



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
July 28, 2015**

PUBLIC HEARING

Agenda Item # 10

SUBJECT: Introduce and waive further reading of Ordinance No. 2015-412, establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects

BACKGROUND

On January 27, 2015, the Public Arts Commission (PAC) presented a recommendation to the City Council to adopt an ordinance establishing a development fee to fund public art. At that time, Council directed staff to provide additional information regarding a development fee for this purpose. Additional information was presented to the Council at its April 28, 2015 meeting.

As part of its review on April 28, 2015, the City Council supported the ordinance and raised three main questions regarding the ordinance: 1) What is the goal of the fee? Should the ordinance focus on placing art within developments or should it focus on collecting funds for the City to use?; 2) Should the ordinance look at different requirements for different zoning districts?; 3) Can the ordinance address how the funds will be used?

The Council directed the PAC review the questions and the ordinance be presented to the Planning and Transportation Commission (PTC) for review and recommendation.

EXISTING POLICY

None

PREVIOUS COUNCIL CONSIDERATION

January 27, 2015 and April 28, 2015

DISCUSSION

At its May 28, 2015 meeting, the PAC discussed the questions raised by Council and proposed several modifications to the proposed ordinance. The revised ordinance was presented to the PTC on June 18, 2015, which approved the ordinance 6-1 (Commissioner Baer dissenting because he felt that all residential districts should be exempt from the fee) with the following modifications: 1) raise the minimum construction value for which the fee would apply from \$300,000 to \$1 million; 2) establish a maximum fee amount of \$200,000 which can be collected from a single project; and 3) exempt the cost of below market rate units from the calculation of the public art fee.

On June 25, 2015, the PAC approved the ordinance with the PTC's modifications 5-0-2 (Commissioners Waldman and Zucker absent).

Goal of fee

The PAC felt that the goal of the proposed ordinance is to encourage installation of public art, either through private installation or through contribution to a public fund. As such, the ordinance was modified to encourage placement of art within developments in the commercial zones as these tend to be more public and to require that developments in the multi-family zones contribute to the

Public Art Fund. Developments in commercial zones would still be given the option of contributing an in-lieu fee.

Requirement by zone

The PAC and PTC agreed that the fee should be based on zoning districts. As such, single-family developments within the R1 districts are exempt from the fee. Non-single family developments with construction costs in excess of \$1 million would be required to contribute to the Public Art Fund. Developments in the R3 (multi-family) districts would be required to contribute to the Public Art Fund. Developments in the office, commercial and public facilities districts would be given the option of either installing public art on-site or contributing to the Public Art Fund.

Uses of funds

The draft ordinance indicates that funds collected through this program will be used to “acquire, place, maintain and promote temporary and permanent art on public property throughout the City.” Funds will be used at the direction of the City Council with input provided by the PAC and staff.

PUBLIC CONTACT

The Public Arts Commission discussed various funding options for public art, including the draft ordinance, at its July 24, 2014, August 28, 2014, September 25, 2014, October 23, 2014, December 11, 2014, May 28, 2015 and June 25, 2015 meetings.

A public hearing notice was published in the *Town Crier* for the Planning and Transportation Commission hearing that was held on June 18, 2015.

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

While it is unknown at this time the exact impact to the City, establishing a development fee would increase City revenues dedicated for public art, which would then be used for projects related to the City’s planned public art efforts.

ENVIRONMENTAL REVIEW

Not applicable

RECOMMENDATION

Introduce and waive further reading of Ordinance No. 2015-412, establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects

ALTERNATIVES

1. Direct the Public Arts Commission and/or Planning and Transportation Commission to evaluate further changes to the draft ordinance
2. Do not introduce the draft ordinance

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Introduce and waive further reading of Ordinance No. 2015-412, establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects

ATTACHMENTS:

1. Ordinance No. 2015-412
2. City Council report dated April 28, 2015

Introduce and waive further reading of Ordinance No. 2015-412, establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects

ORDINANCE NO. 2015-412

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ESTABLISHING A DEVELOPMENT FEE OF 1% FOR PUBLIC ART,
CREATING A PUBLIC ART FUND AND ESTABLISHING REQUIREMENTS
FOR INCLUSION OF PUBLIC ART IN DEVELOPMENT PROJECTS**

