

**EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
ADMINISTRATIVE GUIDELINES FOR DEVELOPERS**

Approved by City Manager

November 2025

Table of Contents

I.	El Segundo Cultural Development Program	
	A. History	Page 3
	B. Vision and Values	Page 3
	C. Goals	Page 4
	D. Program Administration	Page 4
II.	Developer Obligation Overview	Page 6
III.	Developer Option (a) – On-site Artwork Procedure	
	A. Installation Procedures	Page 8
	B. Deaccession Procedures	Page 10
	C. Appeal Procedures	Page 10
IV.	Developer Option (b) – In-Lieu Fee Payment Procedure	Page 12
	A. Payments via OpenGov Online Portal (recommended)	
	B. Payments by mail (Check only)	
	C. Payments in person (cash, check, or credit card)	
	D. Payments via wire transfer	
V.	Developer Option (c) – Combination Procedure	Page 13
VI.	Appendices	
	Appendix I – Definitions	Page 14
	Appendix II – Steps for Developers	Page 15
	Appendix III – Form A: Cultural Development Program Application	Page 16
	Appendix IV – Form B: Developer’s Acknowledgement and Agreement	Page 19
	Appendix V – Public Art Plan Checklist	Page 22
	Appendix VI – Form C: Public Art Application	Page 24
	Appendix VII – Form D: Public Art Maintenance Covenant	Page 26

I. EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM

A. History

The Cultural Development Program was initially established in November 2019, with the adoption of Ordinance No. 1594, amending Title 15 of the El Segundo Municipal Code (ESMC) to establish the Public Art or In-Lieu Fee Requirement and a Cultural Development Fund. As originally adopted, the requirement applied to specific commercial and industrial developments with a project valuation exceeding \$2,000,000.

On April 1st, 2025, the El Segundo City Council adopted *Ordinance No. 1671*, amending Title 15 of the ESMC to allowing for a combination of providing both on-site public art and in-lieu fee to satisfy the Cultural Development Program requirement.

Upon the Building Official's approval, Ordinance No. 1671 requires developers of commercial and industrial projects (including but not limited to new construction and tenant improvement) valued over \$2,000,000 to contribute to the Cultural Development program. The developer will be required to complete and submit 1. Developer's Acknowledgement & Agreement form and 2. Cultural Development Program Application by selecting one of three options:

Option (a): Commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

Option (b): Pay the City an amount equal to 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

Option (c): Make the 1% contribution requirement by a combination of on-site artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

B. Vision and Values

Public art helps to improve the character and physical environment of El Segundo. It promotes and enhances the general welfare by allowing community members to experience and interact with artworks and art programming in an environment that is open to all. Art and cultural services provided by the program create additional public access to the arts, help drive tourism and revenue to local businesses, contribute towards realizing cultural equity and inclusion, create opportunities for artists and art organizations in the community, and help grow the creative economy.

The El Segundo Cultural Development Program indicates the City's commitment to providing residential and business community members with public spaces, structures, and experiences that enhance the character of the City through the

inclusion of art.

The Program's values are:

- **Responsibility:** Art that has long-term value and maintainability, is feasible and justifiable, enhances community well-being and shows measurable benefits to the city.
- **Authenticity:** Art that is true to artist, sponsor, and City, is respectful of community history, embraces the vitality and character of the City, and is integral with the City's future direction
- **Intelligence:** Art that evidences and inspires innovative thinking, merges art, technology, and ecology, and is intellectually stimulating.
- **Synergy:** Art that draws strength from dualities, combines the familiar with the challenging, melds personal expression with civic goals, and is multifunctional and dynamic.
- **Equity:** Art that welcomes diverse viewpoints, is inclusive of all community members, and delivers value for all stakeholders.

