


Study Session **SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 11-18-2019

Agenda Item No.: SS# (19-998)  
*revised*

## Team

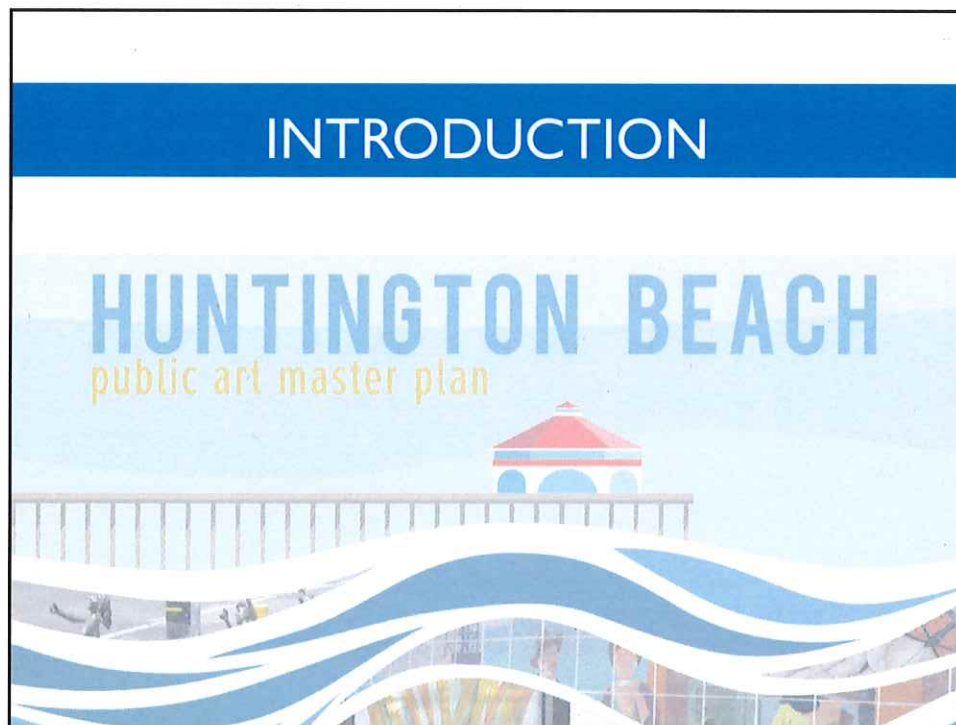
- Community Services Department Staff
  - Marie Knight, Chris Slama, Kate Hoffman
- Community Development Department Staff
  - Joanna Cortez
- City Manager's Office Staff
  - Antonia Graham
- Task Force Members
  - Celeste Hamil, Paula Lazicki, Hek Valdez, Susan Thomas
- Consultants—RRM Design Group
  - Amanda Seibel, Jami Williams



## Meeting Purpose

**Seeking Council input on the following:**

1. Private development contribution  
(percent for the arts funding)
2. Public Art on private property
3. Public Art review body



## Public Art Definition

- Public art is a noncommercial visual artistic expression intended and able to be viewed from, public property or areas on private property which are visible from the right of way or other public spaces
- Examples include but are not limited to, sculpture, mosaics, murals, amenities, prints, etc.
- Materials may include but are not limited to concrete, stone, tile, metal, wood, glass, paint, etc.
- Public art can be either permanent or temporary

## Introduction

### • Vision

- The Public Art Master Plan inspires the creation of a **globally recognized public arts legacy** in HB





## Introduction

- **Mission**

- To create a comprehensive Public Art Master Plan that **enhances and improves public places** and spaces through permanent and temporary art installations and related programs that **foster the community's sense of place and cultural identity**




## Introduction

- **Objectives**

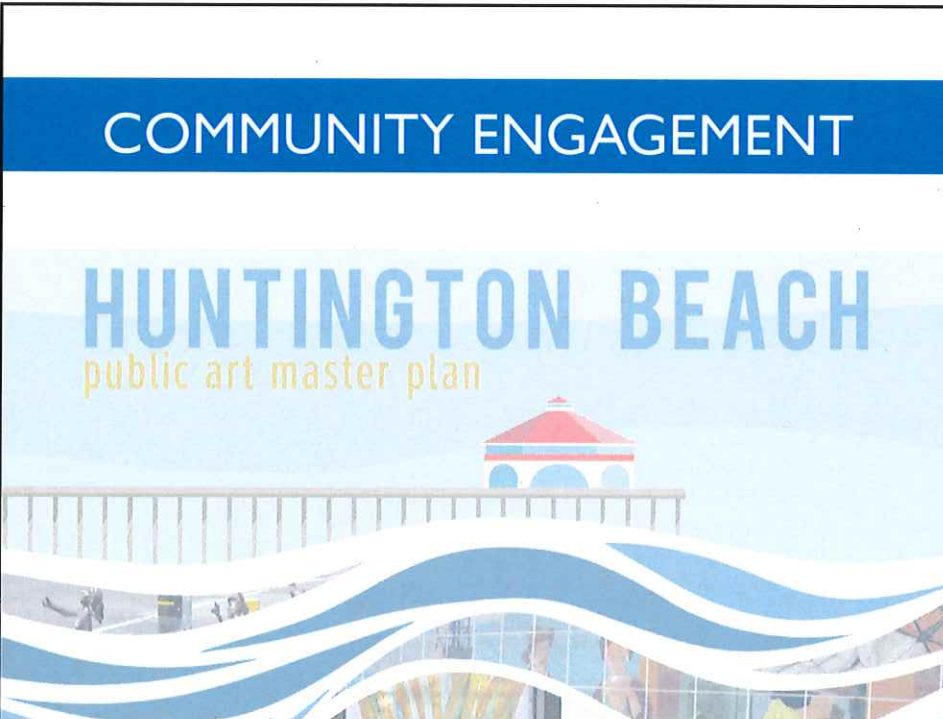
- **Provide** for the inclusion of art installations in new private/public sector developments, on public land and parks, on private property that is publicly visible
- **Reflect** the community's identity and values, brand personality, and unique sense of place in the Plan
- **Lead** the planning process with best practices for public place-making, a cultural tourism development emphasis, and community quality of life enhancement focus
- **Integrate** the Plan with existing City public and private sector planning, infrastructure and initiatives as feasible
- **Consider** a funding source that will allow for periodic calls for projects, as well as maintenance of current and future works in the City collection





## Introduction

- **Process to Date**
  - Task Force Meetings
  - City Tour of existing public art and opportunity areas with Consultant, Task Force Members, Staff, Council
  - Stakeholder Interviews – 2 days
  - Community Survey
  - Research Case Studies




COMMUNITY ENGAGEMENT

**HUNTINGTON BEACH**  
public art master plan




## Community Engagement

- **Stakeholder Interviews Included**
  - Public Art Task Force
  - Former Allied Arts Board Members
  - Visit HB
  - Art Center Foundation
  - HB Public Art Alliance
  - HBAC Artist Council
  - HB Art League
  - Huntington Harbour Art Association
  - Golden West College
  - BIA and Downtown BID
  - City residents, business owners, decision makers, and staff




## Community Engagement

- **Stakeholder Input Highlights**
  - Strong desire to have an iconic public art piece
    - Central Park
    - Pier
  - When asked “What comes to mind when you think about Huntington Beach and Public Art?”
    - Many people identified the Naked Surfer
    - Many people could not identify any one particular piece of Public Art
  - Art in Huntington Beach should represent more than “Surf City”
  - Desire to unify all art groups in Huntington Beach



## Community Engagement

- **Stakeholder Input Highlights**
  - Place art throughout Huntington Beach (not just Downtown & the pier)
  - Neighborhood identity should be considered when planning for art
  - Pop-up art is desired
  - Art should attract people to Huntington Beach and encourage tourism and economic development
  - There needs to be a clear process for Public Art

