

**EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
ADMINISTRATIVE GUIDELINES**

Approved by City Manager

June 2020

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I. EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM

A. History

On November 19, 2019, the El Segundo City Council adopted Ordinance No. 1594 amending Title 15 of the El Segundo Municipal Code establishing a Public Art or In-Lieu Fee Requirement and a Cultural Development Fund. The requirement applies to specific commercial and industrial developments with a project cost exceeding \$2,000,000.

The ordinance gives developers the option of commissioning public artwork on-site equal to 1% of the project cost or paying the 1% to the City's Cultural Development Fund in-lieu of commissioning artwork.

B. Vision and Values

Public art helps to improve the character and physical environment of El Segundo. It promotes and enhances the general welfare by allowing community members to experience and interact with artworks and art programming in an environment that is open to all. Art and cultural services provided by the program create additional public access to the arts, help drive tourism and revenue to local businesses, contribute towards realizing cultural equity and inclusion, create opportunities for artists and art organizations in the community, and help grow the creative economy.

The El Segundo Cultural Development Program indicates the City's commitment to providing residential and business community members with public spaces, structures, and experiences that enhance the character of the City through the inclusion of art.

The Program's values are:

- **Responsibility:** Art that has long-term value and maintainability, is feasible and justifiable, enhances community well-being and shows measurable benefits to the city.
- **Authenticity:** Art that is true to artist, sponsor, and City, is respectful of community history, embraces the vitality and character of the City, and is integral with the City's future direction
- **Intelligence:** Art that evidences and inspires innovative thinking, merges art, technology, and ecology, and is intellectually stimulating.
- **Synergy:** Art that draws strength from dualities, combines the familiar with the challenging, melds personal expression with civic goals, and is multifunctional and dynamic.
- **Equity:** Art that welcomes diverse viewpoints, is inclusive of all community members, and delivers value for all stakeholders.

C. Goals

The Cultural Development Program's goals are:

- **Integrate arts and culture into City life** – Weave art into the City fabric, support school and adult art programs, and support artists in residence.
- **Build a better city with art** – Integrate creative concepts into capital improvements, improve the “quality of place” throughout the City, and bridge downtown, beach, and east of Pacific Coast Highway through art.
- **Make El Segundo a prime tourist destination** – Create landmark art attractions, develop and nurture culture events, festivals, performances and art fairs, and generate media exposure.
- **Support local cultural institutions and artists** – Support museums, theatres, libraries, and performing arts groups, and foster new art by connecting aspirations and community resources.

D. El Segundo Cultural Development Program Administration

The City Council designated the Arts and Culture Advisory Committee (ACC) to be the formal body responsible for reviewing all Cultural Development Program applications in coordination with City staff. The goal is to ensure that all applicants meet program criteria, goals, and objectives.

1. The Building Official in the Department of Building and Safety is responsible for determining Project Cost of the commercial or industrial development and if a project is subject to the Cultural Development requirement.
2. Library Services staff is responsible for administrative processes for reviewing developer art plans; updates to the Cultural Development Program and related guidelines; implementing the Cultural Development Program policies and practices; and reviewing and preparing reports for art and programming funded by the El Segundo Cultural Development Program.
3. The ACC serves as the recommending body for review of public art and programming funded by the Cultural Development Program.
4. The City of El Segundo's Finance Director administers the Cultural Development Fund and the Finance Department collects payments for the Cultural Development Program.

II. DEVELOPER OBLIGATION

The Cultural Development Ordinance requires specific commercial, industrial, and mixed-use developments with a project cost exceeding \$2,000,000 to provide artwork on-site equal to 1% of the project cost or pay an equal amount to the City of El Segundo's Cultural Development Fund in lieu of commissioning artwork. This requirement does not apply to residential components of a mixed-use development project.

A. Project Applicability and Exceptions

1. Projects subject to the Cultural Development Program as stated in Section 15-34-2 of the El Segundo Municipal Code.
 - a. This chapter shall apply to all commercial and industrial projects where the project cost exceeds two million dollars (\$2,000,000.00).
2. The chapter does not apply to the following projects:
 - a. Any project which consists solely of rehabilitation work required for seismic safety or to comply with government mandates, including the American Disabilities Act of 1990 regardless of valuation;
 - b. The reconstruction of structures which have been partially damaged or completely destroyed by fire, flood, wind, earthquake or other calamity;
 - c. Any project constructed by a government agency which is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214;
 - d. Residential components of a mixed-use development project;
 - e. Commercial and industrial development projects, or portion(s) thereof, that are designed and dedicated to performing arts or museum spaces, so long as the performing arts or museum spaces are maintained within the building, provided the premises continue to be dedicated as such. Acceptable facilities include museums, theaters, performance arts centers, and other similar facilities.

B. Procedures for Providing Artwork on Private Property

The Cultural Development Program review process is a collaborative one, intended to develop the best possible art for the project and the community at large. The art must be an integral part of the development project and the artist should be included as a member of the project design team.