WHEREAS, public art enhances the quality of life in a community, fosters economic development and creates inventive and/or stimulating public spaces; and

WHEREAS, published data strongly indicates that cities with an active and dynamic cultural scene are more attractive to individuals and businesses; and

WHEREAS, public art provides an intersection between the past, present and future as well as between disciplines and ideas; and

WHEREAS, Los Altos can create diverse interactive and exciting art experiences for the community with public art in the Civic Center, community plazas, parks, buildings and other public spaces throughout the City; and

WHEREAS, private, non-residential construction projects in the City of Los Altos can contribute to funding the creation, installation, and administration of public art for the enjoyment of residents and visitors; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 14.82 “Public Art Funding” is hereby added as follows:

“Chapter 14.82 – “Public Art Funding”

14.82.010 – Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Chapter 14.82.

- A. “Publicly accessible art” shall mean art which can be reasonably viewed or experienced from within the public right-of-way or to which access is unrestricted to members of the public at any time of day.

- B. "Total construction costs" shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent City of Los Altos Building Valuation Fee Schedule.

14.82.020 – Los Altos Public Art Fund

There is hereby created a Los Altos Public Art Fund, which funds shall be restricted to implementation of the Los Altos Public Art Program, as set forth in the Los Altos Capital Improvement Program. Such funds may be used to acquire, place, maintain and promote temporary and permanent art on public property throughout the City.

14.82.030 – Contribution Requirements

- A. R1-10, R1-H, R1-20, R1-40. Private single-family developments within the R1-10, R1-H, R1-20 and R1-40 districts shall be exempt from the requirements of this chapter. Private, non-single family developments with total construction costs in excess of one million dollars (\$1,000,000) and subject to design review approval within the R1-10, R1-H, R1-20 and R1-40 districts shall contribute an amount of one percent (1%) of construction costs to the Los Altos Public Art Fund to be used pursuant to Section 14.82.020. Such contribution shall not exceed two hundred thousand dollars (\$200,000).
- B. R3-4.5, R3-5, R-3-3, R3-1.8, R3-1. Private developments of four (4) or more units and subject to design review approval within the R3-4.5, R3-5, R-3-3, R3-1.8 and R3-1 districts shall contribute an amount of one percent (1%) of construction costs to the Los Altos Public Art Fund to be used pursuant to Section 14.82.020. Such contribution shall not exceed two hundred thousand dollars (\$200,000). Construction costs for Below Market Rate units shall not be included in valuation.
- C. OA, OA-1/OA-4.5, CN, CD, CRS, CT, CD/R3, CRS/OAD, PC, PCF, PUD. Private building developments with total construction costs in excess of one million dollars (\$1,000,000) and subject to design review approval within the OA, OA-1/OA-4.5, CN, CD, CRS, CT, CD/R3, CRS/OAD, PC, PCF, and PUD districts shall devote an amount not less than one percent (1%) of such costs for the acquisition and installation of publicly accessible art on the development site. At the discretion of the owner or developer, and in lieu of developing on-site public artwork, a Public Art in-lieu contribution may be placed into the Los Altos Public Art Fund to be used pursuant to Section 14.82.020. Such contribution or installation shall not exceed two hundred thousand dollars (\$200,000). Construction costs for Below Market Rate units shall not be included in valuation.

14.82.040 – Application procedures for placement of required public art on private property

An application for placement of public art on private property shall be submitted in a form and manner as prescribed by the Public Arts Commission staff liaison and shall include:

- A. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods; and
- D. A narrative statement or plan that demonstrates the public art will be displayed in a publicly accessible manner. Publicly accessible shall mean an area or form which is reasonably open to the general public at all times of day.

14.82.050 – Approval for placement of public art on private property

General type and placement of public art on private property shall be reviewed by the Public Arts Commission for recommendation prior to final review of the application as a whole by the City Council. A formal application for final placement of public art on private property shall be submitted to and approved by the Public Arts Commission prior to issuance of a building permit.

