City of Sebastopol
Planning Department

Date:	November 19, 2026
To:	Public Arts Committee
Agenda Item:	6E
From:	Eli Arreola, Associate Planner
Subject:	Review the 1% Public Art Ordinance and Provide Direction to Staff

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Background/Discussion:

At the regular September 24, 2026, Public Arts Committee (PAC) meeting, during a discussion on agenda items for future agendas, Committee Member Letaw expressed interest in agendizing a review of the 1% Public Art Ordinance to provide direction to staff for a possible recommendation to the City Council on updates related to raising funds from commercial residential developments in addition to purely commercial developments.

Sebastopol Municipal Code (SMC) Chapter 17.310 requires private or public construction or reconstruction projects located in any commercial or industrial district to either provide a public artwork on-site or contribute to the public art fund through the public art in-lieu fee.

As defined in SMC Section 17.310.020, "construction or reconstruction" projects include any public or private new construction or rehabilitation, renovation, remodeling or improvement of an existing building, except those construction activities attributable to new tenant improvements, having a new construction cost of $1,000,000, or $500,000 for rehabilitation, renovation, remodeling or improvement of an existing building or multiple buildings within a common site. Projects meeting these qualifications are required to either provide on-site public artworks, as described in the Municipal Code chapter, or are required to pay a public art in-lieu fee in the amount of one percent of the construction cost.

Affordable housing projects are expressly exempted from this requirement in SMC Section 17.310.030(B)(5). Residential only projects, as permitted, in any district may choose to voluntarily participate in the public art program, but are not required to.

In order to apply the public artwork requirement to residential projects, the City would have to establish an objective definition of "public artwork" that "involves no personal or subjective judgement by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application," as defined in Government Code (GC) Section 66300(a)(7) and in conformance with GC Section 66300(b)(1)(C).

In order to apply the fee component of the Ordinance to residential projects, the City would need to conduct a nexus study to study and establish a relationship between impacts of new residential development and a need for public art, pursuant to GC Section 66016.5(a).

Next Steps:
Should the Public Arts Committee wish to pursue applying the Public Art Ordinance to residential projects, the next steps would include the following:

1. The PAC would need a consensus to request the City Council to consider authorizing a nexus study to determine a relationship between impacts of new residential development and a need for public art.
2. If the Council authorizes the nexus study, a request for proposals (RFP) would be prepared and posted.
3. Based on the findings of the nexus study, the City could adopt the fee requirement, or if no nexus is found, the City would not be able to adopt the fee for residential developments.

Recommendation:
Staff recommends the Public Arts Committee review the report, consider any public testimony, deliberate, and provide direction to staff.

Attachments:

1. Sebastopol Municipal Code Section 17.310 Public Art – Requiring Public Art as Part of All New Development and Major Remodels in all Commercial and Industrial Districts

Chapter 17.310
PUBLIC ART – REQUIRING PUBLIC ART AS PART OF ALL NEW DEVELOPMENT AND MAJOR REMODELS IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS

Sections:

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17.310.060	Applicability.
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17.310.010 Purpose.

The purpose of this chapter is to authorize the establishment of guidelines, procedures and standards for the integration of public art into new private and public development and redevelopment projects.

Public art helps make our City more livable and more visually stimulating. The experience of public art makes the public areas of buildings and their grounds more welcoming, it creates a deeper interaction with the places we visit, and in which we work and live. Public art illuminates the history of a community while it points to the City's aspirations for the future. A City rich in art encourages cultural tourism which brings in visitor revenues.

To achieve these goals, public art planning should be integrated into project planning at the earliest possible stage, and the selected artist should become a member of the project's design team early in the design process.

Also, public art that is not associated with a development project should likewise be integrated into the City's overall public art goals. (Ord. 1111, 2018)

17.310.020 Additional definitions.

"Construction cost" shall mean the total value of the project as determined by the Building Department. Calculations shall be based on construction costs as declared on all building permit applications, but shall not apply to costs solely attributable to tenant improvements. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical, and electrical permit applications for the project. No later construction valuation other than the initial value established with the first approved permit shall be used to calculate the one percent obligation to fund public artworks except when changes to the size of the building can result in raising or lowering the required cost of public artworks.

"Construction or reconstruction" includes any public or private new construction or rehabilitation, renovation, remodeling or improvement of an existing building, except those construction activities attributable to new tenant improvements, having a new construction cost of $1,000,000, or $500,000 for rehabilitation, renovation, remodeling or improvement of an existing building or multiple buildings within a common site.