Developers wishing to meet the requirements of the Cultural Development Program by including art on the project site must develop a Public Art Plan concurrently with the design and development phases of the building project. On-site art must be original work, visible and accessible (as defined by the ordinance), produced by a practicing artist, and compatible with the building project site.

1. **Artist and Artwork Selection.** The developer is responsible for selecting the artist(s) and artwork, provided both meet the program criteria set forth in this policy.
2. **Maintenance Requirements.** The developer and/or property owner is responsible for operating and maintaining artwork at all times in substantial conformity with the condition the artwork was originally approved by the City. This includes any landscaping and lighting associated with the artwork.

Artwork shall be maintained as stated in the El Segundo Municipal Code Section 15-34-6.

a. Maintenance of Artwork

- i. Installed public artwork shall be maintained by the owner of the site for the life of the building or structure
- ii. If artwork is damaged beyond repair, destroyed, or stolen the City body that approved the original artwork must approve the proposed replacement of the artwork
- iii. The artist shall provide maintenance instructions to the owner of the site and specify the long-term care of the artwork
- iv. The removal of any artwork from the site is prohibited for any reason without the City's prior written authorization. The indefinite removal of an artwork from permanent display whether or not the artwork is disposed, affects the artist's right, and can carry serious legal consequences for the property owner. An owner wishing to remove, modify, destroy or in any way alter artwork must first seek the artist's legal consent and must provide a compelling reason for taking such action with the artwork. Request for removal shall be submitted to the City Council or its designee for consideration and approval, and consent from the original artist. (See Deaccession section below.)

b. Non-maintenance of Installation

If the artwork required by this policy is altered, removed, not maintained in good condition, or not provided as required by this policy, the City of El Segundo may exercise any and all remedies authorized by law, including revocation or suspension of any discretionary permit, as described in ESMC Section 15-34-10.

3. Installation of Artwork

Artwork shall be installed prior to issuance of Certificate of Occupancy, or otherwise agreed upon and approved by the Building Official and Library Services Director. For phased developments, the artwork may be installed in the final phase prior to issue of the Certificate of Occupancy.

4. Project and Art Valuation

The minimum art allocation for each project/development is equal to one percent (1%) of the Project Cost as determined by the Building Official. Value of the art shall be verified by a public art consultant, chosen from the City's pre-selected public art consultant list.

The one percent (1%) art requirement shall include both direct costs of the artwork and direct expenses, such as:

- a. Art valuation by public art consultant.
- b. Consultation regarding art selection and purchase, and direct administration thereof, not to exceed ten percent (10%) of the art requirement.
- c. Insuring the art, up to the time of installation.
- d. Shipping or storage of the art, up to the time of installation.
- e. Preparation of the site, and actual installation.
- f. Other expenses, including waterproofing, lighting, structural engineering, and additional structural support

Direct expenses may not, however, include maintenance of the installed artwork and indirect administrative costs.

C. Application Procedures for Public Art Plan

An application for the Public Art Plan (placement of artwork on private property) shall be submitted to Library Services staff and shall include:

1. Meeting with staff to review requirements, guidelines, and approval process;
2. Completed application, budget breakdown, and other necessary forms;
3. A narrative description of the art plan with design concepts, public spaces, urban design, exterior materials and finishes and project landscaping. The narrative shall demonstrate that the artwork will be displayed in a public space as defined in this policy;
4. Preliminary sketches, photographs, or other documentation with sufficient descriptive clarity to indicate the nature of the proposed artwork and art plan;
5. A résumé and portfolio from the artist who will create the artwork;
6. An appraisal or other evidence of the value of the proposed artwork including acquisition and installation costs;
7. Preliminary plans containing such detailed information as may be required by the reviewing entity to adequately evaluate the location of the artwork proposed, its compatibility with the proposed development project, and its relationship to the goals and objectives of the Cultural Development Program and City Specific Plans (the City reserves the right to discuss placement of artwork with any appropriate City Department);
8. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws;

9. A written statement executed by the property owner and approved by the City Attorney that requires the landowner of his or her successors and assigns to defend, indemnify and hold the City harmless against any liability, loss, damage, costs, or expenses arising from any claim, action, or liability related to the artwork; and
10. A Public Art Maintenance Covenant stating that the property owner shall be responsible for maintaining the artwork in the condition in which it was approved.

D. Review and Approval of Public Art Plan

The Developer is responsible for meeting with Library Services staff to ensure El Segundo Cultural Development Program requirements are met and the application is complete. Staff will serve as the initial reviewer and will prepare a report for Arts and Culture Advisory Committee review.

1. Completed application and budget breakdown shall be submitted for consideration and approval of the artwork based upon the artwork's conformity to the definition of artwork, its aesthetic quality and harmony with the proposed project, location, and public accessibility.
2. The value of the proposed art shall be determined by a public art consultant that is on the pre-selected list provided to the developer;
3. The ACC must approve the Public Art Plan.
4. Additional approval from the ACC is needed if significant changes are made to the Public Art Plan.
5. Prior to requesting the issuance of a Certificate of Occupancy or other final building approval, the developer will notify Library Services staff that the Public Art is complete and request an on-site inspection.
6. Library Services staff will sign the Certificate of Occupancy after a successful inspection of the on-site art work, the documentation of the art expenditures has been received, an approved art plaque has been installed, and the Public Art Maintenance Covenant has been successfully filed with the LA County Registrar Recorder.
 - a. Developers must incorporate a plaque on or close to the work of art which properly acknowledges the artist and the City's Cultural Development Program. The City approved plaque must be 6" by 9" in a weather resistant material. The plaque must identify the name of the artist and the title of the piece (as approved by the artist), the year of installation, and the following words "El Segundo Cultural Development Program." Any additional wording must be approved by City staff.

E. Deaccession Procedures

It is the goal of the Cultural Development Program to maintain a high quality Public Art Collection within the City of El Segundo. Art works commissioned through the Public Art Program are considered a permanent part of the Public Art Collection, as long as the work maintains its physical integrity, identity and authenticity, and as long as it remains useful to the purposes of the City's Cultural Development Program. When any of these conditions no longer prevail, the ACC may consider removal of the artwork from public display and/or deaccessioning the art.

1. The ACC will review deaccession requests and select one of the following options: (i) request owner replace the deaccessioned artwork with a new art work of equal value or (ii) the owner will enter into a new covenant with the City to release the owner from the existing maintenance requirements for the deaccessioned artwork.
2. The ACC retains the right to: (i) approve or deny a deaccession request, (ii) institute a formal process for removing accessioned objects permanently from the Public Art Collection; and (iii) approve or deny the request to release the property owner from the public art covenant for on-site art work.
3. Owner is responsible to notify the artist of the intent to remove the artwork in accordance with the Visual Artists Rights Act and the California Art Preservation Act.

F. Challenged Decisions

An Appeal Process is stated in the El Segundo Municipal Code Section 15-34-8.

1. Any person may seek review of a decision by either the Building Official or the Arts and Culture Advisory Committee. Appeals of the Building Official's decision must be made pursuant to Section 113.3 of the California Building Code, as amended by Section 13-1-2 of the El Segundo Municipal Code.
2. Appeals of a decision of the Arts and Culture Advisory Committee must be made by filing a written appeal with the City Clerk's Office within 10 working days of the Committee's decision and pay an appeal fee. The City Council shall hold at least one hearing on the Arts and Culture Advisory Committee's decision and the hearing shall be held within forty (40) calendar days of the appeal request. The City Council may affirm, reverse, or modify a decision of the Committee and the decision of the City Council shall be final.

G. Procedures for Paying the In-Lieu Fee to the El Segundo Cultural Development Program Fund

As an alternative to the art plan and installation requirements of the Cultural Development Program, a developer may choose to make a payment to the El Segundo Cultural Development Program Fund in an amount equivalent to one percent (1%) of the project cost as determined by the Building Official. All fees must be paid to the El Segundo Cultural Development Program Fund before the issuance of final building permits.

If the valuation of the project changes during construction, the fee shall be adjusted accordingly. The balance of the fee, if any, shall be paid prior to final building inspection.

Payment instructions follow.

Payments by mail (check only)

City of El Segundo Finance Department
REF: Cultural Development Program
350 Main Street
El Segundo, CA 90245

- Make checks payable to City of El Segundo
- Write your Planning and Building Safety Permit/Application# in the memo
- Federal Tax ID# 95-6000706

Payments in person (cash, check, or credit card)

El Segundo City Hall
350 Main Street
El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-4 PM
- Call for holiday hours (310) 524-2300

Payments via wire transfer

City of El Segundo (ART)
Account# 235126957
ABA/Routing 021000021

Please email remittance for proper payment posting to:

treasury@elsegundo.org

For questions regarding wire transfer, please call: (310) 524-2310

III. CULTURAL DEVELOPMENT FUND

A. Cultural Development Fund

As an alternative to the art plan and installation requirements of the Cultural Development Program, a developer may choose to contribute to the El Segundo Cultural Development Program Fund in an amount equivalent to one percent (1%) of the project cost. These funds are kept in the El Segundo Cultural Development Fund, administered by the City of El Segundo's Director of Finance.

B. Cultural Development Fund Public Art and Programming

The Cultural Development Fund shall be used to provide art in public places in order to further the intent and purpose of the Cultural Development Program. Expenditures of funds are limited to the following uses:

1. For the design, acquisition, commission, installation, improvement, relocation, maintenance, conservation, restoration, utility charges, and insurance of artwork;
2. To sponsor or support artistic or cultural services;
3. For the City's costs of administering the Cultural Development Fund and associated programs.

The Fund shall also be used as a depository for monetary endowments, bequests, grants, or donations made for public art purposes. Such sums may be expended as set forth above.