14.82.060 – Violations of this Chapter

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any discretionary permit granted to any owner or developer who violates the provisions of this Chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2015 and was thereafter, at a regular meeting held on _____, 2015 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jan Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
April 28, 2015**

DISCUSSION ITEM

Agenda Item # 7

SUBJECT: Direct staff to present an ordinance to the Planning and Transportation Commission amending the Zoning Code to implement a development fee to fund public art

BACKGROUND

On January 27, 2015, the City Council received a recommendation from the Public Arts Commission to establish a development fee to fund public art (Attachment 1). At that time, Council directed staff to provide additional information regarding a development fee for this purpose.

EXISTING POLICY

None

PREVIOUS COUNCIL CONSIDERATION

January 27, 2015

DISCUSSION

The Public Arts Commission recommends adoption of an ordinance (Attachment 2) establishing a development fee for the purpose of funding public art in Los Altos. The proposed ordinance would require private, nonresidential developments in excess of \$300,000 and multi-family residential developments of four or more units to either include public art in value of not less than one percent of project costs or to pay an amount equal to one percent in-lieu of placement of public art.

At the January 27, 2015 study session, Council requested additional information regarding establishing a development fee.

Other fees required

Currently, developments in Los Altos are required to pay a number of fees. All projects are required to pay Building Permit Fees which are based on construction value. Additional fees developers could be required to pay include Subdivision Map, Lot Line Adjustment, Park In-lieu, Traffic Impact, and Sanitary Sewer Connection among others. The amount paid in fees varies depending upon the type of development. A full list of potential fees and the amount required for each can be found in the City's Fee Schedule adopted by Council (Attachment 3).

For a historical perspective, a chart of what certain developments constructed within the last five years paid in fees, as well as what they would have paid, if a public art development fee had been in place is noted below:

Address	Construction value	Total paid in fees	1% for Public Art
1 Main Street	\$2,780,000	\$100,825	\$27,800
100 First Street	\$15,100,050	\$1,221,487	\$151,001
1555 Oak Avenue	\$400,407	\$3,242	\$4,004
160 First Street	\$13,638,564	\$430,504	\$136,386
240 Third Street	\$8,009,550	\$327,295	\$80,096
327/357 Fremont Avenue	\$10,530,535	\$43,499	\$105,305
396 First Street	\$7,409,100	\$505,898	\$74,091
400 Main Street	\$11,498,060	\$434,400	\$114,981
467 First Street	\$6,575,000	\$28,269	\$65,750
4700 El Camino Real	\$1,015,250	\$59,573	\$10,153
4750 El Camino Real	\$33,507,900	\$3,979,624	\$335,079
4940 El Camino Real	\$714,300	\$5,159	\$7,143
715 Altos Oaks	\$9,887,506	\$132,163	\$98,875
86 Third Street	\$9,084,000	\$558,064	\$90,840

Had a development fee been in place, and assuming all developments listed had paid the in-lieu fee, the City would have collected approximately \$1.3 million from the listed developments.

Value of current art

At the January 27, 2015 meeting, a question was raised as to what is the value of art that is currently located within the City of Los Altos. An exact dollar amount is difficult to identify as there are a number of public art pieces which either do not have a valuation or are not cataloged as part of the City’s Public Art Program. In looking at just the pieces included in the Outdoor Public Sculpture Program, which includes both loaned and City-owned sculptures, an approximate value would be \$670,000. The approximate value of just City-owned sculptures would be \$478,000.

Developer option

The draft ordinance, as currently worded, requires developers to include not less than one percent of construction costs for the acquisition and installation of art on the development site. Such art shall be accessible to the public. The draft ordinance has been revised to indicate that “publically accessible shall mean an area or form which is reasonably open to the general public at all times of day.”

Should a developer choose to include public art in the development, an application shall be submitted as part of the application for design review. The public art portion of the application would be reviewed by the Public Arts Commission which will recommend approval or denial of the placement to the City Council.

Alternatively, a developer could pay a fee in-lieu of providing public art. This fee would be equal to one percent of construction costs. Funds collected in this manner would be used to acquire, place, maintain and promote temporary and permanent art on public property throughout the City.

PUBLIC CONTACT

The Public Arts Commission discussed various funding options for public art, including the draft ordinance, at its July 24, 2014, August 28, 2014, September 25, 2014, October 23, 2014 and December 11, 2014 meetings.

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

While it is unknown at this time the exact impact to the City, establishing a development fee would increase City revenues dedicated for public art, which would then be used for projects related to the City's planned public art efforts.