C. Goals

The Cultural Development Program's goals are:

- **Integrate arts and culture into City life** – Weave art into the City fabric, support school and adult art programs, and support artists in residence.
- **Build a better city with art** – Integrate creative concepts into capital improvements, improve the “quality of place” throughout the City, and bridge downtown, beach, and east of Pacific Coast Highway through art.
- **Make El Segundo a prime tourist destination** – Create landmark art attractions, develop and nurture culture events, festivals, performances and art fairs, and generate media exposure.
- **Support local cultural institutions and artists** – Support museums, theatres, libraries, and performing arts groups, and foster new art by connecting aspirations and community resources.

D. El Segundo Cultural Development Program Administration

The City Council designated the Arts and Culture Advisory Committee (ACC) to be the formal body responsible for reviewing all Cultural Development Program applications in coordination with City staff. The goal is to ensure that all applicants meet program criteria, goals, and objectives.

1. The Building Official in the Department of Community Development is responsible for determining project cost of the commercial or industrial development and if a project is subject to the Cultural Development

requirement.

2. The Cultural Arts Coordinator is responsible for administrative processes for reviewing developer art plans; updates to the Cultural Development Program and related guidelines; implementing the Cultural Development Program policies and practices; and reviewing and preparing reports for art and programming funded by the El Segundo Cultural Development Program.
3. The ACC serves as the recommending body for review of public art and programming funded by the Cultural Development Program.
4. The City of El Segundo's Finance Director administers the Cultural Development Fund and the Finance Department collects payments for the Cultural Development Program.

II. DEVELOPER OBLIGATION - OVERVIEW

Upon the Building Official's approval, *Ordinance No. 1671* requires developers of commercial and industrial projects (including but not limited to new construction and tenant improvement) valued over \$2,000,000 to contribute to the Cultural Development program. The developer will be required to complete and submit 1. *Developer's Acknowledgement & Agreement* form and 2. *Cultural Development Program Application* by selecting one of three options:

Option (a): Commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

Option (b): Pay the City an amount equal to 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

Option (c): Make the 1% contribution requirement by a combination of on-site artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

Project Applicability and Exceptions

1. Projects subject to the Cultural Development Program as stated in Section 15-34-2 of the El Segundo Municipal Code. The Building Official in the Department of Community Development is responsible for determining project cost of the commercial or industrial development and if a project is subject to the Cultural Development requirement. This chapter shall apply to all commercial and industrial projects where the project valuation exceeds two million dollars (\$2,000,000.00).
2. The chapter does not apply to the following projects:
 - a. Any project which consists solely of rehabilitation work required for seismic safety or to comply with government mandates, including the American Disabilities Act of 1990 regardless of valuation.
 - b. The reconstruction of structures which have been partially damaged or completely destroyed by fire, flood, wind, earthquake or other calamity;
 - c. Any project constructed by a government agency which is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214;
 - d. Residential components of a mixed-use development project;

- e. Commercial and industrial development projects, or portion(s) thereof, that are designed and dedicated to performing arts or museum spaces, so long as the performing arts or museum spaces are maintained within the building, provided the premises continue to be dedicated as such. Acceptable facilities include museums, theaters, performance arts centers, and other similar facilities.

III. DEVELOPER OPTION (A) – ON-SITE ARTWORK PROCEDURE

A. Installation Procedures

The Cultural Development Program (CDP) review process is collaborative, aiming to produce the highest quality art for both the project and the community. Artwork must be an integral part of the development project, and the artist should be included as a member of the project design team.

Developers fulfilling CDP requirements through on-site artwork must follow its procedure as listed below concurrently with the design and development phases of the building project:

1. Completed Application

Submit the completed *Cultural Development Program Public Art Application*.

2. Initial Meeting

Meet with the Cultural Arts Coordinator to review the ordinance, program guidelines, and approval process.

3. Artist Selection and Documentation

- The developer is responsible for selecting the artist(s) and artwork.
- Submit the résumé and portfolio of the selected artist as part of the application.

4. Preliminary Plans

- Provide sufficient detail to evaluate the proposed artwork's location, public accessibility, compatibility with the project, and alignment with CDP goals and applicable City Specific Plans.
- The City reserves the right to consult with any relevant City department regarding placement.

