

RESOLUTION 2016-204

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING DEFERRAL OF THE PUBLIC ART REQUIREMENT, UNTIL JANUARY 31, 2017, FOR COMMERCIAL AND INDUSTRIAL PROJECTS AS SET FORTH IN CHAPTER 17.63, "ART IN PUBLIC PLACES" OF THE SAN PABLO MUNICIPAL CODE

WHEREAS, on May 18, 2015, the City Council adopted the new Zoning Ordinance. The Zoning Ordinance included Chapter 17.63, "Art in Public Places" (see Attachment A). The purpose of this new Chapter in the Municipal Code was to create a process for including public art in new commercial and industrial projects with a value of \$200,000 or more, or alterations or repairs with a value of \$200,000 or more if the alteration or repair of the commercial or industrial structure increases the floor area or intensifies the use. Applicants who do not want to place public art on their site have the option to contribute 1% of the valuation to the City's public arts fund earmarked for the City's public mural program or provide the public art at an alternative site. The Zoning Ordinance, including Chapter 17.63, "Art in Public Places," became effective 30 days after approval, which was June 18, 2015; and

WHEREAS, this will be the third extension of the Art in Public Places Ordinance. The table below summarizes the history of the adoption, and the approved and requested extensions, of the Art in Public Places Ordinance; and

Adoption and Extension of Section 17.63 of the San Pablo Municipal Code, Art in Public Places section of the Zoning Ordinance

Date	Action	Extension Date
May 18, 2015	Adoption of the Art in Public Places (APP) Ordinance. Effective June 18, 2015.	
July 6, 2015	Extension of the APP – allowed staff to put together forms, such as the art permit application, and outreach to applicants.	January 31, 2016
November 16, 2015	Extension of the APP – lawsuit filed against the City of Oakland for the adoption of that City's Public Art Ordinance. Wait to see how the lawsuit progresses through the U.S. District Court.	July 31, 2016
June 20, 2016	Extension of the APP –. Wait for the outcome of the decision of the U.S. District Court and whether this impacts the collection of the building permit fee for the City of San Pablo Art in Public Places Ordinance.	January 1, 2017

WHEREAS, it is recommended that the City Council authorize a deferral of the implementation of Chapter 17.63,"Art in Public Places," by an additional six months, to January 31, 2017. This allows the City of San Pablo to follow the court case and the outcome of the U.S. District Court for a comparable Art in Public Places Ordinance; and

WHEREAS, deferring implementation of Chapter 17.63,"Art in Public Places" means the City will forego public art or an in-lieu fee for projects that submit building plans until after February 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, the City of San Pablo authorizes the deferral of the implementation of the "Art in Public Places" Ordinance until January 31, 2017, in order to understand the outcome of the lawsuit against the City of Oakland in the U. S. District Court and how this may impact the adopted building permit fee for the City of San Pablo Art in Public Places Ordinance.

BE IT RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

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Adopted this 20th day of June 2016, by the following vote:

AYES:	COUNCILMEMBERS:	Chao Rothberg, Morris, Calloway, Valdez and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Ted J. Denney
Ted J. Denney, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor