

# City of Inglewood Private Percent for Art Policies, Procedures and Forms

## Private Developer Requirements: Overview

Project Developers who must comply with the requirements of the Percent for the Arts Program shall allocate a minimum of one percent (1%) of the total development project costs to either of the following: (1) submission of a Public Art Plan for installation of on-site artwork(s) or (2) payment of an in-lieu fee at the time the Building Permit is issued for the project.

All new development projects including parking structures, commercial and industrial development projects, including the remodeling or rehabilitation of any existing nonresidential building, and individual tenant improvements in a commercial or industrial building with a project valuation equal to or greater than two hundred and fifty thousand dollars (\$250,000) must comply with the Percent for the Arts Program.

Exterior and interior modifications and additions to an existing nonresidential building, with a project valuation equal to or exceeding two hundred and fifty thousand dollars (\$250,000), excluding earthquake rehabilitation as required by the California Building Code for seismic safety must comply with the Percent for the Arts Program.

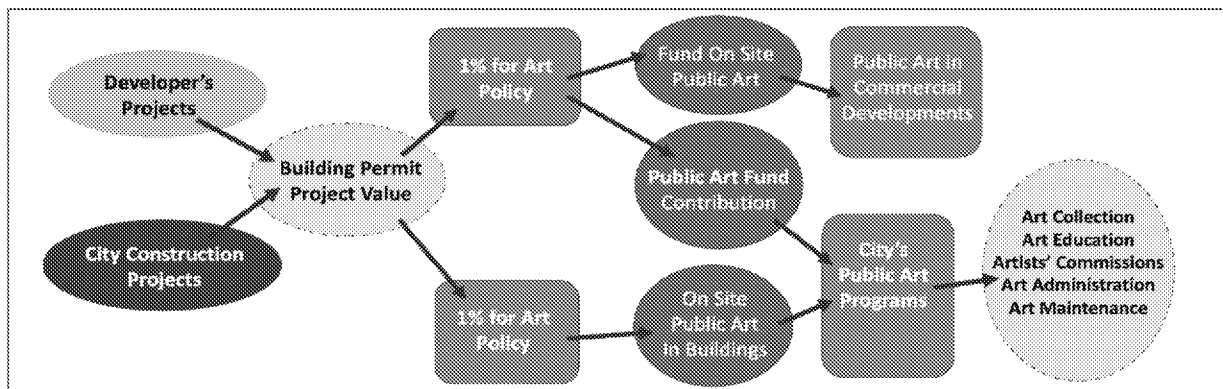
## Certificate of Occupancy

No permanent or temporary Certificate of Occupancy shall be issued for any structure in the City unless the requirements of the Percent for the Arts requirement have been satisfied.

## Exemptions

The following are exempt from the requirements of the Percent for the Arts Program:

- 1) Childcare centers
- 2) Residential dwelling units
- 3) Low and moderate-income housing projects and senior housing projects funded or assisted by the Redevelopment Agency or the Housing Authority
- 4) Nonprofit social service institution construction projects. (Registered 501(c)(3))
- 5) Buildings designed for and dedicated to performing arts, visual arts or fine art museum uses (as long as the cultural uses are maintained within the building).



## **Percent for the Arts Program Procedures**

Every Developer subject to the Percent for the Arts requirement must indicate how the Developer intends to comply with the program. The procedure for implementing the Percent for the Arts Program is designed to avoid negatively impacting the timing for approval of development projects. However, the overarching Public Art Plan and individual public art project must be proposed and approved prior to the issuance of a building permit. A developer may satisfy the Percent for Arts requirement by either of these two methods:

### **1) In-lieu of Public Art Fee**

If a developer does not wish to develop on-site artwork, the Percent for the Arts requirement may be satisfied by paying a fee in-lieu of on-site artwork at the time of issuance of the Building Permit. The fee shall be a 100% payment equal to the one percent (1%) of the valuation of the development project, and shall be deposited in the Public Art Fund established by the City.