5. Project and Art Valuation

- Minimum art allocation: 1% of the total project valuation, as determined by the Building Official.
- Art value must be verified by a professional public art consultant.
- The 1% allocation includes direct costs and direct expenses such as:
 - Art valuation by consultant
 - Consultation for selection, purchase, and administration (≤10% of total requirement)
 - Insurance until installation
 - Shipping or storage prior to installation
 - Site preparation and installation
 - Other expenses (waterproofing, lighting, structural support, engineering)
 - Note: Maintenance and indirect administrative costs are not

included.

6. Artist Agreement

- Written agreement from the artist waiving any rights allowed under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable laws.

7. Public Art Maintenance Covenant

Property owner must complete Public Art Maintenance Covenant. Property owner is responsible for maintaining the artwork in its approved condition. The developer and/or property owner must maintain the artwork at all times, including associated landscaping and lighting, as required by ESMC Section 15-34-6.

Scope of Maintenance of Artwork:

- Artwork shall be maintained by the property owner for the life of the building/structure.
- If damaged beyond repair, destroyed, or stolen, the approving City body must authorize any replacement.
- Artist-provided maintenance instructions must be followed.
- Removal or alteration of artwork is prohibited without written authorization from the City and consent from the artist. Requests must be submitted to the City Council or designee.
- Altered, removed, or poorly maintained artwork may result in enforcement actions, including revocation or suspension of discretionary permits (ESMC Section 15-34-10).

8. Review and Approval Process

- The Arts and Culture Advisory Committee (ACC) must approve the Public Art Plan. Additional ACC approval is required for significant changes to the plan
- the developer must notify the Cultural Arts Coordinator that the artwork is complete and request an on-site inspection, prior to requesting a Certificate of Occupancy.
- Developers must install a 6" x 9" weather-resistant plaque near the artwork acknowledging the artist and the City's Cultural Development Program, and the plaque must also identify the following information:
 - Artist name
 - Artwork title (as approved by artist)
 - Year of installation
 - "El Segundo Cultural Development Program"
 - Any additional text must be approved by City staff
- Additional approval from the Building Official of the Community

Development Department may be required if the artwork has structural implications, including but not limited to attachment to footings, walls, or other building components.

- The Recreation, Parks, and Library Services Director signs the Certificate of Completion after:
 - Successful inspection of the artwork
 - Verification of art expenditures
 - Installation of an approved art plaque
 - Filing of the Public Art Maintenance Covenant with the LA County Registrar-Recorder
 - For phased developments, artwork may be installed during the final phase.

B. Deaccession Procedures

It is the goal of the Cultural Development Program to maintain a high quality Public Art Collection within the City of El Segundo. Art works commissioned through the Public Art Program are considered a permanent part of the Public Art Collection, as long as the work maintains its physical integrity, identity and authenticity, and as long as it remains useful to the purposes of the City's Cultural Development Program. When any of these conditions no longer prevail, the ACC may consider removal of the artwork from public display and/or deaccessioning the art.

1. The ACC will review deaccession requests and select one of the following options: (i) request owner replace the deaccessioned artwork with a new art work of equal value or (ii) the owner will enter into a new covenant with the City to release the owner from the existing maintenance requirements for the deaccessioned artwork.
2. The ACC retains the right to: (i) approve or deny a deaccession request, (ii) institute a formal process for removing accessioned objects permanently from the Public Art Collection; and (iii) approve or deny the request to release the property owner from the public art covenant for on-site art work.
3. Owner is responsible to notify the artist of the intent to remove the artwork in accordance with the Visual Artists Rights Act and the California Art Preservation Act.

C. Appeal Procedures

An Appeal Process is stated in the El Segundo Municipal Code Section 15-34-8.

