SECTION 1
PURPOSE

1.1 Purpose: 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 direct the expenditure of in-lieu *Civic Enhancement allocations* from the *Public Art Fund.*

SECTION 2
DEFINITIONS

2.1 Definitions: Italicized terms used in this instruction have the same definitions as provided in San Diego Municipal Code (SDMC) section 26.0701 et seq.

SECTION 3
SOURCE OF ALLOCATIONS

3.1 Source of Allocations: As articulated in SDMC 26.0701 et seq., when certain private *development* projects qualify for meeting the City of San Diego's (City) *Civic Enhancement allocation* requirement, developers of such eligible projects may opt to pay the City 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*. In-lieu *Civic Enhancement allocations* are received by the City at intervals that cannot be anticipated and which are dependent solely on choices made by the developer of each eligible *development.* Per the SDMC, each in-lieu *Civic Enhancement allocation* must be individually tracked and completely expended within five (5) years from the date of payment, though this does not prohibit the pooling of the in-lieu monies for the purpose of awarding funds.

SECTION 4
USE OF ALLOCATIONS

4.1 Use of Allocations: *Civic Enhancement allocations* are intended to offset the City's increasing urbanization with the creation of *artworks* and venues dedicated to *cultural use*. (See SDMC 20.0714.) **In other words, this funding is intended to be used to enhance the way San Diego's public spaces are experienced and used by residents and visitors through the exhibition of *artworks* and the creation or adaptation of venues for the presentation of visual, performing and/or language arts.**

4.2 Authorized Use of Allocations: In-lieu *Civic Enhancement allocations* shall be expended for use in:

- Acquiring *artworks* for permanent or temporary exhibit in *public places* and *ordinary artwork maintenance* of those *artworks* during the period of that exhibition.
- Repairing and/or conserving off-exhibit *artworks* in the *Civic Art Collection* in order to rehabilitate them for a specific exhibition and the *ordinary artwork maintenance* of those *artworks* during the period of that exhibition.
- *Extraordinary artwork maintenance* of *artworks* in the *Civic Art Collection* that are on exhibit in *public places*.
- Planning, design and construction of new, *open and accessible* venues for *cultural use*.
- Planning, design and expansion, repair, renovation, conservation, and/or adaptive reuse of existing, *open and accessible* venues for *cultural use*.
- Planning and development of programs to animate 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 only by *Commission* staff, consultants authorized by *Commission* staff or City staff authorized by *Commission* staff.

4.3 Unauthorized Use of Allocations: In-lieu *Civic Enhancement allocations* shall not be expended for use in:

- *Ordinary artwork maintenance* of *artworks* in the *Civic Art Collection* which are exhibited in *public places*, but were not acquired using in-lieu *Civic Enhancement allocations*.
- Projects located outside the geographic boundaries of the City. (For web-based projects or other alternatively sited projects, a reasonable connection to the City must be apparent to qualify for funding.)

- Implementing programs and events (e.g. festivals, parades, markets, etc.) which animate *open and accessible* venues.
- Projects that are eligible for or receive funding through the *Commission*'s Creative Communities San Diego allocations program.

SECTION 5
FUNDING AWARD PROCESS

5.1 Funding Award Process:

1. It is the express goal of the *Commission* that in-lieu *Civic Enhancement allocations* will be distributed as evenly as possible to all City Council Districts over time.
2. The funding award process will be initiated by *Commission* staff at intervals which logically correlate with the balance of in-lieu *Civic Enhancement allocations* and the deadlines for expending such allocations.
3. *Commission* staff will conduct a survey of the *Commission*'s work plan to determine whether there are any eligible projects in need of funding. Proposals initiated by *Commission* staff will be evaluated using the process and criteria given below and, if given a high ranking, will be designated for first-priority funding.
4. If the survey described in Step 3 does not yield enough eligible projects, *Commission* staff will conduct a survey of other City departments, offices, divisions and affiliated corporations to determine whether there are any eligible projects in need of funding. Proposals initiated by these groups will be evaluated using the process and criteria given below and, if given a high ranking, will be designated for second-priority funding.
5. If the surveys described in Step 3 and/or Step 4 do not yield enough eligible projects, a public call for proposals will be issued by *Commission* staff.
6. For each funding award process interval (see Step 2 above), an ad hoc panel of no less than three (3) members and no more than 9 members will be appointed by the *Commission* and will conduct a competitive review, evaluation and ranking of proposals. *Commission* staff will administer the panel meetings but have no voting rights. Members of the *Commission* a.k.a. Commissioners who are appointed to serve on the panels have voting rights. Ad hoc panels will

include a diverse mix of panelists who represent the following areas of expertise: visual art, performing art, language art, development, architecture, landscape architecture, event planning, urban design, planning, land use, art conservation, historic preservation, community outreach, arts advocacy, arts philanthropy, arts administration, collections management, project management and other relevant areas.

7. The ad hoc panel recommends awardees and award amounts to the *Commission*.
8. The *Commission* recommends awardees and award amounts to the *Commission*'s Executive Director and, if required, to City Council.
9. In-lieu *Civic Enhancement allocations* may be awarded to fund a proposal in whole or in part.

5.2 Eligible Proposers in Order of Preference:

1. *Commission*
2. Other City departments, offices, divisions and affiliated corporations
3. Any non-profit organization whose primary mission focuses on the public presentation of visual, performing and/or language arts. (Organizations whose primary mission focuses on the provision of health care, child care, social services, or religious, educational, sports, or recreational programs and services are not eligible.)
4. Private businesses such as art galleries and individuals such as artists or donors

5.3 Evaluation Criteria:

- Degree to which the proposed project would encourage and support the gathering of people in public spaces.
- Degree to which the proposed project would enhance a site-specific sense of place and/or an authentic San Diego experience, either temporarily or permanently.
- Degree to which the proposed project would harmonize, balance, beautify or otherwise aesthetically enhance public spaces, either temporarily or permanently.

- Degree to which the proposed project would encourage and support walkability and pedestrian scale activities.
- Degree to which the proposed project would diversify the ways a public space is used by people.
- Degree to which the proposed project would encourage and support sustainable forms of transportation such as walking and biking.
- Degree to which the proposed project aligns with the goals and policies described in the City's General Plan, Public Art Master Plan and applicable Community Plans.
- Degree of audience diversity the proposed project is expected to generate.
- Quantity of artists, artisans, designers, craftspeople and other creative professionals this project would employ.
- Strength of qualifications of the applicant and the project implementation team.

POLICY REVIEW AND REVISION

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

Victoria L. Hamilton
Executive Director

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