond issue has eliminated one possible outside funding source for the near future.

**Police Building** - The current Police Facility, built in 1959, is overcrowded and does not provide a working environment that meets contemporary standards for law enforcement. The Police Department's Investigations Division is housed in leased facilities across the street. The Parking Enforcement Unit is located within City Hall. The Property and Evidence Unit's warehouse is located on property across from the City Yard and the officer's report writing room is located within a trailer in the police department's rear parking lot. The existing station in the Civic Center does not meet current standards for elements of life safety, including seismic safety, and falls short of the desirable standards for a critical response facility necessary to address the needs of the community in the event of a natural or other disaster. Main deficiencies include a non-conforming jail, inefficiencies due to non-consolidation of staff and facilities, a lack of customer and employee parking, an inefficient layout that does not promote public accessibility, and inadequate facilities. Past needs assessments have suggested that approximately 75,000 square feet would provide for an efficient and contemporary facility. The estimated cost of such a facility is approximately \$30,000,000. The majority of the funding would have to be generated from existing or new City resources such as a voter-approved bond issue. One option would be the City's possible acquisition of the Redondo Beach Unified School District property at 200 PCH which currently houses the Police Investigations Division as a site for a new Police Facility. This 2.49 acre site is in close proximity to the existing Civic Center. Building a new facility at a new site would eliminate the attendant costs and impacts on existing police operations during construction.

**Transit Center** - Possible development of a new Transit Center to replace the inadequate facility at the South Bay Galleria has been on the drawing board for some time. A new Transit Center located off Catalina was a key component of the failed Heart of the City Plan, and at that time the City was successful in securing a Federal Earmark of funds totaling \$2,240,317 for its development. The City Council recently engaged the City's Federal lobbyist to secure an extension while the City explores alternative locations for a new Transit Center. One option is the existing City-owned parcel on Kingsdale. However, use of that parcel is dependent on the City's final determination of the new Corporation Yard and the finalization of expansion plans for the Galleria. The scope of a new Transit Center at minimum would be 14 bus bays instead of the 8 currently at the Galleria. Other elements of the project would include parking, layover areas, landscaping, lighting, shelters, and benches at an estimated cost of \$3,000,000. While a portion of this would be federally funded, there would be a local match of 20% required, though this could possibly be secured from MTA or another local source. This cost estimate does not include land cost with a 3 to 3.5 acre site needed for a stand-alone facility.

**Relationship to Existing Five Year Capital Improvement Program**

The adopted Five Year Capital Improvement Program for 2006 to 2011 includes partial funding for two projects: the North Branch Library and Hayward Center, and the Aquatics Center & Events Plaza. For the North Branch Library, of the \$5,789,530 in estimated cost, only \$1,895,000 in City funds set-aside and \$620,000 of the \$700,000 in funds to be raised by the Library Foundation are currently available. The remaining \$3,194,530 was anticipated to have been made available through the Statewide Library Bond. There is \$412,460 in Tidelands Funds budgeted for planning and design of a Boat Launch. The Aquatics Center & Events Plaza has carryover funds available from 2005/06 totalling \$1,045,439 as follows: \$117,000 for Seaside Lagoon Outfall Improvements, \$288,493 for Seaside Lagoon Restroom Improvement, and \$640,000 for Seaside Lagoon Water Recirculation.

Three other facility projects as summarized below are on the Unfunded and Underfunded CIP Projects List:

Project	Estimated Cost	Funding Source
Corporation Yard	\$8,000,000	Capital Projects Fund (General Fund)
Police Facility	\$29,398,450	Bonds
Combination Headquarters Fire & Harbor Patrol	\$10,425,000	Grants

(Pages xviii and xix of 2006-2011 CIP)

### Evaluation Factors

In order to prioritize facility needs, staff developed evaluation factors against which each proposed facility was reviewed. These factors were as follows:

**Health & Safety** - Facility improvements which would enhance the City's ability to improve public health or safety directly or which would enhance public health and safety services would have highest priority. This would include facilities which have an emergency services/operational role designated as "Essential Facilities." Elimination of hazards such as buildings which do not meet seismic standards or other critical functionality requirements should also rank high. Physical security of City facilities was also not a factor in their original design to the level needed in today's post 9/11 world.

**Operational Efficiency** - Projects rank high in this area if one result would be significant operating savings and/or reduced maintenance costs. Addressing federal or state mandates would be a positive factor. This would include replacing buildings with inefficient layouts or space usage with more efficient structures.

**Financial Feasibility** - Facilities which have identifiable funding streams, especially from outside sources such as fees or grants, would rate higher. Reduced operating or maintenance costs would also be a factor to consider. An ability for a portion of the facility development costs to be self-financed through better utilization of an existing property would also result in a higher rating.

**Employee Welfare** - Providing employees with a safe and healthy workplace is not only a federal and state mandate, but it also a best practice in order to assist the City in becoming an employer of choice with related productivity enhancements and an ability to provide enhanced services.

**Economic Development Benefit** - Projects which would have a direct economic development benefit such as serving as a catalyst for other reinvestment in an area or which would result in another public asset being freed-up for direct economic development purposes would be viewed more favorably.

**Revenue Generation** - Future City facilities may provide an opportunity for direct or indirect revenue generation. For example, commercial lease space could be developed as part of a facility, or elements of a facility may be used on a contract basis by another agency. Alternatively, development or relocation of a facility may free-up an existing site for a revenue generating use.

**Customer Service Enhancement** - The City's ability to provide one-stop or more efficient customer service is limited due to the age and design of City facilities. Some operations are in completely separate structures thereby frustrating customers who may have to visit more than one place in the conduct of business.

**City Facilities Needs List**

<b>Facility</b>	<b>Square Footage</b>	<b>Cost Est.</b>	<b>Proposed Location</b>	<b>Financing Opportunities</b>	<b>Current Status</b>	<b>Factors</b>
Aquatics Center & Events Plaza	TBD	\$8,000,000 to \$15,000,000	Redondo Beach Marina Leasehold	Tidelands Uplands	Conceptual design effort underway	Health & Safety Operational Efficiency Financial Feasibility Economic Development Benefit Revenue Generation
Anderson Park Community Center	8,365 current	\$4,000,000	Anderson Park	General Fund Grants Quimby Fees	Prior conceptual plans developed; new needs assessment underway	Customer Service Enhancement Operational Efficiency Health & Safety
City Hall Replacement	38,186 current 50,000 proposed	\$10,000,000	Current Site	General Fund Enterprise Funds Bonds	No activity	Health & Safety Operational Efficiency Employee Welfare Customer Service Enhancement
Dominguez Park Community Center	2,000 proposed	\$600,000	Heritage Court area	General Fund Grants Quimby Fees	Master plan approved in 1992, no activity since	Customer Service Enhancement
Fire Station One/ Administration	10,506 current 7,000 addition	\$2,500,000	Current Site or Fire Admin co-located with Police	General Fund Grants Bonds	Alternative concepts developed as part of Heart of the City effort; no current activity	Health & Safety Operational Efficiency Financial Feasibility Employee Welfare Customer Service Enhancement

<i>Facility</i>	<i>Square Footage</i>	<i>Cost Est.</i>	<i>Proposed Location</i>	<i>Financing Opportunities</i>	<i>Current Status</i>	<i>Factors</i>
Harbor Patrol Building	1,400 current 1,500 proposed	\$750,000	Mole B	Tidelands Grants	Conceptual facility scoped as part of Heart of the City; no current activity	Health & Safety Operational Efficiency Financial Feasibility Employee Welfare Customer Service Enhancement
New Corporation Yard	6,800 current	\$8,000,000	Consolidated with City Parks Yard	General Fund Enterprise Funds	Conceptual design developed for Beryl site	Health & Safety Operational Efficiency Financial Feasibility Employee Welfare Economic Development Benefit Revenue Generation Customer Service Enhancement
North Branch Library and Hayward Center	4,284 current 12,000 proposed	\$5,800,000	Current Site	General Fund Foundation Funds Grants Library Bond	Conceptual design completed; Foundation fundraising underway	Operational Efficiency Financial Feasibility Employee Welfare Economic Development Benefit Customer Service Enhancement
Police Building	25,453 current 5,500 current leased 75,000 proposed	\$30,000,000	Current Location or Alternate to be Identified	General Fund Grants	Multiple needs assessments completed, last update in 2004	Health & Safety Operational Efficiency Financial Feasibility Employee Welfare Economic Development Revenue Generation Customer Service Enhancement

<b>Facility</b>	<b>Square Footage</b>	<b>Cost Est.</b>	<b>Proposed Location</b>	<b>Financing Opportunities</b>	<b>Current Status</b>	<b>Factors</b>
Transit Center	TBD	\$3,000,000 (not including land acquisition)	To be Determined	Grants Transit Funds	Federal earmarks need to be extended; concept developed for Kingsdale site	Operational Efficiency Customer Service Enhancement

## Conclusions

Opportunities exist for the City to invest in the upgrading of its major public facilities over time. Currently, the City does not have resources available in the operating budget, especially the General Fund, to adequately maintain and repair the diverse number of existing City facilities. As such, adding new facilities, especially those which do not have a dedicated source of funding for on-going maintenance and repair, is not advised. However, replacement of existing facilities, which will result in improved operational efficiencies and can be financed in a manner which enhances the City's bottom line should be pursued. Those facilities critical to providing the highest priority services should be considered first. This initial effort to provide a major City Facilities Priority List establishes a framework for setting out which projects should be pursued based upon evaluation factors which address broader City goals. Again, this general prioritization will ultimately be influenced by many external and internal factors, such as the availability of outside funding. It is anticipated that multiple projects can be pursued to certain preliminary levels depending upon staff and financial resources in order for the City to be positioned to move forward with a project when circumstances are best. For example, having facilities conceptually designed, or even investing in the development of working drawing so that you have a shelf ready project, could mean that outside funding is more likely to be secured in a competitive process.

Given the need to maintain a flexible approach to the prioritization of major public facilities, a tiered listing with projects listed alphabetically in each tier has been developed. The priority list resulting from this analysis and the evaluation factors identified is as follows:

### Tier One

Aquatics Center & Events Plaza  
New Corporation Yard  
North Branch Library  
Police Building

### Tier Two

City Hall Replacement  
Harbor Patrol Building  
Fire Station One/Administration

### Tier Three

Anderson Park Community Center  
Dominguez Park Community Center  
Transit Center



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# Administrative Report

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**Planning Commission Hearing Date:**

**January 19, 2012**

**AGENDA ITEM:** 8 (ROUTINE PUBLIC HEARING)

**PROJECT LOCATION:** 2706 NELSON AVENUE

**APPLICATION TYPE:** TENTATIVE VESTING PARCEL MAP EXTENSION

**CASE NUMBER:** 2012-01-PC-001

**APPLICANT'S NAME:** Paul Kerza-Kwiatecki

**APPLICANT'S REQUEST AS ADVERTISED:**

Consideration of a request for an extension of previously approved Vesting Tentative Parcel Map No. 64780 for the development of a two-unit residential condominium project, on property located within a Low-Density Multiple-Family Residential (R-3) zone.

**DEPARTMENT'S RECOMMENDATION:**

The Planning Department recommends that the Planning Commission make the findings as set forth in the staff report and grant the request for an extension of the expiration date for Vesting Tentative Parcel Map No. 64780 for the development of a two-unit residential condominium project to November 15, 2011.

**DEPARTMENT'S ANALYSIS OF REQUEST:**

**BACKGROUND/EXISTING CONDITIONS:**

On November 15, 2005, the Planning Commission approved Vesting Tentative Parcel Map No. 64780 to construct a two-unit residential condominium project on property located in a Low-Density Multiple-Family Residential (R-3) zone. The expiry date for the recordation of the Tentative Parcel Map was November 15, 2008. However, since that time the State of California passed SB 1185, which grants an automatic 12-month extension to all Parcel Maps that were approved prior to July 15, 2008 and would otherwise expire prior to January 1, 2011. As a result, the new expiry date for Vesting Tentative Parcel Map No. 64780 became November 15, 2009.

Item #8

On September 3, 2009 the project developer filed a request for an extension. A two (2) year extension was granted at that time moving the expiry date for the filing of the Vesting Tentative Parcel Map to November 15, 2011.

On October 26, 2011, the project developer applied for another extension for the filing of the Vesting Tentative Parcel Map 64780. As stated in his letter, the developer has requested the longest extension possible due to the suppressed real estate market which has made the construction of the condominium units economically infeasible. As per the Subdivision Map Act (Government Code, Section 66463.5, subd.(c).), a city may extend the life of a map for up to six (6) years. Since this Map has already been granted an automatic one-year extension by state law and a two (2) year extension beyond the initial three (3) years granted at the time of approval, the City has the discretion to grant another three (3) year extension:

According to the applicant, the subject property and the single family house located on the site are in good condition. The house is rented to an individual who has resided there for the past 18 months. It is the applicant's desire to start construction of the project in approximately 12 months.

Staff recommends that a three (3) year extension be granted for this Vesting Tentative Parcel Map. If approved by the Planning Commission, the extension of the Parcel Map also automatically extends the expiration date of the other project application approvals.

**ENVIRONMENTAL STATUS:**

An Exemption Declaration was filed for the project on November 3, 2005. That document is on file in the Planning Department. Therefore, no new environmental document is necessary.

**FINDINGS:**

1. Pursuant to Section 66463.5(c) of the State of California Subdivision Map Act, the request for an extension of the Tentative Parcel Map is consistent with the criteria set forth therein for the following reasons:
  - a) The City can extend the expiration of an approved Vesting Tentative Parcel Map for a maximum period of six years beyond the original three (3) year approval. The request is to extend the Tentative Parcel Map for another three (3) years beyond the first automatic extension of twelve (12) months and the previous extension of two (2) years which will bring it to the maximum allowed extension period of six (6) years. The new

**January 19, 2012**

Submitted by:

  
\_\_\_\_\_  
Anita Kroeger  
Associate Planner

Approved for forwarding by:

  
\_\_\_\_\_  
Aaron Jones  
Planning Director

**Attachments**

- Parcel Map Extension Request, 10.26.11
- Resolution NO. 2006-10-PCR-032 approving a 24-Month Extension, 10.15.09

October 26, 2011

City of Redondo Beach- Planning Commission  
C/O Planning Department  
415 Diamond Street  
Redondo Beach, CA 90277

**Re: Extension Request for Vesting Parcel Map No. 64780**

Planning Commission,

I would like to request an extension for Vesting Parcel Map No. 64780 on property located at 2706 Nelson Avenue, Redondo Beach for the longest time allowable. The reason for this request is due to the currently suppressed real estate market which has made it impractical to construct the approved units. It is my intention to move forward with the development of this property as soon as possible, but I would appreciate the Planning Commission allowing the maximum time to do so because of the uncertainty of the current real estate market.

Thank you,



Paul Kerza-Kwiatecki

1163 North Meadows Avenue  
Manhattan Beach, CA 90266  
310-696-9732  
Paul@PaulKerza.com

**RESOLUTION NO. 2009-10-PCR-032**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH GRANTING THE REQUEST FOR AN ADDITIONAL 24-MONTH EXTENSION OF PREVIOUSLY APPROVED VESTING TENTATIVE PARCEL MAP NO. 64780 FOR THE DEVELOPMENT OF A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON PROPERTY LOCATED WITHIN A LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 2706 NELSON AVENUE (CASE NO. 2009-10-PC-032)**

WHEREAS, an application was filed on behalf of the owner of the property located at 2706 Nelson Avenue for consideration of an extension of previously approved Vesting Tentative Parcel Map No. 60765 for the development of a two-unit residential condominium project on property located within a Low-Density Multiple-Family Residential (R-3) zone; and

WHEREAS, notice of the time and place of the public hearing where the application would be considered was given pursuant to State law and local ordinances by publication in the Easy Reader, by posting the subject property, and by mailing notices to property owners within 300 feet of the exterior boundaries of the subject property; and

WHEREAS, the Planning Commission of the City of Redondo Beach has considered evidence presented by the applicant, the Planning Department, and other interested parties at the public hearing held on the 15<sup>th</sup> day of October, 2009, with respect thereto.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. Pursuant to Section 6645.6(e) of the State of California Subdivision Map Act, the request for an extension of the Tentative Parcel Map is consistent with the criteria set forth therein for the following reasons:
  - a) The City can extend the expiration of an approved tentative map up to a period of six (6) years beyond the original three-year (36-month) approval. The request is to extend the Vesting Tentative Parcel Map for another twenty-four months beyond the first automatic extension of twelve (12) months, which is still within the allowed six (6) year extension period. The new expiration date for the approved tentative map will be November 15, 2011.

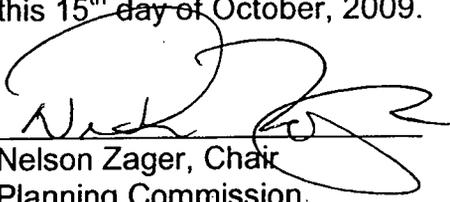
NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That based on the above findings, the Planning Commission does hereby grant the additional 24-month extension of previously approved Vesting Tentative Parcel Map No. 64780 pursuant to the application considered by the Planning Commission at its meeting of the 15<sup>th</sup> day of October, 2009. The new expiration date will be November 15, 2011.

Section 2. That, prior to seeking judicial review of this resolution, the applicant is required to appeal to the City Council. The applicant has ten days from the date of adoption of this resolution in which to file the appeal.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of October, 2009.

  
\_\_\_\_\_  
Nelson Zager, Chair  
Planning Commission  
City of Redondo Beach

ATTEST:

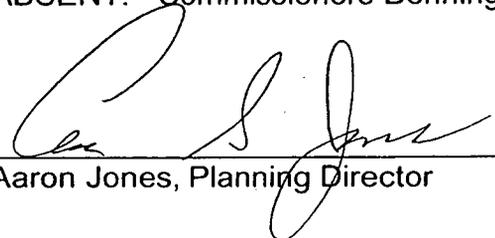
STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )   SS  
CITY OF REDONDO BEACH     )

I, Aaron Jones, Planning Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2009-10-PCR-032 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 15<sup>th</sup> day of October, 2009, by the following roll call vote:

AYES:     Chair Zager, Commissioners Garten, Parsons, Biro, and Sanchez

NOES:     None

ABSENT:   Commissioners Benning and Kim

  
\_\_\_\_\_  
Aaron Jones, Planning Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney's Office



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# Administrative Report

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**Planning Commission Hearing Date:**

**January 19, 2012**

**AGENDA ITEM:** 8 (ROUTINE PUBLIC HEARING)

**PROJECT LOCATION:** 2706 NELSON AVENUE

**APPLICATION TYPE:** TENTATIVE VESTING PARCEL MAP EXTENSION

**CASE NUMBER:** 2012-01-PC-001

**APPLICANT'S NAME:** Paul Kerza-Kwiatecki

**APPLICANT'S REQUEST AS ADVERTISED:**

Consideration of a request for an extension of previously approved Vesting Tentative Parcel Map No. 64780 for the development of a two-unit residential condominium project, on property located within a Low-Density Multiple-Family Residential (R-3) zone.

**DEPARTMENT'S RECOMMENDATION:**

The Planning Department recommends that the Planning Commission make the findings as set forth in the staff report and grant the request for an extension of the expiration date for Vesting Tentative Parcel Map No. 64780 for the development of a two-unit residential condominium project to November 15, 2011.