1. Any person may seek review of a decision by either the Building Official or the Arts and Culture Advisory Committee. Appeals of the Building Official's decision

must be made pursuant to Section 113.3 of the California Building Code, as amended by Section 13-1-2 of the El Segundo Municipal Code.

2. Appeals of a decision of the Arts and Culture Advisory Committee must be made by filing a written appeal with the City Clerk's Office within 10 working days of the Committee's decision and pay an appeal fee. The City Council shall hold at least one hearing on the Arts and Culture Advisory Committee's decision and the hearing shall be held within forty (40) calendar days of the appeal request. The City Council may affirm, reverse, or modify a decision of the Committee and the decision of the City Council shall be final.

IV. DEVELOPER OPTION (B) - IN-LIEU FEE PAYMENT PROCEDURE

Under this option, developers may pay the City an amount equal to 1% of the project cost, up to a maximum of \$1,000,000, as determined by the Building Official.

All fees must be paid to the El Segundo Cultural Development Program Fund before the issuance of any building permits.

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 prior to final building inspection. Please find the payment instructions below:

A. Payment via OpenGov Online Portal (Recommended)

B. Payments by mail (check only)

City of El Segundo Cultural Development Program

Attention: Cultural Arts Coordinator

350 Main Street

El Segundo, CA 90245

- Make checks payable to City of El Segundo
- Write your Planning and Building Safety Permit/Application# in memo
- Federal Tax ID# 95-6000706

C. Payments in person (cash, check, or credit card)

El Segundo City Hall 350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-4 PM
- Call for holiday hours (310) 524-2300

D. Payments via wire transfer

Coordinate with Cultural Arts Coordinator

Once payment is confirmed, The Recreation, Parks, and Library Services Director signs the Certificate of Completion.

V. DEVELOPER OPTION (C) - COMBINATION PROCEDURE

Under this option, developers may meet the 1% contribution requirement by a combination of on-site artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000. Refer to the applicable chapter of this document for detailed requirements and procedures.

On-Site Artwork Procedure

For procedures related to on-site artwork, refer to Chapter III of this document for detailed instructions.

In-Lieu Fee Payment Procedure

For procedures related to in-lieu fee payments, refer to Chapter IV of this document for detailed instructions.

The in-lieu fee amount may be adjusted based on the appraised value of the on-site artwork, ensuring that the total contribution equals at least one percent (1%) of the project cost, as determined by the Building Official. The maximum in-lieu fee and the value of the artwork should be under \$1,000,000.

APPENDIX I

DEFINITIONS

1. Artist. An individual, team of individual artists, or team composed of a lead artist and other individuals from other disciplines, whose body of work and/or professional activities demonstrate serious commitment to the fine arts.
2. Artistic and Cultural Services. Performances and experiences, including but not limited to, performing arts, literary arts, media arts, arts education, art events, temporary artworks, and festivals.
3. Artwork. Original creations of art which is intended for and capable of being displayed outdoors, including but not limited to, sculpture, murals, mosaic, fountains, artist-designed landscape features, streetscape features and earthworks. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.
4. Commercial and industrial Development. Any project which results in the development of property in any land use categories, except for single and multi-family residential projects designed for long-term occupancy.
5. Development Project. Any development, including remodeling, which requires a building permit or permits as described on the precise plan submitted for approval to the city.
6. Durable. Lasting, enduring, and highly resistant to deterioration due to weather or the passage of time.
7. Nonprofit. An organization that is registered with the California Secretary of State as a 501(c)3 under the Internal Revenue Service tax code.
8. Project Developer. The owner, including its successor and assigns, of the subject property.
9. Project Valuation. The total value of a development project, as indicated on the building permit or permits, and determined by the Building Official.
10. Public Accessibility. Artworks must be visible from a public right-of-way, by pedestrian or motorists, twenty-four (24) hours of the day. The Arts and Culture Advisory Committee may recommend approving exception to the 24-hour public accessibility requirement, provided that the location is still accessible to the general public during normal business hours.
11. Public Art Plan. The Public Art Plan shall include detail of the artwork, including materials, landscaping, lighting, programming, and public accessibility. In addition, the Public Art Plan shall include details of installing and maintaining the work.