The ACC will propose an annual budget to be considered and approved by the City Council during the regular budget process. Recommended expenditure categories will include funding for artistically enhanced capital projects, permanent art, community experiences, grants, and project-based public art consultants.

The City Council will approve the Cultural Development Program priorities and annual budget as well as expenditures/contracts over \$50,000, but not individual art projects. This process may be adjusted in the future if needed.

C. Artist and Project Selection

The ACC, in coordination with City staff, shall determine procedures for selecting artists, artwork, and public art programming supported with the El Segundo Cultural Development Fund. Staff will assist in the selection of artists, artworks, and proposals for consideration and approval.

The selection process for artwork and public art programming may include the following depending on the scope of the project:

1. Open competition;
2. Limited competition;
3. Invitation;
4. Direct purchase;
5. Donations; and
6. Any combination of the above

All decisions involving selection of an artist or group of artists for non-City projects will involve a public process using one of these methods: Requests for Qualifications (RFQ), Requests for Proposals (RFP), or Invitational Competition. Proposals will be evaluated by a jury of ACC members, other community members, and City staff using the criteria outlined in the Cultural Development Ordinance, Administrative Guidelines, and project-specific Calls for Artists.

1. Requests for Qualifications (RFQ): This is the preferred method to be used by the ACC to select the artist or group of artists. A short list of finalists will be invited to interview and one artist and an alternate will be selected by the jury. If the design process is sufficiently advanced that a context has been established for the artists to respond to, each of the finalists may be asked to develop a preliminary proposal, which will be evaluated during an interview. If a preliminary proposal is requested, an honorarium will be paid to the artists.
2. Requests for Proposals (RFP):
 - a. This method is appropriate for selection of artists where there is an existing site or building or for projects with small budgets where local artists are being targeted.
 - b. The City may issue an RFP requesting conceptual proposals and detailing the proposal requirements. The respondents' proposals will provide the jury members with an understanding of the artists' thought process or approach. The ACC may choose to invite several finalists to interview before making a final selection. Artists responding to an RFP will not be compensated for proposals.
3. Invitational Competition:
 - a. This process may be appropriate in the case of complex projects where a limited numbers of artists may be capable of successful completion. It is also appropriate in a case where there are severe schedule restrictions.
 - b. Based on the project requirements, submittal of qualifications or a specific proposal may be requested. Invitational competitions may also be conducted in two stages, with the first phase based on qualifications and the second phase based on a proposal. Artists

invited to develop proposals will be compensated in the same manner as described in the RFQ process.

Final selection of artwork will be by a review panel and will take into account the following:

- Frank discussions and thoughtful deliberations using the criteria and guidelines approved in the Ordinance, Administrative Guidelines, and Calls for Artists/Proposals
- Community representatives providing valuable information about what artist's work and process are most suited to the community
- Decisions based on artistic distinction and best fit of artist and project

The ACC is committed to public outreach and engagement in the preliminary phases of a public art project. Examples include:

- Visioning of the project prior to artist selection
- Interaction with the artist finalists prior to development of an artwork proposal
- Initial introduction of a selected artist to the community
- Guided tours and visits to the project site

ACC members will not participate in agenda items or decisions in which they have a financial interest. The City Attorney's Office will provide guidance when questions arise.

D. Approval of Public Art and Programming funded by the Cultural Development Fund

Public Art proposals to be funded by the Cultural Development Fund shall be submitted to the Arts and Culture Advisory Committee and shall include:

1. Preliminary sketches, photographs, or other documentation with sufficient descriptive clarity to indicate the nature of the proposed art plan.
2. A narrative description of the public art with design concepts, public space, context, materials, finishes and project landscaping. The narrative shall demonstrate that the artwork will be displayed in a public place as defined in this policy.
3. An appraisal or other evidence of the value of the proposed art plan including acquisition and installation costs.
4. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the art proposed, its compatibility with the site and proposed development project, and its relationship to the goals and objectives of the Cultural Development Program and City Specific Plans.
5. A résumé and portfolio from the artist who will create the artwork.

6. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws.
7. The ACC shall consider each artist and proposed public art plan on a case-by-case basis, and if necessary, with a recommendation from City staff.

Funding decisions for programming funded by the Cultural Development Fund and not sponsored by the City will be handled in a way similar to public art decisions. Support will be grant based and proposals will be evaluated by a jury consisting of ACC and other community members as well as City staff.

Criteria for evaluating proposals may include artistic vision, qualifications and experience, target audience, anticipated audience size, outreach plans, funding requested, cost for people attending (should be free or low-cost for programs on City property), and fit for El Segundo.

As used in the previous sentence, “Fit for El Segundo” means programming should take into consideration the location and community and have some relevancy to the City. It should highlight and/or relate to El Segundo’s history and neighborhoods, demographic groups, and major industries, have an arts and culture component, and align with the City’s values of equity and inclusiveness.