**DEPARTMENT'S ANALYSIS OF REQUEST:**

**BACKGROUND/EXISTING CONDITIONS:**

On November 15, 2005, the Planning Commission approved Vesting Tentative Parcel Map No. 64780 to construct a two-unit residential condominium project on property located in a Low-Density Multiple-Family Residential (R-3) zone. The expiry date for the recordation of the Tentative Parcel Map was November 15, 2008. However, since that time the State of California passed SB 1185, which grants an automatic 12-month extension to all Parcel Maps that were approved prior to July 15, 2008 and would otherwise expire prior to January 1, 2011. As a result, the new expiry date for Vesting Tentative Parcel Map No. 64780 became November 15, 2009.

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On October 26, 2011, the project developer applied for another extension for the filing of the Vesting Tentative Parcel Map 64780. As stated in his letter, the developer has requested the longest extension possible due to the suppressed real estate market which has made the construction of the condominium units economically infeasible. As per the Subdivision Map Act (Government Code, Section 66463.5, subd.(c).), a city may extend the life of a map for up to six (6) years. Since this Map has already been granted an automatic one-year extension by state law and a two (2) year extension beyond the initial three (3) years granted at the time of approval, the City has the discretion to grant another three (3) year extension:

According to the applicant, the subject property and the single family house located on the site are in good condition. The house is rented to an individual who has resided there for the past 18 months. It is the applicant's desire to start construction of the project in approximately 12 months.

Staff recommends that a three (3) year extension be granted for this Vesting Tentative Parcel Map. If approved by the Planning Commission, the extension of the Parcel Map also automatically extends the expiration date of the other project application approvals.

### **ENVIRONMENTAL STATUS:**

An Exemption Declaration was filed for the project on November 3, 2005. That document is on file in the Planning Department. Therefore, no new environmental document is necessary.

### **FINDINGS:**

1. Pursuant to Section 66463.5(c) of the State of California Subdivision Map Act, the request for an extension of the Tentative Parcel Map is consistent with the criteria set forth therein for the following reasons:
  - a) The City can extend the expiration of an approved Vesting Tentative Parcel Map for a maximum period of six years beyond the original three (3) year approval. The request is to extend the Tentative Parcel Map for another three (3) years beyond the first automatic extension of twelve (12) months and the previous extension of two (2) years which will bring it to the maximum allowed extension period of six (6) years. The new

**January 19, 2012**

Submitted by:

  
\_\_\_\_\_  
Anita Kroeger  
Associate Planner

Approved for forwarding by:

  
\_\_\_\_\_  
Aaron Jones  
Planning Director

**Attachments**

- Parcel Map Extension Request, 10.26.11
- Resolution NO. 2006-10-PCR-032 approving a 24-Month Extension, 10.15.09

October 26, 2011

City of Redondo Beach- Planning Commission  
C/O Planning Department  
415 Diamond Street  
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**Re: Extension Request for Vesting Parcel Map No. 64780**

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Thank you,



Paul Kerza-Kwiatecki

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**RESOLUTION NO. 2009-10-PCR-032**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH GRANTING THE REQUEST FOR AN ADDITIONAL 24-MONTH EXTENSION OF PREVIOUSLY APPROVED VESTING TENTATIVE PARCEL MAP NO. 64780 FOR THE DEVELOPMENT OF A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON PROPERTY LOCATED WITHIN A LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE AT 2706 NELSON AVENUE (CASE NO. 2009-10-PC-032)**

WHEREAS, an application was filed on behalf of the owner of the property located at 2706 Nelson Avenue for consideration of an extension of previously approved Vesting Tentative Parcel Map No. 60765 for the development of a two-unit residential condominium project on property located within a Low-Density Multiple-Family Residential (R-3) zone; and

WHEREAS, notice of the time and place of the public hearing where the application would be considered was given pursuant to State law and local ordinances by publication in the Easy Reader, by posting the subject property, and by mailing notices to property owners within 300 feet of the exterior boundaries of the subject property; and

WHEREAS, the Planning Commission of the City of Redondo Beach has considered evidence presented by the applicant, the Planning Department, and other interested parties at the public hearing held on the 15<sup>th</sup> day of October, 2009, with respect thereto.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. Pursuant to Section 6645.6(e) of the State of California Subdivision Map Act, the request for an extension of the Tentative Parcel Map is consistent with the criteria set forth therein for the following reasons:
  - a) The City can extend the expiration of an approved tentative map up to a period of six (6) years beyond the original three-year (36-month) approval. The request is to extend the Vesting Tentative Parcel Map for another twenty-four months beyond the first automatic extension of twelve (12) months, which is still within the allowed six (6) year extension period. The new expiration date for the approved tentative map will be November 15, 2011.

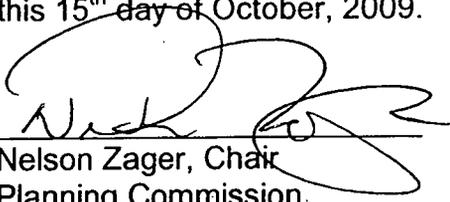
NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That based on the above findings, the Planning Commission does hereby grant the additional 24-month extension of previously approved Vesting Tentative Parcel Map No. 64780 pursuant to the application considered by the Planning Commission at its meeting of the 15<sup>th</sup> day of October, 2009. The new expiration date will be November 15, 2011.

Section 2. That, prior to seeking judicial review of this resolution, the applicant is required to appeal to the City Council. The applicant has ten days from the date of adoption of this resolution in which to file the appeal.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of October, 2009.

  
Nelson Zager, Chair  
Planning Commission  
City of Redondo Beach

ATTEST:

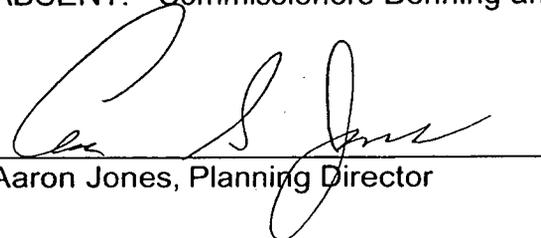
STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )   SS  
CITY OF REDONDO BEACH    )

I, Aaron Jones, Planning Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2009-10-PCR-032 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 15<sup>th</sup> day of October, 2009, by the following roll call vote:

AYES:     Chair Zager, Commissioners Garten, Parsons, Biro, and Sanchez

NOES:     None

ABSENT:   Commissioners Benning and Kim

  
Aaron Jones, Planning Director

APPROVED AS TO FORM:

  
City Attorney's Office



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# Administrative Report

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Planning Commission Hearing Date: January 19, 2012

**AGENDA ITEM:** 9 (PUBLIC HEARING)

**PROJECT LOCATION:** 2001 ARTESIA BOULEVARD, UNITS 103 AND 104

**APPLICATION TYPE:** EXEMPTION DECLARATION AND CONDITIONAL USE PERMIT

**CASE NUMBER:** 2012-01-PC-002

**APPLICANT'S NAME:** BERNARD WONG

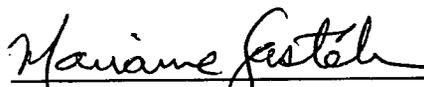
**APPLICANT'S REQUEST AS ADVERTISED:**

Consideration of an Exemption Declaration and Conditional Use Permit to permit the operation of a music school within a ground-floor commercial tenant space of an existing mixed-use building on property located within a Mixed-Use (MU-1) zone.

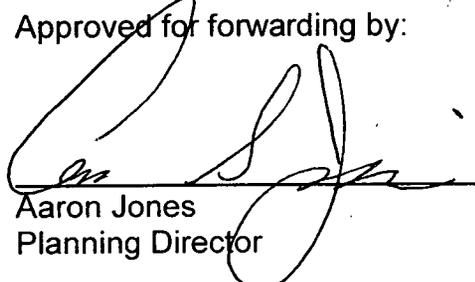
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As per the attached, the applicant has withdrawn this application. Therefore, there is no action required on behalf of the Planning Commission.

Submitted by:

  
Marianne Gastelum  
Assistant Planner

Approved for forwarding by:

  
Aaron Jones  
Planning Director

Item #9

Bernard Wong  
1301 8th St.  
Manhattan Beach, CA 90266  
T. 1-310-543-2624  
bwong@schoolofrock.com

January 11, 2012

Aaron Jones/Marianne Gastelum  
Planning Department  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277

Re: Application for Conditional Use Permit at The Montecito, 2001 Artesia Blvd., Redondo Beach

Dear Aaron and Marianne,

Thank you for taking the time to meet with me this morning.

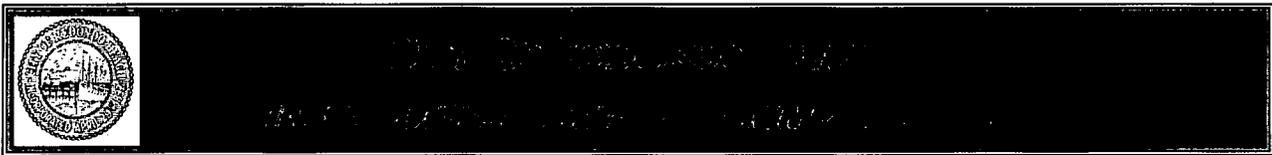
Further to our discussion, I would like to completely withdraw my application for a Conditional Use Permit with the Planning Committee at their meeting next week.

I would also like to accept your offer to fully refund the application fee that was previously paid. If I am successful in finding another location in Redondo Beach, I will then pay the application fee again with my filing.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Bernard Wong', with a stylized flourish at the end.

Bernard Wong



Date: January 19, 2012

**Additional Materials**

**Planning Commission Meeting of  
January 19, 2012**

The following is agenda related writing or documents provided to a majority of the Planning Commission after distribution of the January 19, 2012 Agenda.

**Item #10** Discussion on options for public art Strategic Plan objective



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# Administrative Report

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Council Action Date: January 8, 2008

**To: MAYOR AND CITY COUNCIL**

**From: MICHAEL WITZANSKY, RECREATION AND COMMUNITY SERVICES DIRECTOR**

**Subject: PUBLIC ART PROGRAM POLICY OPTIONS.**

## **RECOMMENDATION**

Receive and file a report on public art program policy options and provide direction on the possible development of a City of Redondo Beach Public Art Program.

## **EXECUTIVE SUMMARY**

One of the objectives established in the City's 2007-08 Strategic Plan is to present to the City Council a report on policy options for an art in public places program. The Mayor and City Council have expressed an ongoing interest in public art programs, and have on several occasions queried staff about the possibility of establishing a program in Redondo Beach.

Tonight's report provides detailed information about public art program policies and operations, as well as examples of public art programs in California and elsewhere. In order to develop the report, staff members contacted or visited public art program administrators in Manhattan Beach, Long Beach, Ventura, Los Angeles, San Jose, Carlsbad, Palm Desert, Palm Springs, Culver City, Beverly Hills, Whittier and Santa Monica (see Exhibit A for a description of the programs in various cities). Staff also conducted extensive public art research on the internet and other media.

This report includes the following information:

- What is Public Art?
- Pros and Cons of Public Art Programs
- Public Art and Tourism
- Public Art Program Financing Mechanisms
- Public Art Program Ordinance
- Public Art Program Guidelines/Oversight
- Small/Pilot Public Art Program Options
- Existing Public Art in Redondo Beach
- Public Art Programs in Various California Cities (Attachment A)
- Cost of Public Artworks (Attachment B)

## **BACKGROUND**

### **What Is Public Art?**

Public art is artwork in the public realm, regardless of whether it is situated on public or private property, or whether it is acquired through public or private funding. Public artworks are accessible to all, free of charge. Typically, public art is commissioned and installed by government entities, though there are numerous examples of privately-funded artworks installed in the public and office areas of major corporate buildings. Public art can be temporary or permanent, and can consist of artwork in any medium, from sculpture and painting to neon art, performance art and functional art (artist designed flooring, fencing, plazas, etc.).

### **Pros and Cons of Public Art Programs**

Public art programs are becoming increasingly popular in California and throughout the nation. Currently there are over 25 cities and government agencies operating public art programs in Southern California alone. Many of these are small cities with small budgets that are nonetheless committed to the cultural enrichment that public art provides. The field of public arts administration is coming into its own, with the USC School of Fine Arts offering a Masters Degree Program in Public Art Management. UCLA also offers an Arts Administration Degree through its Public Policy and Urban Planning Departments.

Why do cities commit the considerable amount of time, effort and resources required to provide public art programs? In this day and age when it's hard to differentiate one city's shopping malls, office buildings, and streetscapes from another's, public art provides community spaces with identity and character. Public art can make the ordinary or the prosaic interesting, visually appealing and even provocative. When successfully integrated into the design of a public or private development project, public art can humanize, personalize, beautify, commemorate, and/or establish a unique identity and a sense of community ownership.

Public art is not without its downside, however. It can be expensive and controversial. It can attract graffiti and vandalism, and can be costly to maintain and repair. An artwork can clash with its setting or appear "tacked on" to its site if it isn't properly incorporated into the overall project design. A city can become just as well known for its bad art as for its good, particularly if the art selection process is not carefully developed.

### **Public Art and Tourism**

A growing number of tourists in this country and abroad are seeking out specialized travel experiences that focus on the cultural identity and heritage of the communities and regions they visit. Travelers who engage in "cultural tourism" visit art galleries,

public art installations, museums, theaters, cultural events, architectural landmarks, and ethnic neighborhoods. According to the Travel Industry Association of America's 2003 TravelScope survey, *The Historic/Cultural Traveler*, cultural tourists spend 36% more on travel and stay longer (5.2 nights vs. 3.4 nights) than the average American traveler. The survey also notes that, of the top ten states visited by cultural tourists, California is number one.

Given that public art is considered to be an important draw for cultural tourists, many cities, in conjunction with tourism boards, actively market their public art programs to the travel industry and to potential visitors. The Greater Philadelphia Tourism Marketing Corporation developed a *CultureFiles* online marketing tool, including a detailed guide to the city's outdoor art installations. The *CultureFiles* received over 500,000 hits its first year online. The 1999 *Cows on Parade* public art event in Chicago was marketed worldwide and attracted an estimated two million tourists and brought approximately \$500 million to Chicago's economy. The event was such an economic success story that *Cow Parades* have since marched into New York City, Houston, Kansas City, and even Sydney, London and Montevideo.

Large public art events such as *Cows on Parade* can attract substantial tourist attention and serve as economic drivers for a community. However, more serious and more neighborhood specific exhibits and installations can also create the character, identity and sense of place that enhance a visitor's experience of a city. For example, the substantial amount of public art in downtown Los Angeles, from large scale sculptures to fountains to public plazas, dazzle the eye at almost every turn, humanize the urban environment, and make a statement about the city's powerful financial hub. Similarly, the murals in East L.A. pay larger than life homage to the community, its history, its religion and its mythology.

#### **Public Art Program Financing Mechanisms**

The three mechanisms most commonly used to finance municipal public art programs are: (1) percentage of private development projects (developer contributions/fees); (2) percentage of city capital improvement projects; and (3) percentage of Redevelopment Agency projects. Other funding sources for public artworks include donations, grants, sponsorships, developer agreements, and inclusion in specific city capital project designs. A number of California cities use more than one of the above financing/funding mechanisms.

- ***Percentage of Private Development Projects – Developer Contributions/Fees:*** Many cities require developers of commercial and industrial projects to either commission artworks for their developments or pay an in-lieu fee for public art. The fee or the value of the artwork is typically set at ½ - 2% of the total construction value of the project. Projects valued at less than \$200,000 are

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usually not subject to the requirement. Some cities set the floor at \$300,000 to \$500,000.

A few cities assess developer fees based on square footage. For example, the City of Escondido assesses a fee of \$.15 per square foot on all buildings over 2,000 square feet. A few cities also assess fees on residential construction, usually 4+ units.

It should be noted that the establishment of developer fees for public art may require that a nexus study be completed. Such a study would have to demonstrate that the fee is used to benefit the development on which it is imposed. The City of Los Angeles Nexus Study, for example, concludes that artworks funded by developer fees provide a cultural benefit to their respective developments. Other cities such as Manhattan Beach do not have nexus studies, but rely on legal opinions supporting the use of developer fees for public art.

- ***Percentage of City Capital Improvement Projects:*** Some cities fund public art through an allocation equal to ½ - 2% of the cost of city capital improvement projects, for projects budgeted at \$200,000+. Some cities set the floor at \$300,000 - \$500,000. Capital improvement project costs include design and construction.
- ***Percentage of Redevelopment Agency Projects:*** In some cities, public art is funded with an allocation of ½ - 2% of Redevelopment Agency (RDA) project funds. In Long Beach, for example, the equivalent of 1% of the acquisition and construction costs of RDA projects over \$250,000 is allocated to public art. Additionally, the Long Beach RDA provides funding to the Long Beach Arts Council to co-administer the public art program. In other cities, public art is funded with RDA monies in addition to developer fees and/or city capital improvement project funds. In San Jose, for example, the public art program is funded with 2% of RDA project monies, a 1% developer fee, and 1% of city capital improvement project funds. The San Jose program is administered by the city's Office of Cultural Affairs.

Other funding sources for public artworks include donations, grants and sponsorships.

- ***Donations:*** A public art program can include a fundraising/development component, whereby cash and artwork donations are actively solicited from the community.
- ***Grants:*** Grant sources such as the National Endowment for the Arts, the Robert Lehman Foundation and the Los Angeles County Arts Commission provide

funding for public art, though the programs are highly competitive and require matching funds.

- *Sponsorships:* Public art program staff can pursue sponsorship agreements with local businesses. For example, a business could agree to provide an annual cash donation to the program for a period of years, in exchange for name recognition and other promotional benefits at one or more public art sites and/or events.

Finally, cities that do not impose developer fees or allocate a percentage of capital project funds for public art can use developer agreements and/or the CIP budgeting and design process to provide occasional funding for public artworks:

- *Developer Agreements:* A city can request a public art component or contribution when negotiating developer agreements for large commercial, residential or industrial projects.
- *CIP Budgeting and Design Process:* A city can incorporate a public art component when budgeting and planning for major projects such as libraries, civic and community centers, theaters and museums.

### Public Art Program Ordinance

Most California cities establish public art funding mechanisms by ordinance. If the program funding will come from developer fees, a percent of the city's capital improvement project budget, or a percent of the value of Redevelopment Agency projects, the ordinance specifies the amount and basis of the fee (1% of total building permit value or construction cost, for example). The ordinance also defines fee exempted projects, such as affordable housing or small developments (less than \$200,000, for example). If the program accepts donations and sponsorships, the ordinance makes provisions for their acceptance.

The ordinance also specifies how funds will be used. This can be a general statement such as "Monies in the public art fund may be used for the acquisition, installation, improvement, maintenance and insurance of publicly accessible works of art, the acquisition or construction of artistic or cultural facilities, the provision of artistic and cultural services, including the sponsorship of performing arts, and the city's costs of administering the program." Some ordinances include more detailed information about the use of funds, such as provisions for a percentage of funds to be used for administration and maintenance, provisions for pooling funds when small projects do not generate enough fee revenue to purchase artworks; and provisions for returning funds that are not expended within a certain amount of time.

Finally, the ordinance may define public art program roles and responsibilities, and make reference to a set of detailed guidelines that establish program goals, policies and procedures.

#### Public Art Program Guidelines/Oversight

A set of formal program guidelines, adopted by resolution, outline the purpose of and the operating procedures for a public art program. The guidelines define the goals of the program, set forth the requirements for eligible art and artists, establish artwork evaluation criteria, establish and define the duties of a Public Art Commission and/or a Public Art Committee, define the role of City staff and City Council, make provisions for artwork maintenance and removal (deaccession), and provide sample artist and developer contract language.

