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Chapter 10.90 - DEVELOPMENT FEES

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10.90.010 - Fees or allocations for art in public places.

There is hereby imposed a fee for art in public places on every residential development of four or more units, and every commercial and industrial building project with a building valuation exceeding five hundred thousand (\$500,000) dollars as determined by the Building Official. This fee shall also be imposed upon any remodeling project of existing commercial or industrial buildings and any residential building or complex of four or more units, whether exterior or interior, when the remodeling has a building valuation exceeding two hundred fifty thousand (\$250,000) dollars as determined by the Building Official.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.020 - Calculation of fee.

The fee imposed for Art in Public Places, as provided for in Section [10.90.010](#) above, shall be a percentage of the building cost which is set aside for the City's Art in Public Places Programs (as defined in the Public Art Master Plan) in an amount equal to one percent (1%) of the total building valuation for the project excluding land acquisition and off-site improvement expenses. The total building valuation shall be computed by the Building Official using the latest Building Valuation Data as set forth by the International Conference of Building Officials (ICBO) unless, in the opinion of the Building Official, a different valuation measure should be used.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.030 - Satisfaction of fee.

Any project to which the fee for Art in Public Places must be applied must satisfy the imposition of the fee by making a monetary payment. The applicant shall pay the one percent (1%) fee directly to the appropriate fund designated by the City Finance Director prior to the City issuing building permits.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.040 - Ownership of art work.

All Art Work purchased or created with funds from the proceeds of fees collected hereunder shall become the property of the City upon acceptance by the City Council.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.050 - Establishment of public arts fund.

The City Finance Director shall reserve all fees paid hereunder within an appropriate fund designated specifically for said fees to account for any fees for Art In Public Places paid pursuant to this Chapter. This fund shall be maintained by the City Finance Director, and shall be allocated as follows:

Eighty percent (80%) of the Public Arts Fund shall be solely used for project cost. Approximately twenty percent (20%) shall be allocated to administration. (There is no required percentage.)

1. Project costs include fees for artists' design concepts, the selection, acquisition, purchase, commissioning, placement, installation, exhibition, and display of artworks.
2. Administration costs include project administration, artist-selection-related cost, architect fee when collaboration is involved, design, drawing, and maquette cost, community education, insurance, maintenance, curatorial services, identifying plaques, documentation, and publicity.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.060 - Use of funds.

Projects to be funded from the proceeds of fees collected hereunder shall consist of works of art placed in public places or incorporated into public buildings, art education programs or art display programs designated by the Cultural Arts Commission and approved or accepted by the City Council.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.070 - Certificate of occupancy.

No final City approval, such as building permits, final inspection or a certificate of occupancy, for any project subject to this Chapter shall be granted or issued unless and until full compliance with the Art in Public Places Program is achieved in accordance with the provisions of this Chapter. For purposes of this section "full compliance" shall not be found until the entire program allocation required by this Chapter has been satisfied.

(§ 2, Ord. 2040, eff. December 19, 2002)

10.90.080 - Return of fees.

Fees paid into the City Art Fund which are not committed to a specific project within five (5) years from the date of actual receipt by the City shall be returned to the then current owner of the development project, with all interest actually earned thereon if a written request for return is filed with the City Clerk at any time during the sixth year after payment. The request for return shall be verified, and include the date

of payment, the amount paid and method of payment, the location of the development for which the fee was paid, and a statement that the applicant is the current owner of the development project.

(§ 2, Ord. 2040, eff. December 19, 2002)