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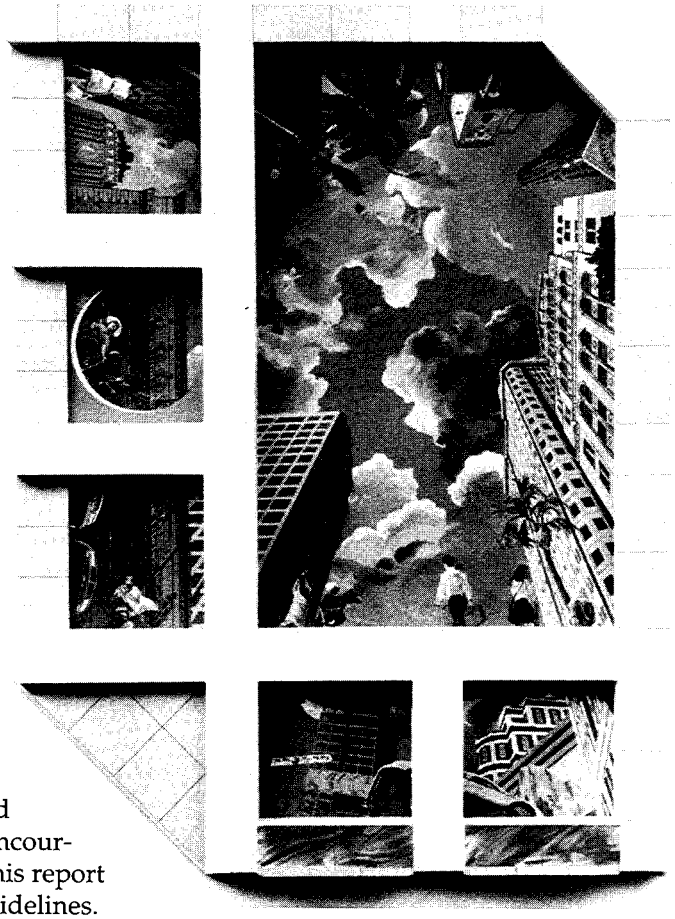
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Introduction

A growing number of city and county governments, local arts agencies, and other agencies charged with revitalizing urban areas are encouraging developers to include public art in private development projects. Out of 130 local arts agencies surveyed, one third of the respondents currently have a public art in private development program in place or are developing one. Among those without programs, there is great interest in developing one.

Public Art in Private Development is intended to help local arts agencies, city and county governments, and redevelopment agencies find the most appropriate methods of encouraging developers to integrate public art into projects. It includes suggestions for designing a program, case studies of successful programs, a list of cities with current or evolving programs and literature and organizational resources. Readers are encouraged to contact the cities discussed in this report for copies of specific ordinances and guidelines.



Terry Schoonhoven, ceiling of entrance to a Metro Station, Home Savings of America, Los Angeles, CA, Community Redevelopment Agency (CRA) of the City of Los Angeles, 1989. Photography by CRA.

Public Art in Private Development supplements the information on working with private developers found in *Going Public: A Field Guide to Developments in Art in Public Places. Going Public* is an essential source book for any organization interested in the issues, policies and processes of public art.

Designing a Public Art in Private Development Program

Knowing Your Community

The case studies in this report illustrate the importance of understanding many different components of your community. Developing a successful strategy which will result in high-quality, well-integrated art is based on this understanding.

Portland, OR, and Montgomery County (Bethesda), MD, have strong planning departments and staff with the willingness and skills to integrate the arts into the physical development of these communities. Strategies based around the planning departments and incentive systems offering developers a trade-off of increased project floor space in exchange for public art are successful in these communities.

In the same way, private percent-for-art ordinances are appropriate in several California communities including Concord, Brea, Beverly Hills, Culver City and Palm Desert. Local economies are strong, land values are high, and much can be required from developers who are competing for land and development opportunities. Such an ordinance would not be feasible in communities where development proceeds at a slower pace.

One should understand the following when developing a public art in private development program:

- the physical community and its neighborhoods, land values and land use policies;
- the community's economic history, development patterns, trends and forecast;
- local developers and architects and their reasons for and against additional public involvement in the development process;
- city staff in planning, redevelopment and building agencies and their policies and programs;
- the local arts community (artists, art consultants, art advocates, etc.) and whether or not these people and their organizations will support the program;
- public sentiment on arts support in general, and specifically on public art; and
- local politics, including elected officials and their staffs, and how to successfully pass a program.

Deciding on the Kind of Program

The following are the most common types of public art in private development programs.

The Private Percent-for-Art Ordinance

A private percent-for-art ordinance requires that developers set aside a percentage of project construction costs (generally .5-2%) for on-site art, cultural programming, a cultural facility, or a contribution to a public art fund. Many times these programs are linked to the revitalization of a certain area of the city, such as the downtown core. Most programs specify a minimum budget size for construction projects. Programs generally exempt some development projects, such as rehabilitation of historically significant buildings, low- or moderate-income housing, facilities for nonprofit social service or cultural organizations, and single-family residences.

A problem of the private percent-for-art ordinance is that it is politically difficult to pass in many communities. And, an ordinance does not always result in substantial artwork in the short term. Because of restrictions on office development and a decline in construction, the 1% ordinance passed as part of the 1986 San Francisco Downtown Plan has been slow to result in artwork. If the ordinance had been in place in the early 1980's, prior to the restrictions on office development and decline in development, San Francisco's downtown would have many more public artworks. The new ordinance has resulted in two public art in private development projects, with others in various stages of planning and installation.

Density Bonus or Design Review System

A density bonus system offers a developer additional floor area ratio (F.A.R.) in exchange for including public art or other public amenities in a project. F.A.R. describes the ratio between the area of permitted floor space in a structure to the area of the lot on which it is situated. In brief, increased F.A.R. generally allows a developer to build a taller or otherwise larger building in exchange for including public amenities in the project. Amenities can include public art, theatres and arts spaces, cultural programming, landscaping, parks, plazas, day care facilities, and residential or retail development.

For the density bonus system to successfully result in public art, the incentive of increased project density (additional floor space or height) must be valuable to developers. To make the Portland, OR, density bonus system valuable to developers, the original F.A.R. limits were decreased. Now, in order to build to greater F.A.R. limits, developers must offer public amenities.

An obvious limitation with the bonus program is the possibility of allowing over-building. The Portland zoning ordinance clearly specifies ultimate height restrictions so that buildings do not block views of Mount Hood and so that height step-downs to the river and historic districts are preserved.

Other programs associated with planning departments use the design review process to require or encourage developers to include art in projects. Density bonus systems and design review systems are based on strong and carefully administered land use plans and policies, a planning staff to promote the program, and sound procedures to back it up. In several cases, local arts agency staff have developed program procedures in conjunction with city planning staff. The developers must gain an arts sign-off just as they must gain a fire and safety sign-off before they can proceed in the planning process.

Redevelopment Agencies

Many communities have redevelopment agencies charged with the revitalization of key properties. Redevelopment agencies are often powerful organizations which have the ear of developers and can offer incentives such as public funding and low-interest loans.

Several cities in the United States, including Philadelphia, Los Angeles, Sacramento, San Diego, Tucson and New York City (Battery Park City Authority), have programs which require or encourage the integration of public art in projects on redevelopment property. The Los Angeles and Sacramento programs are well known as model programs. They require developers to commit 1% and 2%, respectively, to public art. A percentage of Sacramento project funds are set aside for administration of the program by the Sacramento Arts Commission.

Other redevelopment agencies have created alternative mechanisms for negotiating with developers for the inclusion of art. Staff members of the Center City Development Corporation, San Diego's redevelopment agency, negotiate with developers through a "disposition and development agreement." The Downtown Development Corporation in Phoenix has offered matching funds as an incentive for developers to include public art in projects.