- **Public Art Program Goals:** What does the program as a whole seek to accomplish? As mentioned earlier, public art programs can create civic pride; enhance or commemorate a community's historical or cultural resources; provide a unique sense of place or neighborhood identity; provide accessible art opportunities for residents; and/or simply improve the aesthetics of a community.
- **Eligible Art:** Eligible artworks can vary from outdoor sculpture, statuary, monuments and murals to mosaics, portable paintings, neon and earthworks. Sometimes the best public art moves beyond the sculpture or the stand-alone object and into the planning of the space. Artist designed entryways, walkways, gardens, concourses, play areas and parkways represent a true integration of artwork into a development project. Artist designed elements such as paving, flooring, tile work, gates and benches also represent an integrative approach. In some cities, eligible art includes not only "hard" art and building/landscape elements, but performances, lectures, events, film, video and historic preservation as well.

Eligible art can be short-term or long-term. Is the city seeking permanent, enduring public artworks, or does it prefer to showcase art on a temporary or rotating basis? In San Francisco, for example, the Market Street kiosks showcase a rotating series of posters created by local artists. Paintings and photographs can be put on temporary rotating display in libraries or public building lobbies. In Inglewood, artists painted their own cars and showcased them along with the antique cars at a car show.

- **Eligible Artists:** In most cities with public art programs, eligible artists are those who have specific training, and a track record of exhibitions, sales and/or public commissions. A city has to determine if artists will be selected from a local, regional or national pool; if emerging artists will be considered for commissions;

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and if efforts will be made to ensure that artists from various racial/ethnic groups are fairly represented.

- **Artwork Evaluation Criteria:** Evaluation criteria will vary, depending on the goals and purpose of the program. General criteria common to many cities include:
  - **Quality:** Approval of artwork should not be based on the artist's name recognition alone. The project should make an enduring aesthetic statement.
  - **Compatibility with Site:** A public artwork should be compatible in scale, material, form and content with the surrounding environment. Attention should be given to the function of the facility or development, the nature of the neighborhood, and the ways in which the public will access and interact with the art.
  - **Permanence, Technical & Maintenance Feasibility:** Public artworks should be constructed from the most durable, high quality materials in order to withstand the elements over time. Artwork should be structurally sound. The artist must have the technical ability to construct the work. For large projects, engineering drawings and calculations may be necessary. When outdoor murals are commissioned, the contract should include provisions for periodic repainting.
  - **Budget:** The budget should cover all project costs, including design, fabrication, transportation and installation.
  - **Diversity:** Does the project contribute to the overall diversity of the public art program? A public art program should strive to include works that are diverse in style, scale, media and subject matter. Experimental as well as established art forms should be included.
  - **Benefit:** The artwork should significantly benefit the project area or neighborhood.
  - **Public Accessibility:** The project location should be easily accessible and visible to the public. Provisions for disabled "viewing" may be considered. For example, a project might include a Braille or audio component for the blind.
  - **Public Liability:** The artwork should not pose a hazard to public safety. Works adjacent to roadways should not impede vehicular safety.

- **Artwork Maintenance and Repair.** Most cities allocate at least 5% of each art project's total budget for maintenance/repair. Some cities budget general fund monies every year for artwork maintenance. If an artwork is damaged or vandalized, most cities try to contract with the artist to handle repairs. Some cities hire conservators and art specialists. Routine maintenance such as debris removal can be handled by city maintenance crews. Part of the 5% maintenance budget can pay for the extra workload imposed on the crews. In some cities, the public art program provides special training in artwork maintenance for city crews.

If a developer provides the artwork, the developer is responsible for maintenance. Some cities require developers to sign agreements making them legally responsible. When a building or development is sold, the new owner is required to take over maintenance responsibilities as part of the sales contract.

It should be noted that maintenance and repair costs are minimized when the most durable, high quality, weather/vandalism resistant materials and finishes are used for public artworks.

- **Artwork Deaccession.** Guidelines for removal, destruction, relocation or sale of public artworks must conform to the federal Visual Artists Rights Act, and to State law relating to artist royalties upon resale.
- **The Roles of a Public Art Commission and/or Public Art Committee:** Many cities have a Public Art Commission as well as a Public Art Committee (PAC). The Commission has general oversight of the public art program, while the Committee is more directly involved and is responsible for evaluation of artists and artwork. The Committee typically recommends approval of artists and artwork concepts to an Arts Commission or the City Council for each project. It is important that Committee members have the professional expertise and experience to evaluate the artistic merit of a project. Therefore, the Public Art Committee is often composed of a majority of arts professionals and artists.

Some cities utilize *Artist Selection Juries* to evaluate and recommend artists for large or special projects. Juries are appointed by the PAC, and are composed of highly qualified arts professionals who may not be available for continuing service on the PAC. Juries may also include neighborhood representatives/residents. Professional Jury members are usually paid a stipend of \$75 - \$250 per meeting.

It should be noted that a PAC or Artist Selection Jury is not always utilized to select a project artist. For example, a developer may elect to incorporate a public artwork into his/her project instead of paying the in-lieu fee. The developer would then select the artist from a PAC-approved list. The artwork itself would

also be subject to PAC approval. In most cities, the PAC, staff and/or a public art consultant assist the developer with artist and artwork selection.

- ***The Role of City Staff and the City Council:*** City staff is typically responsible for developing program guidelines and an annual work program; for liaison with the Public Art Commission, Committee and Artist Selection Juries; and for the day-to-day management of the program. In the cities we contacted, staffing varies from .33 full time equivalent persons to 6 full time persons, depending on the size of the program. In most cities, the general fund dedicates at least a portion of the necessary staff resources, as public art allocation funding does not typically cover all of the staff costs. City Council is generally responsible for determining the amount of City resources dedicated to the program and typically retains final approval of all the public art projects or those valued over a certain dollar amount.

#### **Small/Pilot Public Art Program Options**

Though most public art programs in California have dedicated funding mechanisms established by ordinance, as well as dedicated staffing and detailed program guidelines, small or pilot programs can be developed with existing staff, abbreviated guidelines and minimal funding. For example, a city can exhibit "on-loan" artworks such as paintings or sculpture inside libraries, theaters, community centers and historical museums. These exhibits provide local and regional artists opportunities to showcase their work, while enhancing and adding cultural value to a community's public buildings and spaces. With some outreach, exhibition programs can also be expanded to include private venues such as restaurants, coffee houses, bookstores, theaters, etc. Additionally, to complement an on-loan program that provides revolving, temporary exhibits, a city can actively solicit donations and sponsorships of artworks for permanent display.

A city can also engage and coalesce the local arts community by establishing an umbrella arts organization. Such an organization can promote, coordinate and/or assist with events showcasing artworks in a variety of mediums, such as painting, ceramics, poetry, performance, etc. A city can also establish a local artist registry, as well as provide a web page that documents local public art and art events.

Finally, the city staff administering a small or pilot public art program can solicit cash donations and sponsorships from the community and local businesses, and make recommendations for the inclusion of public artworks in upcoming major capital projects and in large scale private developments.

#### **Public Art in Redondo Beach**

Though the City of Redondo Beach does not have a formal public art program in place, there are a number of public art installations, both city-funded and privately sponsored,

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in our community. These include the Redondo Beach History Mural on the Veterans Park bandshell, the Olive Tree Mosaic Planter in front of the Alta Vista Community Center, and the Wyland Whaling Wall in the Pier/Harbor area. Public artworks soon to be installed include the 911 Tribute Memorial at the Civic Center, and the Dolphin Water Feature at the Catalina Corridor Entryway. The city also hosts art exhibits in the Redondo Beach Performing Arts Center gallery, and has provided use of the Alta Vista Community Center to the Redondo Beach Art Group for a large scale art exhibit and event.

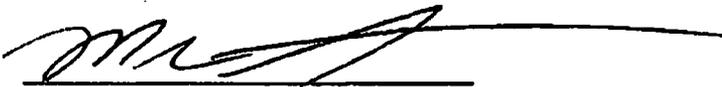
### **COORDINATION**

Recreation and Community Services Department staff members contacted public art administrators in various California cities to obtain information for this report.

### **FISCAL IMPACT**

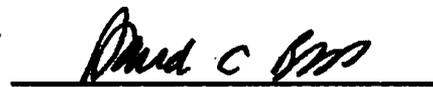
The fiscal impact of a public art program will vary, depending on the program's size and financing mechanism(s). Large programs utilizing general fund monies to support administration and CIP monies to pay for artworks will have a direct and generally significant impact on a city's budget. Smaller programs utilizing developer fees, grants, sponsorships and/or donations will have a minimal to negligible impact.

Submitted by:



Michael Witzansky  
Recreation and Community Services Director

Approved for forwarding by:



Office of the City Manager

pmatusa

### **Attachments**

- Exhibit A: Public Art Programs in Various California Cities
- Exhibit B: Cost of Public Artworks

**EXHIBIT A  
PUBLIC ART PROGRAMS IN VARIOUS CALIFORNIA CITIES**

**CITY OF MANHATTAN BEACH**

<b>Funding Mechanism:</b>	1% of commercial/Industrial development > \$500,000 1% of residential development (4+ units) 1% of commercial and residential remodeling projects >\$250,000 Funds not committed after five years are returned, with interest, to the developer
<b>Program Administration/ Decision Making</b>	<u>Cultural Arts Manager</u> , 1/3 person <u>Cultural Arts Commission</u> designates projects for funding <u>Peer Panel</u> of artists, arts professionals & community members selects artists & recommends artwork proposals <u>City Council</u> has final approval of artists and artwork proposals
<b>Eligible Art</b>	Sculpture, statuary, monuments, murals, neon, mosaics, paintings, photographs, new media, park and building elements and fixtures, art education programs, art display programs.
<b>Program Established</b>	2002

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**CITY OF LONG BEACH**

<b>Funding Mechanism:</b>	1% of Redevelopment Agency projects, \$250,000+ Developer purchases public art for development site or pays in-lieu fee to Public Art Fund.
<b>Program Administration/ Decision Making</b>	<u>Redevelopment Agency &amp; Arts Council</u> , 2.5 persons (RDA provides \$123,000 in annual funding to the Arts Council for assistance with program administration) <u>Arts Council</u> appoints a seven member <u>Advisory Committee for Public Art</u> , which reviews and approves artists selected by developers. The Advisory Committee also reviews and recommends artwork proposals to the RDA. <u>Redevelopment Agency</u> has final approval of artwork proposals
<b>Eligible Art</b>	Sculpture, statuary, murals, mosaics, photographs, paintings, prints, neon, art spaces, cultural facilities, cultural programming.
<b>Program Established</b>	1998

## CITY OF SANTA MONICA

Funding Mechanism:	1% of city capital projects
Program Administration/ Decision Making	<u>Cultural Arts Division</u> , 1 person <u>Public Art Advisory Committee</u> selects artists and recommends artwork proposals to Arts Commission <u>Arts Commission</u> has preliminary approval of artwork proposals <u>City Council</u> has final approval of artwork proposals
Eligible Art	Sculpture, statuary, monuments, murals, neon, mosaics, paintings, photographs, new media, park and building elements and fixtures, festivals, performances, historic preservation.

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## CITY OF LOS ANGELES

Funding Mechanisms:	1% of city capital improvement projects > \$500,000 1% of private non-residential development > \$500,000, as follows. <ul style="list-style-type: none"><li>• Office or R &amp; D: \$1.57/sq. ft</li><li>• Commerical: \$1.31/sq. ft.</li><li>• Manufacturing: \$.51/sq. ft.</li><li>• Warehouse: \$.39/sq. ft.</li><li>• Hotel: \$.52/sq. ft.</li></ul> Developer purchases public art for development site or pays in-lieu fee to Public Art Trust Fund. City strongly encourages developers to pay the fee rather than commission their own artworks.
Program Administration/ Decision Making	<u>City Cultural Affairs Dept.</u> , 6 persons <u>Artist Selection Peer Panels</u> select artists <u>Public Arts Committee</u> evaluates and recommends artwork proposals to a <u>Public Arts Commission</u> <u>City Council</u> has final approval of artwork proposals
Eligible Art	All visual art forms, park and building elements and fixtures, restoration of original decorative elements on historical buildings, performing arts, literary arts, film, video, arts education, special events and cultural facilities.
Program Established	1989

**CULVER CITY**

**Funding Mechanisms:** 1% of city capital improvement projects > \$500,000  
1% of private commercial and residential development (5+ units) > \$500,000  
1% of Redevelopment Agency projects > \$500,000  
Developer either purchases public art for the development site, pays an in-lieu fee to the Public Art Fund, or donates a public artwork to the city.

**Program Administration/ Decision Making** Redevelopment Agency Staff, 1 person  
Cultural Affairs Commission selects artists & artworks and approves developer plans  
City Council has final approval of artworks

**Eligible Art** Sculpture, statuary, monuments, murals, portable paintings, earthworks, neon, mosaics, photographs, prints, calligraphy, new media, park and building elements and fixtures, architectural design in some cases. A small percentage of revenues is allocated to the performing arts.

**Program Established.** 1988

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**CITY OF BEVERLY HILLS**

**Funding Mechanisms:** 1% of commercial or industrial development or renovation  
Developer purchases public art equal to 1% of construction costs, or pays in-lieu fee to Public Art Fund

**Program Administration/ Decision Making** Library & Community Services, 3½ persons  
Fine Arts Commission selects artists and recommends artwork proposals  
City Council has final approval of artists & artwork proposals

**Eligible Art** Sculpture, statuary, monuments, murals, neon, wall hangings, tapestries, paintings, photographs, etchings, engravings and new media.

**Program Established** 1981

## CITY OF WHITTIER

Funding Mechanism	½ % of private commercial, manufacturing and residential (2+ units) development > \$250,000. Developer purchases public art for development site or vicinity, or pays in-lieu fee to Public Art Fund
Program Administration/ Decision Making	<u>Recreation Department Staff</u> , 1 person <u>Art in Public Places Advisory Board</u> recommends artists and artwork proposals to <u>Cultural Arts Commission</u> <u>City Council</u> has final approval of artwork proposals
Eligible Art	Sculpture, statuary, monuments, murals, neon, mosaics, new media, park and building elements and fixtures.
Program Established	1993

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## CITY OF SAN JOSE

Funding Mechanisms:	1% of private commercial and industrial development 1% of city capital improvement projects 2% of Redevelopment Agency capital improvement projects
Program Administration/ Decision Making	<u>City Office of Cultural Affairs</u> 5½ person staff <u>Artist Selection Panels</u> select artists <u>Public Art Advisory Committee</u> evaluates and recommends artwork proposals to a <u>Public Arts Commission</u> , which approves artwork less than \$100,000 <u>City Council</u> has final approval of artwork over \$100,000
Eligible Art	Sculpture, statuary, monuments, portable paintings, earthworks, water features, neon, mosaics, photographs, prints, calligraphy, new media, functional art, architectural design, plazas
Program Established	1984

**CITY OF CARLSBAD**

**Funding Mechanism:** 1% of city capital improvement projects

**Program Administration/  
Decision Making** City Arts Manager administers program  
Artist Selection Committee evaluates and recommends  
artwork proposals to a Public Arts Commission.  
City Council has final approval of artwork proposals.

**Eligible Art** Sculpture, statuary, monuments, portable paintings,  
earthworks, water features, neon, mosaics, new media and  
park and building elements and fixtures. Also, sculpture  
for temporary rotating exhibits at the Civic Center sculpture  
garden.

**Program Established** 1985

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**CITY OF VENTURA**

**Funding Mechanism:** 2% of city capital projects

**Program Administration/  
Decision Making** Cultural Affairs Division, 4 persons  
Municipal Art Acquisition Subcommittee selects artists and  
recommends artwork proposals to the Public Art  
Commission  
Public Art Commission has final approval of artwork  
proposals.  
City Council approves funding for projects over \$40,000

**Eligible Art** Sculpture, statuary, murals, mosaics, photographs,  
paintings, prints, functional art.

**Program Established** 1991

### **CITY OF PALM SPRINGS**

<b>Funding Mechanisms:</b>	<b>½ % of private non-residential development ¼ % of private residential development &gt; \$100,000 Developer purchases public art for development site or pays in-lieu fee to Public Art Fund</b>
<b>Program Administration/ Decision Making</b>	<b><u>Community &amp; Economic Development Dept.</u>, 1 person <u>Public Art Commission</u> selects artists and recommends artwork proposals to the City Council <u>City Council</u> has final approval of artwork proposals</b>
<b>Eligible Art</b>	<b>Sculpture, statuary, monuments, murals, earthworks, neon, mosaics, photographs, prints, new media, and park and building elements and fixtures.</b>
<b>Program Established</b>	<b>1989</b>

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### **CITY OF PALM DESERT**

<b>Funding Mechanisms:</b>	<b>1% of city capital improvement projects 1% of Redevelopment Agency projects ½ % of commercial development ¼ % of residential development &gt; \$100,000 Developer purchases public art for development site or pays in-lieu fee to Art in Public Places Art Fund</b>
<b>Program Administration/ Decision Making</b>	<b><u>Community Affairs Department Staff</u>, 1 person <u>Arts in Public Places Commission</u> selects artists and recommends artwork proposals to the City Council <u>City Council</u> has final approval of artwork proposals</b>
<b>Eligible Art</b>	<b>Sculpture, statuary, murals, mosaics, photographs, paintings, prints, calligraphy, sound, film, video, holographics, glass, neon, earthworks, fiberworks, furniture, park &amp; building elements and fixtures, streetscapes, paving treatments, landscape features.</b>
<b>Program Established</b>	<b>1986</b>

**EXHIBIT B**  
**COST OF PUBLIC ARTWORKS**

Though there are no "standard" prices for the various types of public art, a few of the cities researched by staff provided examples of their individual art project costs and some of the price ranges by art type that they have experienced. Los Angeles paid \$27,000 for a large mural on the front wall of a library; \$7,000 for art incorporated into tilework, paving and other elements of a Recreation and Parks building; and \$19,000 for artist-designed table and stools at a branch library. Culver City paid \$244,000 for a 6' high, 30' diameter monument for a park; and \$50,000 for mosaics and wall features in the Paseo Alleyway (in restaurant district). Sunnyvale has paid \$15,000 - \$20,000 for small statuary; and up to \$140,000 - \$150,000 for monumental sculpture - example: 16' tall etched granite. San Jose paid \$5,000 for a mural painted by a master artist and a group of students. City of Brea quoted \$15,000 for a wall relief, and \$35,000 - \$70,000 for bronze statuary, approximately 5' tall. Brea staff indicated that works by nationally rated artists run \$120,000+.



# Public & Private Percent-for- Public-Art Study

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FINAL REPORT

Prepared For The Public Corporation For The Arts,  
and The City of Long Beach Redevelopment Agency,  
Long Beach, California

FEBRUARY 2001



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## *Executive Summary*

Facing increasing costs for maintaining existing infrastructure and the decline of public support for taxation, governments have been forced to seek alternatives for raising funds. Impact fees on private developments are one alternative.

Impact fee is defined as “a monetary charge imposed by local government on new [private] development to recoup or offset a proportionate share of public capital costs required to accommodate such development with necessary public facilities. The impact fee originated in states and communities experiencing relatively rapid growth, because such growth requires the rapid provision of additional capital facilities to a larger population. The underlying question in all controversies about impact fees is who is to pay for ... public facilities needed to serve a growing population?”<sup>1</sup>

Impact fees for public art exist in numerous municipalities in California and nationwide. Arts impact fees on private developments are instituted as cities strive to provide public art in their communities in the face of reduced federal and state support for the arts.

The first percent-for-art program imposed on public capital improvement projects was established in Philadelphia in 1959. Since then many cities have also enacted percent-for-art fees on public developments including San Francisco, the first west coast city to do so in 1967. Today, an estimated 300 cities, counties, states, federal agencies, and other government bodies have adopted percent-for-art programs, generating more than \$200 million annually in public art support.<sup>2</sup>

After numerous months of research, study and input it has been determined that a citywide percent-for-public-art program is an appropriate mechanism for provision of public art in Long Beach. This study provides the basis for assessing a 1% fee on eligible public and private development projects.

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<sup>1</sup> James Nicholas, *The Calculation of Proportionate-Share Impact Fees* (American Planning Association, 1989), 1.

<sup>2</sup> *Public Art Funding, Developing Percent-for-Art Programs Monograph* (Americans for the Arts, December 2000), 1.



# *Introduction*

## **Purpose of this Study**

It is the purpose of this study to provide a rationale and guidelines for a citywide program to assess a percentage fee for art on public and private developments.

For the **public program**, this report provides the following:

1. eligible development projects have been defined;
2. types of projects to be funded identified;
3. recommendations for allocation of funds made, and;
4. a management structure proposed.

For the **private program**, the same four tasks have been completed, and in addition:

5. a nexus analysis has been performed under the State of California AB 1600 requirements, and;
6. a legal rationale is provided.

Based on a five-year history of development in the City of Long Beach as measured by permit applications with the Planning and Building Department, approximate annual revenues for the percent-for-art program were estimated. These estimates are contained in Appendix B of this report.

## **Methodology**

This study is based on information gathered from five principal sources: review of existing percent-for-art program ordinances and descriptions; interviews with key informants; review of existing nexus study documents; a survey of City of Long Beach departments to determine annual art spending; and a review of literature relevant to the subject. A bibliography contained in an appendix to this study provides a complete listing of sources. The research and information derived from these sources were analyzed and recommendations developed for the civic art impact fee on private and public developments.



## *Situation Analysis*

The City of Long Beach currently provides art facilities and services to its residents in fulfillment of its role in enhancing the quality of life, economy and environment for its citizens. The City's policies and programs reflect the City's commitment to this continued role.

### **Relevant City Policy**

The City of Long Beach recently completed a strategic plan to guide the city through 2010. This plan adopts seven strategies and the arts figure prominently in the Neighborhood Development strategy. One of the six goals of the Neighborhood Development strategy is as follows:

Create neighborhoods where arts and cultural programs flourish, services are accessible and all people, including seniors and people with disabilities, have tools to improve the quality of their lives.<sup>3</sup>

### **Current Support for Public Art**

As documented in A Public Art Plan for Long Beach completed in 1994, a telephone survey of local residents found extremely broad support for public art and design. The overwhelming majority of respondents – in most cases near or above 90 percent – agreed that visually enhanced elements in the city were “very important” or “somewhat important.” The conclusion of the consultants was that, “there is a limited public art activity in neighborhoods, yet there is great interest in and potential for public art to further the objectives of both city-sponsored neighborhood improvement programs and community based organizations.”<sup>4</sup> The new city plan adopted in 1999 said that in order to make the main entries to Long Beach more visually attractive, and increase neighborhood pride, percent-for-public-art legislation should be expanded to cover all public and private construction across Long Beach.

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<sup>3</sup> *Long Beach 2010... The Strategic Plan, March 2000.*

<sup>4</sup> *A Public Art Plan for Long Beach (Wolf, 1994).*



## **Long Beach Public Art Program**

A percent-for-public-art policy for the downtown redevelopment area was adopted by the City's Redevelopment Agency in 1989. The policy was later changed to include all redevelopment project areas. It is the only standing policy on public art in the city and is limited to those areas of Long Beach that are within defined boundaries of the redevelopment project areas. The policy and guidelines allow for a broad range of public art options and encourage innovation and diversity through its inclusive listing of eligible expenditures. The guidelines allow developers expending percent-for-public-art funds to choose from a menu of options:

- autonomous artwork;
- artist-designed building elements;
- artist participation as a member of the project design team;
- subsidy of nonprofit organizations' cultural spaces and facilities; or
- sponsorship and underwriting of cultural programming, performances, and special cultural events.

In partnership with the Long Beach Redevelopment Agency, the Public Corporation for the Arts (PCA) administers the Percent-for-Public-Art Program that requires eligible public and private developers to allocate 1% of the total development costs of a project to the creation of public art, cultural programming or cultural facilities. On the private side only developments that get assistance from the Redevelopment Agency fall under the requirement. The 1% requirement is mandated through a contractual agreement between the Redevelopment Agency and the developer.

## **Percent-for-Art Fees in Other Jurisdictions**

Research revealed numerous percent-for-art programs in California and throughout the United States. The programs, both private and public, are administered through a variety of jurisdictions ranging from redevelopment agencies, transportation authorities, and airport and government entities. The following table describes programs administered by local governments on a citywide basis, and pertains to both public and private percent-for-art fees.

The table describes the programs of six California cities that have adopted arts impact fees on private development on a citywide basis. Of those instituted after enactment of AB 1600 in 1989, two produced and adopted nexus studies — the City of Los Angeles and the City of Newark. Two California jurisdictions — Santa Monica and Los Angeles County — have conducted nexus studies to substantiate proposed arts impact fees, however, arts development fees have not yet been adopted in these jurisdictions.



The percent-for-art fees assessed on public capital improvement projects range from 1% to 2%. The fee basis is generally the total cost of construction but in some cases include "soft" costs (fees, fixtures and equipment, etc.) and land acquisition. Generally the percent-for-art programs support commissioning and acquisition of permanent art work, but in some cases the programs support a wide variety of activities including facilities development, performing art activities, administration, commissioning of temporary art, and unspecified cultural services. Two cities, Portland and Scottsdale, have enacted percent-for-art programs on public projects which are managed by nonprofit organizations.

In 1980, the City of Portland adopted an ordinance dedicating 1% of the construction costs of major capital improvement projects to public art. In 1989, the City of Portland broadened the scope of the program, including an additional 0.33% of the total construction costs for administration and establishing the Public Art Trust. In 1995, the Regional Arts and Cultural Council (RACC), the non-profit successor to the Metropolitan Arts Commission, formerly a city department, was officially authorized to administer the city's percent-for-art program and related services. A ten member Public Art Committee (PAC) consisting of architects, landscape architects, art professionals, visual artists and members of the RACC board of directors, provides the official review of public art projects. The PAC meetings are attended by the chief of staff of a designated city council member. The RACC Public Art Manager reports that the program works very well and is virtually problem-free due to three important factors: the city is very accepting of the program; administration of the program is viewed as a collaborative effort; and a successful track record of 20 years.

In 1988 the Scottsdale Cultural Council was given the authority to operate the city's publicly funded percent-for-art program. The Scottsdale Cultural Council is a nonprofit organization which manages an art museum, a center for the arts and an annual arts festival. The percent-for-art program is managed as part of the museum department and is governed by a Public Art and Collections (PAC) Committee. This fifteen-member committee is made up of artists, architects, art professionals, landscape architects, business people, and members of the board of the Scottsdale Cultural Council. The Scottsdale Cultural Council board approves all PAC Committee recommendations. Staff from the City of Scottsdale's planning department attend every meeting. Public art staff suggest that their program works well because the PAC Committee and the Scottsdale Cultural Council are not political agencies and are given complete autonomy by the City Council. In addition the public art staff work with the city's capital project manager to determine which city projects are eligible.

Figure 1: Art Fees in Selected Cities

City/County	Applicable Development Projects	Exempted Projects	Assessment	Uses of Funds
Brea- Private	Commercial, industrial, and residential private developments of 5 or more units with a total building valuation of \$500,000 or more and free standing additions to commercial or industrial sites with a total building valuation of \$500,000 or more	Churches, schools, single family homes	1% of building valuation, building valuation based on ICBO	On-site publicly accessible permanent artwork
Culver City- Public	Public building developments with a building valuation exceeding \$500,000	Earthquake rehabilitation required for seismic safety	1% of building valuation excluding land and off-site improvements	Art work or payment to City Art Fund
Culver City- Private	Commercial, industrial, and residential private developments of 5 or more units with a total building valuation exceeding \$500,000 and remodeling exceeding \$250,000	Low- or moderate-income housing, senior housing	1% of building valuation excluding land and off-site improvements	Artwork or in lieu fee to City Art Fund
Emeryville- Public	Municipal projects with development costs in excess of \$300,000 and subject to Design Review.	Projects below \$300,000 threshold	1.5% of building construction costs	Publicly accessible artwork
Emeryville- Private	Commercial and industrial private developments and nonresidential portions of mixed-use projects with building development costs in excess of \$300,000 and subject to Design Review	Residential projects	1% of building development costs, defined as construction costs declared on building permit applications	On-site publicly accessible art work
Fremont- Public	Public buildings and parks with costs of \$500,000 or more	Publicly assisted rehabilitation of private property, affordable housing	1% of construction costs	Publicly accessible artwork
Los Angeles- Private	Nonresidential private construction with a total building valuation over \$500,000	Residential projects, repair, renovation or rehabilitation which does not alter the use or size of a structure, adds handicap facilities, installs fire sprinklers, or complies with the earthquake hazard reduction ordinance	Offices/R&D - \$1.57/sf Retail - \$1.31/sf Whse - \$0.39/sf Mfg. - \$0.51/sf Hotels - \$0.52/sf not to exceed 1% of building permit value	Fee paid into fund to be distributed by Cultural Affairs Department for cultural and artistic facilities, services and community amenities or developer can design an art project or program whereby a 1:1 credit is given for dollars spent towards the total obligation.

City/County	Applicable Development Projects	Exempted Projects	Assessment	Uses of Funds
Newark- Private	Residential, commercial and industrial new construction private projects and additions over 10,000 square feet or that are located along major arterials	Low- and moderate-income housing, developments that are in zoning districts that contain provisions for public art	Office - \$0.58 Retail - \$0.38 Light Manufacturing/Warehouse - \$0.31 Hi Tech - \$0.60	On-site publicly accessible artwork the donation of gallery space or fee paid to city for development of art within the guidelines of the Master Plan
Oakland- Public	Public improvement projects	Port and Airport	1.5%	Temporary or permanent art work
Pasadena- Public	All projects planned through CIP process and at the departmental level. New construction, exterior renovation or remodeling. Municipal buildings and facilities, street improvements street lighting, sewers, storm drains	Not specified	1% of construction costs excluding architectural, engineering and administrative costs.	On-site or off-site public art work, or cultural programming or services
Pasadena- Private	Commercial, industrial and mixed-use private developments over 25,000 square feet	Residential projects	1% of building permit valuation (land costs and off-site improvements are excluded)	Developer may fund cultural facilities, programs or on-site artwork or make in-lieu contribution to Cultural Trust Fund for general enhancement of city cultural resources
San Francisco- Public	Public buildings, above-ground structures, parks, and transportation projects	Transportation improvements such as street paving, repair or improvements; all mechanical, plumbing and electrical system upgrades; structural or seismic upgrades; park and landscape renovations; sewer and water lines; CIP funded improvements for security/life safety; Port developments	Amount not to exceed 2% of estimated project costs Funds which are part of project costs but which are limited by law or funding agency rules will be excluded from calculation	Painting, sculpture or other works of art
San Jose- Public	Eligible municipal and Redevelopment Agency construction projects whose overall budgets exceed \$500,000	Director of Redevelopment Agency and Director of Public Works have discretion to exempt projects	2% of construction budget including design and engineering costs	Public works of art

City/County	Applicable Development Projects	Exempted Projects	Assessment	Uses of Funds
<b>Broward County, FL- Public</b>	Planned capital improvement projects determined to be eligible by Cultural Affairs Division staff and the Office of Budget and Management policy	Not specified	Up to 2% of project costs	Acquisition or commissioning of artworks
<b>Loveland, CO- Public</b>	City projects with costs of \$50,000 or more	Projects below \$50,000 threshold	1% of construction costs	Permanent or temporary artwork
<b>Portland, OR- Public</b>	Any project of \$100,000 or more paid for wholly or in part by the City of Portland involving construction, rehabilitation, remodeling, or improvement of any building, structure, park, public utility, street, sidewalk, or parking facility, or projects developed privately and leased back to the City	Improvement projects funded by the Bureaus of Water and Environmental Services; improvement projects funded by: private development revenue, federal or state grants, Street Light Levy Fund and Local Improvement District Revenues	1.33% of total construction costs excluding costs for design, engineering, demolition, and acquisition	On-site or off-site art work or Public Art Trust Fund
<b>Scottsdale, AZ- Public</b>	Capital Improvement Projects	Individual tenant improvements or alterations of less than 30,000 square feet	1% of amount budgeted for capital improvement projects is appropriated to fine arts trust fund	Commissioning of artworks
<b>Seattle, WA- Public</b>	Capital projects paid for wholly or in part by the City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility or portion thereof	Not specified	1% of the estimated project costs Funds which are part of project costs but which are limited by law or funding agency rules will be excluded	Acquisition or commissioning of artworks



# *Findings*

## **Purpose of the Fee**

The purpose and goals of the City's current Percent-for-Public-Art Program in redevelopment areas provide a basis for a citywide arts impact fee on private development. These are:

The RDA and PCA seek to maintain a public art program in such a way that it is intimately integrated into the fabric of Long Beach and that reflects a broad range of community input and the involvement of artists and arts professionals. The Percent-for-Art program considers artists to be valuable members of a planning or design team and primary resources in the revitalization of designated redevelopment areas and the City. Throughout history the arts have been instrumental in creating unique public places that have yielded physical, social and economic benefits for a community.<sup>5</sup>

## **Proposed Program**

Building on the RDA's current Percent-for-Public-Art Program; review of arts impact fees in other cities; the recommendations of staff currently responsible for implementing the Redevelopment Agency's Percent-for-Public-Art Program; and input from PCA's public art consultant Gail Goldman, the city wide Percent-for-Public-Art Program is defined as follows:

### *Public*

The City of Long Beach will allocate 1% of the construction budget of all eligible capital improvement projects for civic art. This includes projects of the Community Redevelopment Agency.

Seventy percent (70%) of the 1% will be used to provide civic art on-site.

The remaining thirty percent (30%) of the 1% will be directly deposited into the Civic Art Trust Fund.

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*5 Percent For Public Art Program Guidelines for Developers, July 1998.*



*Private*

All eligible nonresidential projects in the City of Long Beach will be required to fund civic art in an amount equal to 1% of the construction budget.

Seventy percent (70%) of the 1% will be used to provide civic art on-site.

The remaining thirty percent (30%) of the 1% will be directly deposited into the Civic Art Trust Fund.

*Exceptions*

Building projects under \$1,000,000 (one million dollars) total construction costs are exempted from the 1% for civic art policy. Other exceptions include:

*Arts and Cultural Facilities*

- Museums, galleries, and nonprofit theaters
- Artist live/work spaces (only when primary renter or purchaser is a practicing, professional artist; not intended for "livability" lofts)

*Historic and Cultural Heritage*

- Historically designated landmark buildings
- Additions to historically designated landmark buildings

*Housing*

- Low and moderate income housing
- Single family residential homes and townhouses
- High-rise residential buildings
- Senior and elderly housing

*Schools*

- Long Beach Unified School District
- Private schools
- Universities and colleges

*Houses of Worship*

- Churches and temples
- Church buildings (i.e. day care facilities, classrooms)

*Miscellaneous*

- Tenant improvements to interior, non-public spaces of existing buildings
- Non-profit charitable and health organizations



*Civic Art in Capital  
Improvement Projects*

The seventy percent (70%) of the 1% allocation for civic art must be used as follows:

- The commission and/or acquisition of publicly accessible, permanent works of art located in or on the capital improvement project site; or
- Fees for artist participation on design and planning teams.

*Civic Art in Private  
Development*

The seventy percent (70%) of the 1% allocation for civic art must be used as follows:

- The commission and/or acquisition of publicly accessible, permanent works of art located in or on the development site; or
- Payment of in-lieu fee -- the amount equal to the full 1% allocation -- into the Civic Art Trust Fund.

*Civic Art Trust Fund*

The Public Corporation for the Arts and the City will establish a special trust fund for civic art, with appropriate interest bearing sub-accounts as necessary for the tracking of all funds associated with both the public and the private sector portions of the Civic Art Program.

*Uses of Civic Art Trust  
Fund*

Funds in the Civic Art Trust Fund may be used as follows:

- Acquisition, installation, improvement and insurance of publicly accessible works of art located throughout the City;
- Fees for artist participation on design and planning teams;
- Arts and cultural planning for civic art initiatives in Long Beach;
- The cost of administering the City's Civic Art Program.
- Maintenance and conservation of existing works of art generated through the Civic Art Program, excluding:
  - Works of art located on City-owned ranchos, museums, and schools;
  - Artifacts donated or gifted to the City; or
  - Historical markers, plaques and commemorative objects.



*Implementation*

The Public Corporation for the Arts will be charged with the implementation of the Civic Art Program, working in cooperation with City officials, City departments and agencies, and all other appropriate City entities.

*Annual Report*

The Public Corporation for the Arts will prepare an annual budget that will include projected costs associated with the implementation of the Civic Art Program. In addition, the Public Corporation for the Arts will prepare an annual report for the City detailing the financial status of the Civic Art Trust Fund and the use of the funds generated under this requirement.

*Policies and Procedures*

The Public Corporation for the Arts will prepare detailed policies and procedures for the implementation of both the public and private sector portions of the Civic Art Program. The policies will address eligible projects and provide guidelines for selecting and contracting artists and incorporating them into the design process. In addition, the guidelines will address the artwork approval process and maintenance and conservation process for all artworks produced through the Civic Art Program.

*Artist Selection-Public  
Projects*

The Public Corporation for the Arts will be responsible for the selection of artists for each eligible capital improvement project, in conjunction with the appropriate City department, in accordance with the adopted program guidelines and the participation of a civic art advisory committee. Final approval of artists and artwork are the responsibility of the Public Corporation for the Arts.

*Artist Selection-Private  
Projects*

The Public Corporation for the Arts, in conjunction with private developers, will be responsible for the selection of artists for civic art associated with their projects, in accordance with the adopted program guidelines and the participation of a civic art advisory committee. Final approval of artists and artwork are the responsibility of the Public Corporation for the Arts.

*Maintenance on Public  
Projects*

City departments that are recipients of civic art under this requirement will be responsible for routine maintenance. Conservation and restoration will be the responsibility of the Public Corporation for the Arts and may be paid from the Civic Art Trust Fund.



*Maintenance on Private  
Projects*

The owner of any civic art project on private property developed under this requirement will be responsible for the maintenance, conservation, and restoration of the artwork.



# *Nexus Analysis*

In 1987, in response to developers' concerns that local agencies were imposing development fees for purposes unrelated to development projects, the California legislature adopted AB 1600 which established a comprehensive framework for the imposition of such fees. AB 1600 requires local governments to demonstrate a link or "nexus" between the development fee being imposed and the project or services to be funded.

## **Legal Basis**

In general, AB 1600 specifies that fees can be levied for specified public improvements, services, or community amenities if certain nexus conditions are met. (Please see the Legal Rationale section of this report for further discussion of the legal framework.) In summary, the main legal requirements for a development fee for civic arts programs and services must do the following:

1. Identify the purpose and use of the fee;
2. Determine a reasonable relationship between the use of the fee and the type of development on which the fee is imposed;
3. Determine a reasonable relationship between the need for the public art, cultural facilities and cultural programming and the type of development project on which the fee is imposed; and
4. Determine a reasonable relationship, or nexus, between the amount of the fee and the cost of the public art, cultural facilities and cultural programming attributable to the development on which the fee is imposed.

