

Amendment 15 to Council Bill No.59-2009 (as amended)

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and at the request of the County Executive

Legislative Day No. 2
Date: February 1, 2010

Amendment No. 15

(This amendment clarifies the public art requirement.)

1 On page 15, strike line 28 through line 10 on page 16 and substitute:

2
3 “(D) PROVIDE ART IN DOWNTOWN REVITALIZATION DEVELOPMENT THAT IS EQUIVALENT
4 IN VALUE TO 1% OF THE BUILDING CONSTRUCTION COST.

5 (1) ART MUST BE PROVIDED

6 a. ON SITE;

7 b. ON OTHER PROPERTY LOCATED WITHIN DOWNTOWN REVITALIZATION
8 DEVELOPMENT PROVIDED WITH THE WRITTEN CONSENT OF THE OWNER
9 OF THE FEE SIMPLE PROPERTY, OR

10 c. THE PETITIONER MAY PAY A FEE IN-LIEU OF PROVIDING ART ON-SITE
11 THAT IS EQUIVALENT IN VALUE TO 1% OF THE BUILDING CONSTRUCTION
12 COST.

13 (2) ART MAY BE PROVIDED IN COMBINATION WITH OTHER DOWNTOWN
14 REVITALIZATION DEVELOPMENTS.

15 (3) EACH IN-LIEU FEE MUST BE PAID PRIOR TO ISSUANCE OF A USE AND OCCUPANCY
16 PERMIT FOR THE FIRST BUILDING IN THE PROJECT THAT GENERATES THE
17 REQUIREMENT, AND THE COLLECTED FUNDS MUST BE USED TO PROVIDE ART ON
18 PROPERTY WITHIN DOWNTOWN REVITALIZATION DEVELOPMENTS.

19 (4) IF THE VALUE OF ART PROVIDED ON SITE OR IN COMBINATION WITH OTHER
20 PROJECTS EXCEEDS 1% OF THE BUILDING CONSTRUCTION COST, THEN THE
21 EXCESS VALUE BEYOND 1% CAN BE CREDITED TOWARDS THE REQUIREMENTS OF
22 THIS SUBSECTION FOR A SUBSEQUENT FINAL DEVELOPMENT PLAN SUBJECT TO
23 THE PROCEDURES AND REQUIREMENTS SET FORTH IN THIS SUBSECTION.”