



**REPORT TO MAYOR AND CITY COUNCIL**

AGENDA ITEM

TO: THE HONORABLE MAYOR  
AND CITY COUNCIL

DATE: May 20, 2008

SUBJECT: Art in Public Places

**Report in Brief**

The Woodland art community and in particular the Woodland Art Center have supported an Art in Public Places (APP) program and an APP Ordinance has been prepared with the extensive assistance from representatives of the Woodland Art Center. While the City Council and the Planning Commission have expressed their support for public art on many occasions, there remains uncertainty over how to administer public art and the level of City participation in public art.

Staff recommends that the City Council direct the Planning Commission to hold a public hearing and make a recommendation to the City Council on the City's level of participation in an APP program. Staff also recommends that the City Council provide the Planning Commission with direction on the City's level of participation in APP. Options for APP which range from the creation of a comprehensive Civic Art Commission to no change/maintenance of the existing public art requirement as outlined in the Discussion section of this report.

**Background**

The City Council has been involved in discussions on Art in Public Places (APP) since the late 1980s. In December 2003, the Woodland Art Center offered to prepare an APP Ordinance for the City. The following year, the Woodland Art Center submitted a proposal for an APP Program to the City. Among other recommendations, the proposal recommended that the City adopt an APP Ordinance in order to create a Civic Art Commission and provided copies of ordinances adopted by communities in California and in other states. The commission would be composed of two Planning Commissioners, two representatives from local non-profit art organizations, two artists at large, and one resident. Representatives of the Woodland Art Center have spent a considerable amount of time and effort over a four-year period working with the City Council, Planning Commission, and City staff on the APP Ordinance and related matters. Discussions on the APP concepts occurred at both the Planning Commission and City Council levels, and it appears that the last discussion occurred during the City Council meeting of September 27, 2005. Representatives of the Woodland Art Center drafted an ordinance for the City in either 2004 or 2005 and the ordinance went through a number of revisions based on City staff and legal reviews and discussions with Woodland Art Center representatives. The latest version of the APP Ordinance, dated June 1, 2006, is attached.

A public art requirement was added to the City's Community Design Standards during the 2004 update of the standards in order to require the inclusion of public art into the development of all commercial and industrial projects. The Planning Commission reviews and approves public art.

*Excerpt from Page 36 of Community Design Standards:* **Incorporate public art into the development of all commercial and industrial projects. Public art is subject to the review of the Planning Commission or other such body established by the City Council. (City Council to review Public Art policy from Woodland Art Center)**

One recent example of public art is the *Tree of Life* free standing sculpture that was approved by the Planning Commission in February and will be installed at the main entrance to the new Woodland Healthcare building located on Cottonwood Street near the intersection of Cottonwood and Gibson Road. The sculpture was designed by nationally recognized artist Mark Abildgaard. The Yolo County Arts Council recommended Abildgaard and his artwork for the Woodland Healthcare building. Please find attached a copy of the *Tree of Life* sculpture.

The APP Ordinance makes a number of significant changes to the City's current public art policy by establishing a seven-member, City Council-appointed Civic Art Commission as well as creating a public art program and fund. The Civic Art Commission would be responsible for administering the Woodland Public Art Program and serving as the public art jury. The ordinance broadens the existing public art requirement by including all new residential development of more than four units, and all commercial, industrial, and public building development projects with a building valuation exceeding \$500,000. A number of projects are exempt from the public art requirement including affordable housing, senior housing, and earthquake rehabilitations. Applicable projects would be required to provide an amount equal to one-percent of the total building valuation excluding land acquisition and off-site improvement costs for funding public art projects. This is known as the "Program Allocation" and it can be satisfied by installing an approved art work on private property, donating an approved art work to the City, or paying an in-lieu fee.

### **Discussion**

The City Council and Planning Commission discussions on the APP Ordinance have centered on the Program Allocation aspect which establishes a specific funding level, currently proposed for one-percent of the building valuation. Concerns have been expressed at the City Council and Planning Commission about the establishment of art fees. The Program Allocation can be satisfied through the installation of art, donation of art, or the payment of an in-lieu fee. Concerns have been raised that the fiscal element of the ordinance may pose a financial burden on development projects. The City's existing public art policy is limited to the inclusion of public art in commercial and industrial developments and does not include a specific funding level requirement. One suggestion has been that a portion of fees collected for a building permit be allocated to the public art fund established through the ordinance. While this would relieve potential fiscal burdens on development, it would decrease the general fund revenue received by the City for support of building permit and inspection services.

A separate issue is whether the City is prepared to establish a new commission, the Civic Art Commission. Although the Woodland Art Center has offered to administer the commission, it is not clear whether the City would need to contract for this. The City will still need to commit staff time and resources for the Civic Art Commission, a City commission, even if another entity administers or assists

in the administration of the commission. Under existing conditions, the review of public art in commercial and industrial projects is held at the Planning Commission level.

The proposed Civic Art Commission would review all public art matters and make recommendations to the City Council; final approval for all public art matters would rest with the City Council. Currently, the Planning Commission makes the final determination on the public art required in commercial and industrial projects. The Civic Art Commission would be responsible also for overseeing the administration of the Woodland Public Art Program. The major elements of the comprehensive program consist of the following.

- Selecting, acquiring, installing and supervising the maintenance of art work;
- Recruiting, promoting, and communicating with artists;
- Performing public outreach, marketing, and disseminating program information;
- Reviewing planning briefs, issuing contracts, and facilitating the public art process;
- Developing and producing art programs, educational programs, and performances; and
- Managing the Woodland Public Art Fund and performing fiscal development activities.

While the City does not have a public art program, it does offer art-related classes (for dance, musical theater, painting, etc.) through the Department of Parks and Recreation.

### **Fiscal Impact**

Approval of an APP Ordinance will result in a fiscal impact for the staff resources needed to administer the Civic Art Commission. The level of impact has not been determined at this time. Given the City's fiscal challenges, every effort will be made to absorb the responsibilities associated with supporting a Civic Arts Commission with existing staff. However, the added responsibilities will require reprioritization of assignments.

### **Public Contact**

Posting of the City Council Agenda. If the City Council moves the matter on to the Planning Commission for review and comment, staff will notify the Woodland Art Center of any public meetings. Staff will also offer the Art Center and other stakeholders the opportunity to meet with staff prior the Planning Commission meeting

### **Commission Recommendation**

Planning Commission discussions on the APP Ordinance occurred several years ago.

**Alternative Courses of Action**

Options for the City’s level of participation in an APP program range from the creation of a comprehensive Civic Art Commission to no change/maintenance of the existing public art requirement are detailed below.

1. Creation of a Civic Art Commission through the adoption of the Art in Public Places Ordinance in its current form.
2. Creation of a Civic Art Commission through the adoption of the Art in Public Places Ordinance with a revised ordinance to modify the scope of the commission.
3. Appointment of a committee of artists and design professionals to review public art required in commercial and industrial projects (pursuant to the *Woodland Community Design Standards*) and to make recommendations on the artwork to either the City Council or Planning Commission for final approvals.
4. Adoption of the APP, without the establishment of a Civic Arts Commission. Staff would perform all the administrative functions of the program, with the City Council having final decision making authority over all public art matters.
5. Make no changes to the existing public art requirement. Commercial and industrial projects would still be required to install public art and have the artwork approved by the Planning Commission.

**Recommendation for Action**

Staff recommends that the City Council direct the Planning Commission to hold a public hearing and make a recommendation to the City Council on the City’s level of participation in an APP program. Staff also recommends that the City Council provide the Planning Commission with direction on the City’s level of participation in APP.

Prepared by: Dan Sokolow  
Associate Planner

Reviewed by: Robert MacNicholl  
Planning Manager

Reviewed by: Barry Munowitch, AICP  
Assistant City Manager

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Mark G. Deven  
City Manager

**Attachments:**

1. *Draft* Art in Public Places Ordinance (June 1, 2006 version)
2. *Tree of Life* Public Art Sculpture