Public Art Funds

Any of the programs discussed above can make use of a mechanism for pooling funds. A public art fund creates a way to support other projects or programs besides site-specific artworks associated with private development. Of the cases detailed later in this report, Los Angeles, CA, Portland, OR, and Concord, CA, have public art funds.



Barbara Neijna, Independence Place, Independence Place Associates, Philadelphia, PA, Redevelopment Authority of the City of Philadelphia, 1988. Photography by Redevelopment Authority of the City of Philadelphia.

In Los Angeles, the public art fund supports a wide variety of cultural programming, facilities and artwork. In Concord, it is being used primarily to develop a series of gateways for the city. The Portland fund, which is composed of monies from developers and city agencies with capital construction projects, has a number of restrictions. The portion of funds from developers will support only special projects in the central city area. Many of the funds from city agencies carry legal restrictions which prevent their being combined with other program funds.

Informal Ways of Working with Developers

Developers are often inexperienced in working with artists. Consulting on art options and selection procedures, offering the resource of a slide registry, and helping to identify an art consultant are all ways to help developers, with or without the establishment of a formal program. Such assistance can set the groundwork for a future relationship and possibly a public art in private development program. The staff of the Arlington Arts Center in Arlington, VA (see case study), has provided strong technical assistance to developers encouraged by the Arlington County Department of Community Resources and Planning to include art in projects.

CityART in Jacksonville, FL, a nonprofit group dedicated to promoting public art, is considering creating a resource packet for developers. The packet may include guidelines on the public art process, examples of successful projects, and a list of art consultants. *Portland Oregon's Percent for Art Bonus Program, Procedures and Guidelines for Private Developers* is a similar resource for developers.

Building a Rationale for Public Art

The following is a summary of the rationale underlying most public art in private development programs.

Increasing the Value of a Project and its Income Producing Potential

Developers who gain additional project floor space through integrating public art with the project have directly increased the income potential of the project. Some developers also feel strongly that works of art increase the value of the property itself.

Developer Joseph Kaempfer commissioned a sculpture of two dancers, *Anna and David* (front cover photo) by Miriam Schapiro, to be sited in the plaza in front of his company's building in Arlington, VA. This building was 50% leased in four months, much faster than other buildings in this market. Tenants like the artwork and the identity it has given the building and the area. While leasing the building was not his motivation for commissioning the artwork, he says it was a great bonus.

Enhancing the Corporate Image

Developer Jim Casey in *Working with Artists: A Developer's Guide for Commissioning Artwork,* listed in Appendix B, says that "spending money on public art will generate as much press as a public relations campaign, and garner more good will." The work of art may directly symbolize the mission of the corporation or show a connection between the corporation and its community.

Integration with Cultural Tourism Strategies

Enhancing the identity and character of communities through public art directly supports cultural tourism and economic development strategies. Public art gives a city a character and identity that makes it appealing to residents and visitors.

Giving an Amenity Back to the Community

Supporting the arts through private development is a way to give back to the community in return for the ability to build. This is the motivation underlying most public art in private development programs.

A Chance to be Creative

While developers at first may be reticent about working with artists, the experience can be enjoyable for them. It is a chance for the developer to be a part of a creative process. Beverly Schroeder, Associate Planner at San Diego's Center City Development Corporation, mentions that most developers enjoy the process of interacting with artists. She stresses how important it is for the artist to be involved with the developer early on in the project.

The Business Committee for the Arts (BCA), listed in Appendix C, is a resource for developing a rationale for public art in private development. BCA has the names of developers who have successfully integrated art in projects and literature on the associated benefits to developers. Artist Stephen Knapp's *Working With Artists: A Developer's Guide for Commissioning Artwork,* listed in Appendix B, also provides rationale for public art in private development.

Community Education

Organizers of public art in private development programs should consider how to inform the key players and decision makers who influence how programs are shaped through the political process. These key people include planning and development staff, city council members and their aides, developers, architects, and other community leaders. One way to reach these people is through an invitation to serve on a selection committee for the art itself. Informal contact with these people is also a way to find out about upcoming construction projects.

To reach the interested public, the Metropolitan Arts Commission in Portland, OR, has distributed 20,000 pamphlets describing self-guided walking tours of public art in downtown. The project was sponsored by Avia Walking Shoes. The Arts Commission also sponsors the Metropolitan Center for Public Art, a permanent exhibition detailing the history, roles, and processes involved with public art.

Carl Worth, Curator of the Civic Arts Gallery in Walnut Creek, CA, feels that his work with developers is actually community outreach and education. The Gallery's 1989 summer temporary sculpture show in Heather Farm Community Park is a part of this community outreach. He wants people to react to and discuss public art in their everyday environment.

Politics and Organizing

Advocates for public art in private development programs should be cognizant of issues in the community and know when the time is right to act. Joanne Rees, Public Art Planner for the Department of Cultural Affairs in New Haven, CT, is working with individual developers in New Haven to best determine the services they need and in turn trying to integrate public art with projects. She is proceeding slowly with a formal program because the Board of Aldermen is urgently concerned with social programs.

Strong leadership is essential in the beginning phases of planning a program. Leaders must be competent at making the case for public art, knowledgeable of local politics and understanding of when to take action. Vivian Zoë, Director of the Hartford, CT, Office of Cultural Affairs, describes leaders as needing "tough skin, savvy, and political clout." A successful track record in local arts development is also helpful.

Getting the mayor, city council, and planning and development agencies on your side is essential. But, once a program is on the books it will not be successful until staff and developers are convinced of its worth and realistic guidelines and procedures are in place.

Organizers should not forget to involve developers. Deborah Whitehurst, Executive Director of the Phoenix Arts Commission, is adamant about including developers and those who may initially oppose program ideas. She suggests involving the developers early on in order to gain valuable community input and work with resistance in the early stages of program planning.

Selecting the Right Art Consultant

Public art consultants are often needed to work with developers and, in some cases, they are critical to the success of a project. The right consultant can:

- educate the developer on art options;
- foster good communication by translating among people with differing backgrounds and perspectives;
- manage selection, fabrication, and installation processes;

- advocate for the artist;
- promote complete integration of art with the development;
- keep the process on track, on time and on budget; and
- facilitate the entire process.

Not all artists work with public art and not all art consultants have experience or skills in working with public art and private development. The following qualities are offered for consideration in the selection of an art consultant:

- experience in the coordination of public art projects;
- experience with the processes and tasks associated with private development project planning and construction;
- experience in managing projects involving several design professionals, including the ability to communicate well with urban designers;
- understanding of the trends in public art;
- sensitivity to the opportunities and restrictions of specific sites for public art;
- knowledge of local, regional, and national artists skilled in public art;
- ability to identify artists having the skills to approach each project and its opportunities and limitations as a unique set of issues to be addressed;
- understanding of the role of the government agency, and the mission and goals of its art program, including its urban design role; and
- the ability and commitment to lead an art project through to a successful completion.

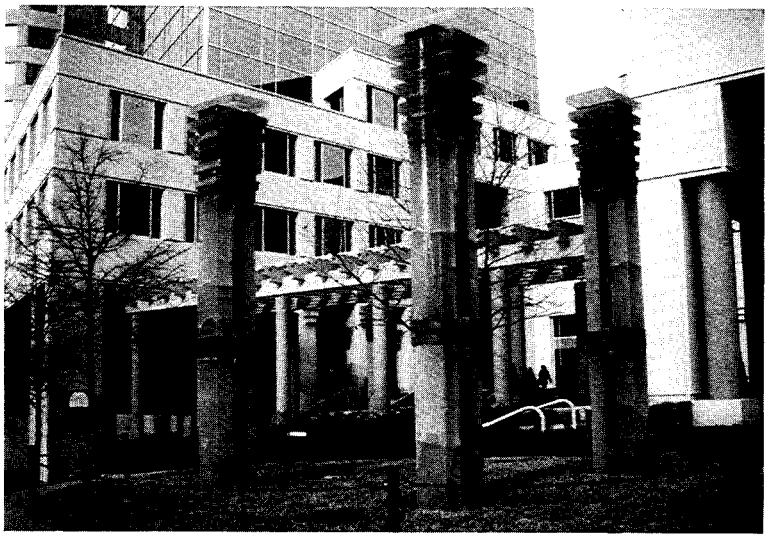
Some local and state arts agencies maintain lists of art consultants, and making these lists available to developers is an important service. The Association of Professional Art Advisors (listed in Appendix C) can also help to identify appropriate art consultants.