APPENDIX II

CULTURAL DEVELOPMENT PROGRAM

STEPS FOR DEVELOPERS

To meet the Cultural Development Program requirement, final approval by Director of Recreation, Parks, And Library is needed to obtain Certificate of Occupancy.

01

▪ **Submit Cultural Development Application + Developer's Acknowledgement Agreement**

Upon the Building Official's approval, Ordinance No. 1671 requires developers of commercial and industrial projects (including but not limited to new construction and tenant improvement) valued over \$2,000,000 to contribute to the Cultural Development program. The developer will be required to complete and submit 1. Developer's Acknowledgement & Agreement form and 2. Cultural Development Program Application by selecting one of three options:

1. Option (a): Commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000
2. Option (b): Pay the City an amount equal to 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000
3. Option (c): Make the 1% contribution requirement by a combination of on-site artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

- Review *Ordinance & Administrative Guidelines*
- Refer any questions regarding the program to the Cultural Arts Coordinator

02

- If Chosen Option (b), submit payment to Finance Department. You may stop here.
- If Chosen Option (a) and Option (c). Continue reading for on-site artwork procedure.

03

▪ **On-site artwork procedure Outline**

refer to *Administrative Guidelines for Developers* for detail guidance

1. Submit the *Public Art Application*.
2. Meet with the Cultural Arts Coordinator to review guidelines.
3. Select artist and artwork; submit their résumé and portfolio.
4. Provide detailed plans on artwork location, accessibility, and compatibility.
5. Obtain a professional art valuation from a professional public art consultant.
6. Ensure artist signs agreement waiving applicable rights.
7. Coordinate with Cultural Arts Coordinator for obtaining ACC approval for the artwork.
8. File the *Public Art Maintenance Covenant* with the LA County Registrar Recorder.
9. Notify Cultural Arts Coordinator upon completion and request on-site inspection.
10. Developers must install a plaque in accordance with the specifications outlined in the administrative guidelines.
11. Additional approval from the Building Official of the Community Development Department may be required if the artwork has structural implications.
12. The Director of Recreation, Parks, and Library Services will sign the Certificate of completion once all requirements are met and verified.



APPENDIX III

FORM A

CULTURAL DEVELOPMENT PROGRAM APPLICATION

Upon the Building Official's approval, Ordinance No. 1671 requires developers of commercial and industrial projects (including but not limited to new construction and tenant improvement) valued over \$2,000,000 to contribute to the Cultural Development program. The developer will be required to complete and submit 1. Developer's Acknowledgement & Agreement form and 2. Cultural Development Program Application by selecting one of three options:

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DEVELOPMENT ADDRESS:	PROJECT VALUATION (obtain from Building Official):
	ESTIMATED DEVELOPMENT SIZE (square feet):
Developer/Owner:	
ADDRESS:	
PHONE:	EMAIL:
OWNER:	
ADDRESS:	
PHONE:	EMAIL:

Note: If the final project cost exceeds the estimated amount on the application, the 1% requirement will be based on the higher valuation. Multiple building permits issued for a single project site shall be considered in the aggregate in determining the Cultural Development

requirement.

1% of Project Cost: \$_____ determined by the Building Official

Please choose one of the following options:

Placement of public art on-site

Payment of in-lieu fee to the Cultural Development Fund

Combination between providing on-site art installations and paying the remaining balance as an in-lieu fee

Property Owner Signature: _____

Date: _____

DEPARTMENT OF COMMUNITY DEVELOPMENT

El Segundo City Hall

350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-12 PM and 2 PM-4 PM

IN-LIEU FEE PAYMENT OPTIONS

E. Payment via OpenGov Online Portal (Recommended)

F. Payments by mail (check only)

City of El Segundo Cultural Development Program

Attention: Cultural Arts Coordinator

350 Main Street

El Segundo, CA 90245

- Make checks payable to City of El Segundo
- Write your Planning and Building Safety Permit/Application# in memo
- Federal Tax ID# 95-6000706

G. Payments in person (cash, check, or credit card)

El Segundo City Hall 350 Main Street

El Segundo, CA 90245

- Monday-Thursday 7 AM-5 PM and Friday 7 AM-4 PM
- Call for holiday hours (310) 524-2300

H. Payments via wire transfer

Coordinate with Cultural Arts Coordinator

CONTACT INFORMATION

- Em Gan, Cultural Arts Coordinator, egan@elsegundo.org or 310-524-2702
- Art Ramirez, Building Official, aramirez@elsegundo.org or 310-524-2394
- Dino Marsocci, Deputy City Treasurer, dmarsocci@elsegundo.org or 310-524-2310

APPENDIX IV

FORM B



**CITY OF EL SEGUNDO CULTURAL DEVELOPMENT PROGRAM
DEVELOPER'S ACKNOWLEDGMENT & AGREEMENT**

Upon the Building Official's approval, Ordinance No. 1671 requires developers of commercial and industrial projects (including but not limited to new construction and tenant improvement) valued over \$2,000,000 to contribute to the Cultural Development program. The developer will be required to complete and submit 1. Developer's Acknowledgment & Agreement form and 2. Cultural Development Program Application by selecting one of three options:

1. Option (a): Commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000
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3. Option (c): Make the 1% contribution requirement by a combination of on-site artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

More details about the Cultural Development Program may be found in the ordinance and in the administrative guidelines. Copies of these documents may be provided upon request.

ACKNOWLEDGMENT & AGREEMENT

I, as the developer or property owner for this project, agree to the following (*check one*):

Option (a):

_____ I agree to commission or acquire and install new artwork either on or near the project site, with the appraised value of the artwork and any direct expenses, as outlined in the ordinance, totaling at least 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

- If the undersigned is not the property owner, I agree to submit a letter from the property owner, in a form acceptable to the City, acknowledging the property owner’s understanding and acceptance of this agreement.
- I agree to apply for the Public Art Plan to the City’s Cultural Arts Coordinator by: _____(date). The application will include preliminary plans that include the proposed location of the artwork and any other documents reasonably required pursuant to the guidelines.
- I acknowledge that the Arts and Culture Advisory Committee shall review the completed application for the Public Art Plan and approve, approve with conditions, or deny the proposed artwork, and its proposed location, based on the “Standards for Artworks” outlined in ESMC Section 15-34-6. The committee’s decision is subject to appeal pursuant to ESMC Section 15-34-9. The ACC meets monthly on the 4th Tuesday at 5:30 PM at the El Segundo Public Library. Please confirm meeting dates in advance of your submittal of the Public Art plan.
- I agree to fully comply with the City’s Cultural Development Ordinance
- I acknowledge that the City will not issue a certificate of occupancy unless and until (a) the application for the Public Art Plan has been approved, the artwork has been installed at the project site, and the artwork complies with the Cultural Development Ordinance and (b) the property owner executes and records with the Los Angeles County Registrar-Recorder’s office, a covenant regarding the maintenance of the artwork, as required by Section 15-34-7.
- I, along with my successors and assigns, agree to defend, indemnify and hold harmless the City of El Segundo, and its officers, volunteers, employees and representatives, from and against any liability, loss, damage, costs, or expenses arising from any claim, action, or liability related to the artwork.