The reasonableness of impact fees is usually determined by the rational nexus test. The major tenets of the rational nexus test are as follows:



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- There must be a reasonable connection between the need for artistic/cultural resources and the growth resulting from new development;
- The fees charged must not exceed a proportionate share of the cost incurred or to be incurred in accommodating the development paying the fee; and
- There must be a reasonable connection between the expenditure of the fees collected and the benefits received by the development paying the fees.

These legal principles must be restated in operational terms so that an amount – a fee – may be calculated. The operational principles for this study are:

1. The need for additional artistic/cultural resources that will be financed with development fees must be a consequence of new development rather than arising from existing developments;
2. The charges or fees imposed upon a new development must be no more than a proportionate share of the local government's cost of those new capital facilities needed to service new developments; and
3. The revenues raised must be managed and expended at such a time and in such a time that the development paying the fee will receive a substantial benefit from the improved facility.

### **Estimate of City Arts Spending**

To determine the appropriate level of fees that may be imposed, the consultants conducted a survey to estimate current annual per capita municipal allocations for art and cultural facilities, services and community amenities by the City of Long Beach.

The Director of Financial Management confirmed that the broadest possible approach should be exercised and that all municipal departments should be surveyed for their allocations. With assistance from the City Manager departments were contacted and asked to submit reports indicating spending for art and culture for FY 1998/1999 (the most recent completed year for which data were available). A list of possible areas of expenditures was provided as follows:

- Art classes
- Art purchases
- Murals
- Art services (for example for security for festivals)



## *Public & Private Percent-for-Public-Art Study*

- Art exhibitions
- Banners
- Live performances (for example poetry readings at libraries)
- Concerts
- Maintenance of cultural facilities
- Parades (for example St. Patrick's Day Parade, not including political or sports events)
- Historic Preservation
- Professional architectural services (for example for improvements to cultural and/or historical properties)

As a guide to the departments a definition of art and culture that was developed by the planning team overseeing the 1994 Cultural Plan was utilized:

The sum total of a community's customs, beliefs, traditions, and artistic expressions, both formal and informal

The following principles guided the compilation:

- Departments that are self-financing and do not rely on General Fund revenue for operating support were not included. The only exception to this is in the case of the Convention and Visitors Bureau, which is allocated funds annually from hotel tax revenues.
- Only non-reimbursable expenditures were included. For example revenue collected from fees for art classes provided through the Park, Recreation and Marine Department were deducted from art class expenditures and only the net figure was included. Funds expended by the Library to produce specific exhibitions were not included because, according to staff, the exhibitions were funded through grants from the state of California. On the other hand, programs funded through private donations were considered to be an integral part of the department budget.
- Expenditures for maintenance of historic structures and related architectural services were included.
- Expenditures for parades and festivals were included.
- One-time only expenditures were excluded if the expenditure was deemed to be an exception to normal annual spending.

Twelve departments indicated zero direct spending on arts and culture:

- City Attorney
- City Auditor



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- City Clerk
- City Council/Mayor
- City Prosecutor
- Civil Service
- Financial Management
- Harbor
- Human Resources
- Oil Properties
- Police
- Technology Services

Two city departments, Gas & Electric, and Water, reported spending on arts programs but their expenditures were not included in the analysis since these departments are self-financing and do not rely on General Fund revenue.

Expenditures from eight City departments plus the Convention and Visitors Bureau were included in the calculation of City spending for arts and culture. These departments are:

- City Manager
- Community Development
- Fire
- Health and Human Services
- Library
- Parks, Recreation & Marine
- Planning & Building
- Public Works
- Convention and Visitors Bureau

The table on the following page provides a tabulation of the results of the survey. Most of the expenditures listed represent direct spending on arts and culture for each department.



Figure 2: Estimated Arts Spending by City of Long Beach (1998-99)

Department	Expenditure	Amount	Total
City Manager	Public Corporation for the Arts	\$500,000	
	Smithsonian Support	\$58,546	
	PCA Newsletter	\$13,500	
	Rose Parade Float	\$115,000	
	City Sponsored Parades	\$39,600	
	July 4th Fireworks	\$30,000	
	Long Beach Junior Concert Band	\$102,000	
	Staff cost	\$4,250	
	<b>Subtotal</b>		
Community Development	Redevelopment Agency Percent-For-Art set aside *	\$230,000	
	<b>Subtotal</b>		<b>\$230,000</b>
Fire	Parades	\$4,002	
	<b>Subtotal</b>		<b>\$4,002</b>
Health & Human Services	Performers at public health events (musical and dance groups, storytellers)	\$4,595	
	Banners	\$280	
	<b>Subtotal</b>		<b>\$4,875</b>
Library	Maintain Long Beach Photo/history	\$100	
	Live Performances	\$1,000	
	Book Talks	\$90	
	Vocal Concert	\$30	
	Straw Art Website opening	\$30	
	Book Art event	\$0	
	Art exhibitions	\$0	
	Installation of art display system	\$0	
	Annual purchase of art books for adults	\$31,508	
	Annual purchase of art books for children	\$10,503	
	Art Contest	\$0	
	Storytime/live readings	\$0	
	Live performances	\$11,600	
	Summer Reading Program	\$4,250	
	Teen Read and Children's Book Weeks	\$1,000	
	Staff cost	\$296,204	
<b>Subtotal</b>			<b>\$356,315</b>



*Public & Private Percent-for-Public-Art Study*

Figure 2 (cont'd) Estimated Arts Spending by City of Long Beach (1998-99)

Department	Expenditure	Amount	Total
Parks, Recreation & Marine	Long Beach Museum of Art	\$319,000	
	Homeland Cultural Center	\$172,664	
	Municipal Band	\$394,996	
	Mural Arts Program	\$76,385	
	Rancho Los Alamitos (management and maintenance)	\$387,858	
	Rancho Los Cerritos	\$373,966	
	Black History/Juneteenth	\$17,339	
	Cinco de Mayo	\$13,467	
	Rainbow Harbor Entertainment	\$96,561	
	Sea Festival	\$15,748	
	Art and Cultural Contract Classes	\$149,713	
	Music and Arts Camp	\$71,074	
	Art Supply Costs	\$51,300	
	Estimated Maintenance	\$250,813	
	Administrative Overhead	\$30,535	
Less Reimbursement for Classes and Camp	(\$297,282)		
	<b>Subtotal</b>		<b>\$2,124,137</b>
Planning & Building	Neighborhood Preservation Services (neighborhood preservation officer, training workshops, supplies)	\$116,645	
	<b>Subtotal</b>		<b>\$116,645</b>
Public Works	Architectural Services, Rancho Los Cerritos	\$34,733	
	Architectural Services, Performing Arts Center	\$32,492	
	Improvements, Rancho Los Cerritos	\$300,274	
	Improvements, Performing Arts Center	\$200,000	
	<b>Subtotal</b>		<b>\$567,499</b>
<b>General Fund Spending Subtotal</b>			<b>\$4,264,369</b>
<b>General City Overhead @ 7.33%</b>			<b>\$312,578</b>
<b>General Fund Spending Total</b>			<b>\$4,576,947</b>
Convention & Visitors Bureau	Special Projects	\$14,000	
	Publications	\$77,250	
	Promotions and Promotional Materials	\$278,500	
	Advertising	\$45,000	
	Team Resources	\$171,750	
	<b>Subtotal</b>		<b>\$586,500</b>
<b>TOTAL CITY SPENDING</b>			<b>\$5,163,447</b>
<b>Per Resident Spending</b>			<b>\$11.25</b>

\* Redevelopment Agency percent-for-art funds were included because the City maintains authority over generation and expenditure. The percent-for-art program in Redevelopment Areas mandates that private developments receiving City support are required to allocate funds for public art. The requirement is negotiated on a per project basis through a contract between the City and the developer.



Several departments provide funding to Park, Recreation and Marine for arts programs such as mural making and art classes. In these instances, the expenditure of funds is reflected in the budget of Park, Recreation and Marine only.

In general, the estimated costs represent the most conservative figures. This is due in part to the difficulty in extracting the administrative and overhead costs associated with the spending. For example, an expense for staff costs was provided by the Park, Recreation and Marine department, City Manager, the Library, and the Convention and Visitors Bureau only, due to their relatively significant spending on arts and culture services.

An estimate for General City Overhead of 7.33% was provided by the City Controller. General City Overhead is defined as the costs associated with the general running of the City for services such as those provided by the City Attorney, City Auditor and City Clerk to support citywide functions and programs.

Based on the results of the survey, the total estimated amount of City spending on arts and cultural services for FY 1998/1999 was \$5,163,447. Using an updated population estimate for 1999 of 457,608, this expenditure equates to an amount between \$11 and \$12 per resident of the City of Long Beach.

### **Derivation of Civic Art Impact Fee**

The method of deriving an art impact fee based on a percentage of total construction costs involves a number of assumptions and a series of calculations which form the basis for the variables used in the calculation of the civic art impact fee for the City of Long Beach.

Every step of developing the assumptions and the subsequent calculations uses the most fiscally conservative alternatives. The first and most important consideration in the analysis evaluates the increased demand for future civic art programs and services based on net new resident employment generated from new land use developments. Every new non-residential building constructed in Long Beach, has jobs associated with it and an associated demand for arts programs and services. This net new demand for art programs and services results from the new employee as well as people in the new employee's household. The new development therefore adds to the total Long Beach population demand for arts programs and services.

This analysis excludes the complex assumptions associated with trying to assess a demand for civic art programs and services that might result from new commercial development and potential increase in visitor trade. By using fiscally conservative techniques in the calculation of the civic art impact fee, every effort



has been made to not overstate the future fees that would be necessary from new development. The calculations associated with net new employment are furthermore based on maintaining the existing level of art programs and services for residents of Long Beach.

*Assumptions*

The fee calculation is subject to the following assumptions:

- The future demand for civic art from any future populations associated with net new resident workers, is at least as great as the current resident population demands for civic art programs and services.

The current per capita "Level of Service" (LOS) in the municipal provision of civic art programs and services is derived from a calculation of the current per capita total public spending on civic art. The aim of mitigating any future demand for civic art is based on assessing a fee on net new development that generates net new resident workers and the associated population increases. The LOS is calculated as follows:

$$\text{Total City Arts Spending} + \text{Resident Long Beach Population} = \text{LOS}$$

- The proportion of resident workers at future developments is at least as great as the proportion of resident workers at existing developments.

The working population in Long Beach is composed of people who live in Long Beach and those who commute into the city for work. It is assumed that the current proportion of workers who commute to the city for net new jobs will remain constant in the future. The Percentage of Future Resident Workers is calculated as follows:

$$\left. \begin{array}{l} \text{Existing Number} \\ \text{of Resident} \\ \text{Workers} \end{array} \right\} + \left. \begin{array}{l} \text{Total Number of} \\ \text{Existing Long Beach} \\ \text{Workers} \end{array} \right\} = \left. \begin{array}{l} \text{Percentage of} \\ \text{Future Resident} \\ \text{Workers} \end{array} \right\}$$

- Different types of land use developments create different densities of worker populations.

This assumption is based on the fact that different types of non-residential development need different amounts of space for each worker. Analysis of new development projects has assumed different employee densities for the purposes of trip generation calculations. The assumed employee densities are based on local markets and industry standards that are well documented in planning and



environmental analysis literature. For the purposes of this analysis, the following land-use types and associated employee densities have been applied to the calculations. These employee densities are based on standards developed for Southern California real estate market conditions and other accepted California industry standards.<sup>6</sup>

Office Building	250 sq. ft./employee
Research and Development	250 sq. ft./employee
Manufacturing	800 sq. ft./employee
Warehousing and Distribution	1,000 sq. ft./employee
Retail	300 sq. ft./employee
Hotel	500 sq. ft./employee

- Different types of land use developments cost different amounts to build on a per square foot basis.

Due to different building types and the amenities associated with land uses, the cost of construction varies by use type. The following construction costs are based on current industry standards and local market conditions.

	1991 \$ per sq. ft.	1999 \$ per sq.ft. <sup>7</sup>
High Rise Office	\$130	\$153
Mid Rise Office	\$ 75	\$ 88
Low Rise Office	\$ 55	\$ 65
Research and Development	\$ 75	\$ 88
Manufacturing	\$ 45	\$ 53
Warehousing and Distribution	\$ 25	\$ 29
Retail	\$ 35	\$ 41
High Rise Hotel	\$159	\$187
Low Rise Hotel	\$130	\$153

<sup>6</sup> Keyser Marston Associates, Inc.; *The Nexus Report prepared for the City of Los Angeles; San Francisco Environmental Assessment Standards.*

<sup>7</sup> Adjusted by 17.5% CPI increases for LA-Riverside-Orange County between 1991 and 1999 and rounded to the nearest dollar. US Bureau of Labor Statistics Data, August 15, 2000.



**Calculations**

*Level of Service (LOS)  
Calculation*

The existing Level of Service is a variable expressed as total dollars spent on civic art programs and services per resident Long Beach worker.

The Total City Arts Spending figure is the numerator in this equation. This figure is determined to be \$5,163,447 on an annual basis (see Estimate of City Arts Spending section of this report).

Based on historic Census data and surveys of major Long Beach employers<sup>8</sup>, 45% of the total employment in the city has been assumed to live in Long Beach. The Total Residents Working in Long Beach is therefore the total employment in Long Beach multiplied by 45%. Figure 3 summarizes population, households and employment data for the City of Long Beach.

**Figure 3: Long Beach Population, Households and Employment (2000 & 2010)<sup>9</sup>**

Population	457,608	488,311
Households	169,484	180,857
Employment	209,252	217,901

Utilizing a straight line averaging technique the assumed population, households and employment for Long Beach in the year 2005 are summarized in Figure 4.

**Figure 4: Long Beach Population, Households and Employment (2005)**

Population	472,960
Households	175,170
Employment	213,576

Utilizing the employment figures from the tables above and the assumed 45% resident proportion of the total Long Beach employment, the Total Residents Working in Long Beach in 2000 is calculated as follows:

<sup>8</sup> City of Long Beach Major Employers, Department of Community Development, Economic Development Bureau, Business Assistance Division.

<sup>9</sup> City of Long Beach Planning & Building Dept., Advanced Planning Division, via FAX, 10/11/2000.



$$209,252 \times 0.45 = 94,163$$

The Total Residents Working in Long Beach in 2005 can be projected and is calculated as follows:

$$213,576 \times 0.45 = 96,109$$

The LOS calculation can be carried out for the year 2000 based on the figures derived above. This calculation is as follows.

*Total City Arts Spending + Resident Long Beach Population = YEAR 2000 LOS*

OR

$$\$5,163,447 + 457,608 \text{ residents} = \$11.25/\text{resident}$$

At the current level of annual funding for civic art programs and services, the City of Long Beach is spending \$11.25 for each resident. Of the current Total City Arts Spending figure, \$1,062,493 or 21% can be directly linked to the utilization of civic art by resident workers. This is calculated as follows:

$$(94,163 + 457,608) \times (\$5,163,447) = \$1,062,493$$

Ignoring inflation, by the year 2005, to maintain the existing LOS for civic art funding, the annual amount spent on all Long Beach residents will need to increase by approximately \$172,710. This increased civic arts spending is based on the addition of approximately 15,352 net new residents in Long Beach over the next five years.

While there are projected to be over 15,000 new residents living in Long Beach by 2005, the net new resident worker population is only anticipated to grow by 1,946 workers. This means that for every new resident worker the overall population is expected to increase by 7.89 or nearly eight people. The anticipated net new demand for civic arts programs and services during the period from 2000 to 2005 using the \$11.25 per resident figure will result in an annual average increase in spending of over \$34,542 needed to maintain the existing Level of Service.



In determining the existing LOS for civic arts programs and services for each resident, this analysis can now begin to evaluate the net new demand for civic arts funding that can be directly attributed to net new resident workers and the population increases associated with these new jobs.

### **Art Impact Fee Calculation**

Figure 5 provides a summary of the estimated number of new resident workers for new development projects based on a threshold of total construction costs of \$1,000,000 (i.e., projects under \$1 million are exempt) for application of an Art Impact Fee. The employee density and building costs for the different land uses utilized in these calculations are drawn directly from the density and cost assumptions described above. An example of the complete set of calculations utilized is provided below.



**Office (high-rise) Example**

A \$1,000,000 high-rise office project with construction costs of \$153/ square foot yields a project of 6,536 square feet:

$$\$1,000,000 \div \$153/\text{square foot} = 6,536 \text{ square feet.}$$

6,536 square feet of office space with one employee for every 250 square feet yields 26 total employees:

$$6,536 \div 250 = 26.14.$$

Only 45% of the net new employees are expected to live in Long Beach, which yields 12 net new resident employees:

$$26 \times .45 = 11.76$$

**Figure 5: Calculation of Net New Resident Employees by Building Type**

Building Type	Total Employees	Net New Resident Employees
Office (high rise)	6,536	12
Office (mid-rise)	11,364	20
Office (low-rise)	15,385	28
Research and Development	11,364	20
Manufacturing	18,868	11
Warehouse and Distribution	34,483	16
Retail	24,390	36
Hotel (high-rise)	5,347	5
Hotel (low-rise)	6,536	6

<sup>10</sup> Calculation: Total number of new workers [# of sq.ft./(workers/sq.ft.)] X 45%.



Applying current Federal Internal Revenue rules, capital developments of this nature have an expected 39-year life and are amortized for tax purposes over this period. These new resident employees, and their subsequent turnover replacements, are therefore assumed to utilize civic arts programs and services over the useful life of the building.

**Scenario One**

An example of the complete set of calculations is provided below.

*Calculation Example:* The new high-rise office building generates 12 net new resident employees. These 12 new workers and the associated 7.89 new residents for every new worker will utilize civic arts programs and services over the 39-year life of the buildings. The existing LOS for each Long Beach resident as calculated above is \$11.25 on a yearly basis. The calculation of the LOS demand is therefore as follows:

$$(12 \times 7.89 \times \$11.25 \times 39) = \$41,540$$

**Figure 6: Calculation of Existing LOS Art Impact Fee (for Total Population Growth Associated with Net New Workers by Land Use Type)**

Land Use Type	Net New Workers	Art Impact Fee
Office (high rise)	12	\$ 41,540
Office (mid-rise)	20	\$ 69,235
Office (low-rise)	28	\$ 96,929
Research and Development	20	\$ 69,235
Manufacturing	11	\$ 38,079
Warehouse and Distribution	16	\$ 55,388
Retail	36	\$124,623
Hotel (high-rise)	5	\$ 17,309
Hotel (low-rise)	6	\$ 20,770



If a 1% art impact fee for new non-residential development projects in Long Beach were applied, this would exact \$10,000 for each \$1,000,000 of construction costs. From the table above it is clear that a \$10,000 exaction would be justified in all cases of new non-residential development projects of \$1,000,000.

*Scenario Two*

Taking a more conservative approach, the table below calculates the demand for arts programs and services for only the net new workers and their associated household population. The average household size in Long Beach is 2.7 people. In the calculations below, therefore, rather than the 7.89 factor for total resident population increases used in the previous calculations, a factor of 2.7 for resident worker household population is substituted.

