



DATE: December 11, 2014

AGENDA ITEM # 3

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

RECOMMENDATION:

Discuss public art funding options

BACKGROUND

The Public Arts Commission (PAC) 2014/15 Work Plan includes an assignment to “explore and recommend funding options for public art projects.” On August 28, 2014, the PAC discussed various funding options.

DISCUSSION

The subcommittee of Commissioners Ellickson, Land and McBirney are working with staff to develop a development percentage policy for funding of public art to recommend to City Council. The subcommittee and staff have worked on a draft ordinance for establishing a development percentage fee for public art.

Attachment: Draft Art Financing Ordinance

ORDINANCE NO. 2014-___

**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 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 our 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 will 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 3.50 “*Public Art Funding*” is hereby added as follows:

“Chapter 3.50 – “*Public Art Funding*”

3.50.010 – Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Chapter 3.50.

- A. “Nonresidential development” shall mean the construction of commercial, mixed-use, office and industrial projects, which are not intended for residential purposes.

- B. "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).

3.50.020 – 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 public art on public property throughout the City.

3.50.030 – Contribution Requirements

- A. Private Developments. Private nonresidential building developments with total construction costs in excess of three hundred thousand dollars (\$300,000) and subject to design review approval shall devote an amount not less than one percent (1%) of such costs for the acquisition and installation of publicly accessible art on the development site. Private residential and live-work building developments of four (4) or more units and subject to design review approval shall devote an amount not less than one percent (1%) of such costs for the acquisition and installation of public accessible art on the development site.
1. 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 for acquisition and placement of public art throughout the City.

3.50.040 – 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 to demonstrate that the public art will be displayed in an open area and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site.

3.50.050 – 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.

3.50.060 – 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 __. 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 __. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION __. 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