July 26, 2018

TO: David W. Louie, Chair
    Elvin W. Moon, Vice Chair
    Doug Smith, Commissioner
    Laura Shell, Commissioner
    Pat Modugno, Commissioner

FROM: Bruce Durbin, Supervising Regional Planner
      Ordinance Studies Section

Grace Ramirez-Gaston, Director of Civic Art
Los Angeles County Arts Commission

SUBJECT: PROJECT NO. 2017-000213
ADVANCE PLANNING CASE NO. RPPL2017008325
AMENDMENT TO TITLE 22 TO ESTABLISH THE PERCENT FOR ART
IN PRIVATE DEVELOPMENT ORDINANCE
AGENDA OF August 1, 2018 – AGENDA ITEM #7

On July 19, 2018, staff transmitted materials for the above noted project on Percent for Art in Private Development for the public hearing to be held on August 1, 2018. Since then, staff received letters of support and opposition along with a response to concerns by members of the community. Attached are additional materials relating to this project.

Attachments:
Letters of support and opposition
Response to concerns about the ordinance

BD:GRG:as
August 7, 2017

Ms. Grace Ramirez Gaston  
Director of Civic Art  
Los Angeles County Arts Commission  
1055 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90017

SUBJECT: Private Developer Civic Art Requirement – OPPOSE

Dear Ms. Ramirez Gaston:

The Valley Industry and Commerce Association (VICA) respectfully opposes the establishment of a private developer civic art requirement in Los Angeles County. While we acknowledge and support the many benefits of investment in art and local artists, VICA cannot support the requirement of art provision on private commercial developers in unincorporated areas of the County.

Lack of Nexus

In many cases, it is unclear that there is any nexus between public art and many commercial establishments, such as distribution centers, manufacturers, private office parks, and industrial facilities. It is inappropriate to require these businesses to pay a de facto new tax to support a program which bears no benefit or relationship whatsoever to that business.

VICA has supported increased taxes that invest in transit infrastructure, which helps grow our economy, or address regional crises, such as the current homelessness crisis. Los Angeles has a thriving creative economy, of which we should be proud. A private art requirement on developers does not invest in our economic future nor solve a regional crisis. It is an inappropriate new burden when there are so many competing issues which can and should be addressed by the community as a whole, including business.

Option vs. Requirement

Investment in art may be beneficial to some commercial developments. For example, some businesses may find investment in art helps them compete with other establishments by attracting foot traffic, presenting marketing opportunities, or helping to attract tourism revenue. There is nothing preventing these businesses from investing in art and local artists to achieve these goals.

The proposed ordinance goes far beyond that by requiring businesses to invest in County-approved art or pay the equivalent of 1% of their project value into a County Arts Fund – an effective new 1% tax on developers.

Benefits of Commercial Development

Developing new commercial space provides enormous benefits to LA County. Development of commercial space provides jobs during construction. New, high-quality commercial space helps retain businesses in LA
County, which means more jobs and tax revenue for our local communities. New developments comply with updated building codes and energy-efficiency standards compared to older buildings.

Some commercial developments provide even more direct benefits to their local community, such as a grocery store in a ‘food desert.’ Commercial development projects are positive and necessary for a strong economy.

Without a robust and growing economy, other societal benefits such as a thriving arts community cannot be supported. The business community should not be expected to directly bear the cost of supporting the arts in Los Angeles County.

Proposed amendments

If the proposed ordinance moves forward, VICA would like to provide the following suggestions:

- Negotiations for on-site art selected by the developer should be appropriately timed in the planning process. One commercial developer subject to a similar city ordinance found that the on-site option had to be negotiated in advance of obtaining a building permit – a year before the building designs were started. This discourages the on-site option so that the ordinance is a tax, even on developers who would like to select their own art.
- Art commissioned and paid for out of the County Arts Fund should be designed, fabricated, and installed by Los Angeles County-based artists.
- The ordinance should include a requirement that the location of art commissioned by the County Arts Fund reflect the location of the commercial developments that paid into the Fund. For example, contributions from commercial developments in unincorporated parts of the San Fernando Valley should result in art or programs in a nearby location to benefit local residents.

Conclusion

VICA has strong concerns that this ordinance will simply add onto continually-increasing costs on commercial development in LA County. Increasing the costs of commercial development without a clear economic benefit is detrimental to our economic growth and fails to help us retain jobs in LA.

We urge the County Board of Supervisors to consider our concerns and oppose a private commercial development art requirement.

Sincerely,

Kevin Tamaki
VICA Chair

Stuart Waldman
VICA President
Date: December 15, 2017
To: Supervisor Keuhl and Board Members
From: Beau K. Basse, LeBasse Projects
Re: Civic Art Requirement

Dear Honorable Chairperson Supervisor Kuehl and Board Members:

I am writing in support of the proposed Los Angeles County Private Developer Requirement for Civic Art.

Our consulting firm has worked with multiple real estate development companies that have participated in ‘percent for art’ programs in other jurisdictions. Public art raises the value of commercial real estate, supports progressive and forward thinking communities and distinguishes neighborhoods as culturally relevant.

Even more, these types of programs make locations attractive for private investment, new businesses and for residential growth.

Public art programs also support local artists and contribute to the economic growth of our creativity-driven local economy. Los Angeles County is known as a creative driven area and these types of programs only help to reinforce that infrastructure.

We encourage the Board of Supervisors to create a ‘percent for art’ requirement for commercial developments in unincorporated areas of the County. This will match similar programs in many cities throughout the region. It will raise the profile, enhance the pride, and improve the quality of life in our unincorporated neighborhoods.

Thank you,

Beau K. Basse

Creative Director, LeBasse Projects
Dear Honorable Chairperson Supervisor Kuehl and Board Members:

I am writing in support of the proposed Los Angeles County Private Developer Requirement for Civic Art. As a public art consultant, with many years of experience working with private developer one percent for art programs, I have first hand knowledge of the positive impact these programs have in Southern California communities. The benefits range from neighborhood beautification and community recognition, to the cultivation of our creative industries and economic growth. Private percent for art programs assist local communities by mitigating the effects of commercial real estate development through private investment in arts and cultural amenities. Many Los Angeles County local municipalities, including the cities of Los Angeles, Santa Monica, and Pasadena have been on forefront of maximizing the use of percent for art programs for the benefit of local communities and economic development.

I encourage the Board of Supervisors to create a ‘percent for art’ requirement for commercial developments in unincorporated areas of the County to raise the profile, enhance the pride, and improve the quality of life in our unincorporated neighborhoods.

Thank you,
Erik Qvale Consulting
Public Art & Design
213-232-3850 Office
213-999-3336 Cell
Dear Honorable Chairperson Supervisor Kuehl and Board Members:

I am writing in support of the proposed Los Angeles County Private Developer Requirement for Civic Art.

Our consulting firm has worked with multiple real estate development companies that have participated in ‘percent for art’ programs in other jurisdictions. Public art raises the value of commercial real estate, supports progressive and forward thinking communities and distinguishes neighborhoods as culturally relevant.

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We encourage the Board of Supervisors to create a ‘percent for art’ requirement for commercial developments in unincorporated areas of the County. This will match similar programs in many cities throughout the region. It will raise the profile, enhance the pride, and improve the quality of life in our unincorporated neighborhoods.

Thank you,

Michael Kang
Director, Civis Bureau LLC
December 19, 2017

Chairperson Supervisor Kuehl
821 Kenneth Hahn Hall of Administration
500 W. Temple St.
Los Angeles, CA 90012

Re: Civic Art Requirement

Dear Honorable Chairperson Supervisor Kuehl and Board Members:

I am writing in full support of the proposed Los Angeles County Private Developer Requirement for Civic Art.

Our project management firm is based in LA County and specializes in the development and implementation of Public Art programing nationwide. We have seen first-hand the power of Public Art to elevate the audience experience, spirit of place, and quality of community life, along with commercial leasing rates and property values, in a way that no other project element can.

Further, Los Angeles County is home to the most vibrant, dynamic, and cross-disciplinary creative arts economy in the world. Public Art programs support local artists along with an entire support industry made up of the fabricators, craftspeople, engineers, installers, and other specialists who make our local economy so unique.

We strongly encourage the Board of Supervisors to create a ‘percent for art’ requirement for commercial developments in unincorporated areas of the County. This will match similar programs in many cities throughout the region. It will raise the profile, enhance the pride, and improve the quality of life in our unincorporated neighborhoods.

Sincerely,

[Signature]

Dave Hunt, President
December 22, 2017

Dear Honorable Chairperson Supervisor Kuehl and Board Members:

I am writing in support of the proposed Los Angeles County Private Developer Requirement for Civic Art.

Our public art consulting firm has participated in 'percent for art' programs in the County of Los Angeles and other counties in the Southern California region since 1993. Public art raises the value of commercial real estate, adds the opportunity for additional amenities to a community impacted by development and can help to distinguish a community as a cultural destination. Cities from Redondo Beach to Pomona have adopted percent for art requirements to bring about significant cultural support and change for their constituents.

Further, public art programs support local artists, fabricators, engineers, art consultants, arts organizations and contractors. These programs are part of a vital economic network of creative professionals who employ residents of the county and greatly impact the quality of life in their communities. The adoption of a County Private Developer Requirement for Civic Art will further define the County as an important cultural destination in the United States.

We encourage the Board of Supervisors to create a 'percent for art' requirement for commercial (not residential) developments in unincorporated areas of the County. The adoption of this requirement will match similar programs in many cities throughout the country.

Thank you for supporting the local creative economy.

Lesley A. Elwood
President
Elwood and Associates, Inc.
Dear Honorable Chairperson Supervisor Kuehl and Board Members:

This letter is to encourage the Board of Supervisors to adopt the proposed Los Angeles County Private Developer Requirement for Civic Art. That’s because public art is proven to foster economic development, revitalize urban areas, and improve the overall business climate by creating a more desirable community within which to live and work. Well-conceived and executed works of art enhance the actual value of a development project, create greater interest in leased space within the development project, promote cultural tourism, and make a lasting and visible contribution to the community, which helps to mitigate the impacts of development.

The experience of public art makes the public areas of buildings and their grounds more welcoming. It promotes the general health and welfare of its citizens by making the unincorporated neighborhoods more livable, and visually and aesthetically pleasing. In addition, it supports the local economy through the hiring of artists, designer, fabricators, and artwork installers.

There are more than 100 cities and counties across the United States with a requirement for public art in private development. Adopting the proposed Los Angeles County Private Developer Requirement for Civic Art will make the County a more competitive location for business and tourism alike.

Best regards,
Gail Goldman

Gail M. Goldman
Gail M. Goldman Associates
Public Art Planning and Policy Development
7660 Fay Avenue
Suite H, PMB 330
La Jolla, CA  92037
858-490-9270
gail@gmgassoc.com
Empowerment Congress Arts and Culture Committee

Friday, May 25th, 2018

Dear Honorable Chairperson Supervisor Kuehl and Board Members:

On behalf of the Empowerment Congress Arts & Culture Committee, we are writing in support of the proposed Percent for Art Ordinance in Private Development Ordinance.

The Arts & Culture Committee is dedicated to serving the arts and culture community of the 2nd Supervisorial District, and serves as a conduit for information between the community and elected officials. We support issues that create opportunities for arts practitioners to have the means of creative production, and to achieve economic sustainability. One of our goals is “support and facilitate the works and arts practices of EC Arts and Culture Committee members, their organizations and the community.” The Percent for Art Ordinance in Private Development Ordinance will be a vehicle for realization of this goal through the vibrancy and opportunities to the unincorporated areas.

Public art plays a vital role in communities throughout the County and supporting the arts through private development is a way to give back to the community in return for the ability to build. It promotes the general health and welfare of its citizens by becoming an instrument for fostering community revitalization, social connections and improved health outcomes, making the unincorporated neighborhoods more livable, and visually and aesthetically pleasing.

