

City of San Diego, California <b>DEPARTMENT INSTRUCTION</b>	DI Number <b>2.00</b>	Department <b>Commission for Arts and Culture</b>
Subject <b>Use of In-Lieu Civic Enhancement Allocations</b>	Page 1 of 4	Effective Date <b>February 23, 2016</b>
Division Applicability	Supersedes DI <b>2.00</b>	Dated <b>August 16, 2012</b>

1. PURPOSE

- 1.1. The City of San Diego Commission for Arts and Culture (*Commission*) administers the *Public Art Fund* into which in-lieu *Civic Enhancement allocations* are deposited. This instruction is used to guide the distribution of in-lieu *Civic Enhancement allocations* from the *Public Art Fund*.

2. SCOPE

- 2.1. The scope of this instruction is limited to guiding the distribution of in-lieu *Civic Enhancement allocations* from the *Public Art Fund*.

3. DEFINITIONS

- 3.1. Italicized terms used in this instruction have the same definitions as provided in San Diego Municipal Code (SDMC) section 26.0702.

4. POLICY

4.1. General

- 4.1.1. **Source of In-Lieu Civic Enhancement Allocations:** Pursuant to SDMC sections 26.0714 to 26.0721, certain *development* projects meet the City of San Diego's (City) *Civic Enhancement allocation* requirement and developers of such eligible projects may opt to pay a fee equaling half of one percent (0.5%) of the *total building permit valuation* in lieu of spending one percent (1%) for *artworks* on the *premises* or one percent (1%) for space for *cultural use* on the *premises*. The fees, also known as in-lieu *Civic Enhancement allocations* are received by the City at intervals that are dependent solely on choices made by the developer of each eligible *development*. Each in-lieu *Civic Enhancement allocation* is individually tracked and should be completely expended within five (5) years from the date of payment, though this does not prohibit the pooling of the in-lieu fees for the purpose of expending in-lieu *Civic Enhancement allocations*.
- 4.1.2. **Use of In-Lieu Civic Enhancement Allocations:** Pursuant to SDMC 20.0714 *Civic Enhancement allocations*, including in-lieu *Civic Enhancement allocations*, are intended to offset the City's increasing urbanization with the creation of *artworks* and venues dedicated to *cultural use*. **In other words, this funding is intended to be applied to the enhancement of San Diego's public spaces through the exhibition of *artworks* and the creation or adaptation of venues for the presentation of visual, performing and/or language arts.**
- 4.1.3. **Authorized Use of In-Lieu Civic Enhancement Allocations:** In-lieu *Civic Enhancement allocations* shall be expended on projects for:

City of San Diego, California <b>DEPARTMENT INSTRUCTION</b>	DI Number <b>2.00</b>	Department <b>Commission for Arts and Culture</b>
Subject <b>Use of In-Lieu Civic Enhancement Allocations</b>	Page <b>2</b> of <b>4</b>	Effective Date <b>February 23, 2016</b>
Division Applicability	Supersedes DI <b>2.00</b>	Dated <b>August 16, 2012</b>

- Acquiring *artworks* for permanent or temporary exhibit in *public places* and other locations approved by *Commission* staff and *ordinary artwork maintenance* of those *artworks* during the period of exhibition
- Planning, design and construction of new, *open and accessible* venues for *cultural use*
- Planning, design and reconfiguring, repair, renovation, restoration, and/or adaptive reuse of existing, *open and accessible* venues for *cultural use*
- Planning, development and implementation of programs undertaken by *Commission* staff or persons authorized by *Commission* staff or to activate existing, *open and accessible* venues with *cultural uses*
- *Public art project management activities* and/or *collections management activities* associated with any of the activities given in this list and undertaken by *Commission* staff or persons authorized by *Commission* staff
- Repairing and/or conserving off-exhibit *artworks* in the *Civic Art Collection* in order to rehabilitate them for public exhibition and the *ordinary artwork maintenance* of those *artworks* during the period of exhibition
- *Extraordinary artwork maintenance* of *artworks* in the *Civic Art Collection* that are on exhibit in *public places*

**4.1.4. Unauthorized Use of In-Lieu Civic Enhancement Allocations:** In-lieu *Civic Enhancement allocations* shall not be expended for:

- *Ordinary artwork maintenance* of *artworks* in the *Civic Art Collection* that are exhibited in *public places*, but were not acquired using in-lieu *Civic Enhancement allocations*
- *Artworks* located outside the geographic boundaries of the City (For web-based *artworks* or other alternative *artworks*, a reasonable connection to the City must be apparent)
- Projects that receive funding through the City's Creative Communities San Diego allocations program

**4.1.5. Project Selection:**

- a. At intervals that reasonably correlate with the balance of in-lieu *Civic Enhancement allocations* and the respective deadlines for expending such allocations, *Commission* staff will collect and analyze research on potential projects, including surveys and input from stakeholders, then develop a slate of projects that require funding authorized under section 4.1.3 herein.