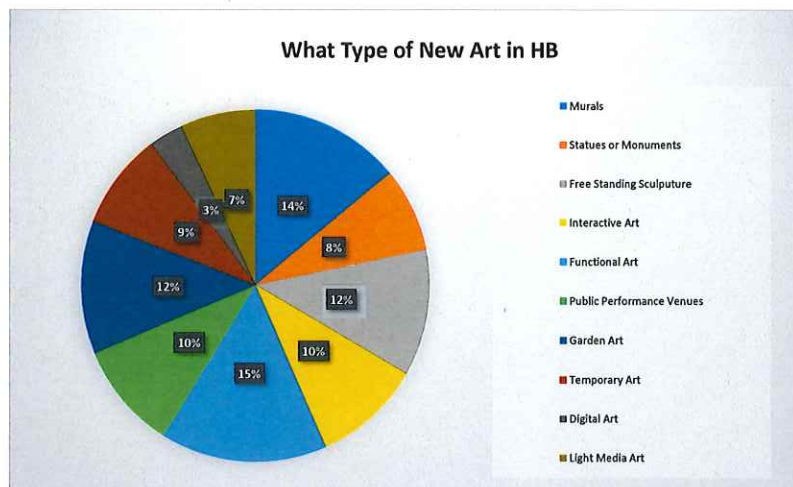


huntington beach public art master plan  
survey

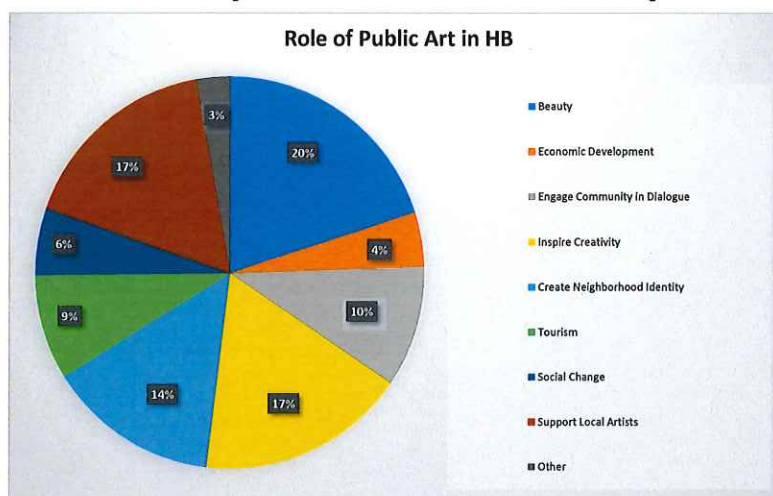
## Community Outreach

- **Survey Results**
  - Survey was available on-line for 40 days
  - Information about the survey was made available via:
    - City's website at [huntingtonbeachca.gov/publicart](http://huntingtonbeachca.gov/publicart)
    - City's official Facebook page
    - City's Manager's Report
    - Community Services Dept. Instagram, Facebook pages and HB Art Center Website
    - Business cards distributed at the Surf City Arts Festival on October 13
    - Email blast sent to City's Activity Registration System database, through the various arts organizations and through the HB Art Center
  - **555 total responses: 92% residents of HB**
  - Topics included: favorite local art piece, desirable types, role of art, art themes, location for art, and the public art selection process