Selecting the Right Artists and Artwork

Going Public: A Field Guide to Developments in Art in Public Places provides strong advice on selection procedures. Procedures for most public art in private development programs resemble the public percent-for-art programs. However, private sector programs have typically left the ultimate aesthetic decisions to the project developer. The public body in charge of the program is there to ensure that the developer has met the intent of the program. However, programs around the country are encouraging greater involvement of arts professionals and the public in the selection process in order to gain artists and artwork which will speak to both a site and its community.

Most public art in private development programs have a review committee to work with the developer in the selection process. Some developers will opt to purchase artwork directly from a known artist or artists; others will run an open or invitational selection process. Art consultant Francoise Yohalem advises developers to use a seven-member selection panel composed of the developer, architect, landscape architect, neighborhood representative, and three experts who are knowledgeable in public art. She prefers to run a competition, if time permits, as this process is educational for all involved with the project.

The trend among private programs is to encourage the earliest possible involvement of artists with developers, architects and landscape architects. Developers, architects and landscape architects all benefit when the artist participates from the beginning as a full member of the design team. This can save time and money and provide important design direction for the project. The Phoenix case study provided later in this report describes an example of developers who



Howard Ben Tre, cast glass and copper columns, Artery Plaza, Bethesda, MD, Montgomery County Planning Department, 1987. Photography by Bill Flood.

commissioned the artist after project construction had already begun. Once the developers realized what the artist's vision entailed, they redesigned the development project at considerable additional expense.

The public art task force of the Los Angeles Community Redevelopment Agency is considering requiring developers to hire a lead artist at the same time, or shortly after, the project architect is hired. The lead artist's task would be to work with the developer, architect and other design team members in the earliest conceptual stages of the project. The lead artist would be an equal team thinker and designer and would facilitate the creation of art options which could lead to the selection of additional artists to join the project and implement artworks.

Creating a Public Art Plan

One way to develop a public art in private development program is through a public art planning process. Such a process involves a range of artists, citizens, and others in planning the future of public art in a community. A public art plan can be an educational and organizing tool as well as a policy, program and site guide. The following public art plans offer strong models for consideration.

Dallas Office of Cultural Affairs, *Visual Dallas* (1987)

Los Angeles Mayor's Office, *Task Force on the Arts Report* (1988)

Metropolitan Arts Commission of Portland, Oregon, *Following a River: A Public Art Plan for Central City Portland* (1986)

Seattle Arts Commission, *Artwork Network* (1984, updated yearly)

State Laws

Some public art advocates in California are concerned that recent state legislation will give opponents a way to block public art in private development programs. *AB 1600,* a bill passed by the California State Legislature in 1987, went into effect on January 1, 1989. It specifically requires a city or county to establish a reasonable relationship between a development project and the public improvement for which the fee is charged. Developers using this argument could claim, for example, that contributing a fee to a public art fund to site art elsewhere in the city is not reasonably related to the development project. Experience in California points out the need to gain the assistance of city and county attorneys early on in program planning.

Case Studies

PORTLAND, OREGON: A private percent-for-art program offering developers greater project density in exchange for public art.

City of Portland population: 420,000
Multnomah County population: 562,000

Portland is a city known for its strong urban design, which has been directed by a Downtown Plan approved in the early 1970's. The Central City Plan, a 1988 update of the Downtown Plan, encourages the use of public amenities, including public art, to enhance the character of the city. The Central City Plan seeks to direct a major portion of this activity to Portland's central city, 4.3 square miles in the heart of Portland.

Program Description

The percent-for-art bonus program was adopted by the Portland City Council in 1988, as part of the Central City Plan. The program is one of several which offer greater project density as an incentive to create key urban amenities. Other amenities which developers are encouraged to provide include housing, day care facilities, retail space, rooftop gardens, theaters within the Broadway Theater District, and fountains.

Development projects which commit 1% of their total construction cost to public art may receive a floor area ratio (F.A.R.) bonus of 1:1. Projects committing more than 1% to public art receive additional bonus floor area ratio of 0.1:1 for each additional 0.1% of the project's total construction cost devoted to public art, up to a maximum floor area ratio bonus of 2:1.

Projects utilizing this bonus provision must place at least 25% of the project's public art budget into a Public Art Trust Fund, maintained by the Metropolitan Arts Commission. Should a project's developers so choose, the entire amount of percent-for-art funds may be placed in the Public Art Trust Fund. The Public Art Trust Fund is used to purchase and install public art at other desirable sites in the central city.

The Metropolitan Arts Commission approves the process for selecting the artist, the artwork, the location of artwork, and the budget. The Public Art Advisory Committee assists Arts Commission staff in determining whether or not developers are meeting program procedures and guidelines.

Maximum public accessibility of artwork is of primary concern. Art must be sited on the exterior of the building and/or at location(s) clearly visible and freely accessible to the public from the sidewalk during daylight hours.

Installation, conservation, maintenance, and replacement, if necessary, of the public art is assured for the life of the development project by the property owner through a covenant with the city. The public art provided may not substitute for art required through other state or federal laws.

Case Studies — Continued

Background

The private percent-for-art bonus program was developed through the research and planning of Arts Commission and Planning Bureau staff and Bill Flood, an arts planning consultant. To make the bonus programs attractive to developers, the Planning Bureau recommended decreasing the maximum allowable building density (F.A.R.) to encourage developers to offer an amenity in exchange for additional project floor space. Since this program was one of several in the Central City Plan, the Arts Commission did not have to go through extensive lobbying to gain support by City Council. The Arts Commission's ten-year history in successfully administering public art programs was also important to the development of this program.

Program Procedures

The following procedures have been developed by the Arts Commission in conjunction with the Planning Bureau and review groups of developers, architects, and artists experienced in public art. A complete booklet, *Portland Oregon's Percent for Art Bonus Program, Procedures and Guidelines for Private Developers,* is available from the Arts Commission.

Initial contacts with Planning Bureau and Metropolitan Arts Commission — Developers are encouraged to contact the Arts Commission as soon as they are interested in this program. The Arts Commission advises the developer on the process for integrating artwork with projects, how to select and work with artists, and how to select an art consultant. The Commission provides up to two hours of free consultation with the public art manager.

Preapplication Conference with Arts Commission — An art plan must be submitted by the developer which specifies the following:

- the proposed division of funds between the Public Art Trust Fund and on-site art, and a budget for the selection process and artwork(s);
- the process for selection of artist(s) and artwork and how the process will foster collaboration among artists and other design team members;
- the art consultant and/or selection advisory committee;
- the intended site(s), media, and materials of artwork(s);
- the qualifying artwork, including artist concept drawings, if artwork has been selected;
- the artist(s), if already selected;
- the schedule for the selection, fabrication and installation of the artwork; and
- plans for maintenance of the artwork.

Design Review — The final art plan should be approved prior to a public hearing of the Design Review Commission. The findings of the Arts Commission are incorporated into the Planning Bureau's conditions for approval, which are accepted and recorded by the developer through a covenant with the city.

