



DATE: May 28, 2015

AGENDA ITEM # 3

TO: Public Arts Commission
FROM: Jon Maginot, Staff Liaison
SUBJECT: Public art funding options

RECOMMENDATION:

Discuss the public art funding ordinance and provide feedback for the Planning and Transportation Commission

BACKGROUND

The Public Arts Commission (PAC) 2015/16 Work Plan includes an assignment to “explore and recommend funding options for public art projects.”

DISCUSSION

On December 11, 2014, the PAC discussed and recommended the City Council adopt an ordinance establishing a development fee to fund public art. On January 27, 2015, the City Council reviewed the proposed ordinance and asked staff to provide additional information related to implementing an ordinance. This information was presented to the City Council on April 28, 2015. At that meeting, the Council directed that staff present a variety of questions to the PAC. After receiving further input from the PAC, the ordinance is to be presented to the Planning and Transportation Commission for their review.

The City Council raised three main questions: 1) What is the goal of the fee? Should the ordinance focus on placing art within developments or should it focus on collecting funds for the City to use? 2) Should the ordinance look at different requirements for different zones? 3) Can the ordinance address how the funds will be used?

Various changes to the ordinance have been proposed to address some of the Council questions. The public art funding subcommittee has reviewed the changes to the ordinance.

Attachment: Draft public art funding ordinance

ORDINANCE NO. 2015-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS TO PROVIDE PUBLIC ART**

WHEREAS, public art enhances the quality of life in a community, fosters economic development and creates inventive and/or stimulating public spaces; and

WHEREAS, public art provides an intersection between the past, present and future as well as between disciplines and ideas; and

WHEREAS, published data strongly indicates that cities with an active and dynamic cultural scene are more attractive to individuals and businesses; and

WHEREAS, Los Altos can create diverse interactive and exciting art experiences for the community with public art in the civic center, community plazas, parks, buildings and other public spaces throughout the City; and

WHEREAS, private, non-residential construction projects in the City of Los Altos can contribute to funding the creation, installation, and administration of public art; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter XX.XX “Public Art Funding” is hereby added as follows:

“Chapter XX.XX – “Public Art Funding”

XX.XX.010 – Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Chapter XX.XX.

- A. “Nonresidential development” shall mean the construction of commercial, mixed-use, office and industrial projects, which are not intended for residential purposes.
- B. “Publically accessible art” shall mean art which can be reasonably viewed or experienced from within the public right-of-way or to which access is unrestricted to members of the public at any time of day.

- C. “Total construction costs” shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).

XX.XX.020 – Los Altos Public Art Fund

There is hereby created a Los Altos Public Art Fund, which funds shall be restricted to the implementation of the Los Altos Public Art Program, as set forth in the Los Altos Capital Improvement Program. Such funds may be used to acquire, place, maintain and promote temporary and permanent art on public property throughout the City.

XX.XX.030 – Contribution Requirements

- A. R1-10, R1-H, R1-20, R1-40. Private developments within the R1-10, R1-H, R1-20 and R1-40 districts shall be exempt from the requirements of this chapter.
- B. R3-4.5, R3-5, R-3-3, R3-1.8, R3-1. Private developments of four (4) or more units and subject to design review approval within the R3-4.5, R3-5, R-3-3, R3-1.8 and R3-1 districts shall contribute an amount of one percent (1%) of construction costs to the Los Altos Public Art Fund to be used pursuant to Section XX.XX.020.
- C. OA, CD/R3, CN, CD, CT, CRS, CRS/OAD, PCF, PCF/R1-10. Private building developments with total construction costs in excess of three hundred thousand dollars (\$300,000) and subject to design review approval within the OA, CD/R3, CN, CD, CT, CRS, CRS/OAD, PCF, PCF/R1-10 districts shall devote an amount not less than one percent (1%) of such costs for the acquisition and installation of publically accessible art on the development site. At the discretion of the owner or developer, and in-lieu of developing on-site public artwork, a Public Art in-lieu contribution may be placed into the Los Altos Public Art Fund to be used pursuant to Section XX.XX.020.

XX.XX.040 – Application procedures for placement of required public art on private property

An application for placement of public art on private property shall be submitted as part of the plans and application for design review submitted pursuant to Chapter 14.78.030.D and shall include:

- A. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including

compatibility with the character of adjacent conforming developed parcels and existing neighborhoods; and

- D. A narrative statement or plan that demonstrates the public art will be displayed in a publically accessible manner. Publically accessible shall mean an area or form which is reasonably open to the general public at all times of day.

XX.XX.050 – Approval for placement of public art on private property

Applications for placement of public art on private property shall be reviewed by the Public Arts Commission for recommendation of approval prior to final review of the application as a whole by the City Council. All approvals for placement of public art on private property shall be obtained prior to issuance of a building permit.

XX.XX.060 – Violations of this Chapter

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any discretionary permit granted to any owner or developer who violates the provisions of this Chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2014 and was thereafter, at a regular meeting held on _____, 2014 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jan Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK