



City Council Agenda Report

Meeting Date: April 30, 2024

Initiated By: City Council

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Approved By: Gabriel Engeland

Subject:
Public Art Fund Discussion

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Discuss Los Altos Municipal Code Chapter 3.52 Public Art Fund and provide staff direction on potential ordinance amendments.

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION

- Would the City Council wish to amend Los Altos Municipal Code Chapter 3.52?

FISCAL IMPACT

None

PREVIOUS COUNCIL CONSIDERATION

July 10, 2018 & April 9, 2024

SUMMARY

- City Council approved Ordinance No. 2018-446 establishing a development fee of 1% for public art, creating a Public Art Fund, and establishing requirements for inclusion of public art in private development projects.
- The Public Art Fund has historically expended funds used on the maintenance and acquisition of various art installations on City-owned, public property throughout the City.

BACKGROUND

On July 10, 2018, the City Council approved Ordinance No. 2018-446 establishing a development fee of 1% for public art, creating a Public Art Fund, and establishing requirements for inclusion of public art in private development projects.

This ordinance requires that private, non-commercial developers 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. At the discretion of the applicant, and in lieu of developing on-site public artwork, a Public Art in-lieu contribution of one percent (1%) may be placed into the Los Altos Public Art Fund to be used pursuant to Section 3.52.020. Such contribution shall not exceed two hundred \$200,000 per project.

The ordinance defines “publicly accessible art” as “art which can be reasonably viewed or experienced from the public right-of-way or to which access is unrestricted to members of the public at all times of day.” This governs the acquisition and installation of art on private development sites.

This ordinance also created the Los Altos Public Art Fund, where Public Art In-Lieu contributions are deposited. The funds are restricted to implementation of the Los Altos Public Art Program. Per LAMC 3.52.020, the in-lieu funds may only be used on the “acquisition, placement, maintenance, and promotion of temporary and permanent art and art programs on City-owned, public property throughout the City.”

Public Art In-Lieu contributions may only be spent on art located on City-owned, public property. In the past two fiscal years, the fund has been used to purchase sculptures, artwork informational signage, and complete maintenance on existing art installations.

As of March 29, 2024, the Public Art Fund had \$433,631.04.

DISCUSSION/ANALYSIS

On April 9, 2024, the City Council provided direction on amending the definition of public art to broaden potential expenditures that qualify under the ordinance.

As such, City staff has evaluated other jurisdictions that have public art fees and funds to identify if other jurisdictions have already implemented some of these elements into their code.

The City of Livermore has an “Art in Public Places program” under Livermore Municipal Code 12.51 governing their public art program. It defines public artwork as “works of art created by artists as unique and original works, in any medium including but not limited to painting, drawing, printmaking, photography, calligraphy, ceramic, sculpture, glass, liquid, water features, murals, light earthworks, conceptual and temporal pieces, functional elements if designed by a professional artist, and art that is integrated into a project’s architecture. It may include space for exhibitions, displays or demonstrations and public performances. The artwork may be created through collaboration between the commission for the arts, the artist and the community.”

Furthermore, public place means “any area on public or private property which is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.”

At the direction of City Council, staff recommends blending both definitions into a new definition for “public art” meaning “works of art created by artists as unique and original works in any medium which is easily accessible and clearly visible to the public. If located on private property, the area must be open to the public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.”

The existing Los Altos Public Art Fund is only allowed to expend funds for “acquisition, placement, maintenance, and promotion of temporary and permanent art and art programs on city owned, public property throughout the city.” Staff recommends adding the word “public” before art and remove “on city owned, public property” so that it will align with Council direction.

Additionally, staff recommends incorporating the following potential expenditures that are taken from the City of Livermore’s ordinance:

- “the design, construction, operation and maintenance of art gallery space or cultural arts’ display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming;
- developing cultural programs or events for the enjoyment and appreciation of art, heritage, and culture within the Los Altos community; and,
- funding the design, construction, operation and maintenance of cultural and arts’ facilities.”

This would allow Public Art Funds to be expended on a wider variety of public art within the community.

City Council requested information on whether they would be able to expend these funds through grants to organizations or towards specific projects by organizations. If City Council were to direct staff to incorporate the potential expenditures mentioned above, then Council would be able to direct these funds to go towards “developing cultural programs or events for the enjoyment and appreciation of art, heritage, and culture within the Los Altos community” if a grant was clearly going towards an organization expending funds on these items.

Additionally, City Council could provide these funds towards specific projects if the funds are intended to go towards the “acquisition, placement, maintenance, and promotion of temporary and permanent art and art programs” on public and/or private property depending upon any potential amendments to the ordinance.

ATTACHMENTS

- 1. Ordinance No. 2018-446**
- 2. Livermore Public Art Policy**