Application for Building Permit — The Arts Commission reviews the status of the public art project and submits a letter of approval to the Bureau of Buildings in order for the building permit to be granted. At this time, the developer must make the full contribution to the Public Art Trust Fund.

Application for Building Occupancy Permit — The installation of artwork should be completed before the certificate of occupancy is granted. The Arts Commission has authority to require the posting of a performance bond if art is not completely installed.

Case Studies — Continued

Projects

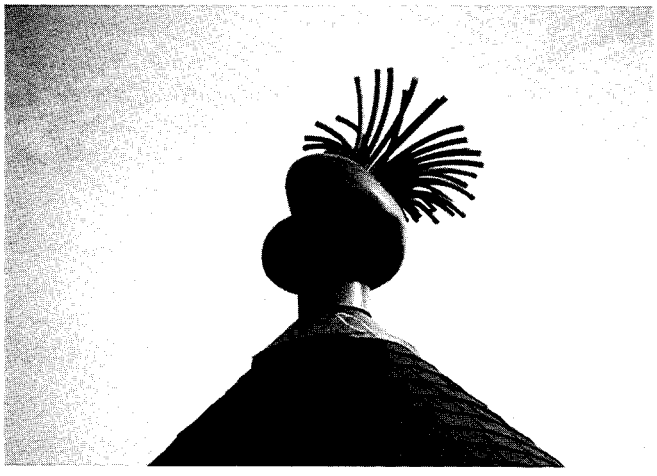
In fall, 1988, the first developer requested additional project density for rehabilitation of a parking structure. The project has a $10,000 art budget to include $7,500 for on-site artwork and $2,500 to be allocated to the Public Art Trust Fund. This project has served as a pilot for the program and has raised the need to amend city code so that the 1% formula in rehabilitation projects is applied to the total building valuation, not only to the rehabilitation budget.

The second project utilizing this program, a new office building being planned, will provide approximately $275,000 for artwork. The developer is creating a significantly larger structure in exchange for including artwork and a fountain in the project.

Artwork is also being planned as part of the renovation of the Lloyd Center, a large central city retail area. This project is not part of the private percent-for-art program but falls under another section of the Central City Plan which limits blank walls on the ground floor level of development projects. Developers are encouraged to consider the integration of art with the exterior of buildings. Guidelines and procedures being developed will parallel those of the F.A.R. bonus program.

Future Direction

Bill Bulick, Executive Director of the Arts Commission, cautions that "the work does not stop once you design and gain approval of a private percent-for-art program. Projects must be tracked very carefully to ensure compliance and quality. But the payoff, $600,000 in new public art projects underway this year, is definitely worth it. Obviously, we are creating exciting new opportunities to commission major artworks for our cities. But we are also creating new partnerships with the private sector for the purpose of making our cities more vital. These partnerships are vital because they are literal — embodied in better tangible artworks, exciting buildings, new public spaces and better urban design standards."



Martin Puryear, bronze top-knot fineal, Chevy Chase Garden Plaza, Bethesda, MD, Montgomery County Planning Department, 1988. Photography by Bill Flood.

Case Studies — Continued

BETHESDA, MARYLAND: An optional method of zoning which offers developers increased project density in exchange for public art.

Bethesda area of Montgomery County: 80,382
Montgomery County population: 674,000

Since the 1950's, Bethesda has changed from a sleepy suburban town one mile outside the Washington, D.C., boundary into an up-scale community having a high-density downtown core. In the 1970's, the Montgomery County Planning Department (Maryland-National Capital Park and Planning Commission) chose to intensify development at four central business districts having subway stations. The Planning Department developed the optional method of zoning described below to concentrate development within the central business districts and to stimulate development projects with unique characters.

Program Description

The optional zoning method provides that developers can increase the square footage of their projects in exchange for commitments to public amenities. Density on any single lot over 22,000 sq. ft. can be doubled by providing public amenities. Increasing density can take the form of adding height, relaxing setback requirements, or allowing more coverage of a block. Possible amenities include parks, plazas, public theatres, gardens, and off-site amenities such as landscaping on the same or adjacent blocks.

This method of zoning requires a lengthy negotiation process and much staff time. It is the intent of the Planning Department to leave much room for negotiation between staff and developers in order to produce an assortment of public amenities unique and complementary to one another. For instance, if one project provides a plaza with performance space, a neighboring project should provide a different amenity such as a landscaped garden.

Background

The Bethesda optional method of zoning was developed in the 1970's by the Planning Department, but implementation did not begin until 1982. At that time, the numerous development projects seeking city approval exceeded the designated ceiling on Bethesda's traffic capacity. The Planning Department established rules for a comparative review of development projects which ultimately led to a design competition to select the best projects.

Through the design competition, developers were required to submit proposed project amenity packages. This competition became known as the "Bethesda Beauty Contest" and gained considerable media attention for Bethesda and its urban design program. Projects were judged according to their usefulness for residents, enhancement of the pedestrian environment, visual and functional effectiveness, and the provision of a management and maintenance organization.

An NEA grant enabled the Planning Department to contract with Ron Fleming, President of the Townscape Institute in Cambridge, MA, to assist in developing the program. The Planning Department held meetings to directly learn the amenities desired by community residents, and to gain the support needed for a successful program.

Case Studies — Continued

Program Procedures

In a preapplication meeting with Planning Department staff, developers are made aware of the amenity option. Once an application has been made, the developer must create a plan to show the type and placement of art desired. Citizens have the chance to review the proposal through open meetings, and the Planning Department acts on it at a public hearing.

The developer then submits a site plan in which the details of amenities, including art, are shown. Art is planned for, selected, and placed through a collaborative process involving the architect, landscape architect, artist and, sometimes, an art consultant. The Planning Department stays out of the selection process.

Artwork can be placed off site (e.g., in an adjoining space) so long as it relates to the project. Arts spaces, such as galleries or performance halls, are also possible. In Silver Spring, a neighboring Montgomery County community, developers are building a community performance space. In Bethesda, a developer built an arts activity space which is occupied by the Montgomery County Arts Council. The Arts Council's rent is subsidized by the developer during the first year of occupancy.

Projects

The program in Bethesda has resulted in a large amount of public art in a relatively small geographic area — over 40 individual pieces by 21 artists. At least half of the artists are from the Washington, D.C., area. The program has also produced an art gallery space, an arts activity space, and an outside performance area.

Art consultants have proven to be very important to successful projects in Bethesda. Planning Department staff remarked how a strong project art consultant is necessary to "facilitate the design team process, mediate between the artist and the developer, identify conflicts, and follow up on technical details."

While the program has produced substantial artwork and art spaces, it has also experienced difficulties. These include:

- engineering and technical problems with the artwork;
- the selection of art materials which were not resistant to extreme weather conditions;
- disputes between artists and developers; and
- artists who have not stayed involved in projects to a successful completion.

The ***Bethesda Gazette***, in a January, 1989, article evaluating the success of the artwork, remarked that, "In general, the public art idea is not as effective as the planners originally had hoped, but some excellent pieces make up for others that have not succeeded."

The criticism from those involved in the Bethesda project focuses on the nature of the artwork. John Westbrook, former head of Urban Design for Montgomery County Planning Department, made the following remarks in a 1986 article in *Place*, published by Partners for Livable Places (see Appendix C): "Most of the public art is excellent. However, the art may not appeal to the general public as much as we had hoped. Instead, it often reflects the tastes of the building owners."

