

ORDINANCE NO. 3278-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING TITLE 2, CHAPTER 9, ARTICLE 14, SECTIONS 2-9.1401, 2-9.1403, AND 2-9.1404, AND TITLE 10, CHAPTER 6, SECTIONS 10-6.02, 10-6.03 AND 10-6.08 OF THE REDONDO BEACH MUNICIPAL CODE REGARDING THE PUBLIC ART COMMISSION

WHEREAS, on January 2, 2009, the City Council of the City of Redondo Beach, California ("City Council") adopted Ordinance No. 3030, which established Redondo Beach Municipal Code ("Municipal Code") section 2-9.1401, creating the Public Art Commission; and,

WHEREAS, Title 10, Chapter 6, Sections 10-6.02, 10-6.03, and 10-6.08 of the Municipal Code reference the "Public Art Commission" and require amendments to reflect the changed name of the Public Art Commission to the "Cultural Arts Commission"; and,

WHEREAS, on May 7, 2024, during its regular meeting, a majority of the City Council voted to direct staff to prepare amendments to the Municipal Code to reflect renaming the "Public Art Commission," to the "Cultural Arts Commission," and adding performing arts to its purview.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT. Title 2, Chapter 9, Article 14, Sections 2-9.1401, 2-9.1403, and 2-9.1404 are hereby amended to read as follows:

§ 2-9.1401 Cultural Arts Commission Created.

There is hereby created the Cultural Arts Commission.

§ 2-9.1403 Powers and Duties.

The Commission shall:

- (a) Act as adviser to the City Council in all matters pertaining to public art in Redondo Beach. Public art in Redondo Beach shall be defined as artworks that are identified through a gift, City purchase, or artist commission, that are displayed in any publicly owned property or right-of-way area including parks, City buildings and facilities, streets, medians, sidewalks, plazas and in any other public location determined by the City Council;
- (b) Make recommendations to the City Council for public art program guidelines, the artistic criteria for public art, the acquisition of public art, artwork

commissioning and deaccession, the creation of public art infrastructure, and the preservation and maintenance of public art in the City;

- (c) Make recommendations for a prioritized list of public art projects to be considered as part of the City's strategic planning and annual capital project and budgeting processes;
- (d) Stimulate public interest in such public art programs and projects;
- (e) Make recommendations to the City Council related to performing arts events and programs, including, but not limited to, theater, music, film, fine art, literature, poetry; and
- (f) Perform such other duties as from time to time may be assigned to it by the City Council.

§ 2-9.1404 Meetings.

Notwithstanding Section 2-9.101 of this Code, the Cultural Arts Commission shall not be required to hold monthly meetings, and instead shall hold a regular meeting at least once every other month and whatever special meetings may be necessary or convenient to dispose of business without delay.

Title 10, Chapter 6, Sections 10-6.02, 10.6-03, and 10-6.08 of the Redondo Beach Municipal Code are hereby amended to read as follows:

§ 10-6.02 Implementation by the Cultural Arts Commission.

The Cultural Arts Commission, as established in Section 2-9.1401 of the Redondo Beach Municipal Code, shall implement the duties established by this chapter.

§ 10-6.03 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Addition" means an extension or increase in floor area or height of a building or structure.

"Alteration" means any construction or renovation to an existing structure other than repair or addition.

"Artist" means a person who has a reputation among peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment as judged by the reviewing body with final design review authority for the development project.

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"Building valuation" for an applicable project shall consist of the dollar amount of all construction permits using the latest Building Valuation Data as set forth by the International Code Council (ICC), unless in the opinion of the Building Official, a different valuation methodology is more appropriate for the particular project. It does not include the cost of the land acquisition and off-site improvement costs.

"Developer" means the person or entity that is financially and legally responsible for the planning, development and construction of any development project covered by this chapter, who may, or may not, be the owner of the subject property.

"Director" means the Community Development Director, or a designee of the Community Development Director or the City Manager.

"Eligible capital improvement project" shall mean any improvement to public property which the City Manager has approved for application of the requirements of this chapter. This term shall not be interpreted to include any improvement for which the source of funding, or any applicable law or regulation, prohibits or restricts the use of funds for the purposes of this chapter.

"Installation date" means the actual date on which the public art is installed on site.

"Maintenance" means to keep in continuance or in a certain state, as of repair.

