



Legislation Text

File #: 26-0200, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Talyn Mirzakhanian, City Manager

FROM:

Masa Alkire, Community Development Director

Adam Finestone, Planning Manager

Ted Faturos, Senior Planner

SUBJECT:

Consideration and Introduction of an Ordinance Amending Section 10.90.060 of the Manhattan Beach Municipal Code to Specify that Public Art Funds May Be Used for Performance Arts and Other Forms of Art (No Budget Impact) (Community Development Alkire).

(Estimated Time: 15 Mins.)

A) CONDUCT PUBLIC HEARING

B) INTRODUCE ORDINANCE NO. 26-0006

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and, after receiving public comment, introduce an ordinance to amend the Manhattan Beach Municipal Code (MBMC) Section related to the types of public art that may be funded by the City's Art in Public Places Program.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action. Utilizing funding from the Art in Public Places Program may offset expenditures currently allocated in the General Fund budget.

BACKGROUND:

Chapter 10.90 of the Manhattan Beach Municipal Code (MBMC) establishes regulations related to fees applied to certain developments to fund art in public places. The "art in public places" fee and associated regulations were added to the Municipal Code in 2002 with the City Council's adoption of Ordinance No. 2040. The fee is imposed "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." The fee is calculated as one percent of a project's total building valuation. The City collected \$111,821 in these fees in calendar year 2025.

On February 25, 2026, the Planning Commission conducted a duly noticed public hearing and unanimously approved Resolution No. PC 26-01 (Attachment 2), recommending the City Council

adopt the proposed MBMC amendment related to the types of public art that may be funded by the City's Art in Public Places Program.

DISCUSSION:

Section 10.90.060 of the MBMC identifies the types of public art projects that can be funded by the "art in public places" fees, specifically stating that the fee can fund "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."

The City's Parks and Recreation Department has proposed an amendment of the code section to enhance the City's ability to deliver a diverse and dynamic cultural arts program. The proposed amendment would specify that public art funds may be used for performing arts and other arts.

In developing the draft code language, Parks and Recreation Department staff reviewed best practices from peer agencies and industry leaders. The draft code language is designed to support a broader range of public art projects and cultural arts initiatives while remaining consistent with the intent of the "art in public places" program. Specifying the allowable uses of these funds will provide greater flexibility and encourage more strategic and effective use of public resources. For example, other cities use public art funds to support a wide range of cultural activities beyond static artworks. Los Angeles County allows funds to support arts programming, new or existing cultural facilities, and conservation projects for historic cultural resources. Santa Monica's Cultural Arts Trust Fund can sponsor or support cultural facilities, arts programming, and other artistic initiatives approved by the Arts Commission. Similarly, Culver City's ordinance explicitly allows up to 25% of the City's annual art funds to support performing arts programs, including City-produced events or grants to performing arts organizations. Manhattan Beach could apply these public art funds to support programs such as the annual Concerts in the Park series, bringing live performance arts directly to the public.

Based on the foregoing, City staff proposes draft code language to read as follows, as mirrored in the draft City Council Ordinance (Attachment A):

10.90.060 - Use of Funds. Fees collected pursuant to this section may be used to fund works of art placed in public places or incorporated into public buildings, including but not limited to sculpture; sound installations; video, film, audio, digital, hybrid, and other emerging art forms; performances presented by professional or amateur performers; art education programs; art display and exhibition programs; and other works of art approved by the City Council.

CONCLUSION:

Staff recommends that after conducting a public hearing, the City Council introduce Ordinance No. 26-0006, amending MBMC Section 10.90.060, to specify that Public Art funds may be used for performing arts and other arts.

PUBLIC OUTREACH:

A public notice for this meeting was published in The Beach Reporter on March 5, 2026. Subsequent to the publication of the Planning Commission Staff Report but prior to the Planning Commission's public hearing, a late public comment was received that expressed opposition to the amendment (see attachments). As of the writing of the report staff has received no other public comments.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed project for compliance with the California Environmental Quality

Act (CEQA) and has determined that the municipal code amendment is exempt from CEQA pursuant to Section 15061 of the State CEQA Guidelines, as it can be said with certainty that there is no possibility that the activity of using public art funds for various art projects and performances may have a significant effect on the environment. Additionally, as the project is categorically exempt from the provisions of CEQA pursuant to Section 15323 (Normal Operations of Facilities for Public Gatherings) of the State CEQA Guidelines because performance art and other forms of art which may be funded through the Art in Public Places program will occur in existing facilities for public gathering for which the facilities were designed and for which there is a past history of the facilities being used for the same or similar kind of purpose. Therefore, the proposed project is exempt from further review under CEQA.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT/ATTACHMENTS:

1. Ordinance No. 26-0006
2. Planning Commission Resolution No. PC 26-01
3. Planning Commission Meeting Staff Report (February 25, 2026) ([Web-Link](https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=7925125&GUID=CCC0777E-)
<<https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=7925125&GUID=CCC0777E->
)
4. Late Public Comment for Planning Commission Hearing (Received February 25, 2026)
5. PowerPoint Presentation