APPENDIX I

DEFINITIONS

1. Artist. An individual, team of individual artists, or team composed of a lead artist and other individuals from other disciplines, whose body of work and/or professional activities demonstrate serious commitment to the fine arts.
2. Artistic and Cultural Services. Performances and experiences, including but not limited to, performing arts, literary arts, media arts, arts education, art events, temporary artworks, and festivals.
3. Artwork. Original creations of art which is intended for and capable of being displayed outdoors, including but not limited to, sculpture, murals, mosaic, fountains, artist-designed landscape features, streetscape features and earthworks. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.
4. Commercial and industrial Development. Any project which results in the development of property in any land use categories, except for single and multi-family residential projects designed for long-term occupancy.
5. Development Project. Any development, including remodeling, which requires a building permit or permits as described on the precise plan submitted for approval to the city.
6. Durable. Lasting, enduring, and highly resistant to deterioration due to weather or the passage of time.
7. Nonprofit. An organization that is registered with the California Secretary of State as a 501(c)3 under the Internal Revenue Service tax code.
8. Project Developer. The owner, including its successor and assigns, of the subject property.
9. Project Valuation. The total value of a development project, as indicated on the building permit or permits, and determined by the Building Official.
10. Public Accessibility. Artworks must be visible from a public right-of-way, by pedestrian or motorists, twenty-four (24) hours of the day. The Arts and Culture Advisory Committee may recommend approving exception to the 24-hour public accessibility requirement, provided that the location is still accessible to the general public during normal business hours.
11. Public Art Plan. The Public Art Plan shall include detail of the artwork, including materials, landscaping, lighting, programming, and public accessibility. In addition, the Public Art Plan shall include details of installing and maintaining the work.

CULTURAL DEVELOPMENT PROGRAM

STEPS FOR DEVELOPERS

- 01** • **Obtain Cultural Development Application** from *Development Services Department* during plan check
 - Review Ordinance & Administrative Guidelines
 - If project exceeds \$2 million, choose an option (On-site Art or Cultural Development Fund Contribution) within 90 days of plan submittal
 - For *On-site Art* option, \$75K or larger budget is recommended (consider hiring a professional public art consultant too)
 - Obtain 1% Cultural Development Requirement from El Segundo Building Official
 - Refer any questions regarding the program to the Cultural Arts Coordinator

- 02** • **Submit Application** to *Development Services Department*
 - A signed agreement with city is needed for either option prior to issuance of building permit
 - If contributing to Cultural Development Fund, submit payment to Finance Department

- 03** • For On-site Art option, submit **Public Art Plan** to the *Library Services Department*
Be sure to include:
 - Context within the project
 - Artist Selection Process and Artist Qualifications
 - Schematic Designs by Artist
 - Budget Breakdown
 - Art appraisal by pre-approved public art consultant
 - Signed agreements with the artist and city, including provisions for long-term maintenance of the art work

- 04** • **Obtain Public Art Plan Approval** by Arts and Culture Advisory Committee (ACC)
 - Once approval is received, proceed with project
 - Contact the Cultural Arts Coordinator before making changes to the Public Art Plan
 - Additional approval by the ACC is needed for significant changes

- 05** • **Project Implementation & Closeout**
 - For *On-site Art* option:
 - Submit a Complete Record
 - Install approved Art Plaque
 - Complete successful On-site Inspection of Art with *Cultural Arts Coordinator*

To meet the Cultural Development Program requirement, final approval by Community Services Director is needed to obtain Certificate of Occupancy.



APPENDIX III

FORM A

CULTURAL DEVELOPMENT PROGRAM APPLICATION

Return the completed application to the

Department of Community Development within 90 days of plan submittal

The Cultural Development Ordinance requires specific commercial, industrial, and mixed-use developments with a project cost exceeding \$2,000,000 to provide artwork on-site equal to 1% of the project cost or pay an equal amount to the City of El Segundo’s Cultural Development Fund in lieu of commissioning artwork. This requirement does not apply to residential components of a mixed-use development project.

DEVELOPMENT ADDRESS:	PROJECT VALUATION (obtain from Building Official):
	ESTIMATED DEVELOPMENT SIZE (square feet):
APPLICANT/ARCHITECT:	
ADDRESS:	
PHONE:	EMAIL:
OWNER:	
ADDRESS:	
PHONE:	EMAIL:

Note: If the final project cost exceeds the estimated amount on the application, the 1% requirement will be based on the higher valuation. Multiple building permits issued for a single project site shall be considered in the aggregate in determining the Cultural Development requirement.

