

## ORDINANCE NO. 2000-153

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING THE ART IN PUBLIC PLACES PROGRAM AND RESCINDING ORDINANCE NO. 93-56.

#### THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

##### **Section 1. Statement of Intent and Purpose**

In its awareness of the aesthetic enhancement and enrichment of the community by the inclusion of fine art throughout the City, the City Council of Calabasas adopts this ordinance. The goal of Calabasas' *Art in Public Places* program is to provide a collection of nationally recognized, permanent art work. The program is designed to present the community with a wide range of art work styles, themes and media, all of the highest quality. All pieces must be of monumental scale in proportion to the size of the buildings. Balance and variety are qualities to strive for as the program grows. This program will provide a collection of public art works throughout the City to be enjoyed by all. Therefore, an *Art in Public Places* fee is established on all applicable building projects within the City of Calabasas.

##### **Section 2. Program Requirements**

Any person constructing or reconstructing a commercial building within the City shall be assessed a fee for acquisition of art work based on the total building valuation. Where the installation of art is impractical or inaccessible, the developer will contribute the assessed fees to the Art in Public Places fund. Art purchased from the fund will be installed within the City of Calabasas at the discretion of the City Council based on the recommendation of the *Art in Public Places* Advisory Committee.

- A. The fee shall be 1% of the building valuation as computed using the latest Building Valuation Data as set forth by the International Conference of Building Officials (ICBO). The maximum fee per project will be set at \$150,000.

##### **Section 3. Definitions**

The following definitions are applicable to the provisions of this ordinance:

- A. "Commercial building" shall mean any building or structure, all or part of which contains a commercial or light industrial use. However, commercial structures shall not include any building constructed or reconstructed for the elderly or handicapped.
- B. "Construction costs" shall mean the total value of construction or reconstruction work on a commercial building as determined by the Building Official in issuing a building permit for construction or reconstruction.
- C. "Reconstruction" shall mean all alterations or repairs made to a commercial building within any 12 month period which alterations or repairs exceed 50% of the value of an existing commercial or light industrial structure. Reconstruction necessitated by earthquake damage, other natural disasters, or acts of God shall be exempt from this ordinance.

**Section 4. Art Project Approval**

Prior to issuance of any certificate of occupancy for a commercial structure, the artist and art project shall be approved by the *Art in Public Places* Advisory Committee and the art work installed after the Art in Public Places Advisory Committee recommendation is approved by the City Council; or the appropriate fees shall be collected by the City Building and Safety Division. A list of professional artists will be provided to the developer to assist in the decision making process and to insure the professional quality of the art work. The art must be displayed at the building, in a place highly visible to the public. This location will be reviewed by the *Art in Public Places* Advisory Committee and approved by the City Council before the art is permanently placed.

**Section 5. Separate Fund to Be Established and Use of Fees Collected**

All fees collected under this ordinance shall be held in a separate fund of the City. The City Manager shall be responsible for maintaining the records relating to the *Art in Public Places* Fund, and these records shall be reviewed and approved by the City Council annually.

All fine art purchased with such funds shall be the property of the City. Monies appropriated under this ordinance may be used for hiring artists to develop design

concepts and for the selection, acquisition, purchase and commissioning of public art works. Monies appropriated under this ordinance may be used for operating costs of the *Art in Public Places* Program, including the cost of public dedications when the art work is completed. Funds not expended in any given year shall be carried over into the next year and shall be used solely for the *Art in Public Places* Program.

Fees collected under this ordinance shall not be used for the following:

- A. Directional elements such as super graphics, signage, 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.
- B. Art objects which are mass produced of standard design such as playground equipment or fountains.
- C. 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.
- D. 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.

#### **Section 6. Definition of Public Art Works**

The works of art are to be enduring original art works. They should be of the highest quality and craftsmanship. They should engage one's mind and senses while enhancing and enriching the quality of life of the City. The art works will be generally permanently sited and an integral part of the landscaping and/or architecture of the building. The art work shall be constructed in a scale that is proportional to the scale of the development.

#### **Section 7. Selection of Art Works and Creation of Advisory Committee**

An *Art in Public Places* Advisory Committee shall be approved by the City Council. The Committee shall be comprised of a Parks and Recreation Commissioner appointed

by the Chair, a Planning Commissioner appointed by the Chair and one (1) at-large member appointed by the City Council: and the Committee shall be advisory to the City Council. All members shall be residents of the City of Calabasas. (This Committee shall provide general oversight of the *Art in Public Places* Program, its projects, the sites, scope of project, art works, and artists to be selected. The committee shall review and the City Council shall approve the developers' choice of artist and proposed art piece prior to any approval of occupancy by the Building and Safety Division.)

The composition and ultimate responsibilities of the *Art in Public Places* Advisory Committee shall be established by the City Council in a separate resolution. A comprehensive policy manual will be developed to outline the program scope and to assist developers in complying with the ordinance.

**Section 8. Severability**

Should any section, sub-section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

Ordinance No. 2000-153 hereby supersedes and rescinds Ordinance No. 93-56.

The City Clerk shall certify as to the adoption of this ordinance and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 19th day of July, 2000.

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Dennis Washburn, Mayor

ATTEST:

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Robin Parker, CMC, City Clerk  
Administrative Services Director

APPROVED AS TO FORM:

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Charles S. Vose, City Attorney