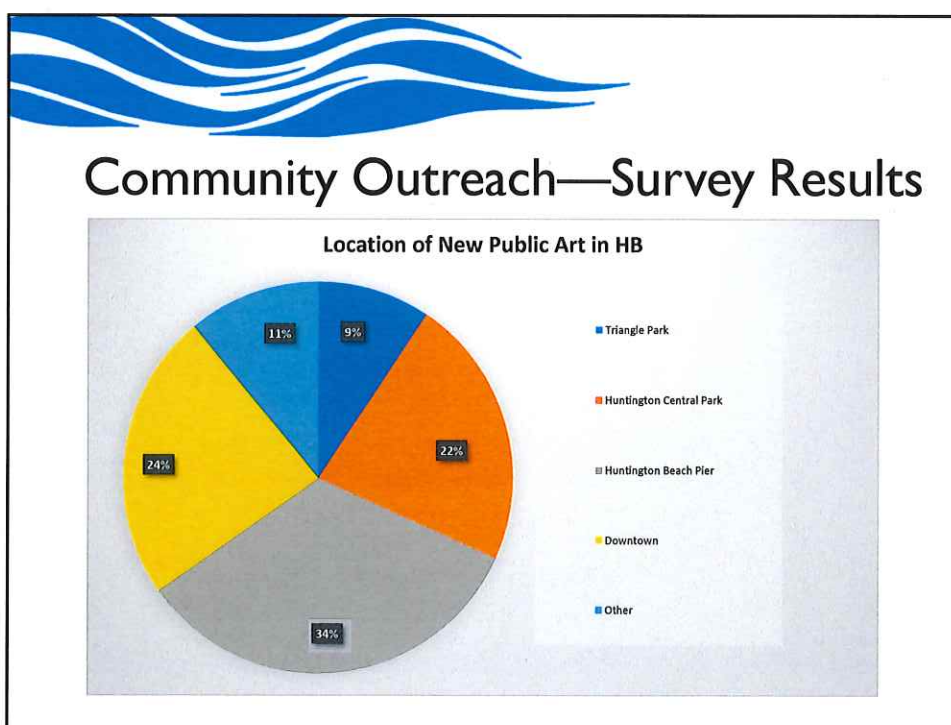
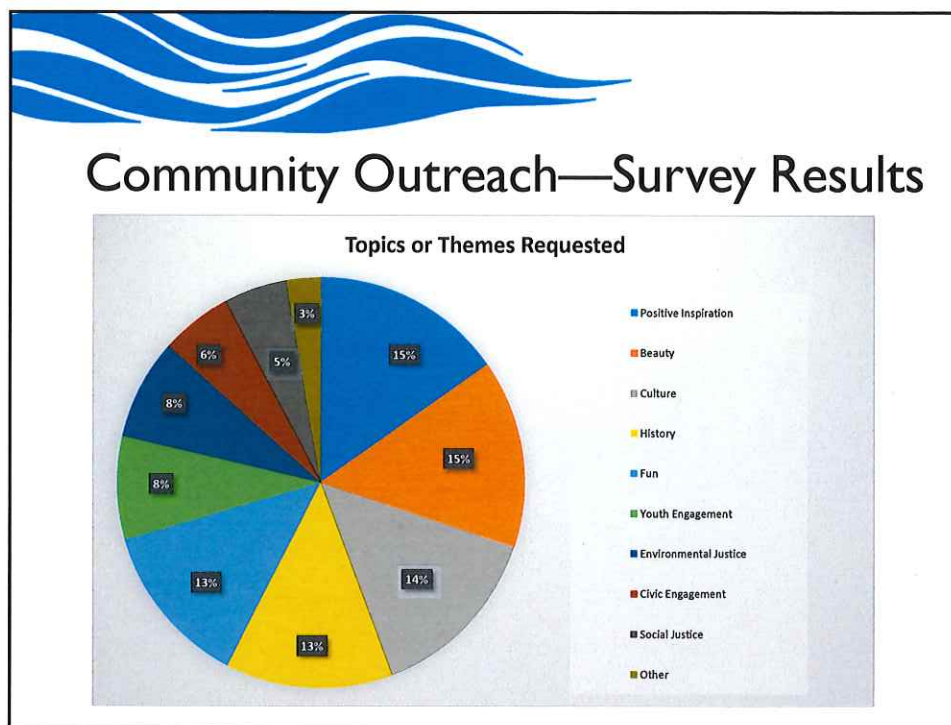
## Community Outreach—Survey Results