Project Name: _____ Project Location: _____

Project Description:

Option (b):

_____ I agree to pay the City an amount equal to 1% of the project cost, as determined by the Building Official, up to a maximum of \$1,000,000

Option (c):

_____ I agree to make the 1% contribution requirement by a combination of on-site

artwork and a cash payment into the CDP fund. The total contribution should not exceed \$1,000,000

Owner: _____ Phone: _____

Developer: _____ Phone: _____

Address: _____ Email: _____

Staff Use Only:

Estimated 1% of the building cots according to building official: _____

I attest to the fact that I have read and understand, and agree to be bound by, the requirements of City of El Segundo’s Cultural Development Program as a condition of approval of my Project. I further understand and agree that once I have submitted this acknowledgement and agreement form to the City, that the agreement is irrevocable, the selection made above cannot be changed and that any amounts paid to the City of El Segundo pursuant to this form are non- refundable.

Signature: _____ Date: _____

APPENDIX V

PUBLIC ART PLAN CHECKLIST

Please submit the following application materials to the City of El Segundo Library Services Department. Staff must receive all application materials prior to scheduling a review meeting with the Arts and Culture Advisory Committee.

1. Public Art Plan Application
2. Artist statement, describing artist's style, artistic concept and content, relationship between proposed artwork and the project. The developer should explain to the Arts and Culture Advisory Committee why the proposed work was chosen and how it will enhance the development, complement the existing Cultural Development Program, and engage public viewing and comments.
3. Current and complete curriculum vitae of artist, including slides, photographs, and other collateral of past works.
4. Site plan of the development, including the following:
 - a) Proposed placement of the artwork
 - b) Distance in measurement between the artwork and public streets
5. Photographs or computer enhanced design of the site, which clearly shows the sculpture in relation to the site/building, as the public at ground level would see it. Please make to scale.
6. Landscape plan, including the locations(s) and types(s) of trees and shrubbery, in relation to the artwork.
7. Lighting plan for artwork, specifying location, number, and type of fixtures to be used.
8. Drawing or maquette(s) of the proposed artwork. The maquette may be brought to the review meeting.
9. Sample materials or finished of the proposed artwork.
10. Installation design of the proposed artwork, stamped by a licensed Structural Engineer, certifying the art as structurally sound, safe, and durable.
11. Edition number of the proposed work (if part of a limited edition series) and locations of all other pieces in the series.

12. Budget breakdown including artist fees for design concept, materials, fabrication, transportation, installation, and art consultant fees. The total budget should equal or exceed the minimum 1% art allocation.
13. The artist's maintenance instructions for routine and long-term preservation. The instructions may be amended as needed, pending the results of the final review.
14. A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under the California Art Preservation Act, the Visual Artists Rights Act, or other applicable state and federal laws.
15. A covenant stating that the property owner shall be responsible for maintaining the artwork in the condition, which it was approved.

Installation Date:
Dedication/Unveiling Plans:

BUDGET BREAKDOWN	
Artist/Design	\$
Artwork Material	\$
Art Consultant <i>(if applicable, not to exceed 10% of requirement)</i>	\$
Insurance	\$
Transportation of Artwork	\$
Structural Engineering	\$
Lighting/Electrical <i>(for artwork only)</i>	\$
Water related expenses <i>(if applicable)</i>	\$
Professional Art Appraisal	\$
Installation of Artwork <i>(include site preparation)</i>	\$
Other Expenses <i>(please list)</i>	\$
1.	
2.	
3.	
TOTAL:	\$

The total should equal or exceed the minimum 1% art allocation for the project.

RECREATION, PARKS & LIBRARY DEPARTMENT

350 Main Street
 El Segundo, CA 90245

CONTACT INFORMATION

- Em Gan, Cultural Arts Coordinator, egan@elsegundo.org or 310-524-2702

APPENDIX VII

FORM D

PUBLIC ART MAINTENANCE COVENANT

(pursuant to El Segundo Municipal Code § 15-34-6)

THIS PUBLIC ART MAINTENANCE COVENANT is entered into _____, 202__, by and between _____ (“Property Owner”) and the City of El Segundo, California (“the City”).