We encourage the Board of Supervisors to create a ‘percent for art’ requirement for commercial and industrial developments in unincorporated areas of the County.

Sincerely,

Co-chairs, Empowerment Congress Arts & Culture Committee

Marie Kellier

Marie Kellier, MFA/Founder, Los Angeles Carnival.

Trevor Davis

Trevor Davis, Founder, REACH for Community
Florence Firestone Community Leaders
7001 Compton Avenue, Los Angeles CA 90001
(323) 633-2665 | cswwallen@att.net

William O. Allen
President
Steve Quinonez
Vice President

July 9, 2018

Dear Honorable Chairperson Supervisor Kuehl and Board Members:

I am writing in support of the proposed Percent for Art in Private Development ordinance. My name William O Allen and I am the President of the Florence Community Leader’s. We support this new proposal ordinance. It falls in line with the recently approved Florence Firestone Community plan.

Public art plays a vital role in communities throughout the County and supporting the arts through private development is a way to give back to the community in return for the ability to build.

Public Art promotes the general health and welfare of its citizens by becoming an instrument for fostering community revitalization, social connections and improved health outcomes, making the unincorporated neighborhoods more livable, and visually and aesthetically pleasing.

Further, it supports the local economy through the hiring of artists, designers, fabricators, engineers, arts organizations, consultants and contractors. By supporting this vital economic network of creative professionals through local hiring, it greatly impacts the quality of life of LA County residents.

Passage of the Percent for Art in Private Development ordinance will strengthen LA County’s position as a national leader who values the transformative and unifying impact of the arts on the region’s diverse and vibrant communities. LA County has been on the forefront of innovation and passage of the PDPA places the County among only 32 municipalities in the region that have enacted similar ordinances.

I encourage the Board of Supervisors to approve and enact the Percent for Art in Private Development ordinance for commercial and industrial developments in unincorporated areas of the County.

Sincerely,

[Signature]
Emailing: Empowerment Congress Support Letters

From: Ramirez-Gaston, Grace [mailto:GRamirezGaston@arts.lacounty.gov]
Sent: Wednesday, July 25, 2018 11:54 AM
To: Alyson Stewart <astewart@planning.lacounty.gov>
Cc: Kamiyama, Pauline <PKamiyama@arts.lacounty.gov>; Bruce Durbin <bdurbin@planning.lacounty.gov>
Subject: Emailing: Empowerment Congress Support Letters
Importance: High

In response to the opposition letter from VICA, I had the pleasure of speaking to Douglas F. Morton, Sr. Vice President – Corporate Development of Bobrick Washroom Equipment, Inc. on January 4, 2018 where we discussed the opposition of this ordinance. He explained in the past, another local agency obligated him to pay a fee once a dormant project came off the shelf. He explained there was no room for flexibility and felt it was very unfair. We also discussed his suggestions if the proposed ordinance moves forward. I couldn’t agree more and found this input crucial in developing the ordinance:

Suggestions by Mr. Douglas F. Morton:
1. Negotiations for on-site art selected by the developer should be appropriately timed in the planning process. One commercial developer subject to a similar city ordinance found that the on-site option had to be negotiated in advance of obtaining a building permit – a year before the building designs were started. This discourages the on-site option so that the ordinance is a tax, even on developers who would like to select their own art.
2. Art commissioned and paid for out of the County Arts Fund should be designed, fabricated, and installed by Los Angeles County-based artists.
3. The ordinance should include a requirement that the location of art commissioned by the County Arts Fund reflect the location of the commercial developments that paid into the Fund. For example, contributions from commercial developments in unincorporated parts of the San Fernando Valley should result in art or programs in a nearby location to benefit local residents.

Response:
- Item 1. Addressed by ensuring there are more options than just hard art, flexibility will be offered in the planning process, differentiate between agent and developer during permitting to revisit the options.
- Item 2. It’s the prerogative of the developer to make this choice a requirement for their development project.
- Item 3. A five mile radius is now included in the Civic Art compliance to ensure art or programming benefit the local community.

Grace Ramirez-Gaston
Director of Civic Art
Los Angeles County Arts Commission