All monies received by the City from the In-lieu Fee shall be placed in the Public Art Fund, maintained by the City and used solely for the purpose of administering components of the Percent for the Arts Program, including, but not limited to acquisition, administration, and maintenance of Public Art. A portion of the proceeds placed in the public art fund will be used to finance projects and place artworks in the community that might otherwise not be possible. Funds will also be allocated to arts projects and programming to encourage linkage with larger projects throughout the City, especially in underserved communities.

### **2) Public Art Plan for On-Site Artwork**

If a developer does not wish to pay an in-lieu fee, the Percent for the Arts requirement may be satisfied by developing a Public Art Plan for installing one or more on-site artworks. The Percent for the Arts Program is receptive to the broadest definitions of art and encourages contemporary interpretations. Media and materials for permanent or temporary fine art installations, decorative or functional fine art elements, include:

Fine Art: works by contemporary professional artists; including temporary installations on public view for one year minimum;

Sculptures Free standing, attached, supported or suspended, kinetic, electronic or mechanical in any material or combination of materials;

Media: Various photographs, prints, tiles, mosaics, lasers, fiber works, neon, and combination of forms of materials and media including, but not limited to sound, performance, film, video, and/or hybrids of media and new genres and concepts;

Murals: Any materials or a combination of materials for permanent art on walls;

Fixtures: Fences, gates, grates, outdoor furniture, street lights, railings, signage, and other design enhancements by professional fine artist(s) for limited editions.

The Developer must indicate the preferred option to satisfy the requirement through a form found in on page 7 of this document and available electronically on request.

### **Public Access**

Public art is a public benefit. If a developer chooses on-site artwork(s), that art must be visually accessible to the general public for a minimum of twelve (12) hours daily during the periods of highest public activity at the site.

## **Developing A Public Art Plan**

If a Developer decides to commission on-site public art, a Public Art Plan must be submitted to the Parks, Recreation and Community Services Department for review and formal action by the Arts Commission. For larger projects, a developer often engages a public art consultant to develop and refine the Plan. A complete Public Art Plan comprised of the following elements.

### **Public Art Plan Elements**

Percent for Art Valuation: A notional budget showing the amounts allocated for the public art plan must equal or exceed the Percent for Art valuation. The Plan budget must address the complete percent for the arts valuation; partial plans are not acceptable. Allowable Public Art Expenditures are itemized on the following page. A Developer may include up to 10% contingency for projects valued under \$500,000;

Public Art Location(s): On the Architectural plan /site document indicate the location of each proposed work of Public Art. Preliminary plans containing more detailed information may be required by City staff, Arts Commission or Planning Commission to adequately evaluate the location of the Artwork in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal.

Public art locations must be accessible and largely visible during public hours, typically from 8am to 8pm seven days a week. Placement of art identification plaques is part of site consideration. Locations may include renderings, site plans, line of sight studies, or other materials to demonstrate that the Artwork will be displayed in an area accessible to the general public;

Public Artist: Provide the name(s) of the professional artist(s) to be commissioned for the Public Art Plan, and the artist's resume with prior art commissions, materials and exhibitions;

Public Art Work or Preliminary sketches of proposed work, or photographs of artist's similar works sufficient to provide an understanding of the nature of the proposed Artwork(s); and

Public Art Narrative providing context for the proposed artwork(s) and relation to project architecture or community. The Artist(s)'s statement and/or the Art consultant's statement of curatorial theme for the Public Art Plan may be part of this narrative.

## **EVALUATION**

The Developer's proposed Public Art Plan will receive preliminary evaluation by staff, tasked with developing a Staff Report, and final evaluation by the Arts Commission based on the following criteria:

- Proposed Art expenditures meet or exceed the percent for art requirement;
- Proposed Art Location(s) are publicly accessible site(s)
- Proposed Artwork(s) are appropriately scaled to site
- Art Maintenance and art durability against wear, vandalism and theft is appropriate.

## **ACCEPTANCE**

Upon completion of the on-site installation, the Developer must submit a Project Completion Notification Form, including a final accounting of artwork related expenses (with invoices and receipts), photo documentation, and maintenance plans.

