

# CITY OF PETALUMA

## STAFF REPORT

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DATE: June 23, 2011

TO: Petaluma Public Art Committee

PREPARED BY: Heather Hines, Deputy Planning Manager

SUBJECT: Deer Creek Village  
Public Art in Private Development

### **PUBLIC ART IN PRIVATE DEVELOPMENT**

Chapter 18 of the Implementing Zoning Ordinance (IZO) authorizes the establishment of procedures and standards for integration of public art into private development. The requirement pursuant to the ordinance is that any new non residential development with a total construction cost of greater than \$500,000 shall be required to install public artwork on-site or pay an in lieu fee equal to 1% of the total construction costs.

It is the developer's choice to either integrate public artwork into their project or pay the in lieu fee which is then placed in the Public Art Fund. If a developer chooses to integrate a public art project into their development the cost of acquisition and installation of the public art should not be less than 1% of the total construction costs of the project. If the cost of the public art project is less than the defined 1% then the difference shall be paid as an in lieu fee.

Public artwork is defined in Chapter 18 of the IZO as the following:

*“Works of art are to be enduring original artworks. They should be of the highest quality and craftsmanship. They should engage one’s mind and senses while enhancing and enriching the quality of life of the City. The artworks will be generally sited and an integral part of the landscaping and/or architecture of the building, considering the historical, geographical, and social/cultural context of the site. The artworks shall be constructed in a scale that is proportional to the scale of the development.” (Section 18.030(C))*

Public artwork is not limited in type or material and can include sculpture, murals, photography, and original works of graphic art, water features, neon, glass, or mosaics. It can include furnishing or fixtures (gates, walls, railings, street lights, seating) permanently affixed to the building or its grounds, and may include architectural features of the building.

Compliance with the provisions of Chapter 18 needs to be demonstrated by the developer/owner at the time a building permit application is submitted. If public artwork is to be installed on site this

compliance requires a contractual agreement to commission, purchase, and install the artwork and a written acknowledgement by both the project artist and the developer that the public artwork complies with the following criteria:

1. The art shall be designed and constructed by any person experienced in the production of such art and recognized by critics and by his/her peers as one who produces work of art;
2. The art project shall require a low level of maintenance and that the proposed maintenance provisions are adequate for the long term integrity and enjoyment of the work;
3. The art work shall be related in terms of scale, material, form and content to immediate and adjacent buildings and architecture, landscaping or other setting so to complement the site and its surroundings and shall be consistent with any corresponding action of the Planning Commission, Site Plan, and Architectural Review Committee or City Council as it may relate to any development entitlements;
4. Permanent art work shall be a fixed asset to the property;
5. The art work shall be maintained by the property owner in a manner acceptable to the City; and
6. The art work meets all applicable building code requirements.

## **PROJECT DESCRIPTION**

### **DESCRIPTION**

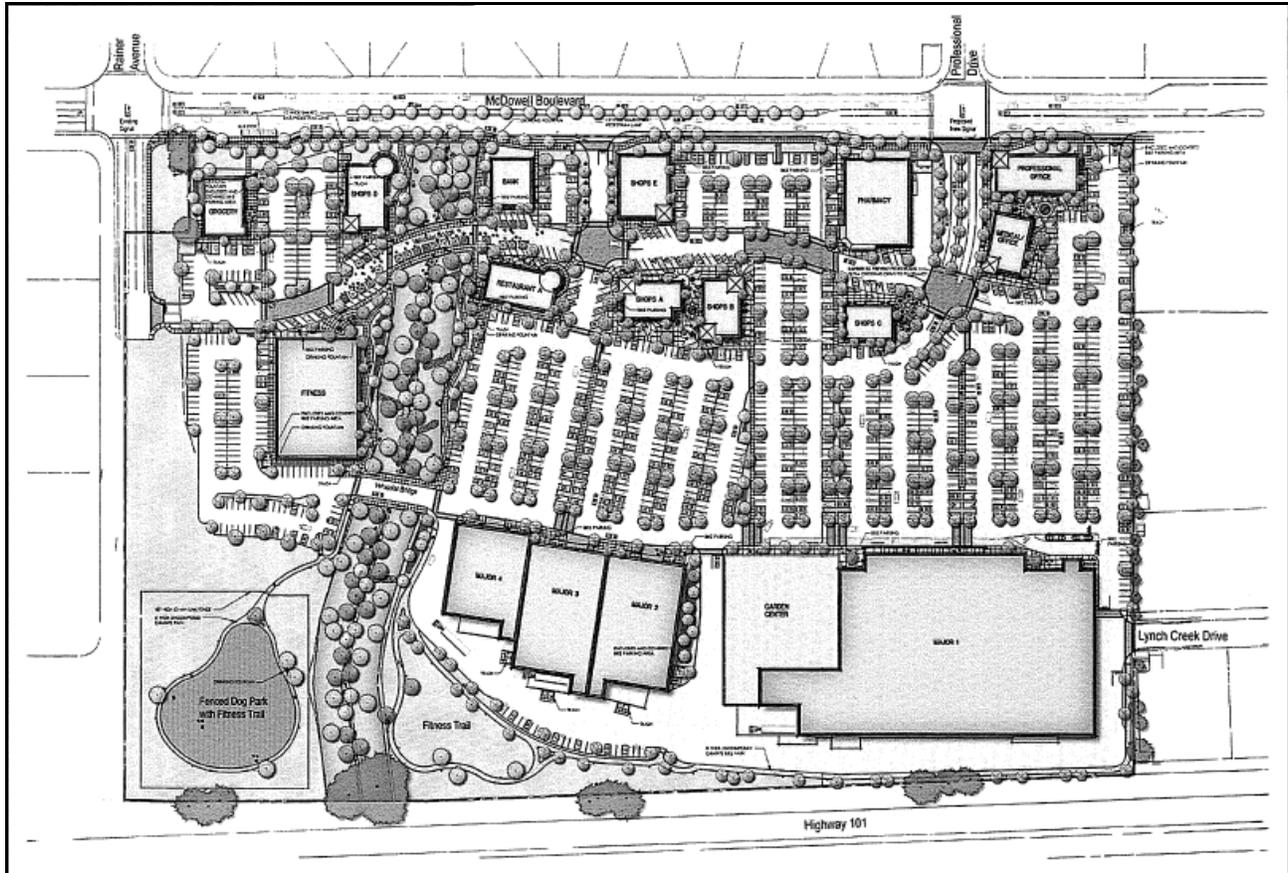
The proposed project is a 344,000 square foot commercial center with associated parking and circulation on an approximately 36.55 acre parcel. The development would include four major anchor retail stores, five smaller retail shops, along with restaurant, pharmacy, and grocery uses. The development would also include a fitness facility, a bank, and medical and professional offices.

Access to the project would be provided from North McDowell Boulevard, Rainier Avenue, and Lynch Creek Way.

Approximately 5.45 acres are proposed to be set aside at the intersection of Highway 101 and Rainier for the future Rainier Avenue interchange project. That area is shown on plans with passive recreational paths for interim use. An additional 2.66 acres along the Deer Creek swale which runs east to west in the northern portion of the site is designated as a 50 foot development buffer on each side of the swale and proposed to be planted with native trees and shrubs.

Five plazas are proposed as gathering places and located throughout the site. Each of the plazas is proposed with a special paving, benches, seat walls, and landscaping.

The developer has indicated their desire to install public art in the proposed project and is seeking initial consultation with the Petaluma Public Art Committee on their conceptual public art strategy.



*Proposed Deer Creek Village site plan*

## **BACKGROUND**

The applicant has submitted an application for Site Plan and Architectural Review for the proposed project. The public comment period for the associated Draft Environmental Impact Report was recently closed and staff and consultants are currently working on response to comments received before returning for public hearings on the Final Environmental Impact Report and Site Plan and Architectural Review.

## **RECOMMENDATION**

Staff recommends that the Committee consider the art strategy for the proposed Deer Creek Village project as presented by the applicant team at the June 23<sup>rd</sup> meeting and provide initial feedback regarding consistency with the requirements of Chapter 18 of the IZO.