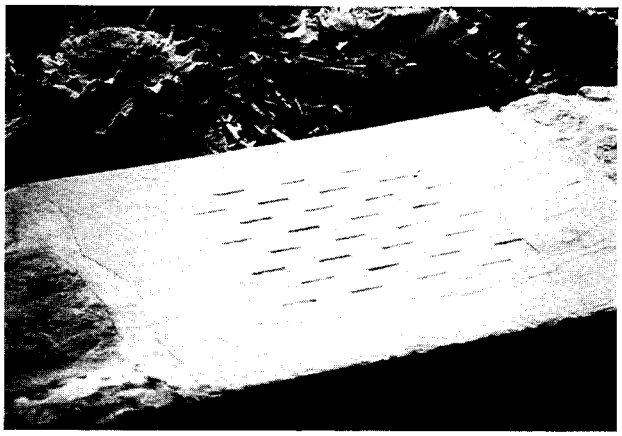
Case Studies — Continued

During the research for this report, Westbrook voiced his frustration that the "warm and human element, the pedestrian side of art" was not always achieved. In brief, some community members feel they have not received truly "public" art.

Future Direction

Future large development projects in Bethesda will be residential. The traffic capacity for residential development has not been met, as it has with commercial and office development.

The Planning Department has recently initiated an art review panel to advise staff, developers, and project artists on specific art proposals. The art review panel has assisted staff in writing a list of goals and objectives for developers on what creates successful artwork. These goals and objectives stress the need for artwork to engage the public's interest and to relate culturally, historically, and physically to the site.



Michael Vergason, EDAW, checkerboard design carved on the surface of a stone wall seating area, Artery Plaza, Bethesda, MD, Montgomery County Planning Department, 1987. Photography by Bill Flood.

ARLINGTON, VIRGINIA: An informal method for encouraging developers to include public art in private development.

Arlington County population: 163,200

Arlington County, VA, is a rapidly urbanizing incorporated county immediately adjacent to the District of Columbia. The county was included in the original ten-mile square of the District of Columbia. Arlington County is now the home of several major corporations, government facilities, including the Department of Defense, and a number of hotels. Development is strong and on the increase, with 4.5 million square feet of office and commercial space currently under construction. The unincorporated community of Arlington is within the county.

Program Description

The Arlington County planning ordinance does not require art or even specify it as a potential public amenity, but it does leave room for staff to negotiate for its inclusion. Staff of the Department of Community Resources and Planning uses the Arlington Arts Center (AAC) and the Arlington County Cultural Affairs Division as resources on public art. Staff members of AAC and the Cultural Affairs Division meet with developers to encourage them to include public art in development projects. Discussions with developers most often occur during the site plan review process, when the developers are negotiating with county staff on the location, size and use of a project. Negotiating for the inclusion of public art in projects is done on a case-by-case basis, without a formal program and procedures.

AAC is not reimbursed by the county or developers for its services, and it receives no direct county funding. However, in exchange for the use of its county-owned former school building, AAC staff provides Arlington County 120 hours of visual arts consultation per year. Possibly as a result of this community outreach, a number of major businesses and developers have become AAC patrons. AAC is a private nonprofit visual arts organization which maintains four galleries and studio space for 30 artists and provides a variety of educational programs for area artists and the public.

Staff of the Arlington County Cultural Affairs Division also consults with developers on integrating public amenities with development projects. Another component of the Cultural Affairs Division's public art efforts involves commissioning area artists to create temporary, site-specific installations in area parks during the summer and encouraging dialogue between these artists and the public.

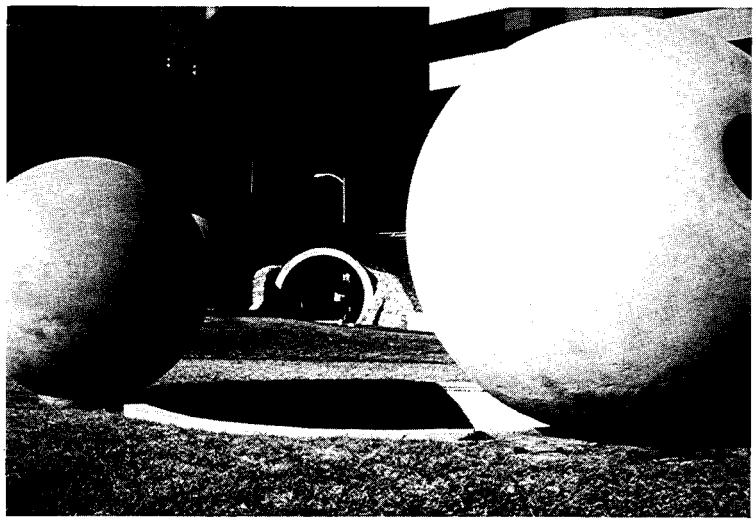
Background

The Arlington Arts Center has played a key role in the integration of public art and private development. Katherine Freshley, Executive Director, is a neighborhood activist, a past member of the Arlington Planning Commission and a believer in public art. She uses her knowledge of the community and the public processes associated with project development to assist developers who are interested in integrating public art in private development.

In 1984 the Center sponsored an exhibition which corresponded with the opening of artist Nancy Holt's *Dark Star Park.* The exhibition, "Sited Toward the Future: Proposals for Public Sculpture in Arlington," commissioned 17 artists to design models for 17 public and private sites for artwork in Arlington County. The goal of the exhibition was to raise consciousness about public art in this increasingly urban environment.

Projects

In at least one project, the County required a developer (Weissberg Corporation) to include art in exchange for increased project density. Freshley worked with the developer to find the right artist and to site the piece. Artist Jim Sanborn created an environmental artwork built around the narrative of a lodestone — a stone magnetized by lighting.



Nancy Holt, Dark Star Park, Arlington, VA, Arlington County Department of Community Resources and Planning, 1984. Photography by Bill Flood.

Nancy Holt's well-known *Dark Star Park,* located in Arlington, began as a result of a transfer of density rights which left one small triangular piece of property void of density rights. The developer transferred the property to Arlington County along with funds to create a park. An NEA grant encouraged the hiring of Holt. The project further grew to include a parcel of state property and another piece of private property owned by developer J.W. Kaempfer, who was building on a contiguous lot. Holt's environment literally flows to the Kaempfer property.

Case Studies — Continued

The new owner of the building which benefitted by the transfer of property density rights from the *Dark Star Park* property has also made a commitment to public art. In exchange for the ability to use the top floor of the building for office space, instead of using it as originally planned for mechanical storage, La Salle Partners has made a commitment to site public sculpture on the project plaza as well as on the median strip of Wilson Boulevard, an area which serves as a gateway to the Rosslyn area of Arlington. Siting the artwork along the median strip of Wilson Boulevard has been delayed for almost a year because of disagreements over maintenance and liability responsibilities.

Other developers in Arlington County have voluntarily placed artwork in new development. Some works reflect the style of traditional plaza art; others are more exciting, friendly and public in nature. J.W. Kaempfer, cited above, commissioned New York artist Miriam Schapiro to create a colorful 35 ft. tall sculpture of two dancers *(Anna and David)* for the plaza in front of his building. The artwork is becoming a well-known landmark for the Rosslyn area of Arlington.

Future Direction

Cultural Affairs Division staff is becoming increasingly involved in working with developers. Staff is currently developing a public art policy which will reinforce a flexible procedure for encouraging and negotiating with developers during the site plan review process. Staff is also hoping for the development of an Arlington County Arts Commission which would include a visual arts review body to assist in reviewing public art proposals.

PHOENIX, ARIZONA: An interim art requirement for development projects requiring rezoning.

City of Phoenix population: 900,000

The City of Phoenix covers over 400 square miles. It has eight "urban villages" with distinct characters and at least four additional areas becoming increasingly urban. Each urban village has a core area in which city planners are encouraging mixed residential, employment and cultural development. It is hoped that each urban village core will develop a unique identity. Phoenix city planners project an increase in the building industry and associated jobs beginning in 1990.

Program Description

In 1988, the City of Phoenix established an interim ordinance with guidelines requiring that public art be integrated with 23 different cases of rezoning, primarily in the "village cores" of Phoenix. For example, if a developer's project requires a zoning change from residential to commercial, from commercial to high rise, or from commercial to parking, 1% of the project permit value must be spent on art.

Developers can select from the following art options: on-site visual art; on-site cultural programming; or, on-site cultural facilities. These options were modeled after the Los Angeles Community Redevelopment Agency program. The Phoenix Arts Commission's original proposed program called for a fourth option — a public art fund similar to the Portland and Los Angeles programs. Zoning attorneys questioned the legality of the public art fund for Phoenix.

This interim program is a direct response to zoning stipulations made in 1985 requiring artwork in certain development projects. Negotiations are currently in process for a permanent, city-wide ordinance.

Case Studies — Continued

Background

When the Phoenix Arts Commission was formed in 1985, one of its charges was to determine how to integrate public art in private development. Both the Planning Commission and newly formed Arts Commission were interested in this issue.

The Arts Commission created the Art in Private Developments Task Force to research the issue. Membership of the task force included zoning attorneys, developers, construction company representatives, Planning Commission members and Arts Commission members (including artists). Over a period of six months, the task force became versed in planning for public art in private development.

Once program guidelines were drafted, the task force met with the organizations representing developers. It also mailed guidelines to developers and invited them to a meeting. Through this process, developers saw the program coming from their peers, not merely from city staff or arts advocates.

The task force did not want to raise the question of this new program with the media until the guidelines were nearly in place. Members then initiated a series of supportive articles and coverage with the media.

After revising the guidelines according to comments from the developers, the task force went to the Planning Commission for its approval and then to the City Council. As the Planning Commission had initiated the process and approved the final guidelines, the task force went before the City Council in a position of strength. The City Council approved the interim program.

Program Procedures

The procedures of this interim Phoenix program are based around creating a flexible series of art possibilities for developers and assuring high artistic standards. The Arts Commission and Private Development Art Review Board have strong control over approval of a developer's art proposal. The developer must gain sign-off from the Private Development Art Review Board, before the project can proceed in the planning/zoning process. The Private Development Art Review Board is composed of the following members: Arts Commission member; architect who works with developers; developer; visual arts professional; and performing arts professional. It is staffed by the Arts Commission executive director.

Program procedures are as follows:

1) An information packet for interested developers is available at key city offices.
2) The information packet is distributed to developers at appropriate preapplication meetings.
3) Developers are encouraged to meet with the Arts Commission staff during the "preliminary design phase to insure the art is integrated into the project and not an afterthought or placed in residual locations." At this meeting, the Arts Commission staff will most likely encourage the developer to take a strong design team approach and gain involvement of the project artist as early as possible. To this end, the staff will offer other services, including the Arts Commission slide bank, and, if the developer opts for on-site art, recommend that he/she work with an art consultant.
4) Developers have the option of meeting further with Arts Commission staff or requesting a study session with the Private Development Art Review Board to discuss options for meeting the art requirement.

Case Studies — Continued

5) The developer must submit a final proposal (with drawings) to the Arts Commission.

6) The Private Development Art Review Board will approve or disapprove the proposal and notify the developer and the Development Coordination Office. If the developer has demonstrated a good-faith effort in selecting art, the review board will probably approve the project. Most of the aesthetic decision making is left to the developer and art consultant.

7) The final placement of the art must be approved in writing by the executive director of the Phoenix Arts Commission prior to the issuance of the certificate of occupancy for the project.

Deborah Whitehurst, Arts Commission Executive Director, commented that she is careful to write and mail all developer-related correspondence as quickly as possible. "Time is money in development," and she is very careful not to waste the developer's time and in turn lose credibility.

Projects

The first major public art in private development project, the Biltmore Financial Center, is now nearing completion in Phoenix. The project, financed by development partners Western Devcor and Johnson Wax Development Company, has brought much visibility to this program. Developers initially intended to place a sculpture in the project plaza. However, art consultants broadened the developers' perspective by showing them slides from strong conceptual artists. They ultimately selected Serge Spitzer, a Rumanian artist living in West Germany. When Spitzer came on board, the project had been under construction for about ten months. Spitzer asked that the entire lobby and plaza of the main building be redesigned to make his sculpture a more integral part of the project. The developers agreed. Cost of artwork and associated redesign and construction will be approximately $400,000 — well over the original $220,000 allocated for a sculpture in the plaza.

Arts Commission staff believes that the project will create a standard for private development. Along with the strong commitment to well-integrated artwork, it is now clear that the artist should be brought on board prior to project construction.

A second private development participating in this program, national headquarters for the Greyhound Corporation, will soon provide a 200-250 seat theatre on the ground floor of the new project. The theater will be operated by the Phoenix Little Theatre as its overflow house. With its main facility across the street, the Little Theatre will be able to easily move sell-out shows to the new facility.

A planned Rouse development in Phoenix may involve a mix of on-site art and cultural programming to meet the art requirement. Arts Commission staff will work with Rouse's marketing and programming staff to determine an art plan most suitable to the project.

Future Direction

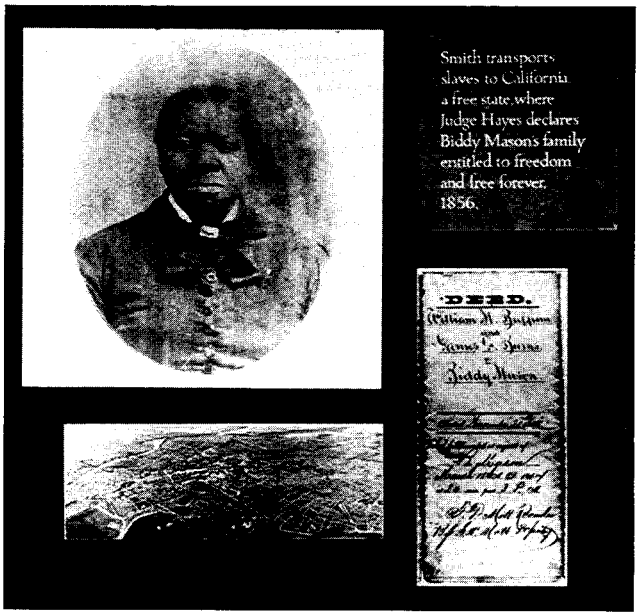
The Art in Private Developments Task Force, which initiated the interim program, is now developing an ongoing program as part of a total zoning code rewrite being done by the Planning Department. The task force is considering a private percent-for-art ordinance instead of a system linked only to certain projects requiring rezoning. It feels that an ordinance may be ultimately more equitable; the current system leaves too much room for unregulated negotiation. The task force is currently reviewing building permits issued over the past five years to determine the categories of zoning most applicable to the percent-for-art requirement. The future ordinance may also include a percentage to cover administrative costs of the Arts Commission and a public art fund.

Case Studies — Continued

LOS ANGELES, CALIFORNIA: A redevelopment agency percent-for-art program.

City of Los Angeles population: 3,220,000

The Community Redevelopment Agency of Los Angeles (CRA) is revitalizing 19 areas covering 7,000 acres of Los Angeles. The downtown area, which is experiencing a "boom" economy due to revitalization efforts, covers 1,749 acres. Property value on Bunker Hill, a portion of the downtown redevelopment area, has increased from $6 million in 1959 to today's market value of $2.5 billion. The area is now a strong economic core of greater Los Angeles and includes an enormous diversity of people.



Artists Sheila Levrant de Bretteville, Betye Saar, Susan King, and Delores Hayden. Biddy Mason Park — a park commemorating the first black female landowner (a former slave) in Los Angeles and the property she purchased. A project of Power of Place, with help from the Community Redevelopment Agency of the City of Los Angeles, 1989. Photograhy by CRA.

Program Description

In 1985, the Downtown Art in Public Places policy and program was approved for three Los Angeles downtown areas. The CRA pledged to promote these areas as cultural centers through the support and creation of programs, facilities, and public artworks across a range of artistic expression.