## ALLOWABLE PUBLIC ART EXPENDITURES

The Percent for the Arts project valuation sets a minimum for expenditures for artistic enhancement of a development. A minimum 50% of project valuation must be for artist's contracts, artists' fees or subcontractors. Developers may exceed the minimum.

Other expenditures directly related to realizing the Public Art Plan and work of public art include but are not limited to:

- Design, fabrication or purchase of contemporary public art
- Artist's services including fees and travel expenses
- Cost to transport and install public art
- Community education, e.g. lectures and workshops on the developer's public art plan
- Marketing and publications including hard print materials and/or social media
- Conservation and maintenance services for the new work
- Identification plaques for public artwork
- Independent public art project management/art consultant services for project
- Additional reasonable expenses associated with the various phases of a public art project may be considered and must be approved in writing by City Public Art program

Inappropriate expenditures include, but are not limited to:

- Architecture or architectural elements
- Mass-produced items and design elements
- Gallery fees or commissions paid to artist's agent(s)
- Signage or directional elements unless designed by the contracted artists as public art
- Reproductions of original public art, except for fine art media, photography, prints or video
- Event openings and receptions not related to a public art project
- Landscape architecture and environmental elements, unless designed by artists and/or is part of the public art design
- Marketing and/or publications not associated with public art
- Renaming or scripting an art event as public art to obtain public art funding
- Aesthetic and functional elements and decorative or ornamental features designed by a building architect or industrial design professional
- engineering, architectural and design professional fees not related specifically to public art
- Utilities and/or services required to operate, light areas as building maintenance budgets
- Projects or sites with insufficient public access.

Additionally, the Percent for the Arts program has established percentage caps for specific types of project expenses within the Project Valuation:

- **50%-100%: for artists' contracts, subcontractors and fabricators for specific commission;**
- **0% to 20%: for general contractor and architect services directly related to art project(s);**
- **0% to 15%: for art consultant fees, travel and lodging directly related to the art project(s);**
- **0% to 10%: for contingency or specialized services directly related to the project**

including general contractor direct or subcontractor services for lighting, electrical, infrastructure, landscaping, plaques, art conservation report, and documentation directly related to the art project(s).

The assignment of category to a specific project cost will be reviewed on a case by case basis by Percent for the Arts program staff and may be referred to the Arts Commission.

## **DEVELOPER OBLIGATIONS**

### **1. Public Art Ownership and Permanence**

All artwork placed on the site of a development project shall remain the property of the owner of the site for which the final Building Permit or Certificate of Occupancy related to the development project was obtained and the owner's successors and assigns. Ownership of the artwork will transfer to a successive owner of the property.

If artwork is damaged or removed, the Parks, Recreation and Community Services Department must be notified, and will determine the acceptability of any and all proposed replacement artwork, as required by ordinance. Any proposed replacement artwork must be greater than or equal to the value of the original lost artwork, including all expenses, costs and fees tallied in the final Percent for the Arts Program compliance report submitted to the Arts Commission.

If a portion of an artwork, landscaping or infrastructure element tallied in the final compliance report is damaged or removed, the owner will work with the original artist and/or the artist's estate to mitigate the damage to a standard set by the City.

### **2. Public Art Maintenance**

The obligation to provide all maintenance necessary to preserve and maintain the artwork in good condition remains with the owner of that site and owner's successors and assigns.

The obligation to maintain the artwork shall be enforced as follows: Prior to the placement of the artwork on a development project, the property owner shall record a title document setting forth a description of the artwork and acknowledging the obligation of the property owner to repair and maintain it. This document and the underlying covenant shall run with the land and provide notice to future property owners of the obligation to repair and maintain the artwork and of certain limitations related to any federal, state or local laws governing the rights of the artists including but not limited to rights regarding the alteration, modification or relocation of subject artwork. The city shall be a signatory party to this document, and its final form and content shall be approved by the City Attorney.

Maintenance of artwork shall include, without limitation, preserving the artwork in good condition to the satisfaction of the City, protecting the artwork against physical defacement, mutilation or alteration, and securing and maintaining insurance coverage for fire, vandalism and extended liability in an amount to be determined by the city attorney. The property owner shall provide all maintenance necessary to keep the artwork, related landscaping and lighting in good condition.