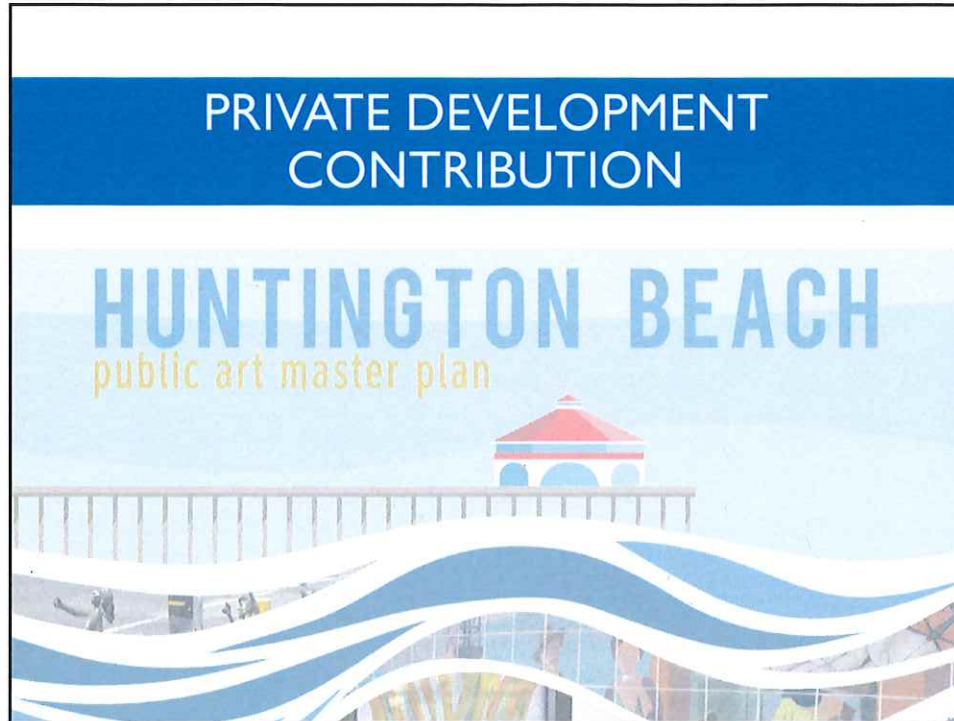


## Community Outreach—Survey Results










## Private Development Contribution

• **Cities in CA with Public Art Ordinances**

• Agoura Hills	• Culver City	• Manhattan Beach	• San Luis Obispo
• Albany	• Downey	• Monrovia	• Santa Fe Springs
• Alhambra	• Dublin	• Napa	• Santa Monica
• Azusa	• El Cerrito	• Norwalk	• Santa Rosa
• Baldwin Park	• Emeryville	• Oakland	• Sierra Madre
• Escondido	• Escondido	• Palo Alto	• South Gate
• Bellflower	• Fremont	• Palm Desert	• Sunnyvale
• Berkeley	• Fresno	• Paramount	• Walnut Creek
• Beverly Hills	• Glendale	• Pasadena	• West Covina
• Brea	• Inglewood	• Petaluma	• West Hollywood
• Burbank	• Laguna Beach	• Pomona	• Westlake Village
• Calabasas	• Livermore	• Redondo Beach	• Whittier
• Cathedral City	• Long Beach	• Redwood City	
• Cerritos	• Los Angeles	• San Diego	
• Chico	• Lynwood	• San Francisco	
• Claremont		• San Jose	



## Private Development Contribution

- **Percent for public art ordinance basics**

- Require developers to set aside a **percentage of construction costs for public art** (in the form of on-site art or financial contribution to art fund) is the most common form
- Generally range from **.25 to 2% of construction cost** (.5 to 1 % is the most common)
- Most apply to projects of a **minimum budget**;
- Some cities place **exemptions for certain types of development projects**
- These ordinances are effective in cities with **strong local economies, high land values, and development opportunities**



## Private Development Contribution (percent for the arts funding)

- **Case Study I: Brea, CA**

- 1% of total project valuation over \$1.5 million
- \$1.5-4 million may choose in-lieu fee option
- Over \$4 million must provide on-site art
- Exemptions include residential developments of 4 or fewer units, places of worship, public facilities



## Private Development Contribution (percent for the arts funding)

- **Case Study II: Palm Desert, CA**
  - **0.25% for residential** development, **0.5% for commercial** development
  - All applicable developments may choose to **install art on-site, donate art to the City, or pay the in-lieu fee**
  - **More broad allowance for art on project site** than other ordinances—includes artist designed paving treatments, benches, and wayfinding



