

Alternative Equivalent Proposal for Public Art for Heart in the Park

City Council Meeting of June 13, 2022



Applicant and Owner

Steve Garrett, Lucido and Associates acting as the agent for
Mattamy Palm Beach, LLC



Subject property



Public Art Requirements

- All private development meeting the applicability requirements is subject to a public art assessment of one percent of the total dollar amount of a project's total construction costs.
- The public art assessment is capped at \$100,000.
- Section 162.08 of the Code allows a developer to elect one of four assessment methods:
 1. on-site artwork;
 2. contribution to fund;
 3. on-site artwork and contribution to fund; or
 4. submittal of an alternative equivalent proposal



Alternative Equivalent Proposal

- A developer can apply to combine the public art assessment associated with multiple projects into one larger work of art in lieu of several small works of art and submit a proposal for freely accessible work of art on City public right-of-way, on property owned by other public agencies, or on another property under the control or ownership of the developer.
- A developer must demonstrate that the cost of the alternative equivalent proposal will equal the cost of the public art assessment otherwise required under Section 162.08 and not create unbudgeted costs for the City.



The City may approve if it finds that:

- The alternative equivalent proposal will further the purposes of the Public Art Ordinance.
- The proposed location of the alternative equivalent proposal is in reasonable proximity to the location of the site(s) generating the work of art requirement, in order to avoid clustering of all public art in one location.
- The cost of the proposal will be equal to or greater than the cost of the public art assessment that would otherwise be required for each individual project; and
- The developer has established to the satisfaction of the City that the alternative equivalent proposal will create freely accessible public art in the City to an equal or greater extent than installation of the public art on the individual project site or a contribution to the Fund.
- In approving a proposal, the City may impose reasonable conditions of approval requiring the developer to enter into agreements with the City or other public agencies or private parties in order to memorialize the legal obligations of all parties involved with the alternative equivalent proposal.



“HEART to HEART” PROPOSAL

- Estimated value of \$4.5 million to be used to vest the public art requirements for a list of approved, proposed, and future projects in the Southern Grove DRI, the Tradition DRI, and the Western Grove DRI.
- Submittal includes a list of project whose public art assessment would be covered under the
- “HEART to HEART” Sculpture (Identified Projects).



Proposal



Recommended Conditions of Approval

- All agreements between Mattamy and other entities for operation, maintenance, transfer of ownership be submitted for approval by City first.
- Restrictive Covenant required to ensure retention and maintenance of the “HEART to HEART” Sculpture.
- Shared access and shared parking agreement with the adjacent property owner (Telaro at Southern Grove Plat 2, Commercial Tract A) is required as part of the approval of the associated Heart in the Park Site Plan (P22-109).
- Only the projects listed on the Identified Projects list are eligible to meet their public art requirements through the value of the “HEART to HEART” Sculpture.
- A detailed cost estimate and a surety, are required before Mattamy can utilize any value of the “HEART to HEART” Sculpture to fulfill the Identified Projects Public Art Requirements.
- The actual cost of the HEART to HEART Sculpture has to be provided to the City within thirty (30) days of the certificate of occupancy being issued for the Heart in the Park Site Plan (P22-109). Only components of the sculpture specifically defined as “*Art, artwork or work of art*” per Code may comprise the elements utilized to determine the actual valuation of the “HEART to HEART” Sculpture.



Recommendation

The Public Art Advisory Board recommended approval at the May 16, 2022 PAAB meeting.