*Calculation Example:* The new high-rise office building generates 12 net new resident employees. These 12 new workers and the associated 2.7 people in every new worker's household will utilize civic arts programs and services over the 39-year life of the buildings. The existing LOS for each Long Beach resident as calculated above is \$11.25 on a yearly basis. The calculation of the LOS Demand is therefore as follows:

$$12 \times 2.7 \times \$11.25 \times 39 = \$14,216$$

**Figure 7: Calculation of Existing LOS Art Impact Fee (for Total Population Growth Associated with Net New Workers Households by Land Use Type)**

Office (high rise)	12	\$14,216
Office (mid-rise)	20	\$23,693
Office (low-rise)	28	\$33,170
Research and Development	20	\$23,693
Manufacturing	11	\$13,031
Warehouse and Distribution	16	\$18,954
Retail	36	\$42,647
Hotel (high-rise)	5	\$ 5,923
Hotel (low-rise)	6	\$ 7,108



Even under these more conservative calculations of net new demand for arts programs and services of new resident workers and their household population, all uses except the hotel uses would exceed the 1% or \$10,000 art impact fee for the new development. In the case above, the hotel use from the standpoint of employee household demand for civic arts is difficult to justify. However, if there is consideration of the fact that hotels draw visitors to Long Beach and assuming visitors also demand arts services the LOS may well exceed \$10,000. (Research into visitor use of arts services was beyond the scope of this study.)

Taken in combination, hotel worker households and visitor demand could justify a 1% civic art impact fee for all the associated hotel development types. These possible justifications would need to be made with underlying assumptions that can be supported by detailed "audience and visitor surveys" of the actual users of the programs and services funded through civic arts budgets. It is assumed that such justifications could be proved in part due to the status of Long Beach as a visitor destination city with attractions such as the Aquarium, Queen Mary and the Grand Prix.

### *Scenario Three*

The final set of calculations, assumes an even more conservative approach to the analysis. In this, only a proportional fraction of the total civic arts spending is attributed to new workers and their household population. Continuing to apply the factors that historically indicate that 45% of the employed people living in Long Beach work in Long Beach and that the average household size for these resident worker households is 2.7 people per household, the following calculations present the most conservative possible estimates of net new worker demands for civic arts programs and services.

*Calculation Example:* Using the Total City Arts Spending figure of \$5,163,447, a worker household size of 2.7 people per household and a factor of 45% of the employed Long Beach residents who actually work in Long Beach, the proportion of civic arts spending on only the locally employed worker household population is as follows.

From the tables above the number of employed Long Beach residents in 2000 totaled 209,252 people. Of these employed Long Beach residents, 45% or 94,163 work in Long Beach. Given a household size of 2.7 people per household, the total population of locally employed workers and their household members comes to 254,241 people. These 254,241 people represent 55% of the total Long Beach population in 2000 ( $254,241 \div 457,608 = 55\%$ ). A 55% share of the \$5,163,447 total civic arts spending is \$2,839,896. Calculating the per capita civic arts spending for just this portion of the entire Long Beach population results in the following:



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$$\$2,839,896 \div 254,241 = \$11.17 \text{ per person}$$

The new high-rise office building generates 12 net new resident employees. These 12 new workers and the associated 2.7 people in every new worker's household will utilize civic arts programs and services over the 39-year life of the buildings. The existing LOS for each Long Beach resident as calculated above is \$11.25 on a yearly basis. The calculation of the LOS Demand is therefore as follows.

$$12 \times 2.7 \times \$11.17 \times 39 = \$14,114$$



**Figure 8: Calculation of Existing LOS Art Impact Fee  
(Proportional to the Net New Worker Household Population Growth  
Associated with Net New Workers by Land Use Type)**

Office (high rise)	12	\$14,114
Office (mid-rise)	20	\$23,524
Office (low-rise)	28	\$32,934
Research and Development	20	\$23,524
Manufacturing	11	\$12,938
Warehouse and Distribution	16	\$18,819
Retail	36	\$42,343
Hotel (high-rise)	5	\$ 5,881
Hotel (low-rise)	6	\$ 7,057

Applying the most conservative calculations of net new demand for arts programs and services of new resident workers and their household population results in all uses except the hotel uses, exceeding the 1% or \$10,000 art impact fee for the new development.

### Legal Rationale<sup>11</sup>

In 1987, in response to developers' concerns that local agencies were imposing development fees for purposes unrelated to development projects, the California legislature adopted AB 1600 which established a comprehensive framework for the imposition of such fees. This legislation, codified in Gov. Code Sections 66000 et. seq. and known as the Mitigation Act, became effective on January 1, 1989.

Under Gov. Code Section 66000, Section (b) includes "fee" is defined as "a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a

<sup>11</sup> This section of the report was prepared with the assistance of California Lawyers for the Arts



specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project." "Public facilities" includes public improvements, public services and community amenities." Section (d)

Prior to enacting such fees, local agencies are required to:

(1) identify the purpose of the fee; (2) identify the use to which the fee is to be put; and (3) determine how there is a reasonable relationship between the fees' use and the type of development project on which the fee is imposed.

In addition, if the fees will be used to finance public facilities, the facilities shall be identified and the agency must determine how there is a reasonable relationship between the need for the public facility and the type of development on which the fee is imposed, i.e., the nexus. The agency must also determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

A description of the civic art fee in Long Beach is provided in the Findings section of this report. Important characteristics of the fee program include:

- The fee will be assessed on private nonresidential development of total construction costs of \$1,000,000 or more.
- A fee split will be applied whereby seventy percent of the fee will be used to fund on-site art programs and thirty percent of the fee will be deposited in the Public Art Fund.
- The on-site art program can consist of publicly accessible permanent artwork, purchase of publicly accessible permanent artwork, in-lieu fee to Public Art Fund, or maintenance and conservation of art works generated through the program.
- The Public Art Fund will fund publicly accessible permanent or temporary art work, purchase of publicly accessible permanent art work, fees for artist participation on design and planning teams, Arts/Cultural planning for public art initiatives in Long Beach, and/or program administration.

Prior to levying a new fee or approving an increase to an existing fee, the local agency shall hold at least one open and public meeting at which oral or written presentations can be made, as part of a regularly scheduled meeting. Government Code Section 66016.



*Such fees are not a "special tax"*

Provided that such fees do not exceed the "reasonable cost of providing the service or regulatory activity for which the fee is charged" and are not levied "for general revenue purposes," the development fees are not considered a "special tax" under Government Code Section 50076 necessitating a two-thirds vote of the district's electorate under Article 13A, Section 4 of the California State Constitution.

#### *Judicial Standards*

Compliance with the requirements to demonstrate a "reasonable relationship" between the development project, the need for the fees and the use of the fees, will satisfy judicially created standards for determining the legality of these fees.

Two tests have emerged through U.S. Supreme Court cases which examined the constitutionality of development exactions; and together, they set the standard for field: (1) whether there is an "essential nexus" between a "legitimate state interest" and the condition exacted by the local municipality, *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and (2) whether there is "rough proportionality" between the fees and the development, requiring a quantified analysis, *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

In *Nollan*, a public easement was demanded across the Nollans' beachfront property in exchange for a permit to demolish a bungalow on the property and replace it with a three-bedroom house. The easement would have connected two public beaches on either side of the Nollan property, but the state had claimed that it was to enhance the ocean view from the beaches. The court found a lack of nexus between visual access to the ocean and a permit condition requiring lateral public access across the property owners' lot.

In *Dolan*, the U.S. Court reviewed the range of requirements adopted by state courts and decided that "reasonable relationship" was closest to the federal constitutional norm. However, the Court declined to adopt that language and chose instead a standard of "rough proportionality," explaining that such a formulation entails some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development and finding that the City must make some effort to quantify its findings in support of the dedication.

These cases were analyzed extensively in a California Supreme Court Case, *Ehrlich v. City of Culver City*, 12 Cal. 4th 854 (1996). In *Ehrlich*, the court provides a unique review of a percent for arts fee which was imposed on a private business owner as a condition of changing the zoning restrictions on his property. The plaintiff, who owned a private tennis/health club in Culver City, sought permits to demolish the facility and build townhouses on the property. In



addition to a 1% public art fee, the city imposed a \$280,000 fee for a replacement facility to "mitigate the loss of community recreational facilities," despite the club being private. As to the recreational fee, the Court found no connection between the effect of the new housing development and the required fee. "The amount of such a fee... must be tied more closely to the actual impact of the land use change the city granted plaintiff." 12 Cal. 4th 854 at 884.

The arts fee required that the fee be paid to the city's art fund or, alternatively, be spent for approved artwork of an equivalent value. Under the latter option, the art could either be placed on site or it could be donated to the city for placement elsewhere. The plaintiff argued that the city made no individualized determination that the art mitigates a need generated by the project.

The court agreed with the city that the art in public places fee is not a development exaction of the kind subject to the Nollan-Dolan analysis. As both the trial court and the Court of Appeal concluded, the requirement to provide either art or a cash equivalent is "more akin to traditional land-use regulations imposing minimal building setbacks, parking and lighting conditions, landscaping requirements, and other design conditions such as color schemes, building materials and architectural amenities. Such aesthetic conditions have long been held to be valid exercises of the city's traditional police power, and do not amount to a taking merely because they might incidentally restrict a use, diminish the value, or impose a cost in connection with the property. The requirement of providing art in an area of the project reasonably accessible to the public is, like other design and landscaping requirements, a kind of aesthetic control well within the authority of the city to impose." (12 Cal. 4th 854 at 886). The plaintiff's petition for certiorari to the U.S. Supreme Court was denied, and the issue of an arts fee has not arisen in California appellate case law since this case.

Ehrlich's conclusion that cities can impose art development fees without passing the Nollan/Dolan scrutiny provides strong additional support for imposing fees such as the proposed Long Beach Arts Ordinance. Arguing that it is not at all clear that the rationale (and the heightened standard of scrutiny) found in the Nollan and Dolan cases applies to cases in which the exaction takes the form of a generally applicable development fee or assessment, the Ehrlich court concluded that the courts have deferred to legislative and political pressures to formulate "public program(s) adjusting the benefits and burdens of economic life to promote the common good." citing *Penn Central Transp. Co. v. New York City* (1978), 438 U.S. 104 at 124.

Ehrlich has been used by some jurisdictions, including Culver City, to justify a decision to forego a nexus study to support arts impact fees if the developers are given a choice of whether to put the funds in a fund or to purchase art for their building or for the City. By providing such a choice, the city can argue that it has



avoided the "Nollan/Dolan" requirements of either "reasonable relationship" (Nollan) or "rough proportionality (Dolan).

In analyzing the proposed development fee for the City of Long Beach, one concludes that legal precedent firmly establishes that the City can enact a fee to compensate for the increased need for cultural services imposed by new development. The City needs to show that there is a "rational nexus" or connection between the need for artistic/cultural resources and the growth resulting from new development. The fees charged must not exceed a proportionate share of the cost incurred in accommodating the development paying the fee. Finally, there must be a reasonable connection between the expenditure of the fees collected and the benefits received by the development paying the fees. Having demonstrated these criteria in advance, the legislation calling for payment into a fund, and thus giving the City maximum flexibility about how to spend these resources, should be able to withstand any judicial scrutiny or legal challenges.



## ***Conclusion***

In a time when revitalizing every neighborhood of the city, and improving the gateways and entrances to Long Beach have become major priorities as noted in the recently adopted *Long Beach 2010, The Strategic Plan*, expanding the Percent-for-Public-Art program can be a major assist to these efforts.



# *Appendices*

## **Appendix A: Definitions**

*Artist* – a practitioner in the Arts, generally recognized by his/her peers, critics and other arts professionals as committed to producing works of art on a regular basis.

*Civic Art* - public art, cultural facilities and cultural programs for the City of Long Beach.

*Construction Costs* – Construction costs for a project as declared on building permit applications, including but not limited to construction, electrical, plumbing and mechanical permits, for the project, and as accepted by the Building Official, but shall not apply to costs solely attributable to tenant improvements.

*Impact fee* - a monetary charge imposed by local government on new development to recoup or offset a proportionate share of public capital costs required to accommodate such development with necessary public facilities.



## **Appendix B: Civic Art Impact Fee Projections**

In order to estimate the annual potential funding which could be generated from a civic art fee on public and private development a five year permit history of development in the City of Long Beach was analyzed. Reports from the Planning and Building Department provided figures for public and private developments with total construction costs of one million dollars or more from the period of 1996 through 2000. These totals are as follow:

*Total Public Development Projects over \$1M for the past five years =  
\$431,895,000*

*Total Private Development Projects over \$1M for the past five years =  
\$307,684,205*

It should be noted that the total public development figure of \$431,895,000 includes projects for the quasi-governmental agency, Long Beach Transit. Also included are projects of the Harbor Department in the amount of \$62,000,000. Based on discussions with City staff it may be determined that Harbor Department and Tidelands projects should be exempted from the percent-for-public-art program.

In order to estimate the annual funding potential for a citywide civic art fee over the next five years, the historical figures were utilized without consideration for market and environmental forces which would likely effect the actual future development totals. Calculations for the annual estimate are as follows:

$\$431,895,000 \div 5 \text{ years} = \$86,379,000 \times 1\% =$   
 $\$863,790 \text{ yielded on public projects per year}$

$\$307,684,205 \div 5 \text{ years} = \$61,536,841 \times 1\% =$   
 $\$615,368 \text{ yielded on public projects per year}$



**Appendix C: City of  
Long Beach Impact  
Fees**

Existing Impact Fees imposed by the City of Long Beach on new development are listed below:

*School Impact Fees*

\$0.33 per square foot for Commercial/Industrial  
\$2.05 per square foot of Residential

*Sewer Capacity Fee*

\$61.13 per Equivalent Fixture Unit

*Park and Recreation  
Facilities Fee*

\$2,680 per Single Family Unit,  
\$2,070 per Duplex or Multi-family Unit,  
\$1,522 per Mobile Home Unit Pads or Secondary Housing Unit,  
\$1,015 per Accessory Unit up to 220 square feet

*Transportation and  
Improvement Fee*

Downtown Commercial Fee  
Office: \$3 per square foot  
Retail: \$4.50 per square foot  
Hotel: \$1,125 per guest room  
Movie: \$90 per seat

*Citywide Fee*

Office: \$2 per square foot  
Retail: \$3 per square foot  
Hotel: \$750 per guest room  
Movie: \$140 per seat  
Industrial: \$1.10 per square foot  
Warehouse: \$1.10 per square foot

*Residential Fee*

Citywide: \$1,125 per dwelling unit  
Accessory, up to 220 square foot: \$236.25  
Secondary, up to 640 square foot: \$663.75  
Senior Citizen: \$663.75



**Appendix D: Sources**

***City of Long Beach:***

Lennie Arazo, Gas & Electric  
Department  
Victoria Bell, Police Department  
Robert Bernard, Zoning Officer  
Deborah Chankin, Public Works  
Gary Flaxman, Community  
Development Department  
Pat Garrow, Senior Planner  
Dan Gooch, Fire Department  
Desiree Gooch, City Manager's  
Office  
Reginald Harrison, City Manager's  
Office  
Phil Hester, Park, Recreation and  
Marine Department  
David Honey, Health and Human  
Services  
Annette Hough, Budget Manager  
Jack Humphrey, Advanced Planning  
Officer  
Seyed Jalali, Development Project  
Manager, Economic Development  
Department  
Tom Johnson, Harbor Department  
Suzanne Mason, Parks, Rec and  
Marine  
Willie Miranda, Planning and  
Building  
Carolynn Montgomery, Secretary,  
Advance Planning Division  
Larry Montgomery, Community  
Development Department  
Gwendolyn Parker, Department of  
Public Works  
Georgie Richmond, Planning and  
Building Department  
Richard Steinhaus, Library  
Department  
Roberto Torrez, Director of  
Financial Management  
John Wills, Water Department  
Eugene Zeller, Planning and  
Building

***Advisory Committee for Public Art:***

Martin Betz, Exhibition Director,  
Long Beach Museum of Art  
Ilee Kaplan, Associate Director,  
University Art Museum, CSULB  
Robert Leigh, Managing Director,  
Long Beach Playhouse  
Jay Kvapil, Chair, California State  
University Long Beach Art  
Department  
Patricia Lofland, Community  
Leader  
Jennifer Curry Scott, President,  
Scott Investment Advisors  
Jane Netherton, President & CEO,  
International City Bank

***Nexus Advisory Committee:***

Desiree Gooch, Administrative  
Assistant to City Manager  
Robb Hankins, Executive Director,  
PCA  
Barbara Kaiser, Bureau Manager,  
Redevelopment Agency  
Gerald Miller, Assistant City  
Manager  
Jorge Pardo, Director, Visual Art  
and Design, PCA (resigned,  
October 2000)



*Public & Private Percent-for-Public-Art Study*

**Other:**

Roberta Babcock, City of Oakland  
Michael Biddle, City Attorney, City  
of Emeryville  
Brenda Brown, City of San Jose  
Cynthia Brown, Seattle Arts  
Commission  
Vida Brown, City of Culver City  
Margaret Bruning, Public Art  
Manager, Scottsdale Cultural  
Council  
Chuck Canada, Recreation  
Superintendent City of Fremont  
Steve Chesser, Community  
Relations, Boeing  
Ramon Curiel, Personnel Director,  
LBSD  
Jessica Cussick, Cussick Consultant  
Christian Dance, Sunnyvale Arts  
Council  
Eloise Damrosch, Regional Arts and  
Culture Council, Portland  
Carol DeLay, City Planner, Culver  
City  
Linda Howell DiMario, Long Beach  
Convention and Visitors Bureau  
Marla Dresch, Public Policy  
Institute of California  
Mark Johnston, Public Art  
Administrator, City of Los  
Angeles

Jonathon Gluf, City of Pasadena  
Gail Goldman, Public Art  
Consultant  
Peggy Kendellen, Public Art  
Manager, Regional Arts and  
Culture Council, Portland  
Cary Letterer, City of Walnut Creek  
Jamie McKenzie, Public Policy  
Institute of California  
Joseph Pamone, City Attorney,  
Culver City  
Susan Pontius, Public Art Program,  
City of San Francisco  
Gary Schaub, Leshar Center for the  
Performing Arts, Walnut Creek  
Julie Silliman, Senior Public Arts  
Officer, Metropolitan  
Transportation Authority, Los  
Angeles  
Consuelo Underwood, Silicon Valle  
y Arts  
Council  
Erlinda Wormo, Housing and  
Development Department, City of  
Pasadena  
Laura Zucker, Executive Director,  
Los Angeles County Arts  
Commission



**Appendix E:  
Bibliography**

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Print

## Public Art Ordinance

The Seattle Municipal Code primarily contains the same sections and wording as the original ordinance, and is more often referenced for the program's operation than the original ordinance.

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### Sections:

20.32.010 Purpose  
20.32.020 Definitions  
20.32.030 Funds for works of art  
20.32.040 Office of Arts & Cultural Affairs Authority  
20.32.050 Municipal Arts Fund

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### SMC 20.32.010 Purpose

The City accepts a responsibility for expanding public experience with visual art. Such art has enabled people in all societies better to understand their communities and individual lives. Artists capable of creating art for public places must be encouraged and Seattle's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the City.

(Ord. 102210 Section 1, 1973.)

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### SMC 20.32.020 Definitions

- A. "Office" means the Office of Arts and Cultural Affairs.
- B. "Commission" means the Seattle Arts Commission.
- C. "Construction project" means any capital project paid for wholly or in part by the City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of The City of Seattle.
- D. "Eligible fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.
- E. "Municipal Arts Plan" means the plan required by Section 20.32.040 A.
- F. "Administrative costs" means all costs incurred in connection with the selection, acquisition, installation and exhibition of, and publicity about, City-owned works of art.

(Ord. 121006 Section 11, 2002; Ord. 117403 Section 1, 1994; Ord. 105389 Section 1, 1976; Ord. 102210 Section 2, 1973.)