At any time, the Mayor and Council Members determines that artwork has not been maintained in substantial conformity with the manner in which it was originally approved, the Code Enforcement Division of the City of Inglewood, authorized by the Mayor and Council Members, shall require the current property owner to either:

(i) Repair or maintain the artwork; or

(ii) After reasonable (60 day) notice, pay the lesser of either the costs estimated by the City to be required to repair and maintain the artwork and/or secure or the percent for the art fee based upon the current fair market value of the building, structure or improvement for which the artwork was required, as determined by the County tax assessor.

### **3. Public Art Identification and Promotion**

The Developer is required to affix a plaque of durable material adjacent to the artwork listing the title of the artwork, the artist's name and the date completed, to broaden arts appreciation and instruction for youth and adults. Art promotion brings understanding of artwork a greater awareness and enjoyment of various venues where works are displayed. The Developer may elect to promote the completed artwork and artist through local and national media.

### **4. Stolen Public Artwork**

Stolen public artworks must be replaced with art of greater or equal value by the owner at the owner's expense. Replacements must be reviewed by the Arts Commission and approved by the Mayor and Council Members subject to criteria established by the Percent for the Arts Program.

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## City of Inglewood Developer Percent for the Art Program Intake Form

### A. PROJECT INFORMATION

Project Name \_\_\_\_\_

Project Primary Contact \_\_\_\_\_

Project Address \_\_\_\_\_

Project Owner \_\_\_\_\_

Owner Address \_\_\_\_\_

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

Telephone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

Architect \_\_\_\_\_

Architect Address \_\_\_\_\_

Construction Project Completion \_\_\_\_\_ (Estimated)

Percent for the Arts Valuation Total \$ \_\_\_\_\_

### B. PUBLIC ART PLAN INFORMATION

Program Option (Select one)  In-Lieu Fee

Public Art Plan for Artwork on Site

Project Budget \$ \_\_\_\_\_ Percent for Art Valuation \$ \_\_\_\_\_

Artwork Site(s) \_\_\_\_\_

### C. PUBLIC ART PROPOSAL AND SPECIFICATIONS (for commissioned artwork)

Describe each artwork, its location, materials, installation requirements and maintenance.

*Use one page for each Public Art Commission/ Art work.*

Artist Name(s) \_\_\_\_\_

Artist's Address \_\_\_\_\_

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

Telephone \_\_\_\_\_ Artist Web site \_\_\_\_\_

Anticipated Art Installation \_\_\_\_\_ (date)

1. Artwork description, media, materials, scale and relevant specifications
2. Site / Location
3. Fabrication and Installation Procedures
4. Yearly Maintenance Schedule and Conservation Plan
6. Budget for Artwork
6. Artist's current resume or cv

*Submit completed form to the Inglewood Parks, Recreation and Community Services Department*

## **Developer Public Art Plan Completion: Site Inspection and Final Report**

### **Site Inspection**

On completion of the public art installation, and prior to the building receiving a Certificate of Occupancy, the Developer must provide proof of the realized public art plan through a site inspection of the public art with staff from the Art Program or Parks, Recreation and Community Services department.

### **Final Report**

The Developer, or Developer's public art consultant, shall provide a final report documenting the realization of the Public Art Plan. This final report will consist of:

1. Narrative Description of the Public Art realized on site, describing the art works and sites, with an explanation of any variations from the approved Public Art Plan;
2. Documentation of the Public Art on site, including art works and art identification plaques; three views of each public artwork, in jpg or pdf formats, are required to establish the condition of the new public art;
3. Public Art Expenditures Final Accounting, itemizing the amounts spent to realize each public art work, including artist's fees, engineering, installation, art consultant fees; lighting, and related approved expenses and;
4. Copies of receipts and Invoices and/or artist and art consultant contracts to support the Accounting.

The Developer must submit the Final Report electronically to Public Art Program staff or the Director of the Parks, Recreation and Community Services Department. A verbal report to the Inglewood Arts Commission is always welcome, and provides opportunity to celebrate the multi-year, multi-faceted partnership needed to realize art in public places.

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