

**CITY OF SAN PABLO
PLANNING COMMISSION MINUTES
SEPTEMBER 19th, 2017
CITY COUNCIL CHAMBERS
ONE ALVARADO SQUARE
SAN PABLO, CA**

ROLL CALL

Chairperson Xavier called the meeting to order at 6:30 P.M. Call of the roll showed present Commissioner Shi, Chairperson Xavier, Commissioner Inglis, and Commissioner Trujillo, and Commissioner Feliciano. Staff present included: Michele Rodriguez, Development Services Director; Lynn Tracy Nerland, City Attorney; Tricia Stevens, Planning Consultant; and Todd Kennedy, Assistant Planner.

PUBLIC COMMENT

None. Director Rodriguez stated for the record that there were no Public Record cards before them.

APPROVAL OF MINUTES

Commissioner Trujillo made a motion to approve the minutes for the meeting of August 15, 2017. The motion was seconded by Commissioner Inglis. The motion was approved 4-0-0-1 with Commissioner Feliciano abstaining due to her absence at the August 15th meeting.

AYES: Trujillo, Shi, Inglis, Xavier
NOES: None
ABSENT: None
ABSTAIN: Feliciano

PUBLIC HEARINGS

PLAN1707-0001: City of San Pablo Zoning Ordinance Amendments Relating to Art in Public Places. To consider amendments to the Zoning Ordinance Chapter 17.63 revising the Art in Public Places requirements in order to address the needs of San Pablo. This is a City initiated project and the proposed amendments apply citywide. The proposed ordinance does not require further environmental documentation because it does not include substantial changes that would affect the environment and is therefore consistent with the Addendum to the General Plan 2030 Environmental Impact Report (State Clearinghouse No. 2008082069) adopted by the City Council on May 18, 2015 that addressed the Art in Public Places ordinance.

Tricia Stevens gave an overview and presentation of the Art in Public Places Ordinance Amendments and addressed existing concerns by Planning Commission. Staff recommended that the Art in Public Places Ordinance be retained and the recommended changes approved by the Commission.

The public hearing was opened. Commissioner Trujillo asked whether there would be an exception for housing projects or, if they were subject to this Ordinance, would that be a disincentive to

development. Ms. Stevens responded that, as currently proposed, there would be an exception for housing projects as the goal of the City is to increase housing and reinvestment in housing. Commissioner Trujillo stated that he thought it was the goal of this Ordinance to favor public art and questioned as to why the City would want to favor developer's interests as opposed to having more funding for public art and asked if developers would develop housing anyway. Commissioner Trujillo asked why we would want to take away that incentive for people who might want to move here and visit here with no public art. Director Rodriguez added that the Ordinance was meant not to deter housing but to improve the overall quality of art available to the public.

Commissioner Trujillo asked about whether art damaged by calamity would be exempt from repair. Ms. Stevens mentioned that, hopefully, the building would be insured, which would cover the public art. Director Rodriguez mentioned Section 17.63.070.E which references maintenance requirements and repair obligations of the owner, which would apply to the art.

Commissioner Trujillo commented that art displayed in indoor public places would only be visible during the hours a building is open to the public, which would limit its availability for public viewing and could be considered décor in the public building.

Commissioner Feliciano asked Ms. Stevens about what her research showed about exempting housing projects with other cities when it concerned multi-family developments. Did it only pertain to affordable housing projects or all housing projects? Ms. Stevens responded that it was most common within other cities in the East Bay that they require the public art for multi-family housing but they exempt affordable housing.

Commissioner Shi asked about capital improvement projects' exemptions from art. Commissioner Shi stated she felt capital improvement projects (i.e. City Hall) should include public art. Councilmember Trujillo asked whether a capital improvement project was financed primarily with public funds, so weren't they the same? Director Rodriguez replied that there are sometimes several funding sources.

The public hearing was opened. Janet Pottier of the San Pablo Historical Society commented on the selection of the public art and felt that, along with those on the Planning Commission and City Council, someone with actual art history background should be involved in the selection of the public art. Ms. Pottier asked what would happen to the public art if a building was sold and the new owners didn't want the art. Did the new owners have the right to get rid of it or paint over it? Who would be responsible for maintaining the public art and what would happen to the art already in the existing City Hall? Ms. Stevens and City Attorney Nerland responded that, regarding the maintenance, Section 17.63.070(e) addresses this concern.

Director Rodriguez introduced Andrea Mendez, Recreation Supervisor, Community Services. Ms. Mendez stated that she is responsible for the City's Art Curator and Art Gallery, and would ensure there would be art in the new City Hall. There being no further speakers, the public hearing was closed.

Director Rodriguez brought to the Commission's attention the chart of proposed changes to the Ordinance provided in the meeting packet, which would be helpful in making their decisions, and

asked the Commission if they wanted Ms. Stevens or Ms. Mendez to walk them through the chart. Chairperson Xavier asked what was considered local artists and how large of an area does “local” represent? Ms. Stevens responded that it isn’t actually defined but would most likely be someone from the community or East Bay.

Commissioner Trujillo wanted further explanation on the issue about taking the decision authority from the Planning Commission and giving it to the City Council. Commissioner Shi asked if there were any other sources to get funding for public art. Director Rodriguez replied that the City Manager or City Council have not allocated any additional funding sources beyond the in-lieu fee. Ms. Stevens commented that most other communities do require art in conjunction with non-profits, public buildings, and housing projects, but those communities have a significantly higher threshold than San Pablo.

Ms. Stevens, City Attorney Nerland, Director Rodriguez, and Andrea Mendez went through each point on the matrix chart and discussed each concern or question. Chairperson Xavier, Commissioner Trujillo, Feliciano and Shi asked several questions. Ms. Stevens, Director Rodriguez, City Attorney Nerland and Ms. Mendez responded. Additions, deletions, and all suggested changes to each point to the draft Amended Ordinances were discussed, jointly agreed upon, and noted.

Commissioner Trujillo made a motion to recommend approval of the Zoning Ordinance with all amendments as discussed relating to Art in Public Places and included as changes in Resolution #17-17. Motion passes 5-0.

AYES: Xavier, Trujillo, Shi, Feliciano, Inglis
NOES: None
ABSENT: None
ABSTAIN: None

ANNOUNCEMENTS

Director Rodriguez reviewed the Planning Commission member list included in their packets regarding the Planning Commission’s four (4) year term rules and regulations. No Commissioner had any questions or concerns.

STAFF UPDATE ON OLD BUSINESS

Director Rodriguez reviewed the following items:

- August Development Services Monthly Report
- Proposed City Hall Status
- Ground Breaking for new WIC Building
- Two (2) City Council Meeting being scheduled re: Priority Work-Plan
- Broadband Master Plan update
- Accessory Dwelling Unit Ordinance implementation
- Prop 64 Marijuana Ordinance status
- County and Fire District Project re: Public Workshop/Open House

PLANNING COMMISSION REPORTS

Chairperson Xavier spoke on her Hazardous Materials Operations Committee meeting.

ADJOURNMENT

There being no further business, Commissioner Trujillo made a motion to adjourn.

Commissioner Inglis seconded the motion. Chairperson Xavier adjourned the meeting at 8:30 p.m. to the October 17th, 2017 meeting.

Rita Xavier
Chairperson

Michele Rodriguez
Development Services Director