The CRA requires that at least 1% of private development costs for new commercial and market-rate residential developments be committed to involvement of artists in the project. Of that 1%, at least 40% is to be deposited in the Downtown Cultural Trust Fund. Each development has the option of implementing its percent-for-art obligation via this combination of on-site program and Trust Fund contribution, or making an exclusive Trust Fund contribution.

The Trust Fund is used to finance cultural programs and art projects in downtown locations which otherwise would have no projects, such as in areas without private investments or where development projects are too small or are exempt from this ordinance. Controversial or technically innovative artist-initiated proposals are specifically encouraged. Art projects funded by the Trust Fund are administered by the CRA and may occur anywhere within the downtown redevelopment zone.

Program goals emphasize commitment to a high-quality and diverse public art program, integrated into the fabric of the city and the daily lives of its citizens, and reflecting a broad range of constituents. It specifically encourages collaborative efforts and participation by women and minority groups traditionally under-represented in such programs.

Case Studies — Continued

Background

The CRA has had an arts program for over ten years. The initial art requirement lacked review criteria and, as a result, the CRA Board and staff lacked a systematic approach to approving or rejecting art proposals. After several instances of developers not meeting the intent of the art requirement, the CRA hired Marc Pally to develop what is now the official Downtown Art in Public Places policy. The policy and program are the result of extensive research of public art programs across the country.

Program Procedures

The CRA utilizes an Arts Advisory Committee (AAC), a community-based group to provide short-term and long-term advice to the downtown Public Art Program. The primary role of the AAC is to advise CRA staff and commissioners as well as project developers in the selection of art consultants, artists, and artwork. Membership of the AAC includes one artist, two arts professionals (e.g., curators, academics, arts administrators and critics), one member from the Cultural Affairs Commission, and one representative of the business/development community.

The art component should be developed as an integral part of the development project. The preliminary art budget is based on estimated project development costs. However, if the final project cost is higher than the cost figure used to calculate the preliminary art budget, the art budget must be increased to equal 1% of the actual total project development cost.

Projects

Since 1985, close to 30 projects have resulted from the policy, primarily in the downtown, and over 30 new ones are now underway in redevelopment areas all over Los Angeles. Among the projects initiated before the official 1985 downtown policy was the innovative application of the developer's percent-for-art obligation to create the new Museum of Contemporary Art on Bunker Hill.

Future Direction for CRA

The current CRA program applies to a specific area of downtown Los Angeles. Mickey Gustin, Public Art Planner for CRA, is currently working with a task force to create an agency-wide policy. Such a policy would expand the CRA public art program to include all redevelopment projects in the City of Los Angeles. The task force also is considering how to require developers to work with artists in the initial stages of project development, and how to keep the public art program responsive to the CRA's mission of area revitalization.

Future Direction for the City of Los Angeles

In November, 1988, the Los Angeles City Council passed an interim ordinance stating that the city intended to levy a private percent-for-art ordinance on all commercial and industrial development over $500,000, if not covered by the CRA program. This proposed program would operate on the CRA model and expand the program to development projects throughout the entire city.

The city is currently researching potential legal problems resulting from a new California law. California State Law *AB 1600* now requires establishment of a reasonable relationship between a development project and the public improvement for which a fee is charged. By enacting the interim ordinance, the City Council has shown strong support for the proposed program.

CONCORD, CALIFORNIA: A private percent-for-art ordinance and redevelopment agency ordinance.

Concord population: 110,100
Central Contra Costa County population: 260,000

Concord is a growing community located in the Diablo Valley, approximately 30 miles southeast of downtown San Francisco. It boasts a sunnier climate than San Francisco and lower costs of living and doing business. Concord is growing at a faster rate than Contra Costa County, and current redevelopment efforts focus on creating a strong downtown.

Program Description

All development projects over $40,000 (excluding single-family homes) within the central area of Concord are charged a fee of .5% of development costs. Rehabilitation and tenant improvements also fall under this requirement. Fees are paid into a Public Arts Fund at the time the certificate of occupancy is granted. The Public Arts Fund is used to support art relating to the site or elsewhere in the area.

Developers have the following options to paying the full fee (.5% of development costs) to the Public Arts Fund:

- provide a permanent gallery space for the display of art in the main public foyer of the project and make a contribution to the Public Arts Fund equal to 75% of the .5% fee;
- include on-site visual artwork and make a contribution to the Public Arts Fund equal to 50% of the .5% fee; or
- preserve an historic structure and make a contribution to the Public Arts Fund equal to 25% of the .5% fee.

In addition to this development fee, the Redevelopment Agency of the City of Concord contributes 1% of its annual tax bond and tax increment monies to the Concord Redevelopment Art in Public Places program, a separate fund used only for projects within the redevelopment area.

Background

The Concord Art in Public Places program began in 1976 through the enthusiasm and savvy of its former mayor. The community was experiencing a surge of private development, and the developers were not contributing public amenities in return to the community. At the same time, Concord was developing as a suburban community without a downtown core. The use of public art, and specifically a series of gateways, was envisioned as a way to help create a downtown core and central focus for the city. The program was developed through the work of the mayor, a citizens' committee, a half-time program coordinator, and additional support staff including the city attorney. The mayor led the City Council to adopt the program.

Program Procedures

Development fees are paid to the Department of Public Works. Hawley Holmes, Visual Arts Administrator for the city, coordinates the program and staffs the Concord Arts Committee. She currently draws approximately $25,000 in administrative funds from the developers' fees and



Jeff Morse, Brea of Olde, Tomlinson Enterprises, Brea, CA, Brea Art in Public Places Program, 1988. Photography by Brea Community Services Department.

redevelopment agency funds to support her programs. The $25,000 does not include Holmes' salary, which is paid by the City of Concord.

The Concord Arts Committee is a Council-appointed citizens' group which advises the City Council on the public places which should be considered for art and the appropriate method for artist selection. The Committee is a seven- to ten-member group of artists, art educators, business persons, and other interested citizens. It reviews developers' proposals for on-site art and acts on the detailed art plans.

Projects

Most developers have contributed 100% to the Public Arts Fund and not chosen options of on-site art, gallery space, or historic preservation. This has met with city approval, as the focus for public art has been on creating the gateways marking Concord. Public Arts Fund monies, funds from redevelopment projects, and an NEA grant will be used to create these community markers.

Holmes has used this program to negotiate a gallery space for Concord. In exchange for $170,000 owed to the Public Arts Fund by a local developer, Holmes accepted 3,000 square feet in a new facility for a gallery space. The trade included tenant improvements, utilities, maintenance and security. Holmes is very pleased with this "creative financing" scheme, with the facility, and also with the fact that 2,400 potential gallery goers work in the building having the gallery and in a twin building next door. The lease and tenant improvements are worth approximately $325,000. From program administrative funds, she is able to pay a half-time exhibit coordinator and a gallery attendant. The gallery shows primarily the work of professional artists, but one month a year is dedicated for use by community groups.

Holmes has helped public and private groups work together in planning a public art gateway to be sited adjacent to the Bay Area Rapid Transit station. The gateway will be sited on Equitable Real Estate property, but development fee funds from two adjoining redevelopment parcels are being added to the project budget. The art will be owned by the city, and sited on private property.

Future Direction

Originally, the private percent-for-art ordinance stated that developers must apply for an optional method to the full contribution to the Public Arts Fund when they apply for the building permit. In order to encourage more on-site art, this procedure has been changed to give developers 90 days to consider and apply for an optional method.

WALNUT CREEK, CALIFORNIA: An informal bargaining process for public art involving the Community Development Department, Civic Arts Department, and developers.