ENVIRONMENTAL REVIEW

Not applicable

RECOMMENDATION

Direct staff to present an ordinance to the Planning and Transportation Commission amending the Zoning Code to implement a development fee to fund public art

ALTERNATIVES

1. Do not direct staff to prepare an ordinance for the Planning and Transportation Commission
2. Identify a different percentage amount to be used or a different minimum threshold for development

Prepared by: Jon Maginot, Public Arts Commission Staff Liaison

ATTACHMENTS:

1. Council report dated January 27, 2015
2. Draft ordinance
3. FY 2014/15 Fee Schedule

April 28, 2015

Direct staff to present an ordinance to the Planning and Transportation Commission amending the Zoning Code to implement a development fee to fund public art

Page 3



DATE: January 27, 2015

AGENDA ITEM # SS1

TO: City Council
FROM: Jon Maginot, City Clerk
SUBJECT: Public art funding

RECOMMENDATION:

Receive a recommendation from the Public Arts Commission to establish a development fee to fund public art and direct staff accordingly

SUMMARY:

Estimated Fiscal Impact:

Amount: Unknown at this time

Budgeted: No

Public Hearing Notice: Not applicable

Previous Council Consideration: Not applicable

CEQA Status: Not applicable

Attachments:

1. Examples of public art funding in California
2. Draft ordinance

BACKGROUND

Public art programs are a way for cities to develop and provide dynamic cultural opportunities for residents and visitors. Cities with strong public art programs experience increases in visitors to the community which helps promote a strong economic climate within the city. The City of Los Altos experienced this during the San Francisco Museum of Modern Art Project Los Altos exhibit. During the four-month exhibit, an estimated 20,000 people visited the various installations.

A strong public art program includes a variety of art mediums and could include sculptures, murals, mosaics, sidewalk installations, indoor displays, theatrical presentations, photography, etc. Having a variety of mediums allows a program to attract a broad range of visitors to the installations.

For many years, the public art program in the City of Los Altos has consisted of the Outdoor Public Sculpture Program. This program consists of sculptures which are loaned to the City by the artist or acquired by the City through a variety of methods. Of the 30 sculptures currently located in Los Altos, two were purchased by the City. This focus on loaning of artwork limits the ability of the City to consistently attract accomplished artists and obtain high quality sculpture pieces.

The Public Arts Commission's (PAC) 2014/15 Work Plan includes an assignment to "explore and recommend funding options for public art projects." Throughout 2014, the PAC reviewed and discussed different options for funding public art in the City of Los Altos. A variety of options were researched and discussed including funding through the City's General Fund or Capital Improvement Fund, various grants, private development, and private fundraising.

DISCUSSION

Many cities throughout California require developers to pay some sort of fee related to public art. These funds are then used by the city to acquire, install and maintain public art. Potential uses of funds could include commissioning of an artwork (mural, sculpture, mosaic, etc.), acquisition of art, development of community art projects, art competitions, maintenance of existing artwork, and higher stipends for art loans.

Cities which require installation of public art in private developments or payment in-lieu use a variety of methods to calculate the fee amount or value of art required to be installed. These methods include basing the fee on the value of the development, basing the fee on square footage of construction, or providing design incentives. As well, many cities provide a minimum project value for which fees apply. This ensures that a fee does not apply to small projects, such as remodels. Examples of public art funding are included in Attachment 1.

In order to develop and grow the public art program in the City of Los Altos, and to avoid additional financial burden on the City's Capital Improvement Fund, an outside, dedicated funding source is recommended. Following examination of current practices in other cities and a thorough review of various funding options, the PAC recommends adoption of an

ordinance (Attachment 2) establishing a development fee for the purpose of funding public art in Los Altos.

The proposed ordinance would allow developers to either place art in the development or pay an in-lieu fee. The PAC recommends that the requirement to install publicly accessible art on the development site or pay an in-lieu fee be limited to private, nonresidential developments in excess of \$300,000 and multi-family residential developments of four or more units. The proposed requirement is that developers include public art in value of not less than one percent (1%) of project costs. Should the developer choose to, they may contribute funds in-lieu of placement of art on-site. The PAC felt that these minimum standards for which the public art requirement would apply was best for the type and scope of development that occurs within the City of Los Altos. Also, the PAC felt that 1% is in line with fees required by other cities.

