



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 24-560, **Version:** 1

Item #: A-2.

CAC: ACTION ITEM - 1) Review and Discussion of Culver City Municipal Code Section 15.06.100 et seq. Relating to the Art in Public Places Program; and, 2) Provide Comments and Direction to Staff as Appropriate

Meeting Date: December 19, 2023

Contact Person/Dept: B. Christine Byers / City Manager - Cultural Affairs

Phone Number: (310) 253-6003

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Action Item:

Attachments:

Public Notification: (E-Mail) Meetings and Agendas - Cultural Affairs Commission (12/XX/23)

Department Approval: Jesse Mays, Assistant City Manager (12/14/23)

RECOMMENDATION

Staff recommends that the Cultural Affairs Commission (CAC) 1) review and discuss Culver City Municipal Code Section 15.06.100 et seq. relating to the Art in Public Places Program; and, 2) provide comments and direction to staff as appropriate.

BACKGROUND

Sections 15.06.100 - 15.06.180 of the Culver City Municipal Code (CCMC) outline the requirements of the City's Art in Public Places Program (APPP), including the Performing Arts Grant Program. The current APPP guidelines reflect language included in Ordinance 2013-003 adopted by the City Council on March 26, 2013. A copy of the CAC staff report for December 11, 2012 is attached hereto which summarizes the revisions incorporated at that time.

DISCUSSION

The current updates as incorporated in Attachments 2 and 3, began with the CAC Public Art Subcommittee members who expressed a desire to make revisions to the guidelines with regard to criteria on which concepts for artworks are assessed. Updating the CCMC subchapter pertaining to

the Art in Public Places Program is included in the FY 2023-2024 adopted work plan and the CAC Public Art Subcommittee (Chair Brenda Williams and Commissioner Ehsaan Mesghali) have met several times to craft expanded language for the relevant section (CCMC Section 15.06.135.D).

Additionally, staff and the Public Art Subcommittee support the following administrative or programmatic changes to the APPP, most of which have been incorporated into the attached ordinance document:

- **Department/Division name changes due to reorganization of former Community Development Department and City Manager’s Office in the fall of 2022** - E.g., “Community Development Director” will now read “Planning and Development Manager”;
- **No longer exempting covenanted low- and moderate-income and senior citizen housing** - Public agencies, City of West Hollywood as one example, are reversing this exemption with the intent that there should be art for all;
- **Valuation of artworks** - All permanent artworks shall be appraised at least every 5 years by an accredited member of the American Society of Appraisers, the Appraisers Association of America, or The International Society of Appraisers. This is necessary to ensure adequate insurance coverage and also provides more accurate valuations of artworks being deaccessioned;
- **Additional materials from applicant (developer) to ensure that APPP allocation is being invested in the commission of artworks** - E.g., include artist and art consultant agreements as backup to project budget;
- **Accessibility (ADA compliance)** - San Francisco Arts Commission has extensive guidelines that could be used as a departure point;
- **Honoraria for review panelists and stipends for artists** submitting proposals in response to an RFP (for City commission of temporary or permanent art);
- **Staffing qualifications** for implementing the program; and,
- Money from the Cultural Trust Fund (CTF) to be spent so as to better align with current cultural programming needs and economic demands.

Staff also met several times with the Performing Arts Grant Program Subcommittee (Commissioners Tania Fleischer and Jeannine Wisnosky Stehlin) who made several recommendations. Those include:

- Creating a new separate section for the Performing Arts (§ 15.06.163);
- Including language re the CAC having the discretion to expend all the monies allocated for the performing arts, recommending carry overs, and accepting contributions from external sources for the performing arts;
- Honoraria for review panelists; and,
- Money from the Cultural Trust Fund to be spent so as to better align with current cultural programming needs and economic demands.

Current allocations from the CTF are limited in three categories by percentage of total fees deposited in the prior fiscal year (1% of total building permit valuation for a development project). These are:

1. For preventive care, maintenance and utility charges related to artwork (owned by the City) - 15%
2. For costs associated with administering the APPP and associated cultural programs - 15% (with language that should the City Council determine special circumstances exist, a higher amount by majority vote may be allocated)
3. For the Performing Arts - 25% (with a minimum allocation of \$25,000)

Additionally, the CCMC allows for \$10,000 per year to be allocated from the CTF for capital improvements to enhance the performance area of City-owned and City-operated facilities. This language was added when the current APPP Ordinance was adopted in 2013.

The five year average (FY 2019 through FY 2023) of developer in-lieu fee payments to the CTF is approximately \$614,056. The budgeted revenues for FY 2023-2024 are \$550,000 of which approximately \$185,183 have been deposited to date. An additional payment to the CTF for the Crossings Campus project at 8833 National Blvd. of \$275,000 is anticipated in the spring of 2024.

In light of the desire to incorporate options for allocating money from the CTF to better align with the current cultural programming needs of the community, especially the performing arts, Cultural Affairs and City Attorney Office staff met to discuss the above-referenced allocation limitations. Historically, funds from the CTF have been primarily used for artwork that has been acquired by the City. In 1996, the California Supreme Court issued a decision in Ehrlich v. Culver City which upheld the Art in Public Places Program. Over the years the City has amended the Art in Public Places Program Ordinance to allow a portion of the funds to be used for administrative costs and the performing arts. While other cities with a percentage allocated for art programs have similar criteria with regard to allocation limitations, both the [City of Los Angeles <https://culturela.org/percent-public-art/private-arts-development-fee-program-adf/>](https://culturela.org/percent-public-art/private-arts-development-fee-program-adf/) and [Los Angeles County <https://www.lacountyarts.org/experiences/civic-art/public-art-private-development-papd-ordinance>](https://www.lacountyarts.org/experiences/civic-art/public-art-private-development-papd-ordinance) private development ordinances appear to provide greater latitude with regard to how developers can fulfill their requirement and/or funds can be allocated. Included is language that allows for funding of artistic and cultural programs or services on the development site or within a specific radius. Staff and the City Attorney's Office are continuing to evaluate permissible options for such allocations.

Staff is requesting that the CAC review and comment on the changes incorporated in the attached ordinance document. Additionally, staff is requesting comment and direction from the CAC on how in the future the commission would like to see the money allocated and used to support the arts in Culver City, including both hard (visual) art, performing arts (programming and facilities) and other cultural projects and programs such as the Artist Laureate Program. Having specific input and direction will allow staff to complete further research and come back with recommendations. Once those recommendations have been considered by the CAC, final edits to the ordinance can be completed, reviewed by the City Attorney's Office and brought back to the CAC for a recommendation to the City Council.

FISCAL ANALYSIS

Other than staff time, there currently is no fiscal impact associated with this agenda item.

ATTACHMENTS

1. 23-12-19_ATT No. 1_December 11, 2012 CAC Staff Report pertaining to Art in Public Places Program Ordinance
2. 23-12-19_ATT No. 2_Ordinance No. 2013-003 with changes accepted
3. 23-12-19_ATT No. 3_Ordinance No. 2013-003 with tracked changes

MOTION

That the Cultural Affairs Commission:

1. Provide comments on the draft language shown in Attachments 2 and 3; and
2. Provide recommendations to staff on proposed future allocation of funds and direct staff to research the viability of amending the ordinance to include those allocations.