

Chapter 19.38
URBAN ART PROGRAM

Sections:

- 19.38.010 Purpose.
- 19.38.020 Applicability.
- 19.38.030 Art Plan and Installation Requirements.
- 19.38.040 In-lieu Fee Alternative.
- 19.38.050 Exemptions.
- 19.38.060 Procedures, Guidelines, and Requirements.
- 19.38.070 Appeals.
- 19.38.080 Maintenance Requirements for Art Installations.

19.38.010 Purpose.

This chapter establishes procedures and minimum standards for provision of art as part of new development projects. The Council finds that the environment, image, and character of the city would be improved by art and that the impacts associated with new development projects would be mitigated, in part, by provision of urban art in compliance with this chapter.

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.020 Applicability.

A. The provisions of this section apply to new development with a value of two hundred thousand dollars (\$200,000.00) or more; and the alteration or repair of a structure that increases total gross floor area or otherwise intensifies the use, if the alteration, intensification, or repair has a value of two hundred thousand dollars (\$200,000.00) or more; where the value is as determined by the Building Official.

B. Before issuance of a building permit, the applicant shall either comply with Section 19.38.030(A) (Approval of Urban Art Plan), or pay an in-lieu fee in compliance with Section 19.38.040 (In-Lieu Fee Alternative).

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.030 Art Plan and Installation Requirements.

Each project that is subject to the provisions of this chapter shall comply with the following requirements.

A. ***Approval of Urban Art Plan and Value of Art.*** The applicant shall file with and receive approval from the Fine Arts Commission for an Urban Art Plan for the project site and structures. The plan shall provide for the installation of public art with a value of at least one percent of the valuation of the project as determined by the Building Official.

B. ***Installation of Art.*** The urban art approved with the Urban Art Plan shall be installed in compliance with the Urban Art Plan before issuance of a Certificate of Occupancy or Final Inspection.

C. ***Large-Screen Video Signs.*** Art shall be provided in conjunction with a permit for a large-screen video sign in compliance with Section 19.34.080(H).

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.040 In-Lieu Fee Alternative.

As an alternative to the art plan and installation requirements of Section 19.38.030, the applicant may choose to make a contribution to the West Hollywood Public Art and Beautification Fund in an amount equivalent to one percent of the value of the project as determined by the Building Official. 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 before issuance of a Certificate of Final Occupancy or Final Inspection.

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.050 Exemptions.

The following development activities shall be exempt from the requirements of this chapter:

A. ***Financed with Public Funds.*** Alteration, construction, or repair of structures to perform rehabilitation of private property if that rehabilitation is primarily financed with public funds;

B. ***Residential Structures.*** Alteration, construction, or repair of residential structures of one or two units, or residential developments with more than 25 percent of the units available to low- or moderate-income households as determined by eligibility requirements and a rental or sales price schedule established annually by the Council;

C. ***Financed with Development Exactions.*** Alteration, construction, or repair financed by funds collected in compliance with the development exactions;

D. ***Capital Improvement Projects.*** Capital improvement projects performed by the city;

E. ***Cultural Resources.*** Cultural resources that are residential buildings; and

F. ***Nonprofit Service Providers.*** Projects that are intended primarily to provide facilities for nonprofit public service providers.

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.060 Procedures, Guidelines, and Requirements.

The Council shall establish by resolution, the procedure for city review of a final arts plan. The Council shall also establish, by resolution, the requirements and guidelines for art required by Sections 19.38.020 (Applicability) and 19.38.030 (Art Plan and Installation Requirements), above, and alternative voluntary contributions to the West Hollywood Public Art and Beautification Fund.

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.070 Appeals.

An action of the Fine Arts Commission may be appealed to the Council and shall otherwise comply with the provisions governing an appeal of a decision of the Commission, in compliance with Chapter 19.76 (Appeals). The fee for an appeal shall be as established by

the city's Fee Resolution.

(Ord. 01-594 § 2 (Exh. A (part)), 2001)

19.38.080 Maintenance Requirements for Art Installations.

A. *Maintenance of Installation.*

1. Approved, installed urban art works shall be maintained by the owner of the site for the life of the project.

2. If approved art includes performance art or art programming, the programming shall be provided as required.

B. *Non-Maintenance of Installation.* If the art required by this section is altered, removed, is not maintained in good condition, or is not provided as required, the city may initiate administrative remedies in compliance with Section 1.08.010.

C. *Penalty for Non-Maintenance.* If administrative remedies do not result in proper maintenance, the city may impose a fine equal to the original arts requirement.

(Ord. 01-594 § 2 (Exh. A (part)), 2001)