1% of Project Cost: \$ _____

Please choose one of the following options:

- Placement of public art on-site
- Payment of in-lieu fee to the Cultural Development Fund

Property Owner Signature: _____

Date: _____

DEPARTMENT OF COMMUNITY DEVELOPMENT

El Segundo City Hall

350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-12 PM and 2 PM-4 PM

IN-LIEU FEE PAYMENT OPTIONS

Payments by mail (check only)

City of El Segundo Finance Department

REF: Cultural Development Program

350 Main Street

El Segundo, CA 90245

- Make checks payable to City of El Segundo
- Write your Planning and Building Safety Permit/Application# in the memo
- Federal Tax ID# 95-6000706

Payments in person (cash, check, or credit card)

El Segundo City Hall

350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-4 PM

Payments via wire transfer

City of El Segundo (ART)

Account 235126957

ABA/Routing 021000021

- Please email remittance for proper payment posting to treasury@elsegundo.org
- For questions regarding wire transfer, please call 310-524-2310

CONTACT INFORMATION

- Randy Niessen, Cultural Arts Coordinator, rniessen@elsegundo.org or 310-524-2707
- Neda Lyle, Building Official, nlyle@elsegundo.org or 310-524-2339
- Dino Marsocci, Deputy City Treasurer, dmarsocci@elsegundo.org or 310-524-2310

CULTURAL DEVELOPMENT PROGRAM WEBSITE

<https://www.elsegundolibrary.org/about-us/cultural-development-program-268521>

APPENDIX IV

FORM B



**CITY OF EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
DEVELOPER'S ACKNOWLEDGMENT & AGREEMENT**

The City of El Segundo Cultural Development Program provides developers a way to make a lasting and visible contribution to the community to mitigate impacts of development. The Cultural Development Ordinance (Ordinance No. 1594) was adopted by the El Segundo City Council in November 2019.

Projects valued at more than \$2,000,000 must either:

- (a) commission or acquire and install new artwork in a location on or in the vicinity of the project site, with the appraised value of such artwork and any direct expenses as described herein being equal to or exceeding one percent of the project cost; or
- (b) pay to the City an amount equal to one percent of the project cost.

More details about the Cultural Development Program may be found in the ordinance and in the administrative guidelines. Copies of these documents may be provided upon request.

ACKNOWLEDGMENT & AGREEMENT

I, as the developer or property owner for this project, agree to the following (*check one*):

_____ I agree to pay to the City the 1% in-lieu fee by: _____ (*date*).
I acknowledge that the City will not issue a building permit for the project until the total fee has been paid.

_____ I agree to provide public art at the project site. Accordingly, I acknowledge and agree to the following:

- If the undersigned is not the property owner, I agree to submit a letter from the property owner, in a form acceptable to the City, acknowledging the property owner’s understanding and acceptance of this agreement.
- I agree to submit an application for the Public Art Plan to the City’s Library Services staff by: _____ (date). The application will include preliminary plans that include the proposed location of the artwork and any other documents reasonably required pursuant to the guidelines.
- I acknowledge that the Arts and Culture Advisory Committee shall review the completed application for the Public Art Plan and approve, approve with conditions, or deny the proposed artwork, and its proposed location, based on the “Standards for Artworks” outlined in ESMC Section 15-34-6. The committee’s decision is subject to appeal pursuant to ESMC Section 15-34-9.
- I agree to fully comply with the City’s Cultural Development Ordinance.
- I acknowledge that the City will not issue a certificate of occupancy unless and until (a) the application for the Public Art Plan has been approved, the artwork has been installed at the project site, and the artwork complies with the Cultural Development Ordinance and (b) the property owner executes and records with the Los Angeles County Registrar-Recorder’s office, a covenant regarding the maintenance of the artwork, as required by Section 15-34-7.
- I, along with my successors and assigns, agree to defend, indemnify and hold harmless the City of El Segundo, and its officers, volunteers, employees and representatives, from and against any liability, loss, damage, costs, or expenses arising from any claim, action, or liability related to the artwork.

Project Name: _____ Project Location: _____

Project Description:

Owner: _____ Phone: _____

Developer: _____ Phone: _____

Address: _____ Email: _____

Estimated In-Lieu Fee (*if applicable*): _____

I attest to the fact that I have read and understand, and agree to be bound by, the requirements of City of El Segundo's Cultural Development Program as a condition of approval of my Project. I further understand and agree that once I have submitted this acknowledgement and agreement form to the City, that the agreement is irrevocable, the selection made above cannot be changed and that any amounts paid to the City of El Segundo pursuant to this form are non-refundable.

Signature: _____ Date: _____

APPENDIX V

PUBLIC ART PLAN CHECKLIST

Please submit the following application materials to the City of El Segundo Library Services Department. Staff must receive all application materials prior to scheduling a review meeting with the Arts and Culture Advisory Committee.

