

DATE ISSUED: March 11, 2004

REPORT NO. 04-053

ATTENTION: Natural Resources and Culture Committee
Agenda of March 17, 2004

SUBJECT: Public Art Master Plan

SUMMARY:

Issues: 1) Should the Natural Resources and Culture Committee (NR&C) advance the Public Art Master Plan for approval by City Council and direct the City Attorney to prepare an Ordinance and Council Policies to implement the program as outlined in this report?
2) Should the Manager recommend the establishment of a Civic Design Commission as requested by the Natural Resources and Culture Committee?

Manager's Recommendation: 1a) Advance the Public Art Master Plan in concept to City Council for approval, 1b) Direct the City Attorney to draft a Council Policy as applied to eligible Public Works projects to implement the program as outlined in this report, but waive the Council Policy as it applies to Public Works projects for FY05, 1c) Direct the City Attorney to draft an Ordinance as applied to Private Development and Redevelopment projects to implement the program as outlined in this report. 2) In light of the ongoing efforts undertaken by the Park and Recreation and the Engineering and Capital Projects Departments to streamline the design review process, which already include exhaustive community input and review, the Manager recommends not establishing a Civic Design Commission.

Other Recommendations: Following the NR & C meeting on January 28, 2004, Frank Belock requested that key City staff meet with Commission staff. Meetings were held with department heads and program managers who have oversight of CIP Projects. Commission staff also met with business leaders and various community planning groups. These meetings, along with further analysis by the Commission staff, yielded recommendations for new criteria to be used to determine which City of San Diego Capital Improvement Program projects are eligible for the 2% public art assessment in addition to the criteria already set forth by the Public Art Master Plan.

A CIP is not eligible if:

- It is a CIP for which City Council has authorized expenditures prior to FY2005.
- It is funded by an Annual Allocation.
- It is solely two-dimensional, such as slurry seal or restriping.

- It is intended to meet affordable housing goals, senior care goals, or disabled care goals.
- It is an improvement to a designated historical building.
- It is a "provide and install" tot lot or comfort station.

Furthermore, based on discussions held between Commission for Arts and Culture staff and representatives from each City department with relevant Capital Improvement Program projects, the 2% allocation for art should be calculated using the following formula:

2% of Pre-Design, Design, Construction and Contingency costs, excluding the costs of Land Acquisition, Furniture-Fixtures-Equipment, and Library Books.

Commission for Arts and Culture's Recommendation: Advance the Public Art Master Plan for approval by City Council.

Summary of Council Policy as applied to eligible Public Works projects

- 1) The San Diego City Manager shall propose that the City's Public Art Program be annually funded by 2% of eligible Capital Improvement Program project budgets in excess of \$250,000. The City Council, in its discretion, may appropriate any amount equal to, less than, or in excess of the Manager's recommended appropriations.
- 2) In Capital Improvement Program projects that are supported by Enterprise Funds, the public art allocation which is authorized by the City Council shall be applied only to above-grade improvements and expended only for artworks placed at the project site. In cases where the source of funding for a Capital Improvement Program project is derived from bonds, loans, or grants, those funds shall be segregated from other funding sources and expended in accordance with the restrictions, covenants, or conditions of those bonds, loans, or grants.

Summary of Ordinance as applied to Private Development and Redevelopment projects

- 1) 1) For private development projects, the City Council shall establish, by ordinance, a 1% set-aside for public art enhancement. The 1% public art requirement may be satisfied by the financing of cultural and artistic facilities, an on-site artwork, the financing of an artwork which will be donated to the City, or the deposit of one-half that amount into the Public Art Fund account to be used for the artistic and cultural enhancement of the City's public spaces. The public art financial requirement shall be based on 1% of the building permit valuation. The public art financial requirement shall be imposed on all private, non-residential development projects with building permit valuations over \$5 million.
- 2) The City Council shall also establish, by ordinance that Public Improvement Contracts awarded by the Redevelopment Agency within Redevelopment Agency areas would provide that 2% of project funds be allocated for public art. Redevelopment Agency funds must be expended on public art in the Redevelopment Agency project area, but any

work of public art which is funded through Redevelopment Agency Public Improvement contracts need not be located at the site of a specific Redevelopment Agency project.

Procedural History

- 1) On October 17, 2003, the City of San Diego Commission for Arts and Culture unanimously approved the Public Art Master Plan (11-0-0). On January 5, 2004, the City of San Diego Commission for Arts and Culture held a special meeting to review and revise Recommendation 6.6 (Public Art in Private Development) in the Public Art Master Plan. The vote in favor of revising the recommendation was 15-0-0.
- 2) On October 23, 2003 the Public Art Committee unanimously approved the Public Art Master Plan. The vote was 6-0-0 with five additional affirmative votes obtained via email.
- 3) On September 18, 2003 the Public Art Master Plan Steering Committee unanimously approved the Public Art Master Plan.

Fiscal Impact: Contingent upon City Council approval, the Public Art Program will be funded annually by 2% of eligible Capital Improvement Program projects and Redevelopment Agency projects with budgets over \$250,000. The approval of the percent for art recommendation is estimated to have a fiscal impact of approximately \$300,000 on the City of San Diego in FY2005, based on the budgets for eligible Capital Improvement Program projects listed in the FY2004 Budget. The fiscal impact of the percent for art requirement is contingent on the annual approval of the City Manager's recommendations for funding allocations for public art by City Council. Additional factors affecting the total fiscal impact include the availability of funds for Capital Improvement Program projects and the schedule for completion of Capital Improvement Program projects.