RECITALS:

1. Property Owner owns that certain real property located at _____ in the City (“the Property”) and more particularly described by Exhibit “A” attached hereto and incorporated herein by this reference.
2. On or before the date of this Covenant, Property Owner engaged in development activity on the Property that was subject to El Segundo Municipal Code (ESMC) Chapter 15-34, entitled “Cultural Development.”
3. With City approval and in accordance with ESMC Chapter 15-34, Property Owner acquired and placed at the Property the artwork described and/or depicted on Exhibit “B” attached hereto and incorporated herein by this reference (“the Artwork”).
4. ESMC Section 15-34-6(C) requires, among other things, that Property Owner execute and record a covenant acceptable to the City for maintenance of the Artwork. The parties intend for this Covenant to satisfy that requirement.

COVENANTS:

1. Property Owner shall preserve the Artwork in good repair and in a safe, functional, accessible and clean condition, all in a manner acceptable to the City, and in accordance with the Artist’s maintenance instructions, as applicable.

2. Property Owner shall not deface, mutilate or alter the Artwork nor knowingly allow other persons to do so.
3. Property Owner shall secure and maintain insurance applicable to the Artwork sufficient to protect it against damage or loss from fire, theft, vandalism, and all other insurable occurrences typically covered by an all-risk policy, in an amount to be determined by the City's Risk Manager but not to exceed the reasonable estimated replacement cost of the Artwork.
4. Property Owner shall not move the Artwork from its present location at the Property, as depicted in Exhibit B attached hereto, without the City's prior written approval.
5. Property Owner grants the City an irrevocable license to photograph and otherwise make two-dimensional reproductions of the Artwork and to use such reproductions for commercial and noncommercial purposes as the City sees fit.
6. Within a reasonable period of time following a request by the City, Property Owner shall allow the City and its authorized agents access onto the Property for the purpose of inspecting and photographing the Artwork and ensuring that Property Owner is meeting its obligations under this Covenant.
7. In the event repair of the Artwork is required, the artist who created it shall be given the first opportunity to do that work for a reasonable fee. In the event the artist is unable or unwilling to do so, the City or the Property Owner may proceed to contract for such repair with another qualified artist.
8. In the event the City declares the Artwork a public nuisance pursuant to the El Segundo Municipal Code, the Property Owner must promptly abate the nuisance.
9. This Covenant shall be recorded in the official records of Los Angeles County and shall run with the land described herein as the Property, binding and/or benefiting the parties' respective successors in interest, including but not limited to any purchasers, heirs, devisees, transferees, assignees, tenants, grantees, trustees, and beneficiaries. Should any court find this Covenant unenforceable at law, the parties intend that it be enforceable in equity.
10. To the extent reasonably possible, Property Owner shall provide actual notice of the Covenant to any successors in interest. Failure of Property Owner to provide actual notice shall not preclude enforcement of this Covenant against anyone who receives constructive notice.

11. This Covenant shall be governed by the laws of the State of California.
12. No modification of this Covenant shall be valid unless made in writing and signed by both parties hereto.
13. No waiver of performance by any party shall be construed as or operate as a waiver of any subsequent default.
14. Should any action or proceeding be brought to enforce the terms of this Covenant, the prevailing party shall be entitled to reasonable attorney's fees and costs.
15. Property Owner agrees to defend, indemnify, protect and hold City and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to Property Owner's employees, agents, officers or invitees, which arise from or are connected with or are caused or claimed to be caused by the acts or omissions of Property Owner and its agents, officers or employees, as a result of any act or obligation of Property Owner arising out of this Public Art Maintenance Covenant, and all expenses of investigating and defending against same; provided however, that Property Owner's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole active negligence or willful misconduct of the City, its agents, officers or employees.

EXECUTION:

This Covenant shall be deemed executed as of the date first above written. The undersigned parties shall acknowledge their respective signatures before a California notary.

PROPERTY OWNER

By: _____

CITY OF EL SEGUNDO By: _____

[PROPERTY OWNER'S AND CITY'S SIGNATURES MUST BE NOTARIZED]

APPROVED AS TO FORM:

City Attorney