The proposed ordinance includes procedures for a developer to place public art on private property. An application to do so would then be reviewed by the PAC to ensure compliance with the ordinance. This review would solely focus on the proposed art installation. Developers who choose to place art rather than contribute an in-lieu fee would be required to maintain the art and continue to provide public access to the art. This would most likely be included as a condition of approval.

Should a developer choose to pay the in-lieu fee, these dollars would go into the City's Art Fund for use at the discretion of the City. There would be no obligation for the City to install art at the subject development site.

If the Council desires to proceed with establishing a development requirement and fee, it is necessary to incorporate this into the City's Zoning Code. This would require a public hearing before the Planning and Transportation Commission as all amendments to the Zoning Code are required to be considered by that body.

FISCAL IMPACT

While it is unknown at this time the exact impact to the City, establishing a development fee would increase City revenues, which would then be used in projects related to the City's planned public art efforts.

PUBLIC CONTACT

The Public Arts Commission discussed various funding options for public art, including the draft ordinance, at its July 24, 2014, August 28, 2014, September 25, 2014, October 23, 2014 and December 11, 2014 meetings.

Posting of the meeting agenda serves as notice to the general public.

Examples of public art funding in California

City	Public Development \$	Private Development \$
Alameda	1% for >250K, max 150K	1% for >250K, max 150K
Albany	1.75% of construction >300K	1.75% of construction >300K
Brea	1%	1% of construction >1.5M
Berkeley	Bond Measure	
Beverly Hills	1%	
Burbank	1%	1% of construction >500K
Claremont	1%	.5% of residential >200K and single-family track on >5 lots
Culver City		1% of construction >500K (indust.) and >250K (comm.)
Davis	1%	
Emeryville	1.50%	1% of construction >300K
Escondido		\$0.15 per sqf of new contr >2000 sqf
Lodi	2% of construction >50K	
Long Beach		1% of construction >250K
Mountain View	1% of construction > 1 000 K	Design incentives encourage use of art in major new commercial and industrial projects. This program has resulted in the largest component of art in the City.
Oakland	1.50%	
Palm Desert	1%	.25% of construction > 100K .5% of commercial construction
Palo Alto	1%	1% (for on-site art or for in-lieu fund for projects > 200K and 10K sqf)
Petaluma		1% of construction >500K
Pomona		1% of construction >750K
Redwood City	Funding though grants	
Richmond	1.5% of construction >300K	
Sacramento	2%	2% of redevelopment agency private projects
San Diego	2% of construction >250K	1% of non-residential develop >5M
San Francisco	2%	

San Jose	2%	1%
Santa Cruz	2%	
Santa Barbara	1%	1% of construction >500K
San Luis Obispo	1%	.5% of total cost, nonres. >100K
Santa Monica	1%	2% for on-site art work or 1% construction to cultural trust fund
Stockton	2%	1%
Sunnyvale	1%	
Ventura	2%	
Walnut Creek	1%	1% for >25K sqf, 15-25K sqf .5% to pedestrian retail district or core area development zone
West Hollywood	Voluntary	1%

ORDINANCE NO. 2015-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS TO PROVIDE PUBLIC ART**

WHEREAS, public art enhances the quality of life in a community, fosters economic development and creates inventive and/or stimulating public spaces; and

WHEREAS, public art provides an intersection between past, present and future as well as between disciplines and ideas; and

WHEREAS, published data strongly indicates that cities with an active and dynamic cultural scene are more attractive to individuals and businesses; and

WHEREAS, Los Altos can create diverse interactive and exciting art experiences for the community with public art in the civic center, community plazas, parks, buildings and other public spaces throughout the City; and

WHEREAS, private, non-residential construction projects in the City of Los Altos can contribute to funding the creation, installation, and administration of public art; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter XX.XX “Public Art Funding” is hereby added as follows:

“Chapter XX.XX – “Public Art Funding”

XX.XX.010 – Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Chapter XX.XX.

- A. “Nonresidential development” shall mean the construction of commercial, mixed-use, office and industrial projects, which are not intended for residential purposes.
- B. “Total construction costs” shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).

