


Agenda Report Reviewed by:
 City Manager: 

**CITY OF SEBASTOPOL
 CITY COUNCIL
 AGENDA ITEM**

Meeting Date: July 5, 2022
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Request from Gregory Beale / The Beale Group for a Fee Deferral of the Art In Lieu Fee of \$33,000 for the Livery project at 6950 Burnett Street.
Recommendation: Approve Fee Deferral request of \$33,000
Funding: Currently Budgeted: _____ Yes _____ No X N/A
 Net General Fund Cost: \$

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

This item is to request that the City Council Consider the Request from Gregory Beale / The Beale Group for a Fee Deferral of the Art In Lieu Fee of \$33,000 for the Livery project at 6950 Burnett Street.

BACKGROUND:

The City of Sebastopol adopted an art requirement for new commercial and industrial construction projects that meet certain thresholds (\$1,000,000 for new construction and \$500,000 for renovations). In these instances, 1% of the construction cost must be dedicated to public art. There are two ways this can be done, one is by incorporating artwork into the project, which requires review and approval by the City’s Public Art Committee (PAC) as appropriate to fulfill certain requirements (such as being in a public place, not part of the architecture, etc. See: <https://sebastopol.municipal.codes/SMC/17.310>). The other way to meet this requirement is by paying an ‘in lieu fee’ to the City. The City then uses this fee to support public art commissioned through the City’s Public Art Committee process.

Application fees for City permits, applications and services are collected at the time an application is submitted. This includes the City’s Art In Lieu fee, unless the applicant has received approval by the Public Art Committee for the on-site art. Any on-site art needs to be installed and dedicated by the time of final occupancy/final inspection, and must be maintained on the site (or the applicant may post a bond in the amount of the in-lieu fee at that time, reimbursable when the artwork is completed per Section 17.310.030(H)).

DISCUSSION:

The City of Sebastopol Design Review Board approved an application from Gregory Beale / The Beale Group for a major renovation of the building at 6950 Burnett Street on December 9, 2020 (File 2020-010). Since that time, the applicant has moved forward with building permits, which are now ready to issue. The applicant intends to develop on-site public art to meet the requirements of the City’s Public Art ordinance (see letter attached) However, they have not yet developed the art work or submitted to the City. The applicant is requesting that the in-lieu fee be deferred at this time, and then intends to submit public art for approval by the PAC. This is similar to the process and request that was approved for the Hotel Sebastopol, which later submitted and received approval from the PAC for the on-site artwork.

Staff has reviewed the request and feels that this request is reasonable for several reasons. First, the construction project for the Livery project will allow enough time for review by the PAC of the artwork once developed if submitted in a reasonable time. Additionally, the Public Art Fund has a balance which is adequate for one to two additional commissioned artworks (generally in the \$30-45,000 range). These commissions generally take a couple of years, so even if the developer eventually pays a fee, it would not be needed for any anticipated PAC work in the next couple of years.

GOALS:

This action supports the following City Council Goals and General Plan Actions:

City Council Goals:

Goal 8 - Enhance and Maintain the Economic Vitality of the City

8.1.1 Develop Programs & Policies to Promote, Attract and Retain Local Businesses. Planning Department

8.1.2 Support a Vibrant, Attractive and Accessible Downtown That Attracts Residents and Visitors thereby creating a Viable Sales Tax Base

General Plan Goals:

Goal CD 4: Support Art of All Types Throughout the Community

Policy CD 4-1: Support and encourage public art of all types that reflects the cultural values of the community.

Policy CD 4-2: Ensure that public art exhibits are accessible to all residents and visitors.

Policy CD 4-3: Continue to implement, and periodically update as necessary the Percent-for-Art Program.

Policy CD 4-4: Direct the Percent-for-Art Program funds to permanent art installation opportunities whenever possible.

Policy CD 4-6: Increase the presence of art in public spaces throughout the city.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives any public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

None. The value of the art, \$33,000, would either be provided on-site, or the fee would be due to the City prior to the building permit being finalized.

RECOMMENDATION:

Staff recommends the City Council approve the request from Gregory Beale / The Beale Group for a Fee Deferral of the Art In Lieu Fee of \$33,000 for the Livery project at 6950 Burnett Street and authorize the City Manager to execute any required documents.

Attachments:

Request from Applicant for deferral

Livery drawings



June 16, 2022

Re: The Livery Project
Art installation deposit exception request

Dear Sebastopol City Council,

We are so pleased to hear that the building permit is finally ready to be issued for our project located at 135 S Main to 6950 Burnett St, aka The Livery on Main. In speaking with Pattie about the estimated fees for the permit, it was brought to my attention that there is deposit expected to be made at the time of the permit fees with regards to the required public art installation. We would like to respectfully request an exception to this deposit as we will greatly need that money to help the project along, while we wait for construction loan progress disbursements. We would plan to apply for the art component in the first quarter of 2023 are very excited to make art a permanent and ongoing rotating component of this project. It would be expected that we would have the art installations completed and approved prior to requesting occupancy and/or final of the project.

Thank you in advance,

Greg Beale

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The Livery Images



