

PUBLIC ART ORDINANCE RESEARCH MATRIX

Updated June 2017

CITY	San Pablo	Walnut Creek (revised July 2016)	Emeryville	Dublin	Albany	Union City	Alameda	Oakland
APPLICABILITY	New commercial development and all industrial or light industrial uses, and any commercial portions of any new mixed use development, with a value of two hundred thousand dollars (\$200,000.00) or more; and the alteration or repair of a structure in such uses that increases total gross floor area or otherwise intensifies the use, if the alteration, intensification, or repair has a value of two hundred thousand dollars (\$200,000.00) or more	Applies to all construction or alteration <u>except</u> : a. This chapter does not apply to residential alterations. b. This chapter does not apply to residential projects in which at least ninety percent (90%) of the dwelling units are restricted to very low, low or moderate income households. c. This chapter does not apply to alterations that involve less than fifty percent (50%) of the gross floor area. d. This chapter does not apply to alterations with a construction cost of less than five hundred thousand dollars (\$500,000.00). e. This chapter does not apply to alterations by nonprofits organized under Section 501(c)(3) of the Internal Revenue Code where such nonprofits do not own the building	1. Private non-residential and non-live work building developments more than \$300,000 2. Private residential and live work building developments of 20 or more units 3. Public developments of \$300,000 or more	1. New non-residential development 2. New residential development projects more than 20 residential units	All new development projects except exempted projects	Private/ Public Developments with building development costs of more than \$250,000	1. Private or municipal projects w/ building development costs of \$200,000 or more. 2. Commercial, industrial, municipal, and residential projects that create 5 or more residential units 3. Existing building that is remodeled with a construction value equal to or more than 50% of original building	1. Private nonresidential building developments involving 2,000 sq. ft or more of new floor area 2. Private residential building developments to 20 or more new dwelling units

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		<p>where the alterations are to occur.</p> <p>f. This chapter does not apply to new construction or alterations within the General Plan Business Park (B-P) Land Use Category until July 1, 2018, or until ninety percent (90%) occupancy of the gross floor area of the business park is achieved, whichever occurs first.</p> <p>g. This chapter does not apply to a residential development project of five (5) or fewer units.</p>						
VALUE	\$200,000 or more	\$500,000	<p>1. \$300,000 or more Private</p> <p>2. Residential and none live work developments of 20 or more units</p>	Based on development project's building valuation (exclusive of land)	\$300,000 or more	<p>\$250,000 or more (private or public developments)</p> <p>\$2 million or more (private developments)</p> <p>\$50 million or more (Private developments)</p>	\$250,000 or more	<p>-Private nonresidential building developments of 2,000 sq. ft. or more</p> <p>-Private residential building developments of 20 or more new units</p>
PERCENTAGE	1% (\$2,000 for commercial projects with \$200,000 value)	-1% of the construction ,5% for non-profit	-1% (Private nonresidential and non-live-work	-0.5% of building	1.75% of the total	<p>-\$250,000 = 1%</p> <p>-\$2 million = 33.33%</p>	1%	1% (private nonresidential

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			<p>building developments) -0.5% (Private residential and live-work building developments of 20 or more units) -1.5% (Public Developments)</p>	<p>valuation (on-site) -0.5% of building valuation; more than 50,000 sq. ft (contribution In-lieu) -0.45% of building valuation; less than 50,000 sq. ft. (contribution in-lieu -0.5% of building valuation; residential projects w/ 20+ units (contribution in-lieu)</p>	<p>construction costs</p>	<p>-\$50 million = negotiable w/ the city or redevelopment agency</p>		<p>; 2,000 ft. or more) 0.5% (private residential; 20 or more new units)</p>
EXEMPTIONS	<p>1. Remodel, repair due to fire 2. Public Funds 3. Seismic Retrofit 4. CIP by City 5. Nonprofit</p>	<p>See above City Council waiver</p>	<p>Emeryville City Council waiver</p>	<p>1. Residential development projects consisting of 20 units or less 2. Tenant improvement projects 3. Building additions</p>	<p>1. Projects exempt from Design Review 2. Projects with project size or building valuation less than the Public Art</p>	<p>1. Private developments of fewer than eight residential units</p>		<p>1. Affordable housing development</p>

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<p>EXEMPTION cont.</p>				<p>4. Remodeling, repair or reconstruction of an existing structure 5. 100% low-income housing projects 6. Day Care Centers 7. Nonprofit/social services agencies, upon approval of the City Council 8. Condominium conversion projects.</p>	<p>Project Threshold. 3. A single family home that is the primary residence of the owner of the property. 4. Public improvement projects or publicly-assisted project in which the Community Development Director determines that the public source of funding, or other applicable regulation or policy, prohibits the use of funds for public art. 5. Underground public works projects,</p>			
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					street or sidewalk repair, street lighting, or landscaping, including American Disabilities Act (ADA) mandated improvements and energy efficiency improvements to existing facilities. 6. Hardship or Infeasibility Exemption			
IMPLEMENTATION TYPES	1. On-site 2. Public Art Fund 3. Alternate Site	1. The City's In-Lieu Public Art Fund. 2. project site	1. On-site 2. In lieu contribution for off-site artwork	1. On-site 2. In-Lieu	1. On-site 2. Public Art Fund	1. Public Art Fund 2. On-Site	1. Public Art In-lieu contribution 2. On-Site	1. On-Site 2. Public Art Program In-lieu contribution
MAINTENANCE	Developer and Property Owner shall maintain public art	Property owner		Developer	Property Owner		Property Owner	Developer and/or owner