XX.XX.020 – Los Altos Public Art Fund

There is hereby created a Los Altos Public Art Fund, which funds shall be restricted to the implementation of the Los Altos Public Art Program, as set forth in the Los Altos Capital Improvement Program. Such funds may be used to acquire, place, maintain and promote temporary and permanent art on public property throughout the City.

XX.XX.030 – Contribution Requirements

- A. Private Developments. Private nonresidential building developments with total construction costs in excess of three hundred thousand dollars (\$300,000) and subject to design review approval shall devote an amount not less than one percent (1%) of such costs for the acquisition and installation of publicly accessible art on the development site. Private residential and live-work building developments of four (4) or more units and subject to design review approval shall devote an amount not less than one percent (1%) of such costs for the acquisition and installation of public accessible art on the development site.
 - 1. At the discretion of the owner or developer, and in-lieu of developing on-site public artwork, a Public Art in-lieu contribution may be placed into the Los Altos Public Art Fund for acquisition and placement of public art throughout the City.

XX.XX.040 – Application procedures for placement of required public art on private property

An application for placement of public art on private property shall be submitted as part of the plans and application for design review submitted pursuant to Chapter 14.78.030.D and shall include:

- A. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods; and
- D. A narrative statement to demonstrate that the public art will be displayed in an open area and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site.

XX.XX.050 – Approval for placement of public art on private property

Applications for placement of public art on private property shall be reviewed by the Public Arts Commission for recommendation of approval prior to final review of the application as a whole by the City Council. All approvals for placement of public art on private property shall be obtained prior to issuance of a building permit.

XX.XX.060 – Violations of this Chapter

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any discretionary permit granted to any owner or developer who violates the provisions of this Chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2014 and was thereafter, at a regular meeting held on _____, 2014 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jan Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

ORDINANCE NO. 2015-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS TO PROVIDE PUBLIC ART**

WHEREAS, public art enhances the quality of life in a community, fosters economic development and creates inventive and/or stimulating public spaces; and

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WHEREAS, published data strongly indicates that cities with an active and dynamic cultural scene are more attractive to individuals and businesses; and

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WHEREAS, private, non-residential construction projects in the City of Los Altos can contribute to funding the creation, installation, and administration of public art; and

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- B. “Total construction costs” shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).

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 - 1. At the discretion of the owner or developer, and in-lieu of developing on-site public artwork, a Public Art in-lieu contribution may be placed into the Los Altos Public Art Fund for acquisition and placement of public art throughout the City.

XX.XX.040 – Application procedures for placement of required public art on private property

An application for placement of public art on private property shall be submitted as part of the plans and application for design review submitted pursuant to Chapter 14.78.030.D and shall include:

- A. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods; and
- D. A narrative statement or plan that demonstrates the public art will be displayed in a publically accessible manner. Publically accessible shall mean an area or form which is reasonably open to the general public at all times of day.

XX.XX.050 – Approval for placement of public art on private property

Applications for placement of public art on private property shall be reviewed by the Public Arts Commission for recommendation of approval prior to final review of the application as a whole by the City Council. All approvals for placement of public art on private property shall be obtained prior to issuance of a building permit.

XX.XX.060 – Violations of this Chapter

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any discretionary permit granted to any owner or developer who violates the provisions of this Chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2014 and was thereafter, at a regular meeting held on _____, 2014 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jan Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

**City of Los Altos
Fee Schedule
2014/15**

Community Development – Building	Fee for Service
Building Permit Total Valuation \$1 - \$3,000 \$3,001 - \$25,000 \$25,001 - \$50,000 \$50,001 - \$100,000 \$100,001 - \$500,000 \$500,001 - \$1,000,000 \$1,000,001 and Up	\$75.00 \$75.00 for the First \$3,000.00 Plus \$15.45 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$25,000.00 \$414.90 for the First \$25,000.00 Plus \$11.15 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$50,000 \$693.65 for the First \$50,000.00 Plus \$7.75 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$100,000.00 \$1,081.15 for the First \$100,000.00 Plus \$6.20 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$500,000.00 \$3,561.15 for the First \$500,000.00 Plus \$5.25 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$1,000,000.00 \$6,186.15 for the First \$1,000,000.00 Plus \$3.50 for Each Additional \$1,000.00 or Fraction Thereof
Electrical, Fire Department Inspection, Mechanical or Plumbing Permit Total Valuation \$1 - \$3,000 \$3,001 - \$25,000 \$25,001 - \$50,000 \$50,001 - \$100,000 \$100,001 and up	\$75.00 \$75.00 for the First \$3,000.00 Plus \$21.00 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$25,000.00 \$537.00 for the First \$25,000.00 Plus \$15.25 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$50,000.00 \$918.25 for the First \$50,000.00 Plus \$10.00 for Each Additional \$1,000.00 or Fraction Thereof, To and Including \$100,000.00 1.5% of Valuation
Building Plan Check	65% of Building Permit Fee
Blueprint for a Clean Bay	\$10.00
Building Code Compliance Review	\$500.00

