

LEGISLATIVE DIGEST

(Duplicated in Committee – December 11, 2023)

[Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects]

Ordinance amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions; affirming the Planning Commission’s determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Sections 429 et seq. establish a program that requires public artwork for certain projects. Section 429.4 includes provisions for removal, relocation, or alteration of existing artwork installed under the Planning Code requirements. Section 315(b) defines 100% affordable housing project as a project that is restricted for a minimum of 55 years or the life of the project as affordable for “persons and families of low or moderate income,” as defined in California Health & Safety Code Section 50093.

Amendments to Current Law

This ordinance would eliminate the public art requirements for 100% affordable housing projects. The legislation also would create a process for the Planning Department to allow removal, relocation, or alteration of existing public artwork at such projects if, among other requirements, the artwork has been vandalized or severely compromised and the required authorization to remove, relocate, or alter the artwork has been obtained from the artist. This process would involve a publicly noticed Zoning Administrator hearing. The ordinance also makes various findings including environmental findings, General Plan findings, and the Planning Code Section 101.1 eight priority policy findings.

Background Information

The recently enacted Housing Element’s Policy 8.6.5 proposes removal of Planning Code Section 429 public art requirements for 100% affordable housing projects in order to make such projects more financially feasible.