City of San Diego, California <b>DEPARTMENT INSTRUCTION</b>	DI Number <b>2.00</b>	Department <b>Commission for Arts and Culture</b>
Subject <b>Use of In-Lieu Civic Enhancement Allocations</b>	Page 3 of 4	Effective Date <b>February 23, 2016</b>
Division Applicability	Supersedes DI <b>2.00</b>	Dated <b>August 16, 2012</b>

- b. The slate of projects developed by *Commission* staff will include information about siting, stakeholders, cost, timing and other relevant details.
- c. The slate of projects developed by *Commission* staff will be presented to the *Commission* for feedback, prioritization and recommendation. The *Commission* may require that the Public Art Committee, as well as other standing or ad hoc committees of the *Commission*, receive the slate of projects for feedback, prioritization and recommendation prior to review by the *Commission*. Meetings of the *Commission* and its standing committees are public forums and, therefore, opportunities for members of the public to give input.
- d. The *Commission* will provide feedback, prioritization and recommendation of the projects considering the following factors:
  - i. Degree to which the equitable distribution of benefits to each City Council District can be achieved over time
  - ii. Degree to which alignment with priorities set forth in the City's plans (e.g. City Strategic Plan, General Plan, Community Plans, Public Art Master Plan, etc.) can be achieved
  - iii. Degree to which the following goals of civic enhancement (as inspired in part by the City's Strategic Plan, General Plan and Public Art Master Plan) can be achieved:
    - **Activation**, which means:
      - Introducing dynamic features or improving the size, range and frequency of activities that occur in public spaces
      - Enlivening underutilized spaces
      - Attracting people to gather
      - Catalyzing change
      - Enhancing safety and comfort with features such as lighting
      - Providing experiences of discovery, surprise, delight and wonder
    - **Creativity**, which means:
      - Inspiring new ideas, exchanges, questions and solutions
      - Showcasing artistic talent
      - Demonstrating advancements in exploration and resourcefulness
      - Strengthening the city as a place for innovative thinking and creative energy
    - **Connectivity**, which means:
      - Stimulating connection between people, culture and nature

City of San Diego, California <b>DEPARTMENT INSTRUCTION</b>	DI Number <b>2.00</b>	Department <b>Commission for Arts and Culture</b>
Subject <b>Use of In-Lieu Civic Enhancement Allocations</b>	Page <b>4 of 4</b>	Effective Date <b>February 23, 2016</b>
Division Applicability	Supersedes DI <b>2.00</b>	Dated <b>August 16, 2012</b>

- Provoking dialogue between people and communities
- Fostering shared experiences and understandings
- Facilitating information exchanges

- **Aesthetic Enrichment**, which means:

- Improving the visual quality, design and experience of spaces
- Reflecting the highest standards of excellence in art
- Recording current influences and progression in artistic practice
- Deepening understandings of and responses to specific cultures and environments

- e. Following the *Commission's* feedback and prioritization of the slate of projects, the Commission will make recommendations to the Executive Director of the Commission.
- f. The Executive Director of the Commission will make the final decision on the slate of projects to receive funding authorized under section 4.1.3 herein and will distribute in-lieu *Civic Enhancement allocations* in compliance with the City's budget and procurement laws, policies and priorities.

## 5. RESPONSIBILITY

- 5.1. Monitoring the implementation of the instruction contained herein is the responsibility of *Commission* staff. To maintain the validity and usefulness of this instruction, *Commission* staff may initiate the review of and propose revisions to this instruction at any time. Proposed revisions shall be reviewed by the *Commission* and will take effect only when authorized by the Executive Director.

## APPENDIX

### Legal References

San Diego Municipal Code (SDMC) sections 26.0714 to 26.0721.

Approval:

  
Dana Springs, Executive Director

  
Dated