Building Moving Permit	Time/Material
California Green Building Fund	\$4.00 Per \$100,000.00 in Valuation, but not less than \$1.00 Per \$25,000.00 in Valuation
Construction Tax Residential Commercial	\$0.41 per Square Foot \$0.68 per Square Foot
Duplicate Permit Request	\$50.00
Energy Plan Check	25% of Building Permit
Fire Marshall Plan Check	20% of Building Permit
Miscellaneous Building Permit	\$75.00
Property Research Residential Commercial	\$25.00 per Property \$50.00 minimum per Property
Re-Inspection Request	\$75.00
School Impact Fees Residential Commercial	\$3.20 Per Square Foot \$0.51 Per Square Foot
Solar and Photovoltaic Permit	\$500.00
Street Address Change	\$550.00
Strong Motion Instrumentation and Seismic Hazard Mapping Fees Residential Commercial	Minimum Fee is \$0.50 for Any Valuation Up To \$5,000.00 (x 0.0001 = Fee Amount) Minimum Fee is \$0.50 for Any Valuation Up To \$2,381.00 (x 0.0001 = Fee Amount)
Technology Surcharge – Permit System Maintenance, Document Archiving Maintenance, Document Backfile Conversion	5% of Building/Electrical/Mechanical/Plumbing Permits
Temporary Certificate of Occupancy	\$ 350.00
Community Development – Planning	Fee for Service
Annexation	\$200.00 Deposit per Parcel, with a \$1,000.00 Minimum and Fully Allocated Hourly Staff Rates
Appeal Within Notification Boundary Outside Notification Boundary	\$550.00 \$1,650.00
Application Extension Single-Family Commercial/Multiple Family	\$275.00 \$550.00
Application Modification Single-Family Commercial/Multiple Family	\$550.00 \$1,650.00
Certificate of Compliance	\$550.00 + Time/Material
Conditional Use Permit Business Use Only Planning/Transportation Commission Business Use Only Planning/Transportation Commission City Council New Construction (>500 sq. ft.) Planning/Transportation Commission	\$1,650.00 \$2,750.00 \$4,950.00

City Council	
Demolition Permit	
Single Family	\$275.00
Commercial/Multiple Family	\$550.00
Design Review	
Second Living Unit	\$550.00
Single Family	
Administrative (>500 Sq. Ft.)	\$825.00
Design Review Commission	\$1,650.00
Commercial/Multiple Family	
Administrative (≤500 Sq. Ft.)	\$825.00
Commercial/Multiple Family	\$4,950.00
Planning/Transportation Commission	
City Council (>500 Sq. Ft.)	
Development Agreement Fee	Time/Material (\$5,000.00 deposit)
Environmental Impact Report	\$4,950.00 + Time/Material
Electric Vehicle Charging	\$1.00 Per Hour \$0.30 Per kWh
Environmental Initial Study	\$1,650.00 + Time/Material
General Plan/Map Amendment	\$4,950.00
Lot Line Adjustment	\$1650.00 + Time/Material
Park In-Lieu Fee	
Single Family Residential Unit	\$30,000.00 \$56,500.00
Multiple Family Residential Unit	\$18,000.00 \$35,500.00
Planned Unit Development	\$4,950.00
Preliminary Design Review Commission Project Review	\$275.00
Public Sidewalk Display Permit	\$50.00
Reversion to Acreage	\$1,650.00 + Time/Material
Sign Design Review	
Modification of Existing Sign and Sign Per a Sign Program	\$140.00
New Sign not part of a Sign Program	\$275.00
Single Story Overlay Rezoning	\$4,500.00
Tentative Subdivision Map Review	\$4,950.00
Tentative Subdivision Map Extension	\$1,650.00
Traffic Impact Fee	
Single Family Residential Unit	\$5,142.00
Multiple Family Residential Unit	\$3,156.00
Senior Residential Unit	\$1,323.00
Commercial	\$9,418.00 Per 1,000 sq. ft.
Office	\$7,585.00 Per 1,000 sq. ft.
Tree Removal	\$50.00
Vacating Easement/Right-of-way	Time/Material
Variance Review	
Accessory Structure	\$550.00
Single Family Main Structure	\$1,650.00
Commercial/Multiple Family Main Structure	\$4,950.00
Zoning Ordinance/Map Amendment	\$4,950.00
Zoning Use Compliance	\$100.00

Police	Fee for service
Alarm Permit	\$37.00 Per Permit
Renewal	\$37.00 Per Permit
Late Renewal/Unpermitted Alarm response	\$74.00
False Alarm Response	
First Two Responses In a Permit Year	No Charge
Third and Subsequent Responses	\$220.00 Per Response
Alcohol Permit	\$70.00 Per Application
DUI Accident Response	
Police Response	\$1,190.00
Fire Response	\$1,390.00
Fatal accident	Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident
Jail Booking Fees	Actual County Cost
Massage Establishment Permit	
New	\$275.00
Annual Renewal	\$65.00
Massage Therapist Permit	
New	\$235.00
Annual Renewal	\$65.00
Massage Appeal Hearing	\$1,970.00 per appeal Includes One Hour of City Attorney Time
Miscellaneous Police Permit	\$275.00 Per Application
Parking Permit	
Quarterly	\$12.00
Annual	\$36.00
Second Response Call-Back	
Standard Response	\$585.00 Per Response After an Initial Warning
Juvenile Alcohol Party Response	\$585.00
Secondhand Dealer/Pawn Shop Permit	
New	\$245.00
Annual Renewal	\$85.00
Solicitor Permit	\$100.00 Per Application
Special Event Permit Application	
New	\$2,045.00
On-going	\$875.00
Special Event Police Service	Salaries/Benefits/Overhead at Overtime Rate
Vehicle Impound Release	\$230.00 per vehicle
Vehicle Repossession	\$15.00 per vehicle
Verification/Clearance Letter	\$33.00 per letter
Public Works	Fee for service
Banner Hanging	
San Antonio/ECR	\$366.00 Per Two Weeks
Downtown	\$366.00 Per Week
Fremont/Grant	\$308.00 Per Two Weeks
Lincoln Park	
9 foot	\$153.00 Per Week
18 foot	\$308.00 Per Week
County Sewer Plan Check	\$545.00 Per Plan

Encroachment Permit	
Parking Stall	\$70.00 Per Permit Plus \$30.00 Per Stall Per Day
Special	\$380.00 Per Permit Plus Actual outside Costs
Miscellaneous	\$190.00 Per Permit
Final Subdivision Map Check	\$1,120.00 Per Map Plus Actual outside Costs
Flood Hazard Letter	\$50.00 Per Letter
Heavy Haul Permit	\$585.00 Per Permit
Public Works Inspection	6% of the Estimated Cost of Construction
Lot Line Adjustment	\$505.00 Plus Actual outside Costs
Sewer Dye Test	\$95.00 Per Test
Stormwater Management Plan Check	\$355.00 Per Application
Temporary Lane Closure Permit	\$490.00 Per Permit Plus \$60.00 Per Day After First Day
Utility Street Cut Permit	2% of Construction Cost (\$200.00 Minimum)
Miscellaneous	Fee for service
Business License Listing	\$15.00 Per Request
Business License Duplicate	\$15.00 Per Request
City Initiative Filing	\$200.00 Per Initiative, Refunded if Within One Year of Filing the Notice of Intent, the Elections Official Certifies the Sufficiency of the Petition
Damage to City Property	Time/Material
Document Certification	\$25.00 Per Certification
Document Reproduction	\$0.25 Per Page
Fair Political Practices Commission Related	\$0.10 Per Page
DVD Copy	\$2.00 Per Disk
Non-Sufficient Funds Check Processing	\$40.00 Per NSF Check