"Nondevelopment-generated public art" means a public art project not associated with any specific development project or not funded by the public art fund.

"Professional artist" shall mean a professional person who is experienced in the production of art in any visual art medium and recognized by critics and their peers as one who produces works of art. Upon request, the Public Arts Committee shall determine whether a person qualifies as a professional artist for purposes of this chapter.

"Public art in-lieu fee" means the fee paid to the City pursuant to this chapter equal to one percent of construction cost as defined herein. In-lieu fees shall be placed in the public art fund. The fund shall be used for public art on public property or private property with the owner's permission. The fund shall be used exclusively to:

1. Provide sites for works of art;
2. Acquire and install works of art;
3. Maintain works of art;
4. Support the exhibition of art which is publicly accessible; or

5. Administer the public art program.

"Public art project" means the cost of the development, acquisition, and installation of the public art required by this chapter. It shall include the costs for the administration of this public art program.

"Public artwork" means a work of original and enduring art. They should be of high quality and craftsmanship. They should engage the public's mind and senses while enhancing and enriching the quality of life of the City. The artwork 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.

Public artworks may include artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.

Public artworks may include sculpture, murals, photography and original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media. If created by an artist as unique elements, public artworks may be architectural features of the building, exterior furnishings or fixtures permanently affixed to the building or the surrounding grounds including walkways, gates, railings, streetlights or seating, or a combination thereof, and may include architectural features of the building.

Public artworks do not include the following:

1. Art objects that are mass-produced of standard design such as playground equipment, benches or fountains;

2. Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect;

3. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist;

4. Directional or promotional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

5. Logos or corporate identity. (Ord. 1111, 2018)

17.310.030 Public art required in certain districts.

A. Public artworks, as defined in SMC 17.310.020, shall be required as part of any private or public construction or reconstruction project located in any commercial or industrial district.

B. *Exceptions.* The requirements of this chapter shall not apply to the following activities:

1. Underground public works projects;

2. Street, sidewalk, trails or pathway construction or repair;

3. Tree planting;

4. Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;

5. Affordable housing construction, remodel, repair or reconstruction projects;

6. Seismic retrofit projects as defined by Sebastopol City policy;

7. Construction, remodel, repair or reconstruction of structures owned and occupied by public-serving social service and nonprofit agencies;

8. Construction or repair of utility pump stations and reservoirs;

9. Fire sprinkler installation projects;

10. Disabled accessibility improvements.

C. Any private, residential-only project as permitted in any district may choose to voluntarily participate in the public art program. Residential developers choosing to voluntarily participate in the program shall follow the procedures set forth in this section. Applicants choosing to

voluntarily participate in the public art program shall provide public art on the project site, as approved by the Public Arts Committee and the Sebastopol Design Review Board.

D. The public art project shall cost an amount not less than one percent of the construction cost for a private or public project as they may relate to that project. The public art may be located:

1. In areas of the site of the building or addition clearly visible from the public street or sidewalk; or

2. On the site of the approved open space feature of the project; or

3. Upon the approval of any relevant public agency on adjacent public property; or

4. In a publicly accessible area of the development project open to the public at least 40 hours a week.

E. The creator of public art shall be a practitioner in the visual arts who is not a member of the project architect, engineering or landscape architect firm. Public art shall be displayed in a manner that will enhance its enjoyment by the general public.

F. Compliance with the provisions of this chapter shall be demonstrated by the owner or developer at the time of filing a building permit application in one of the following ways:

1. Payment of the full amount of the public art in-lieu fee; or

2. Written proof to the Planning Department of a contractual agreement to commission or purchase and install the required public artwork on the subject development site and a written acknowledgment by the project artist and the owner or developer, in a form approved by the City, that the proposed public artwork complies with the following criteria:

a. The art has been approved by the Public Arts Committee;

b. 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 works of art;

c. 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;

d. The artwork 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 Design Review Board, Planning Commission or City Council as it may relate to any development entitlements;

e. Permanent artwork shall be a fixed asset to the property;

f. The artwork shall be maintained by the property owner in a manner acceptable to the City;

g. The artwork meets all building code requirements.

G. In the event owner or developer does not agree with the findings and decisions of the Design Review Board and/or Planning Commission, the owner or developer may appeal those findings and decisions to the City Council.

H. The owner or developer shall provide the City with proof of installation of the required public artwork on the development site prior to the issuance of a certificate of occupancy. In the alternative, the owner/developer may post a bond in the amount of the in-lieu fee to be reimbursed upon completion of the artwork.

I. Title to all artworks required by and installed pursuant to this chapter shall pass to the successive owners of the development. Each successive owner shall be responsible for the custody, protection and maintenance of such works of art.

J. If, for any reason, the current owner shall choose to replace any public artwork installed pursuant to this chapter, the following requirements shall be met before the artwork is replaced:

1. The cost of the replacement shall be equal to, or greater than, the cost of the art to be removed.

2. The location of the replacement shall meet the requirement for public accessibility in effect at the time of the replacement.

3. The replacement art shall conform, in every respect, to all standards in effect at the time of the replacement.

4. The replacement work, location and installation shall violate no other chapter.

5. The replacement art shall be available for public view not more than 180 days after the existing art is removed, unless the period is extended by the Planning Director. (Ord. 1111, 2018)

17.310.040 Public Arts Committee.

A Public Arts Committee will be maintained by the City. Terms of office for each of the Committee members shall be four-year, staggered terms. Said Committee shall be comprised of five members as follows:

A. Members of the Committee shall be appointed by the City Council.

B. Prior to making any appointments, the City Council will seek the input and nominations for potential Committee members from City-based registered nonprofit art organizations, entities, facilities, schools, etc.

C. Preference will be shown to City residents and persons who own a business or work in the City; however, qualified candidates from the greater Sebastopol and Sonoma County area will be considered. In making appointments, the City Council shall consider the following categories:

1. Active members of a City-based, art focused, registered nonprofit organization, entity or facility.

2. Persons with experience in the public art field as either an artist, installer or designer.

3. Members of the general public.

4. A member of the Design Review Board.

D. In the event suitable candidates satisfactory to the City Council in the above categories are not available to serve, the City Council may then select any person or persons in their discretion.

The Committee shall maintain a registry of public art in the City and perform the duties required of this chapter and any other chapter or resolution of the City Council pertaining to the City's public art program.

In addition to development related public art projects or public art projects funded by the public art fund, the Committee shall review and provide recommendations to the City Council on nondevelopment-generated public art projects. (Ord. 1111, 2018)

17.310.050 Public art fund.

All fees collected under this chapter shall be held in a special fund designated a public art fund, maintained, managed and reviewed by the City Manager, or his/her designee. The City Manager shall, as part of the City's annual budget process, estimate the administrative costs of the public art program for the given fiscal year. The annual expenses shall not exceed 20 percent of the estimated revenue from in-lieu fee payments. The annual budget and all revisions for the public art fund shall be subject to the review and approval of the City Council.

The City Council may, as funds are available, seek proposals for a public art project utilizing the available funds in the public art fund for such effort. The City Council will invest in the Public Arts Committee the responsibility to develop a plan for the project. Such plan shall include:

A. Artistic objectives.

B. Proposed site or sites.

C. Desired type of art that is proposed.

D. A preliminary budget and schedule for the project.

E. Project management recommendations.

F. Other objectives.

Upon receipt and approval of this plan, the City Council will authorize City staff, in conjunction with the Public Arts Committee, to develop a formal request for proposals for the project. Staff and the Public Arts Committee will review the proposals received and provide recommendations to the City Council for acceptance.

The City Council, if sufficiently satisfied with the proposals, will make the final decision to enter into a contract for the project. The actual development of the project will be overseen by the City, and/or its contractors, assigns or designees. (Ord. 1111, 2018)

17.310.060 Applicability.

The provisions of this chapter shall apply to any project that receives any required entitlement approvals, tentative map, rezoning or pre-zoning, major design review, or General Plan amendment from the Planning Commission and City Council 60 days after the effective date of the ordinance codified in this chapter. If a building permit only is required and none of the circumstances listed in this section apply to the application, then the building permit must be issued for the project prior to the effective date of the ordinance codified in this chapter. However, when a development agreement or some other agreement authorized by the City Manager is in place that clearly establishes provisions for the payment of in-lieu fees, said project may also be exempt from the requirements of this chapter. (Ord. 1111, 2018)

17.310.070 City Council review.

The City Council shall review the provisions of this chapter and the effectiveness of the public art program as it deems necessary. (Ord. 1111, 2018)

The Sebastopol Municipal Code is current through Ordinance 1169, passed September 1, 2026.

Disclaimer: The City Clerk's Office has the official version of the Sebastopol Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.sebastopol.ca.us

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