1. Public Art Plan Application
2. Artist statement, describing artist's style, artistic concept and content, relationship between proposed artwork and the project. The developer should explain to the Arts and Culture Advisory Committee why the proposed work was chosen and how it will enhance the development, complement the existing Cultural Development Program, and engage public viewing and comments.
3. Current and complete curriculum vitae of artist, including slides, photographs, and other collateral of past works.
4. Site plan of the development, including the following:
 - a) Proposed placement of the artwork
 - b) Distance in measurement between the artwork and public streets
5. Photographs or computer enhanced design of the site, which clearly shows the sculpture in relation to the site/building, as the public at ground level would see it. Please make to scale.
6. Landscape plan, including the locations(s) and types(s) of trees and shrubbery, in relation to the artwork.
7. Lighting plan for artwork, specifying location, number, and type of fixtures to be used.
8. Drawing or maquette(s) of the proposed artwork. The maquette may be brought to the review meeting.
9. Sample materials or finished of the proposed artwork.
10. Installation design of the proposed artwork, stamped by a licensed Structural Engineer, certifying the art as structurally sound, safe, and durable.
11. Edition number of the proposed work (if part of a limited edition series) and locations of all other pieces in the series.
12. Budget breakdown including artist fees for design concept, materials, fabrication, transportation, installation, and art consultant fees. The total budget should equal or exceed the minimum 1% art allocation.

13. The artist's maintenance instructions for routine and long-term preservation. The instructions may be amended as needed, pending the results of the final review.
14. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws.
15. A covenant stating that the property owner shall be responsible for maintaining the artwork in the condition, which it was approved.

Installation Date:
Dedication/Unveiling Plans:

BUDGET	
Artist/Design	\$
Artwork Material	\$
Art Consultant (<i>if applicable, not to exceed 10% of requirement</i>)	\$
Insurance	\$
Transportation of Artwork	\$
Structural Engineering	\$
Lighting/Electrical (<i>for artwork only</i>)	\$
Water related expenses (<i>if applicable</i>)	\$
Art Appraisal (<i>consultant must be selected from City list</i>)	\$
Installation of Artwork (<i>include site preparation</i>)	\$
Other Expenses (<i>please list</i>)	\$
1.	
2.	
3.	
TOTAL:	\$

The total should equal or exceed the minimum 1% art allocation for the project.

RECREATION, PARKS & LIBRARY DEPARTMENT

350 Main Street
El Segundo, CA 90245

CONTACT INFORMATION

- Randy Niessen, Cultural Arts Coordinator, rniessen@elsegundo.org or 310-524-2707

CULTURAL DEVELOPMENT PROGRAM WEBSITE

<https://www.elsegundolibrary.org/about-us/cultural-development-program-268521>

APPENDIX VII

FORM D

PUBLIC ART MAINTENANCE COVENANT

(pursuant to El Segundo Municipal Code § 15-34-6)

THIS PUBLIC ART MAINTENANCE COVENANT is entered into _____, 202__, by and between _____ (“Property Owner”) and the City of El Segundo, California (“the City”).

RECITALS:

1. Property Owner owns that certain real property located at _____ in the City (“the Property”) and more particularly described by Exhibit “A” attached hereto and incorporated herein by this reference.
2. On or before the date of this Covenant, Property Owner engaged in development activity on the Property that was subject to El Segundo Municipal Code (ESMC) Chapter 15-34, entitled “Cultural Development.”
3. With City approval and in accordance with ESMC Chapter 15-34, Property Owner acquired and placed at the Property the artwork described and/or depicted on Exhibit “B” attached hereto and incorporated herein by this reference (“the Artwork”).
4. ESMC Section 15-34-6(C) requires, among other things, that Property Owner execute and record a covenant acceptable to the City for maintenance of the Artwork. The parties intend for this Covenant to satisfy that requirement.

COVENANTS:

1. Property Owner shall preserve the Artwork in good repair and in a safe, functional, accessible and clean condition, all in a manner acceptable to the City, and in accordance with the Artist’s maintenance instructions, as applicable.

2. Property Owner shall not deface, mutilate or alter the Artwork nor knowingly allow other persons to do so.
3. Property Owner shall secure and maintain insurance applicable to the Artwork sufficient to protect it against damage or loss from fire, theft, vandalism, and all other insurable occurrences typically covered by an all-risk policy, in an amount to be determined by the City's Risk Manager but not to exceed the reasonable estimated replacement cost of the Artwork.
4. Property Owner shall not move the Artwork from its present location at the Property, as depicted in Exhibit B attached hereto, without the City's prior written approval.
5. Property Owner grants the City an irrevocable license to photograph and otherwise make two-dimensional reproductions of the Artwork and to use such reproductions for commercial and noncommercial purposes as the City sees fit.
6. Within a reasonable period of time following a request by the City, Property Owner shall allow the City and its authorized agents access onto the Property for the purpose of inspecting and photographing the Artwork and ensuring that Property Owner is meeting its obligations under this Covenant.
7. In the event repair of the Artwork is required, the artist who created it shall be given the first opportunity to do that work for a reasonable fee. In the event the artist is unable or unwilling to do so, the City or the Property Owner may proceed to contract for such repair with another qualified artist.
8. In the event the City declares the Artwork a public nuisance pursuant to the El Segundo Municipal Code, the Property Owner must promptly abate the nuisance.
9. This Covenant shall be recorded in the official records of Los Angeles County and shall run with the land described herein as the Property, binding and/or benefiting the parties' respective successors in interest, including but not limited to any purchasers, heirs, devisees, transferees, assignees, tenants, grantees, trustees, and beneficiaries. Should any court find this Covenant unenforceable at law, the parties intend that it be enforceable in equity.
10. To the extent reasonably possible, Property Owner shall provide actual notice of the Covenant to any successors in interest. Failure of Property Owner to provide actual notice shall not preclude enforcement of this Covenant against anyone who receives constructive notice.