## Private Development Contribution (percent for the arts funding)

- **Case Study III: San Luis Obispo, CA**
  - **0.5% of total construction cost in excess of \$100,000**
  - Public art contribution shall not exceed \$50,000 for each building permit
  - All applicable developments may choose to **install art on-site, donate art to the City, or pay the in-lieu fee**





## Private Development Contribution (percent for the arts funding)

- **Case Study IV: Culver City, CA**


- 1% of total Building Permit valuation
  - Residential developments of 5 or more units
  - Commercial, industrial, and public projects with building valuations of \$500k+ or rehabilitation projects of \$250k+
- All applicable developments may choose to **install art on-site, donate art to the City, or pay the in-lieu fee**
- If the determined contribution amount is less than \$75k, the amount must go into in-lieu fee



## Private Development Contribution (percent for the arts funding)

- **Case Study V: Whittier, CA**

- .5% of valuation of \$250,000+
- All applicable developments may choose to **install art on-site, donate art to the City, or pay the in-lieu fee**
- Minimum \$25k contribution if placed on-site
- Exemptions include public projects, 501(c) 3 charitable organizations, and buildings damaged by disaster



## Private development contribution

(percent for the arts funding)

- **Does Council support a percent for the arts ordinance related to private development?**
- If so, staff will return with recommendations related to:
  - Requiring a private development contribution for projects citywide
  - On-site vs. in-lieu contribution
  - Percent of valuation contribution
  - Minimum amount for on-site contribution (identify site and budget related)
  - Exemptions





## Public Art on Private Property

### • Introduction

- Cities are strictly prohibited from regulating public art on the basis of content
- Any regulation of public art must be supported by existing and appropriate ordinances, policies, procedures, and local laws
- Regulations cannot be vague or overbroad
- If cities require public meetings encouraging neighborly discussions related to public art, then findings cannot be made based on the results of the public meeting
- Approval of a permit cannot be subjective - if the application meets the requirements it must be approved



## HB Mural Ordinance

### 233.22 Miscellaneous Signs and Provisions

Non-commercial murals, non-commercial large graphic designs, and statuary shall be subject to review by the director for the sole purpose of ensuring that such displays will not pose a hazard to public health, safety or welfare.



## Public Art on Private Property


- Case Study: **Portland, OR**
  - City had been previously litigated for content-based regulation of speech
  - City has appointed a Mural Working Group
  - Application Process includes noticed neighborhood meeting
  - Public Art Approval Criteria include:
    - Established criteria for artistic quality, originality, context, permanence, diversity, feasibility, scale and community support
  - Requires noticed public meeting at mural location
  - Requires public art easement



## Public Art on Private Property

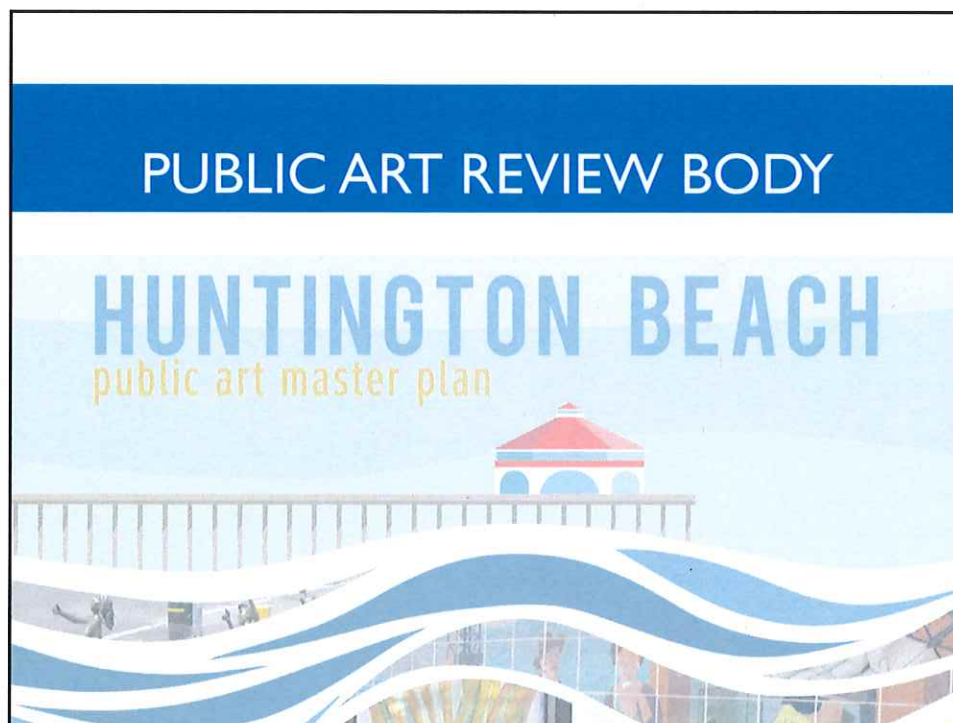
- Case Study: **Atlanta, GA**
  - An expression of creative skill or imagination in a visual form, such as a painting or sculpture, which is intended to beautify or provide aesthetic influences to public areas on private property or areas on private property which are visible from the right of way or other public spaces
  - Governmental interests in regulating public art include protecting motorist safety, creating an aesthetically pleasing environment, respecting shared values, enhancing City appearance, etc.
    - Distinguishes between commercial speech and art
  - Requires a meeting with Citizen Advisory Council





## Public Art on Private Property

- **Does the existing Huntington Beach Mural Ordinance adequately address Public Art on Private Property?**
- If not, staff will return with recommendations that could include:
  - Additional regulations and criteria to define artistic merit
  - Consideration of an Applicant hosted neighborhood meeting – knowing outcome can't inform approvals
  - A separate mural ordinance





## Public Art Review Body

### • Decision Body Options


- If...there is a regular funding source, then a working body will be needed to move public art projects forward. That Body could be:
  - A Commission – Advisory only, ALL work performed by staff
  - A Committee with some roles and responsibilities related to the project implementation



## Public Art Review Body


### Staff responsibilities include, but not limited to:

- Creates and manage RFP/RFQ process
- Manages artist selection process conducted by approving body
- Evaluates art for conformance with Master Plan
- Routes art to be reviewed by appropriate City Department
- Presents art to relevant Decision-Making Bodies -prepares agendas, minutes, and staff reports
- Prepares contract with artist and assists with permitting
- Contacts artist at milestones for progress report
- Coordinates artwork installation and maintenance plan



## Public Art Review Body

- Case Study I: **City of Burbank, CA**
  - Public Art Committee appointed by City Council
  - The Art in Public Places Committee makes recommendations to the City Council
    - Five at large members chosen by the City Council
    - One Planning Board Member;
    - One Park, Recreation and Community Services Board Member
  - *Staff commitment: Park, Recreation and Community Services Director or its designee*



## Public Art Review Body

- Case Study II: **City of Emeryville, CA**
  - Selection panel or subcommittee makes recommendation to the Public Art Committee (PAC)
  - PAC recommends to City Council for approval
    - 9 people (mix of residents and business reps)
    - Appointed by City Council
- *Staff commitment: Community Development Director, Economic Development and Housing Manager, Community Development Coordinator, and Clerk*
  - All committed to processing Art and supporting approval process
  - One committee meeting/month with agenda, minutes, and staff reports
  - Support for the selection panel or subcommittee making recommendation to PAC and staff reports to the Council



## Public Art Review Body – Most extensive

- Case Study III: **City of Whittier, CA**
  - Art in Public Places Committee appointed by City Council
  - Committee makes recommendations to Cultural Arts Commission
  - Commission recommends to City Council for approval
  - *Staff commitment: Community Services Director, Community Services Manager, Clerk – all committed to processing Art and supporting approval process - up to 3 meetings/month*



## Council Discussion and Direction

- Should staff return with a percent for the arts ordinance related to private development?
- Should staff return with recommendations on requiring neighborhood meeting and/or criteria such as artistic merit for approval of Public Art on Private Property?
- Should staff return with a separate mural ordinance?
- Does the Council prefer one type of approval body over the other (Committee vs. Commission)?
- Is the Council prepared to dedicate additional staff resources?