BACKGROUND:

In its best realization, public art has the power to transform communities, energize their population, inspire enthusiasm about the built environment, and engender ownership in artworks and the neighborhood at large. Public art has turned communities from anonymous series of spaces into rich landscapes that reflect history, embrace and honor cultural differences, teach social values, and help us to be better citizens. The overriding goal of the City of San Diego Commission for Arts and Culture's Public Art Program should be the creation of a diverse collection of public artworks of undisputed quality and excellence.

The City of San Diego initiated its Public Art Program in 1984, when it established a Public Art Advisory Board. It created a Fund for Public Art in 1985, when it adopted ordinance 0-86-77, codified in San Diego Municipal Code 26.0701 – 26.0707. The Fund for Public Art was financed by 1% of the City's Capital Outlay Fund.

The Public Art Advisory Board was disbanded in 1988, when the City of San Diego Commission for Arts and Culture was created. The Commission subsequently formed an Art in Public Places Committee. (Since renamed the Public Art Committee, it still actively oversees the current program.)

In the early 1990s, the City ceased the flow of 1% of the Capital Outlay Fund into the Public Art Fund. From this point, funding for public art was mainly determined by City department heads and project managers responsible for Capital Improvement Program projects, and administrative expenses were covered by a variety of sources such as grants. Although the hope has always been that the Public Art Fund would be financed through a percentage of the Capital Improvement Program project budget, that method has never been approved by City Council.

As a response, the Commission for Arts and Culture developed a pilot program called the Public Art Master Plan in the early 1990s, and involved communities and artists in the development and creation of site specific artwork. Soon after, the City Council adopted Policy 900-11 *Artist(s) Involvement in Selected Capital Improvement Projects*. Council Policy 900-11 does not outline specific funding sources for public art. Council Policy 900-11 is a companion to ordinance 0-86-77.

In 2000, Commission staff began the process of assessing the Public Art Program, starting with a series of Roundtable Forums on Public Art. The Forums resulted in a series of suggestions about how to address many of the program's issues. The assessment included a *Public Art Program Report*, completed by an independent consultant. The Report discussed potential funding scenarios for the City's Public Art Program and called for a comprehensive master planning process.

The Public Art Master Plan was initiated in order to examine means of strengthening the existing Public Art Program, and the feasibility of establishing a program with broader applicability and significance for our residents and visitors.

In 2001, Jerry Allen and Associates were selected from a group of qualified consultants to perform a study, make recommendations, and draft the San Diego Public Art Master Plan.

The planning processes undertaken by Jerry Allen and Associates in developing the Public Art Master Plan employed the following approaches:

1. The consultant team reviewed and studied literature provided by the City, including local and regional plans, Capital Improvement Program project budgets, state and local reports, marketing literature, census data, granting information and other materials.
2. The consultant team presented three slide shows to the general public and to City staff. These slide shows were: A History of Public Art, Public Art in California, and Public Art: The Year in Review.

3. The City of San Diego Commission for Arts and Culture appointed a 30-member Public Art Master Plan Steering Committee to provide initial direction to the consultant team and to provide feedback on findings and recommendations throughout the process. The Steering Committee has met seven times.
4. Key person interviews were conducted with over 150 leaders from the arts, government, business and community associations. In these meetings, facts and opinions were solicited on San Diego's public art program and its policies and projects, in order to develop a comprehensive picture of the program.
5. Focus groups were held and facilitated by the consultants, in which individuals sharing a common interest and expertise were convened to review the major issues.
6. Public artist Jack Mackie conducted a series of three workshops and *charettes* for local artists, design professionals and project managers.
7. The plan has been reviewed and modified through an extensive series of meetings and presentations with key stakeholders, including the Commission for Arts and Culture, the Public Art Master Plan Steering Committee, the Public Art Committee, City officials and others.

DISCUSSION:

The resulting Public Art Master Plan focuses on strengthening the City of San Diego's Public Art Program through two avenues. The first is by increasing the opportunity for meaningful community involvement and participation in the program while increasing general awareness of the program. The Plan contains recommendations on modifying the process of project and artist selection to provide for greater community involvement; ways of collaborating with other city departments and independent agencies in the City of San Diego; means of providing important training and job opportunities for local artists; and allying public art with larger community and urban design issues in the city.

The second avenue centers on the administration and organization of the Public Art Program, including funding. The plan presents means of streamlining the program's processes. It discusses means for funding public art programs and provides a comparison with comparable cities' programs. The planning process involved extensive discussions about the feasibility of the establishment of a required percent-for-art city policy, and a similar requirement for private development. The plan includes a set of recommendations on means for solidifying financial support for the program through a variety of funding streams, including public and private participants.

The plan also contains a policy, a set of guidelines, and principles for the Commission's Public Art Program, outlining the future administration of the program in order to implement the steps recommended in the report.

ALTERNATIVES:

Advance the Public Art Master Plan for approval by City Council with modifications and direct the City Attorney to prepare Ordinances and City Policies that implement the program with modifications.

Respectfully submitted,

Victoria L. Hamilton
Executive Director
Commission for Arts and Culture

Bruce A. Herring
Deputy City Manager

BH/VLH/lf/da

Note: Attachment 1 is not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. Public Art Master Plan
2. [Council Policy - 900-11](#)
1. 3. [Council Policy - 100-2](#)
4. [Comparison Charts: Public Art Programs](#)