"Private Development Project" means a project involving the construction of any new residential (three units or more), commercial building (including office and retail uses), industrial or light industrial uses, or any mixed-use project, the construction of new tenant improvements in any shell building, an addition to an existing building, or the rehabilitation, renovation, remodeling or tenant improvement of an existing building, and having a building valuation, as defined in this chapter, of Two Hundred Fifty Thousand and no/100ths (\$250,000.00) Dollars or more. For the purposes of calculation of the public art contribution for a mixed-use project, the building valuation shall be calculated based on the nonresidential portion of the project only. To the extent that all or some portion of the new construction includes one or more of the six "exclusion items" identified below, those portions of the project shall be excluded from the definition of "Private development project"; thus, those portions of construction shall not be subject to the requirements of this chapter:

- (1)** Repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
- (2)** Historic preservation or restoration;
- (3)** Seismic retrofit or flood protection projects work items;

(4) Fire sprinkler installation work items as defined by Section **9-1.05** of the Redondo Beach Municipal Code;

(5) Any alteration, maintenance or repair of an existing structure, or equipment, that does not result in an addition (i.e. does not result in an extension, expansion or increase in the floor area or height of the existing structure). Notwithstanding this exclusion, construction of new tenant improvements in any shell building shall be within the definition of "development project";

(6) Solar (photovoltaic) system applications.

"Public art" means an original work of a permanent nature in any variety of media produced by an artist which may include sculpture, murals, photography and original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media, furnishing or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building such as decorative handrails, stained glass and other functional features which have been enhanced to be visually appealing. City commissioned public art may also include pieces as identified above which may be moved from time to time as a gallery collection and placed in public buildings such as City Hall, the libraries and other publicly accessible facilities.

Public art does not include the following:

(1) Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects or fountains;

(2) Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect;

(3) Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist;

(4) Directional elements such as super graphics, signage as defined in the Redondo Beach Municipal Code Section 10-2.1800, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

(5) Interpretive programs;

(6) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, print making, or other media arts, specifically commissioned by the City;

(7) Services or utilities necessary to operate or maintain the artwork over time;

(8) Existing works of art offered for sale or donation to the City which do not have an established and recognized significance in the field of public art as determined by qualified arts professionals and art appraisers and ultimately as judged by the Cultural Arts Commission or City Council;

(9) Works of art which are not visible to the public;

(10) Works of art which cannot be reasonably maintained within the resources allocated by the City of Redondo Beach;

(11) Logos or corporate identity.

"Cultural Arts Commission" means the City Commission established under Section 2-9.1401 of the Redondo Beach Municipal Code.

"Public art contribution" means the dollar amount equal to 1% of the building valuation of a development project with a building valuation of at least Two Hundred Fifty Thousand and no/100ths (\$250,000.00) Dollars, covered by this chapter. In the case of a mixed-use project, the dollar amount shall be equal to the cost of 1% of the building valuation of at least Two Hundred Fifty Thousand and no/100ths (\$250,000.00) Dollars of the nonresidential component of that development project.

"Public Art Fund" means a fund established and maintained by the City of Redondo Beach for the purpose of funding public art and the maintenance of public art consistent with the public art master plan.

"Public art master plan" means a plan developed by the City and approved by the City Council which identifies locations on public property such as public rights-of-way and public parks which would be acceptable for the placement of public art pieces, and additionally identifies funding priorities and criteria for accounting and expenditures of the accumulated Public Art Fund. The plan shall be developed in conjunction with the Cultural Arts Commission.

"Public place" Means any exterior area on public or private property which is clearly visible to the general public. If located on private property, the area must be clearly visible from adjacent public property such as a street or other public thoroughfare, sidewalk, or path.

"Remodel." See "Alteration."

"Repair" means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

"Reviewing body" means a review in a public forum by official bodies of the City of Redondo Beach including, but not limited to, the Harbor, Public Art and Planning Commissions, as well as the City Council.

"Solar photovoltaic system" means the total components and subsystems that, in combination, convert solar energy into electric energy suitable for connection to a utilization load.

§ 10-6.08 Administrative Polices and Program Guidelines.

The City Manager is authorized to establish and maintain written administrative policies as program guidelines, which shall implement the requirements of this chapter. A copy of the program guidelines shall be maintained in the office of the City Clerk. The program guidelines shall be approved by the City Manager, based on the recommendation of the Community Development Director, and subject to the review and approval as to form by the City Attorney. The program guidelines may include, but are not limited to, the following elements: consistency with General Plan Design policies and Specific Plan Design policies, consistency with applicable Design Guidelines adopted by the City Council, standards for eligible public art works, media and materials in public art, standards for placement and site selection of public art, standards for placement of public art on both public and private development sites, role and procedures of the Cultural Arts Commission, art selection process, art selection standards and criteria, maintenance and conservation of public art works, staffing and administration of the public arts program, public art collection review and removal, and catalog and inventory procedures for the collection of art installed under this chapter.

SECTION 2. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall be published in the official newspaper of said City, and the same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 1st day of October, 2024.

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

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

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. 3278-24 was introduced at a regular meeting of the City Council held on the 17th day of July, 2024 and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 1st day of October, 2024, and there after signed and approved by the Mayor and attested by the City Clerk, and that said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk