

City of Los Angeles Administrative Code

Sec. **22.118**. Arts Development Fee Credits.

1. If private facilities, services and community amenities for cultural and artistic purposes are provided in a proposed development project and such facilities, services and community amenities are to be privately owned and maintained by the future occupants or owners of the development project, then the facilities, services and community amenities may be credited against the requirement of the payment of an Arts Development Fee. However, the City of Los Angeles Cultural Affairs Department must first find that the subject facility, service or community amenity meets the following standards:

(a) that it may be used by the patrons, occupants and owners of the development project; and

(b) that it satisfies the cultural and artistic needs of the development project so as to reduce the need for public cultural and artistic facilities, services and community amenities to serve the patrons, occupants and owners of the development project.

2. **Credits.**

(a) Credits shall be granted dollar-for-dollar for any monies paid for the cost of cultural and artistic facilities, services or community amenities provided in accordance with Subsection 1. A written receipt for monies paid by the development project for such cultural and artistic facilities, services and community amenities shall constitute substantial evidence of the cost of the facility, service or community amenity. If a written receipt does not exist, then the Cultural Affairs Department may determine the cost of cultural and artistic facility, service or community amenity based on evidence of such cost submitted by the owners of the development project.

(b) Cultural and artistic facilities are defined as follows:

(i) Exhibit/Performance Space: Public gallery/exhibition space, public performance spaces, public artistic studio spaces, public arts education facilities.

(ii) Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials.

(iii) Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of non-traditional materials and means.

(iv) Earthworks, fireworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media, including sound, film, holographic, and video systems, hybrids of any media and new genres.

(v) Standardized fixtures such as grates, street lights, signage, and other design enhancements, as are rendered by an artist for unique or limited editions.

(vi) Similar facilities on culture and the arts as determined by the Cultural Affairs Department.

(c) Cultural and artistic services are defined as follows:

(i) Performing arts: Theatre, dance, music and performance art.

(ii) Literary arts: Poetry readings and story telling.

(iii) Media arts: Film and video, screenings and installations.

(iv) Education: Lectures, presentations and training in and about arts and culture.

(v) Special events: Parades, festivals and celebrations.

(vi) Similar services on culture and the arts as determined approved by the Cultural Affairs Department.

(d) Cultural and artistic community amenities as defined by the Cultural Affairs Department in guidelines promulgated for this purpose.

(e) The maximum amount of the credit shall not exceed the calculated Art Development Fee.

(f) The granting of credits shall also be subject to the following conditions:

(i) The private ownership and maintenance of the facilities, services and community amenities shall be adequately provided for by written agreement, and

(ii) The facilities, services and community amenities proposed are in substantial compliance with the General Plan, or an arts and cultural master plan developed by the Cultural Affairs Department, and

(iii) The owners of a development project shall guarantee the payment of the arts fee to the satisfaction of the Cultural Affairs Department.

(g) The following facilities, services and community amenities are ineligible costs for a credit provided herein:

(i) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art.

(ii) Art objects which are mass produced of standard design such as playground equipment, fountains or statuary objects.

(iii) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.

(iv) Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this design enhancement purpose.

(v) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.

(vi) Services or utilities necessary to operate or maintain the artwork over time.

3. Credits shall be granted dollar-for-dollar as defined in Subsection 2 for any development project subject to a cultural and artistic facility, service or community amenity requirement pursuant to a written agreement with the Community Redevelopment Agency or Rapid Transit District.

SECTION HISTORY

Added by Ord. No. 164,245, Eff. 1-15-89.

Amended by: Subsecs. (a) and (f), Ord. No. 166,724, Eff. 4-8-91.