11. This Covenant shall be governed by the laws of the State of California.
12. No modification of this Covenant shall be valid unless made in writing and signed by both parties hereto.
13. No waiver of performance by any party shall be construed as or operate as a waiver of any subsequent default.
14. Should any action or proceeding be brought to enforce the terms of this Covenant, the prevailing party shall be entitled to reasonable attorney's fees and costs.
15. Property Owner agrees to defend, indemnify, protect and hold City and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to Property Owner's employees, agents, officers or invitees, which arise from or are connected with or are caused or claimed to be caused by the acts or omissions of Property Owner and its agents, officers or employees, as a result of any act or obligation of Property Owner arising out of this Public Art Maintenance Covenant, and all expenses of investigating and defending against same; provided however, that Property Owner's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole active negligence or willful misconduct of the City, its agents, officers or employees.

EXECUTION:

This Covenant shall be deemed executed as of the date first above written. The undersigned parties shall acknowledge their respective signatures before a California notary.

PROPERTY OWNER

By: _____

CITY OF EL SEGUNDO

By: _____

[PROPERTY OWNER'S AND CITY'S SIGNATURES MUST BE NOTARIZED]

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT "B"

DESCRIPTION OR DEPICTION OF ARTWORK

APPENDIX VII

**FORM E
PROGRAMMING APPLICATION**

(Note: City staff may adapt this application for specific programming sponsored or supported by the Cultural Development Fund.)

- Organization Name (if applicable)

- Contact Person Full Name *

 First Name Last Name

- E-mail *
- Organization website

- Phone Number *
-Area Code Phone Number

- Address *

 Street Address
 City State /
Province
 Postal / Zip
Code

- Proposed Location *

- Title of Program *

 The name of your program in 8 words or less.

- Please describe your program in detail. *

Use this space to completely describe your program.

- Who is the target audience for your program? *

- Anticipated Audience Size *

- How do you plan to reach out to potential audiences? (List type of outreach and potential audience from each source; i.e, Facebook: 1000 fans, Email list: 250 people)

- What is the time frame for starting and completing the project or program? *

Projected/desired date(s) for the program.

- Are you requesting funding from the Cultural Development Program to present the program? (Please note: There is limited funding available and a secondary funding application may be necessary to approve funding requests. Funding, if provided, is intended to support the actual creation of art or necessary costs associated a successful event, and not for auxiliary costs.) *

No Yes

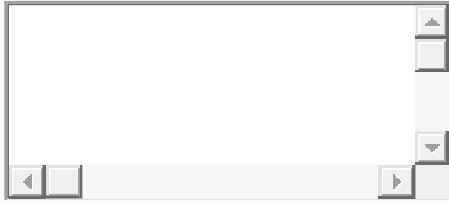
- Will there be a fee or ticket cost for people attending? (Charging is generally not allowed for programs on City property and/or sponsored by the Cultural Development Fund, and require additional approval from another body) *

No Yes

- Organization History *

Provide a brief history and description of what the artist/organization does (mission and primary programs).

- Describe the organization’s relationship to El Segundo and/or its communities. *



- You may include a link to any supporting documentation here (i.e., a film clip, event program pages, etc.)

- You may upload any supporting documents or pictures that you would like the committee to see here in a single scanned file. If you are proposing an exhibit you should upload a list and images of all of the images you are proposing.

Upload a File

- Please note, if your program involves a book, a hard copy must be submitted for the Committee to review. Hard copies may be dropped off or mailed to:

City of El Segundo, Attn: Aly Mancini, Recreation, Parks & Library Director

350 Main Street

El Segundo, CA 90245

Please make sure your name, email address and the name of your proposed program are on the book.

If you are proposing an exhibition, it is important that the Arts and Culture Advisory Committee has a chance to see all (or at least most) of the actual images that are proposed as part of the exhibit. Please upload a single file in the field above with all of the images.

Exhibitions intended for the City of El Segundo facilities should take into consideration the location and community served and have some direct relevancy to the City of El Segundo. As such, the Arts and Culture Advisory Committee includes the following criteria in considering potential exhibits.

- Highlight and/or relate to aspects of El Segundo’s history and neighborhoods
- Highlight and/or relate to El Segundo’s major demographic groups and major industries
- Align with the City of El Segundo and Arts and Culture Advisory Committee’s support for equity and inclusion