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### SMC 20.32.030 Funds for works of art

All requests for appropriations for construction projects from eligible funds shall include an amount equal to one (1) percent of the estimated cost of such project for works of art and shall be accompanied by a request from the Office of Arts and Cultural Affairs for authorization to expend such funds after the same have been deposited in the Municipal Arts Fund. When the City Council approves any such request, including the one (1) percent for works of art, the appropriation for such construction project shall be made and the same shall include an appropriation of funds for works of art, at the rate of one (1) percent of project cost to be deposited into the appropriate account of the Municipal Arts Fund. Money collected in the Municipal Arts Fund shall be expended by the Office of Arts and Cultural Affairs for projects as prescribed by the Municipal Arts Plan, and any unexpended

funds shall be carried over automatically for a period of three (3) years, and upon request of the Office of Arts and Cultural Affairs, carried over for an additional two (2) years. Any funds carried over for three (3) years, or upon special request for five (5) years, and still unexpended at the expiration of such period shall be transferred to the General Fund for general art purposes only; provided, that funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which appropriated at the expiration of said three (3) or five (5) year period.

(Ord. 121006 Section 12, 2002: Ord. 105389 Section 2, 1976: Ord. 102210 Section 3, 1973.)

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### **SMC 20.32.040 Office of Arts and Cultural Affairs - Authority**

To carry out its responsibilities under this chapter, the Office of Arts and Cultural Affairs shall:

- A. Prepare, adopt and amend with the Mayor's approval a plan and guidelines to carry out the City's art program, which shall include, but not be limited to a method or methods for the selection of artists or works of art and for placement of works of art;
- B. Authorize purchase of works of art or commission the design, execution and/or placement of works of art and provide payment therefor from the Municipal Arts Fund. The Office of Arts and Cultural Affairs shall advise the department responsible for a particular construction project of the Office's decision, in consultation with the Seattle Arts Commission, regarding the design, execution and/or placement of a work of art, funds for which were provided by the appropriation for such construction project;
- C. Require that any proposed work of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance;
- D. Promulgate rules and regulations consistent with this chapter to facilitate the implementation of its responsibilities under this chapter.

(Ord. 121006 Section 13, 2002: Ord. 105389 Section 3, 1976: Ord. 102210 Section 4, 1973.)

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### **SMC 20.32.050 Municipal Arts Fund**

There is established in the City Treasury a special fund designated "Municipal Arts Fund" into which shall be deposited funds appropriated as contemplated by Section 20.32.030, together with such other funds as the City Council shall appropriate for works of art, and from which expenditures may be made for the acquisition and exhibition of works of art consistent with the plan specified in Section 20.32.040A, and for Office of Arts and Cultural Affairs staff costs and administrative costs (as defined in SMC Section 20.32.020 F) that are associated with developing and implementing the Municipal Arts Plan, but not the cost of maintaining City-owned art work, which maintenance cost may be paid from the Cumulative Reserve Subfund or such other source(s) as may be specified by ordinance. Separate accounts shall be established within the Municipal Arts Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. Disbursements from such fund shall be made in connection with projects approved by the Seattle Arts Commission on vouchers approved by the Director of the Office of Arts and Cultural Affairs.

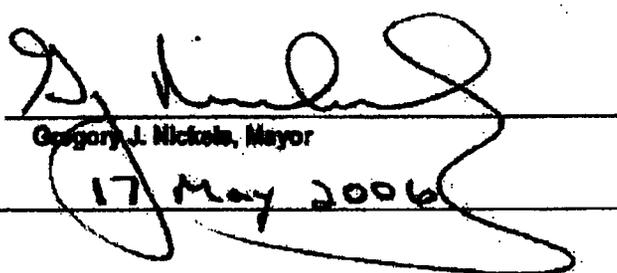
(Ord. 121006 Section 14, 2002: Ord. 117403 Section 2, 1994: Ord. 116368 Section 242, 1992: Ord. 105389 Section 4, 1976: Ord. 102210 Section 5, 1973.)



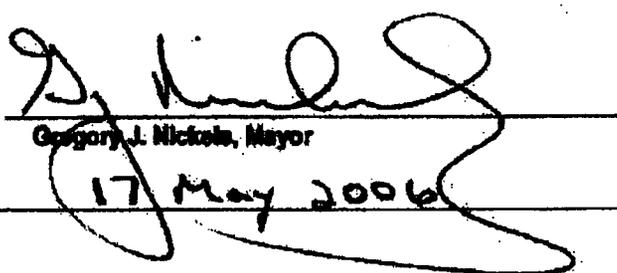
**2006 MUNICIPAL ART PLAN  
CITY OF SEATTLE**

**2006 Municipal Art Plan  
City of Seattle**

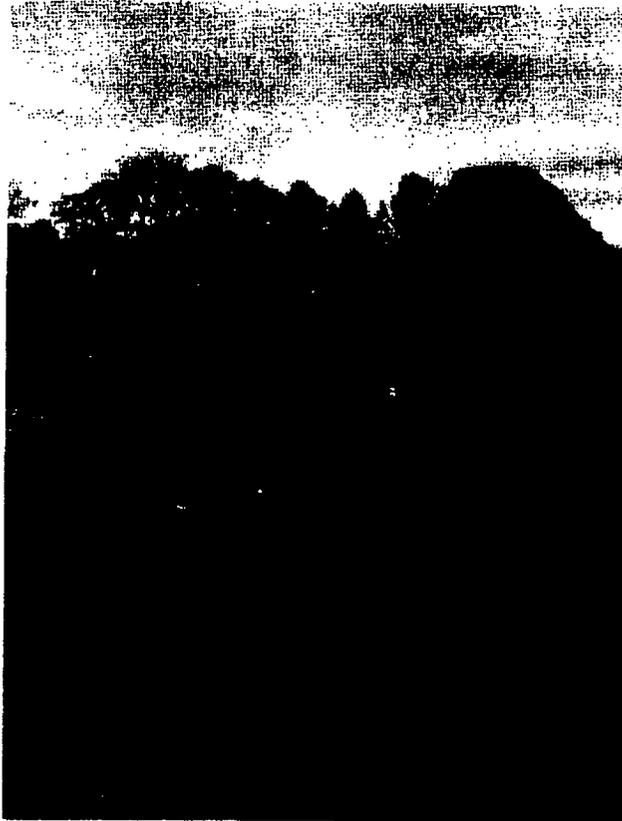
Approved:

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Date:

  
\_\_\_\_\_  
17 May 2006

*The mission of Seattle's Public Art Program is to engage artists in the civic dialogue, integrating artworks and the ideas of artists into a variety of public settings.*



*Sensitive Chaos*, 2005 by Douglas Hollis

Cal Anderson Park, Capitol Hill, Seattle, Washington

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## **Municipal Art Plan**

The Municipal Art Plan (MAP) describes the status of continuing public art projects and establishes budgets for new public art projects for the Public Art Program of the Office of Arts & Cultural Affairs. The Seattle Municipal Code requires that one percent of certain city capital improvement program funds from select city departments be placed in the Municipal Art Fund for purchase and commission of artworks. The Office of Arts & Cultural Affairs manages the fund and prepares, adopts and amends the annual MAP. Funding sources for 1% for Art projects include voter-approved levies (e.g., Fire Facilities and Emergency Response Levy, 2000 Parks Levy), eligible capital improvement project revenues and special funds such as grants. In late December 2005, a Washington State Court of Appeals ruling modified a 2004 lower court ruling on the use of Seattle City Light funds, and subsequently Seattle Public Utilities, as related to participation in the 1 % for Art program. Based on the Court of Appeals' ruling, both Seattle City Light and Seattle Public Utilities will continue to be mandated to participate in 1% for Art Program. The amount of funding and the related projects have yet to be determined for either utility and thus are not listed. The MAP will be amended later in 2006 with the Seattle City Light and Seattle Public Utilities information when it is available.

Projects generated through the MAP also have the potential to leverage investment by other government entities, as well as private donors, foundations and community groups. In recent years, projects initiated by the Office of Arts & Cultural Affairs have utilized non-1% for Art funds from city departments, Metro King County and the Port of Seattle, as well as the Library Foundation and the National Endowment for the Arts.

The Public Art Program director and staff participate in city planning efforts and meet frequently with representatives from each of the city departments throughout the year to discuss capital improvement plans and how the Public Art Program can reinforce the city's work. Public art staff review Capital Improvement Plans with departmental staff to identify appropriate locations of public art and prioritize projects that will meet the goals of the city and the department. Artworks are related to the capital improvement projects or the ongoing work of the department, and must be located in places that are publicly accessible, usually on city-owned property. Once the work with city departments is completed, funding allocations and recommendations are presented to the Public Art Advisory Committee (PAAC), a standing committee of the Seattle Arts Commission, that gives input to staff to develop final recommendations for the annual MAP. Following PAAC review, the plan goes to the full Commission for review and then is submitted to the Department of Finance and the Mayor for final approval. Throughout the year, as the city work plan changes and new funds are identified, the MAP is amended as necessary.

## **Artist and Artwork Selection**

The Office of Arts & Cultural Affairs has established procedures for artist and artwork selection that closely mirror other city of Seattle contracting procedures. Most artist commissions and artwork purchases are conducted on a competitive basis. At least half of the funds must be allocated to artists living in the Pacific Northwest. The competitive methods used for artist and artwork selections include "open calls," "invitational calls," "rosters," and "direct selection" of artists. Panels of qualified arts professionals and representative community members, design team members and the city department review the applications of all competitors.

Open calls for artists are requests for qualifications or proposals that are advertised regionally or nationally. Invitational calls solicit qualifications or proposals from artists with specific areas of focus who have been nominated by an expert panel with knowledge in the pertinent area. Artist rosters are formulated through a publicly advertised competition and a subsequent review of qualifications. Direct selection of artist or artworks, which is rarely used, is confined to purchases or commissions where a very specific type of art is purchased (e.g., a totem pole) or a certain expertise is needed or project continuity may be required. At the conclusion of the artist-selection process, artists who are recommended by the selection panel can be awarded a contract or artworks can be purchased. Artists who are selected for roster-based projects are eligible for contract awards while the roster is in effect, generally a period of up to two years.

## **MAP Overview**

The first table on page 7 outlines the funding sources and appropriations for 2006. The second table lists all active and upcoming 2006 projects and shows current-year allocations to those projects.

The body of the MAP lists all current ongoing projects and new projects anticipated to begin this funding year, the projects are grouped according to the funding source department. Each project lists the selection method for the artist and geographical eligibility of applicants. If the project is underway, the commissioned artist is listed. The funding table indicates where applicable, prior years' allocations, allocation of 2006 funds, current project total and a total estimated project cost. The figures shown in the columns represent, as follows:

### **Prior Allocations**

This column shows all funding that has been allocated to the project prior to 2006. It is not a life-to-date expenditure figure.

### **2006 Allocation**

The figure in this column indicates the amount of 2006 Adopted Budget 1% for Art funds allocated to the project.

### **Current Project Total**

This column, which is not shown on all tables, shows current funding amount through 2006. It is anticipated that a few projects may continue to receive additional allocations in future years, in which case the estimated project total column (see below) will reflect projected total funding for the project.

### **Estimated Project Total**

This column shows the total anticipated funding for the project. If the project does not show the additional column "Current Project Total," the estimated project total includes all funds expected to be allocated to the project.

**2006 MAP FINANCIAL SUMMARY****1% for Art Funding Sources in 2006**

Fleets & Facilities 1% for Art	\$198,740
Seattle Parks and Recreation 1% for Art	\$212,240
Seattle Center 1% for Art	\$160,250
Seattle Department of Transportation 1% for Art	\$108,682
Seattle City Light	TBD
Seattle Public Utilities	TBD
<b>Total 2006 Adopted Budget (1% for Art)</b>	<b>\$679,912</b>

**Active % for Art Projects, 2006 MAP Distributions of 2006 Adopted Budget**

<b>Fleets and Facilities</b>	Fire Station 10 Replacement(3 projects)	\$0
	Joint Training Facility	\$0
	Neighborhood Fire Station Program	\$158,992
<b>Seattle Center</b>	Campus Artwork	\$122,800
	McCaw Hall	\$5,400
<b>Seattle Parks and Recreation</b>	Community Centers Levy (4 current projects)	\$35,624
	2000 Parks Levy Program (8 current projects)	\$134,168
<b>Seattle Department of Transportation</b>	SDOT Artist in Residence(AIR), phase 2	\$30,000
	AIR Implementation Projects	\$34,348
	37 <sup>th</sup> - 38 <sup>th</sup> Floor Galleries	\$5,000
	Interurban Trail	\$7,000
	Fremont Bridge	\$10,600
	Northgate Streetscape	\$0
	Thomas St Pedestrian Bridge	\$0
	South Lake Union Streetcar	\$0
<b>Special Projects</b>	Libraries (9 current projects)	\$0
<b>Other</b>	Administrative Services/Overhead	\$135,982
	<b>Total Distributions</b>	<b>\$679,912</b>

Projects receiving allocations in 2006 show funding above. Projects showing no dollar allocations received funding in prior years. For details, please refer to individual project descriptions.

## 2006 MAP Individual Project Descriptions

### Fleets & Facilities Department

During 2006, the public art undertaken for Fleets & Facilities will focus on integrating art into the 2003 Fire Facilities and Emergency Response Levy projects, including Fire Station 10 replacement, Joint Training Facility and Neighborhood Fire Station projects.

#### Fire Facilities and Emergency Response Levy Program

In 2003, Seattle voters passed a \$167 million Fire Facilities and Emergency Response Levy that included a Joint Training Facility, a new command center, a number of new fire stations and improvements to existing stations.

#### **Fire Station 10 Replacement**

**Gloria Bornstein, Seattle, WA**  
International District  
4<sup>th</sup> Avenue South and Yesler Way

The Fire Station 10 project will co-locate Seattle Fire Department's Fire Station 10's functions, Fire Alarm Center and Seattle Police Department's Emergency Operations Center. In 2004 Gloria Bornstein was selected to work as the design team artist to develop an art plan incorporating suggestions for integrated art as well as opportunities for other artists. In 2006, two additional artists will be chosen through an open call and commissioned for two separate exterior artworks.

<b>Selection:</b>	Roster, Invitational and Open Call		
<b>Eligibility:</b>	Northwest		
<b>Funding:</b>	<b>Prior</b>	<b>2006 Allocation</b>	<b>Estimated Project Total</b>
	\$327,379	\$0	\$327,379

#### **Joint Training Facility**

**Roberto Rovira, San Francisco, CA**  
South Park  
9401 Myers Way S.

Before the Fire Facilities and Emergency Response Levy was approved, the city began work on a Joint Training Facility Project that will be partly funded by the levy. In 2003, the Office of Arts & Cultural Affairs selected artist Roberto Rovira to participate on the design team for the Joint Training Facility, a major training facility for transportation workers, firefighters and utility workers, on the site of an abandoned gravel pit in South Park. The facility minimizes impermeable surfaces, recaptures water and features a high level of sustainable design. Rovira is creating a site-integrated artwork that reflects the facility's sustainable design and honors the work of the trainees. In 2006, Rovira will be working on a second proposal for the site due to changes at the facility.

<b>Selection:</b>	Invitational		
<b>Eligibility:</b>	Western United States		
<b>Funding:</b>	<b>Prior</b>	<b>2006 Allocation</b>	<b>Estimated Project Total</b>
	\$291,593	\$0	\$291,000



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## Chicago Public Art Program

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### Public Art Program

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[Applications](#)

[Public Art Collection](#)

[Venues/Special Projects](#)

[Chicago Cultural Center Exhibitions](#)

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### Contact Info

## City of Chicago Percent-for-Art Ordinance

**Summary:** Section 2-4, Chapter 26 of the Municipal Code

Passed in 1978 (as Sec. 1, Chp. 26), and last amended in 2003

Whereas, the City of Chicago recognizes the importance of the artistic expression of local and international artists;

Whereas, the City of Chicago desires to enhance its public structures and environment through artwork located in public places;

Whereas, Public Art Programs have been established across the country in 200 states, counties and municipalities, . . . . to provide an effective vehicle for the commissioning and placement of such artwork;

Whereas, the Chicago Cultural Plan recommends a stronger Public Art Program for Chicago, and

Whereas, a stronger Public Art Program will restore and enhance Chicago's stature as a national leader in public art; now, therefore,

Be It Hereby Ordained by the City Council of the City of Chicago:

2-92-070 This program shall be known and referred to as the "Public Art Program."

2-92-080 As used in this section, the term "artwork(s)" includes all forms of the visual arts conceived in any medium, material, or combination thereof, commissioned or purchased by the City including those received as gifts to the City of Chicago.

2-92-090 Every budget for the construction of or renovation affecting 50% or more of the square footage of a public building to which there is or will be public access built for or by the City of Chicago, and every budget for a City of Chicago outdoor site improvement project to which there will be public access and that has been designated an eligible public art program project by the Public Art Committee, shall provide that 1.33 percent of the original budgeted cost of construction or renovation of the structure or the project itself, excluding land, architectural design fees, construction management and engineering fees, fixtures, furnishings, streets, sewers and similar accessory construction, shall be appropriated and deposited in the Public Art Program Fund as specified in Section 2-92-120, to commission or purchase artwork to be located in a public area in or at such building or project, provided, however, this provision shall not apply to any building or project constructed with funds which exclude public art as an eligible cost.

2-92-100 Administration -- Department of Cultural Affairs

The Department of Cultural Affairs shall administer the Public Art Program and all Public Art Program projects, including artwork(s) received as gifts to the City of Chicago. The Department of Cultural Affairs shall commission or purchase all artwork after consultation with the Public Art Committee and Project Advisory Panel as specified in sections 2-92-130 through 2-92-160.

2-92-110 Administration -- Policy Procedures

The Department of Cultural Affairs shall develop policy procedures for the execution of the Public Art Program. The procedures shall detail the general administration of the Public Art Program and shall include, but are not limited to:

\* The duties of the Public Art Committee, Conservation Subcommittee, and Project Advisory Panel as defined in Sections 2-92-140, 2-92-144 and 2-92-160;

- \* the rights and responsibilities of the artist(s) selected; (and)
- \* the receipt and placement of artwork(s) received as gifts to the city of Chicago, and
- \* the placement of artwork at temporary art exhibitions on city property, including bridge art and other similar exhibitions but not including art fairs or festivals

**2-92-120 Public Art Program Fund**

There is hereby created an account to be used solely for the commissioning or purchase of artwork(s), administration of the Public Art Program, and maintenance of artwork in the Public Art Program. This account shall be referred to as the "Public Art Program Fund."

No more than 20 percent of the Public Art Program Fund shall be applied to maintenance of artwork in the Public Art Program and general administrative costs of the Public Art Program.

**2-92-130 Public Art Committee – Established – Chairperson and membership**

There is hereby created a Public Art Committee for the Public Art Program. The Commissioner of the Department of Cultural Affairs shall act as chairperson of the Committee. The Public Art Committee shall consist of seventeen (17) members as follows:

- a. Commissioner of the Dept. of Cultural Affairs;
- b. Commissioner of the Dept. of Aviation;
- c. Commissioner of the Dept. of General Services;
- d. Commissioner of the Dept. of Planning and Development;
- e. Commissioner of the Dept. of Transportation;
- f. Chairman of the City of Chicago City Council Committee on Special Events and Cultural Affairs;
- g. Executive Director of the Public Building Commission
- h. (eliminated by amendment of November 2003);
- i. one representative of the Chicago Park District;
- j. one representative of the Chicago Transit Authority;
- k. one member of the Mayor's Landscape Committee
- l. one representative of the Chicago Public Library, and
- m. six members of the art community of the city of Chicago selected by the Commissioner of the Department of Cultural Affairs from among area artists, museum curators or directors, art patrons, or academicians.

