

RESOLUTION NUMBER 5599

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ESTABLISHING PUBLIC ART FEES APPLICABLE TO NEW INDUSTRIAL DEVELOPMENT PURSUANT TO MUNICIPAL CODE CHAPTER 5.60

WHEREAS, the City of Perris ("City") is able to impose public art fees ("Public Art Fees") on new industrial development projects to enhance the quality of life for city residents, workers, and residents; and

WHEREAS, the City is considering the adoption of Ordinance Number 1384 which will add Chapter 5.60 to the Perris Municipal Code ("Chapter 5.60"), to establish Public Art Fees on new industrial development to fund the Public Art Initiative to provide opportunities for residents and visitors to experience artistic, historic, memorial and cultural aspects of Perris through the placement of artwork in public spaces and support a range of artistic, musical, and cultural activities, programs, and venues, that may include but are not limited to, youth-oriented public art events, live theatre, music and dance festivals, museum activities, music and arts education, memorial and murals, and facilities that support the creation, performance, and exhibition of art ("cultural and artistic resources"); and

WHEREAS, the City conducted an analysis of public art fees that examined local and regional municipalities that have implemented a Public Art Fee Program and calculated the appropriate level of the related fees, which is attached hereto as Exhibit "A" and incorporated herein by this reference ("Analysis"); and

WHEREAS, the City Council now desires to establish the amount of the Public Art Fees based upon the Analysis; and

WHEREAS, this matter was duly noticed and agendized for a public hearing pursuant to Government Code Section 6062a, and all written and oral testimony received during the hearing, and the staff's report and responses to such written and oral testimony, were reviewed and considered by the City Council; and all persons appearing in favor of or in opposition of the recommendation to adopt this Resolution were given the opportunity to be heard in connection with this matter.

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein as if set forth in full.

Section 2. CEQA. This resolution was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that this resolution is not a "project" for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it merely establishes or updates an existing funding mechanism and its related

administrative process and will not result in direct or indirect physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if this resolution were a project for the purposes of CEQA, there is no possibility that this project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, this resolution is not subject to CEQA.

Section 3. Analysis of Public Art Fees. Based on the information contained in the Analysis presented to the City Council on September 24, 2019, and the oral and written testimony received during the public hearing, the City Council finds as follows:

A. In order to increase awareness and enrichment of Public Art, the City has established Public Art Fees and makes certain statutory findings regarding the relationships between the types and amounts of the Public Art Fees, the types of development projects, and the need for public art and public facilities pursuant to the Mitigation Fee Act. This is done to ensure that the Public Art Fees paid by developers are proportional to the effects of their development.

B. The City studied and analyzed local and regional municipalities that have implemented a Public Art Fee Program and calculated the appropriate level of Public Art Fees related to the acquisition, design, development, and construction of cultural, memorial and artistic resources within the city, including, but not limited to, visual artwork, the performing arts, architectural resources, and art enrichment programs to enhance the quality of life of residents, visitors, and workers. The Public Art Fees Analysis dated September 13, 2019, attached hereto as Exhibit "A" and incorporated herein by this reference, ("Analysis") provides the analysis for imposing Public Art Fees on new industrial development projects.

C. Funding from existing fees cannot be used to fund the Public Arts Initiative (PAI) necessary to establish public art projects throughout the City, as well as providing art enrichment related activities for the community. Further, without the establishment of Public Art Fees, existing and known funding sources will be inadequate to provide necessary improvements to the Public Art Initiative.

D. The PAI addresses Policy Area 4 as set forth in the General Plan Healthy Community Element adopted on June 9, 2015 by City Council, which facilitates the creation and maintenance of spaces for public recreation. This policy will promote public spaces that foster positive human interaction and healthy lifestyles and encourage the development and display of public art to promote the history, heritage, and culture of Perris.

E. The future industrial development proposed in the City will adversely affect the City's facilitation of providing avenues for public art display, public art facilities, and public art programming for residents unless such development contributes to the cost of sustaining and improving the PAI.

F. The failure to adjust for these changes and provide revenue for the PAI will substantially diminish the acquisition, design, development, and

construction of cultural and artistic resources. Cultural and artistic resources that include visual artwork, the performing arts, and architectural resources, enhance the quality of life.

G. There is a reasonable and rational relationship between the use of the Public Art Fees and industrial development projects on which the fees are imposed because the fees will be used to implement improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the industrial development projects on which the fees will be levied.

H. The cost estimates set forth in the Analysis are reasonable cost estimates for the ongoing efforts to preserve the City's identity and culture, inspire youth to develop their passion in the arts, partner with professional artists, and create resource opportunities to implement objectives and the amount of the Public Art Fees expected to be generated by new industrial development will not exceed the total "fair share" cost to such development.

I. There is a reasonable relationship between the future growth in the City of Perris and the Public Art Initiative. Among the factors in this conclusion are: (1) the City is expected to continue growing as a result of future new industrial development; (2) continuing new growth without new public art improvements will result in the diminishment of opportunities for the creation of cultural and artistic resources in the City; and (3) the creation of cultural and artistic resources in the Public Art Initiative are critically needed to enrich the City's culture.

J. Based on the foregoing findings, the information contained in the Analysis, and the oral and written testimony received during the public hearing, the Analysis is hereby approved and adopted by the City Council. The Analysis is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 4. Public Art Fees – Industrial. 60 days from the Effective Date of this Resolution, as stated in Section 9 below, the Public Art Fees relating to the Public Art Initiative for new industrial development projects shall be the fees listed in the Industrial Public Art Fee Table attached hereto as Exhibit "B" and incorporated herein by reference. All industrial projects, or portions thereof, shall pay the Public Art Fees imposed by this Resolution and in effect at the time a building permit is issued. No building permit shall be issued until such fee has been paid.

Section 5. Use of Public Art Fees. The Public Art Fees imposed and collected by the City shall be used to fund the Public Art Initiative in accordance with Chapter 5.60, and this Resolution, and shall not be used to correct current deficiencies in public facilities due to existing or prior industrial development or to make improvements relating to existing industrial development.

Section 6. Administrative Appeal Procedures. All determinations as to whether a development project or applicant is subject to or has met the requirements of this Resolution shall be made in writing by the Director of Planning upon request, and shall be appealable to the City Manager, whose decision shall be final. A written request for a

determination must be submitted in writing to the Director of Planning along with all relevant information supporting the request. The Director of Planning shall make a determination within 14 days after receiving a written request, although such time may be extended if the Director of Planning requires the submittal of additional information necessary to make a determination.

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 8. Effective Date. This Resolution shall be effective on the same date that Ordinance No. (next in order) is effective.

Section 9. Certification. The City Clerk shall certify as to the passage and adoption of this Resolution and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 24th day of September 2019.

Michael M. Vargas, Mayor

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 5599 was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 30th day of July, 2019, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, MAGAÑA, CORONA, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

City Clerk, Nancy Salazar

EXHIBIT "A"

ANALYSIS

[On Following Pages]

EXHIBIT "B"

Industrial Public Art Fee

The amount of Public Art Fee that is due for Industrial Development shall be 1% of total building permit valuation costs.