These members will be appointed to two-year terms or until their successors are appointed. Gallery owners and agents representing artists shall not be eligible for appointment under this subsection. Every committee member except those selected under subsection (m) of this section may designate, from time to time, a surrogate to attend meetings and to vote in the member's place. If a member is an elected official, the surrogate of that member shall be a member of the elected official's staff. If a member is the head of a city department, the surrogate of that member shall be an employee of that same department. If a member is a representative of any other government agency, the surrogate of that member shall be an employee of that same agency. The actions and votes of a designated surrogate shall be valid as the actions and votes of the member designating the surrogate.

**2-92-140 Public Art Committee – Powers and Duties**

The Public Art Committee shall meet at least four times per year and shall have the following additional duties:

- a. To implement the public Art Program policy, as promulgated from time to time by the Department of Cultural Affairs and to establish a procedure for each eligible project.
- b. To review proposed construction projects on a quarterly basis and determine eligible Public Art Program projects.
- c. To determine how the Public Art Program funds will be spent for each project and report on those expenditures on an annual basis to the City Council Committee on Special Events and Cultural Affairs.
- d. To determine the appropriate placement of artwork(s) commissioned or purchased under the Public Art Program as well as artwork(s) received as gifts to the city.
- e. To establish selection guidelines for the Public Art Program project, including determining whether the selection will be made by open competition, limited entry (invitational) or direct selection;
- f. To maintain artwork(s) in the Public Art Program collection in cooperation with the Department of General Services;
- g. To review the recommendation of the Project Advisory Panel regarding the artist(s) and artwork(s) to be selected.
- h. To make the final selection of the artist(s) and artwork(s) to be commissioned or purchased by the Department of Cultural Affairs for each Public Art Program project;
- i. To review current and future Public Art Program projects to insure that Chicago artists receive at least 50

percent of these commissions or purchases;

and

- j. To review the recommendations of the conservation subcommittee regarding the selection of sculpture restoration and conservation projects and to make the final selection of the sculpture restoration and conservation projects that will receive Public Art Program funding.

**2-92-144 Conservation Subcommittee – Powers and Duties**

The Conservation Subcommittee shall meet at least two times a year and shall have the following additional duties:

- a.
- b. To review and prioritize proposed projects for the restoration and conservation of sculptures in the Public Art Program collections; and
- c. to make recommendations to the Public Art Committee regarding sculpture restoration and conservation projects to be selected for Public Art Program funding.

**2-92-150 Project Advisory Panels – Appointment and Membership**

The Public Art Committee shall appoint a Project Advisory Panel for each Public Art Program project in excess of \$10,000. Each Project Advisory Panel shall consist of seven members as follows:

- a. a chairman selected from the staff of the Public Art Program by the director of the Program
- b. a representative from the department for whom the public building is being erected or from the department which is coordinating the outdoor site improvement project;
- c. the project architect responsible for the design of the public building or outdoor site improvement project;
- d. two members of the arts community to be appointed by Chairman of the Public Art Committee from a list developed in consultation with the Public Art Committee;
- e. two members of the community which will be served by the public building or outdoor site improvement project. One community member shall be selected by a representative from the department for whom the building is being erected or from the department which is coordinating the outdoor site improvement project. The second community member shall be selected by the alderman of the ward in which the public building or outdoor site improvement project is to be located, provided that if the project is located in more than one ward, the selection of the second community member shall be made jointly by the aldermen of the respective wards.

**2-92-160 Project Advisory Panels – Powers and Duties**

The duties of the Project Advisory Panel shall be as follows:

- a. To carry out the guidelines of the Public Art Project project for which it was formed, promulgated from time to time by the Public Art Committee;
- b. To seek and obtain community input regarding the project, and
- c. To review artist(s) and artwork(s) to be commissioned or purchased and make recommendations to the Public Art Committee for final approval.

**2-92-170 Compensation**

No member of the Public Art Committee, the conservation subcommittee or a Project Advisory Panel shall receive compensation for his or her services. Members of the committees who are city employees shall receive only such compensation as is set forth in the annual appropriation ordinance.

**2-92-180 Ownership of Completed Projects**

Ownership of all completed Public Art Program projects shall be conveyed to the City of Chicago.

**2-92-190 Constitutionality**

If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect or invalidate the remainder of this ordinance but shall be limited to the provision directly involved in the controversy in which such judgment was rendered. It is hereby declared to the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision not been included.

**Section 3**

This ordinance shall be in full force and effect from and after its passage and publication.





# Open Studio application

Public Art Program  
Department of Cultural Affairs  
City of Chicago  
78 E. Washington St.  
Chicago, IL 60602

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***The purpose of the Open Studio project is to facilitate direct interaction between artists and the general public. The Open Studio project has been established to expose the nature of creative practice and studio labor in a public and accessible manner.***

Please note: This is a work residency only, there are no living facilities provided. Residencies are offered for a calendar month. The studio space is rough, the only equipment provided is a table, chair and sink. The stipend is \$500.

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## NAME AND ADDRESS:

Name (last name first): \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Preferred Phone ( ) \_\_\_\_\_ Secondary Phone: ( ) \_\_\_\_\_

Email address: \_\_\_\_\_

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## Please include the following with this application:

A proposal describing how you would use the studio (no more than one page).

An artist statement.

A current resume.

Pertinent support material, such as relevant reviews, articles, catalogues, weblinks.

Images may be submitted as slides (see below) or on CD.

- If submitting jpegs on CD, please include printed samples of images.

- If using slides, present no more than 20 slides in a plastic slide sleeve.

*Label your slides clearly with name, title, date of execution, and dimensions and place a dot in the lower left hand corner of the slide mount (when image is oriented for correct viewing.)*

***Slides and other materials become the property of the City of Chicago Public Art Program. Please send only one copy of materials and do not send originals. Accepted applicants will be notified by mail. If you have questions, please contact the Chicago Public Art Program via email to [nathan.mason@cityofchicago.org](mailto:nathan.mason@cityofchicago.org).***



City of Chicago  
Richard M. Daley, Mayor

CITY OF ALAMEDA ORDINANCE NO. 2892  
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 30-65  
(PUBLIC ART IN NEW COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND  
MUNICIPAL CONSTRUCTION) TO CHAPTER XXX  
(DEVELOPMENT REGULATIONS)  
RELATING TO PUBLIC ART

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Section 30-65 is hereby added to Chapter XXX (Development Regulations) of the Alameda Municipal Code to read as follows:

**30-65: Public Art in New Commercial, Industrial, Residential and Municipal Construction.**

30-65.1 Purpose: The City Council finds and declares:

- a. Cultural and artistic assets should be included in private development projects because those projects diminish the availability of the community's resources for those cultural and artistic features, and because it is important that those projects contribute to the urbanization of private property in a manner that benefits the public.
- b. The visual and aesthetic quality of development projects has a significant impact on property values, the economic well being of the City and its orderly development.
- c. The City of Alameda's General Plan establishes cultural and historical, recreational, park and open space land use policies. This section is consistent with the cultural and historic component of the City's General Plan by providing an opportunity for the design of new projects to incorporate public art.
- d. The public's understanding, enjoyment and experience of cultural diversity will be increased by the variety of artistic projects provided in compliance with this section.
- e. The public art provided pursuant to this section shall include, without limitation, the preservation of Alameda's historic and maritime traditions.
- f. The incorporation of public art into private and public development will create a unique sense of community as well as public identity and enhance the visual and aesthetic quality of such developments.
- g. The incorporation of public art and cultural programs in private and public development is in the public interest and enhances the general welfare of those persons living and working in City of Alameda.

30-65.2 Definitions. For purposes of this section, the following terms shall have the following meanings:

- a. ***"Building Development Costs"*** shall mean those construction costs as declared on all building permit applications for new construction, and as accepted by the Chief Building Official, but shall not apply to costs solely attributable to tenant improvements. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical and electrical permit applications for the project.
- b. ***"Non-profit agency"*** shall mean a corporation organized under Internal Revenue Code Section 501(c)(3), in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing, reporting, and tax requirements.
- c. ***"Program Allocation"*** shall mean the amount required under subsection 30-65.3.
- d. ***"Public Art"*** shall mean the public art programs described in subsection 30-65.4.
- e. ***"Public Art In-Lieu Contribution"*** shall equal the percentage of building development costs required by this section.

### 30-65.3 Contribution Requirements

- a. Private and municipal developments with Building Development Costs of two hundred fifty thousand dollars (\$250,000) or more shall devote an amount not less than one percent (1%) of such costs for acquisition and installation of Public Art on the development site, subject to a maximum of one hundred, fifty thousand dollars (\$150,000). The Public Art shall be installed on the development site in a location that allows the Public Art to be visible from a public right-of-way or from other public property. This amount shall be the Program Allocation.
- b. The contribution requirement of this section shall apply to commercial, industrial and municipal projects, and residential projects that create five or more residential units.
- c. An existing building that is remodeled with a construction value equal to or more than 50 % of the replacement cost of the building shall be subject to the requirements of this section.
- d. All non-profit and non-municipal governmental development shall be exempt from the requirements of this section. City Council may exempt any municipal building from the requirements of this section.
- e. In lieu of acquisition and installation of Public Art on the development site, an owner or developer, at its discretion, may place a Public Art In-Lieu Contribution in an amount equal to the Program Allocation into the Alameda Public Art Fund, established by subsection 30-65.5 for acquisition and installation of Public Art.

The Public Art In-Lieu Contribution shall be paid prior to the issuance of a building permit for the project on the development site.

- f. Subject to the approval of the Recreation and Park Commission, an owner or developer may incorporate into the development Public Art that has a value lower than the Program Allocation and pay a Public Art In-Lieu Contribution to the Public Art Fund for the balance of the Program Allocation.

**30-65.4 Public Art.** The following Public Art may be used to satisfy the requirements of subsection 30-65.3:

**a. On-site Projects:**

- (i) Sculpture; such as in the round, bas-relief, mobile, fountain, kinetic, electronic, or other, in any material or combination of materials;
- (ii) Painting: All media, including but not limited to, murals;
- (iii) Graphic and Multi-media: printmaking, drawing, calligraphy and photography including digital, any combination of forms of electronic media including sound, film, holographic, and video and other art forms but only when on a large public scale;
- (iv) Mosaics;
- (v) Crafts: in clay, fiber and textiles, wood metal, plastics and other materials;
- (vi) Mixed Media: any combination of forms or media, including collage;
- (vii) Any other form determined by the Recreation and Park Commission, or City Council on appeal, to satisfy the intent of this section.

**b. On-site Cultural Programs:**

- (i) Performance arts: theatre, dance, music;
- (ii) Literary arts: poetry readings and story telling;
- (iii) Media areas: film and video, screenings and installations;
- (iv) Education: art lectures and presentations;
- (v) Special events: festivals and celebrations.
- (vi) Artist-in-residence programs in the arts;
- (vii) Any other form of cultural program determined by the Recreation and Park Commission, or City Council on appeal, to satisfy the intent of this section.

- c. On-site Art Spaces or Cultural Facilities that include one or more of the following eligible components: gallery/exhibition spaces, resource libraries, visual arts slide registries, performance spaces, artist studio spaces and arts education facilities which are open and accessible to the public.

### 30-65.5 Alameda Public Art Fund

- a. There is hereby created the Alameda Public Art Fund to account for the Public Art In-Lieu Contributions made pursuant to subsection 30-65.3(e) and (f) and any and all other revenues appropriated or received for Public Art. The revenues in such Fund shall be used solely for (i) the acquisition, commission, design, installation, improvement, maintenance and insurance of Public Art identified by subsection 30-65.4; (ii) the acquisition or improvement of real property for the purpose of displaying Public Art, which has been or may be subsequently approved by the City; or (iii) other expenses associated with implementation of Public Art and the Public Art Plan.
- b. The Alameda Public Art Fund shall be distributed annually as follows:
  1. No more than twenty five percent (25%) of the annual Alameda Public Art Fund shall be used as an administrative fee for processing the Public Art application, approving the Public Art, coordinating and developing cultural programs, monitoring, compliance, or any other administrative task.
  2. The balance of the Alameda Public Art Fund shall be distributed for Public Art with seventy-five percent (75%) designated for on-site art and twenty-five percent (25%) for on-site cultural programs and on-site art spaces or cultural facilities.
- c. If real property purchased with monies from the Alameda Public Art Fund is subsequently sold, the proceeds from the sale shall be returned to the Alameda Public Art Fund.
- d. The Recreation and Park Commission shall present annually to the City Council for approval a Public Art Plan that recommends the use of Alameda Public Art Fund monies consistent with the purpose of this Section. The Public Art Plan shall be administered by the Recreation and Park Department.

### 30-65.6 Included and Excluded Expenses

- a. The following expenses may be included in the budget for the Program Allocation for Public Art: (i) the art itself including the artist's fee for design, structural engineering and fabrication; (ii) transportation and installation of the work at the sites; (iii) identification signs; and (iv) mountings, anchorages, containments, pedestals, bases, or materials necessary for installation of the art.
- b. The following expenses shall not be included in the budget for the Program Allocation for Public Art: (i) the cost of locating the artist(s); (ii) architect and landscape architect fees; (iii) land costs; (iv) landscaping around Public Art not integral to its design; (v) publicity, public relations, photographs or dedication

ceremonies; (vi) utility fees associated with activating the public art; and (vii) illuminating the art if not integral to the design.

- c. No more than twenty five percent (25%) of the Program Allocation for Public Art determined on an annual basis shall be used as an administrative fee as described in subsection 30-65.5(b) above.

#### **30-65.7 Public Art Advisory Committee**

- a. There is hereby established a Public Art Advisory Committee that shall consist of five members appointed by the City Council, who are knowledgeable about contemporary visual public art, and capable of engaging effectively in a jury process.
- b. Membership, term of office, and removal of the members of the Public Art Advisory Committee shall be set by City Council Resolution.
- c. The Committee shall advise the Recreation and Park Commission and City staff on applications for the installation of Public Art, the selection of Public Art, and matters pertaining to the quality, quantity, scope and style of art in public places.
- d. The Committee shall make recommendations to the Recreation and Park Commission regarding the Public Art Plan.
- e. The Committee shall assist private property owners, as requested, regarding the selection and installation of Public Art.
- f. The Committee shall review and promote City inventory of meritorious Public Art in public view.

#### **30-65.8 Application and Approval Procedures for Placing Public Art on Private Property**

- a. An application for installation of Public Art on private property shall be submitted to the Recreation and Park Department on forms furnished for that purpose and shall include the following information, as applicable:
  - (i) Landscape and site plans indicating the location and orientation of the Public Art and the landscaping and architectural treatment integrating the piece into the overall project design;
  - (ii) A sample, model, photograph or drawings of the proposed Public Art;
  - (iii) Material samples and finishes if appropriate;
  - (iv) A resume of the proposed artist;
  - (v) Slides and/or photographs of the proposed artist's past Public Art, which demonstrates like Public Art to the proposal;
  - (vi) A written statement by the artist describing any theme or development of the Public Art, as well as a discussion of the manner in which the proposed Public Art meets the Guidelines described in section 30-65.10, and the manner in which the Public Art will be displayed in an area that is visible from a public right-of-way or public property; or, if an on-site cultural program or art space or cultural facility, the means

by which the public will gain access to such programs, spaces, or facilities.

- (vii) A written statement by the artist declaring the valuation of the Public Art.
  - (viii) A maintenance plan for the Public Art.
  - (ix) Any such additional information or material as may be required by the Recreation and Park Director, or designee.
- b. The application submitted pursuant to subparagraph (a) shall be referred to the Recreation and Park Director or his/her designee for preliminary review to determine whether the application is complete. The completed application along with the recommendation of staff and/or consultants shall be forwarded to the Public Art Advisory Committee for review and recommendation to the Recreation and Park Commission.
- c. The Recreation and Park Commission shall review the permit application within sixty (60) days of receipt of a complete application. The Recreation and Park Commission may make recommendations regarding possible changes, modifications or additions to the proposal. Fourteen (14) days' prior written notice shall be provided to the applicant of the time and place of the meeting at which the application will be considered.
- d. The Recreation and Park Commission shall approve or deny the application in accordance with the Guidelines for Approval referenced in section 30-65.10. The Recreation and Park Commission may conditionally approve an application subject to such conditions that the Recreation and Park Commission deems reasonably necessary to conform the Public Art to the Guidelines for Approval.
- e. Failure of the Recreation and Park Commission to act on an application and to notify the applicant within seventy-five (75) calendar days of receipt of a complete application, or such extended period as may be mutually agreed upon by the applicant and the Recreation and Park Commission, shall be deemed a denial of such application.
- f. The application required by this section shall be made, approval obtained and the Public Art installed prior to final building inspection or issuance of approval of a certificate of occupancy for the new construction. If installation prior to the date of occupancy is impracticable, as determined by the Recreation and Park Director or his/her designee, a certificate of occupancy may be approved for the building or portion thereof if the application submitted pursuant to this section has been approved, the applicant has executed a written agreement with the City to install the Public Art, and the applicant has filed security in an amount and form acceptable to the City Attorney to guarantee installation of the Public Art.
- g. The property owner shall maintain, or cause to be maintained, in good condition the Public Art continuously after its installation and shall perform necessary

repairs and maintenance to the satisfaction of the City. The maintenance obligations of the property owner shall be contained in a covenant and recorded against the property by the applicant. Should the property owner wish to remove Public Art, the City must be notified in advance. The property owner shall replace the Public Art with Public Art of equal or greater value, and consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law.

**30-65.9 Compliance.** Compliance with the provisions of this section shall be demonstrated by the owner or developer prior to the issuance of a certificate of occupancy as follows:

- a. Payment of the Public Art In-Lieu Contribution; or
- b. Installation of the Public Art in accordance with approval of the application submitted pursuant to section 30-65.8; or
- c. Execution of an installation agreement and evidence that a maintenance covenant has been recorded against the property.

**30-65.10 Guidelines for Approval**

- a. Guidelines for approval and maintenance of Public Art ("Guidelines for Approval") shall be adopted by the City Council, upon recommendation from the Recreation and Park Commission. Guidelines shall be adopted within sixty (60) days of this Ordinance.
- b. The Guidelines for Approval shall include standards for reviewing an application for the installation of Public Art in accordance with the following objectives:
  - (i) Conceptual compatibility of the design with the site environment and City design standards;
  - (ii) Appropriateness of the design to the function and aesthetics of the site;
  - (iii) Compatibility of design and location within a unified design character or historic character of the site;
  - (iv) Creation of an integral and complementary unity with the environment;
  - (v) Preservation and integration of natural features;
  - (vi) Appropriateness of scale, form, content, materials, textures, colors and design to the site and surrounding environment; and
  - (vii) Durability of material and ease of maintenance.

**30-65.11 Appeal to the City Council.**

Any final decision of the Recreation and Park Commission may be appealed to the City Council within ten (10) calendar days following the decision of the Recreation and Park Commission. Said appeal shall explain the grounds for the appeal in writing.

**Section 2. EXEMPTION FROM CEQA.** The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061 (b)(3) and 15378 (a), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. This action is further exempt under the definition of Project in Section 15378 (b)(3) in that it concerns general policy and procedure making. The Council therefore directs that a Notice of Exemption be filed with the County of Alameda.

**Section 3. VALIDITY.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**Section 4.** This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk

\* \* \* \* \*

02/26/03