Walnut Creek population: 62,600
Central Contra Costa County population: 260,000

Walnut Creek, adjacent to the community of Concord, is located approximately 30 miles southeast of downtown San Francisco. While Concord is currently promoting development, Walnut Creek is limiting development through a "no growth" ordinance passed in the mid-1980's. Although a decrease in development may limit the amount of public art in private development, Walnut Creek is proceeding with the construction of a $16 million regional center for the arts.

Program Description

Public art is a bargaining element between the city and developers in Walnut Creek. There are two major times when this bargaining can occur — in the initial negotiations between the Community Development Department and the developer (e.g., for an easement) and in the design review process. With the Design Review Commission, public art can be a trade-off or an actual stipulation for increased height, square footage or parking.

There are no clear guidelines stipulating what percentage is to be applied to the creation of artwork. Much is up to negotiation between city staff and the developer and ultimately to the discretion of the developer. Staff of the Walnut Creek Civic Arts Department plays an important role in advising developers.

Background

The Walnut Creek program, in existence since 1982, is built on a strong working relationship between the Community Development Department and the Walnut Creek Civic Arts Department. Civic Arts staff and other art advocates have attempted to develop a percent-for-art requirement, but to date it has not been politically feasible.

Program Procedures

Gary Schaub, Director of Walnut Creek Civic Arts Department, and Carl Worth, Gallery Curator, provide staff support to the Civic Arts Commission and the Design Review Commission in working with developers to suggest how to include public art in projects. When the Design Review Commission stipulates that art be included in a project, Worth works with the developer to create art options and present them to the Civic Arts Commission for its approval. The Civic Arts Commission takes action on the proposal and forwards its recommendation to the City Council.

Once the art project is approved, Worth works with each developer to implement the artwork agreed upon and to meet the guidelines of the program. Guidelines deal with location of art, public visibility, appropriateness to the site, durability, materials, etc. Some developers choose to work with art consultants in house; others need more assistance from Worth regarding selection and placement of art.

The Community Development Department has the authority to require the developer to post a bond if art is not on site by the time the certificate of building occupancy is requested. In two instances, developers have posted the bond and then completed the art installation.

Case Studies — Continued

There are no special funds allocated to administering the program, but Civic Arts Department staff members believe that the people of Walnut Creek benefit through experiencing art in their everyday environment. They consider work with this program important community outreach.

Projects

Since 1982, the city has successfully encouraged developers to include over 20 public artworks in private development. This program also serves as a model for public agencies to include art in public construction projects. Four years ago, the city was preparing to construct a parking garage, and staff convinced the city that art should be included in the project, as it is in private development projects.

Future Direction

The Walnut Creek program is focused on the core area of the city. Civic Arts would like to see this program expanded to include condominium development and to reach city limits, including key entry points to the city. Staff would also like to create a public art fund for artwork not associated with private development.

Civic Arts staff stressed that there are always hot and cold periods of development within a city. It is important that the percent-for-art programs are in place during periods of intensive growth. For example, core area development in Walnut Creek is slowing, but condominium development is stable if not increasing. Looking to apply a private percent-for-art ordinance to condominium development and expanding its range to the city limits is a strategic way to proceed with developing public art in Walnut Creek.



Jerome Kirk, Tiltambulation, Sixteen Hundred Riviera, Walnut Creek, CA, Civic Arts Gallery, 1984. Photography by Ted Macke.

Appendix A

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
ARLINGTON, VA Arlington Arts Center 3550 Wilson Blvd. Arlington, VA 22201 Katherine Freshley, Dir. 703-528-4520	*Informal county process offering increased project density for the inclusion of public art. County and Arts Center staff provide technical assistance to developers.*
Arlington Co. Dept. of Parks, Recreation, and Community Resources Cultural Affairs Division 2700 S. Lang Arlington, VA 22206 Rita E. Bartolo Visual Arts Supervisor 703-358-6960	
BETHESDA, MD Montgomery Co. Planning Dept. 8787 Georgia Avenue Silver Spring, MD 20907 Karen Kumm Morris Principal, Urban Design Div. 301-495-4570	*Public art specified as an amenity to achieve greater density in private development.*
BEVERLY HILLS, CA Beverly Hills Public Library and Community Services 3338 North Foothill Road Beverly Hills, CA 90210 Michele Merrill Cultural Services Manager 203-285-1085	*One-half of 1% requirement on all commercial development less than $1 million. One percent* for *development over $1 million, not to exceed $50,000.*
BOSTON, MA Boston Office of the Arts and Humanities Rm. 803, Boston City Hall Boston, MA 02201 Paul Fitzgerald Public Art Administrator 617-725-3245	*Zoning code for the newly created Midtown Cultural District includes public art as a design review standard. Office of Arts and Humanities is also researching similar methods of encouraging public art in private development on a city-wide basis.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
BREA, CA City of Brea 1 Civic Center Circle Brea, CA 92621 Emily Keller Cultural Arts Manager 714-990-7713	*Private percent-for-art ordinance requiring art in development over $500,000. Art budget is specific to the size of the development.*
CINCINNATI, OH Cincinnati Dept. of Econ. Dev. Rm 320 City Hall 801 Plum Street Cincinnati, OH 45202 Ralph Bolton Chief of Downtown Section 513-352-3487	*Staff negotiates with developers to include art in private development.*
COBB COUNTY, GA County Arts and Cultural Affairs 224 Lawrence Street Marietta, GA 30060 Shelley Parker Operations Manager 404-428-2787	*Developing informal ways, including a slide registry, to encourage developers to include art in projects.*
CONCORD, CA City of Concord 1950 Parkside Drive Concord, CA 94519 Hawley Holmes Visual Arts Coordinator 415-671-3081	*An ordinance requires a .5% public art fund fee for all commercial development. Developers may receive credits to the fee for on-site visual art, gallery space, or preservation of an historic structure.*
CULVER CITY, CA Community Development Dept. P.O. Box 507 Culver City, CA 90232-0507 Jody Hall-Esser 213-202-5775	*Recently passed a private percent-for-art ordinance requiring projects over $500,000 to contribute 1% to an art fund or for on-site art.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
DISTRICT OF COLUMBIA District of Columbia Commission on the Arts and Humanities 1111 E Street NW, Suite B500 Washington, D.C. 20004 Alec Simpson Art in Public Places Coordinator 202-724-5613	*Upon request, the Commission on the Arts and Humanities will provide technical assistance to developers desiring to include art in projects. Developers sometimes do so in order to convince the Zoning Board of the merits of the project.*
DULUTH, MN Duluth Public Arts Commission 332 City Hall Duluth, MN 55802 Wendy Wennberg, Ex. Dir. 218-723-3703	*Developers are encouraged through the City Dept. of Planning and Development and Arts Commission to set aside 1% for public art.*
EVANSTON, IL Evanston Arts Council Noyes Center, 927 Noyes Street Evanston, IL 60201 Joseph Zendell, Ex. Dir. 312-491-0266	*Staff encourages developers to include art in projects through involvement with the city's site plan review process. Public art plan to be adopted in 1989 will include an incentive system to further encourage developers.*
HARTFORD, CT City of Hartford 942 Main Street Hartford, CT 06103 Vivian F. Zoë Director, Office of Cultural Affairs 203-722-6440	*Density bonus program for development projects including public art.*
JACKSONVILLE, FL CityART 4260 Bleinheim Place Jacksonville, FL 32225 Sue Almand, President	*Developing ways, such a resource packet, to encourage developers to include art in projects.*
LOS ANGELES, CA Los Angeles Community Redevelopment Agency 354 South Spring Street Los Angeles, CA 90013 Mickey Gustin, Arts Planner 213-977-1763	*One percent for art requirement for projects within downtown redevelopment areas. Proposals underway to create agency-wide and city-wide private percent-for-art requirements.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
LOS GATOS, CA P.O. Box 949 Los Gatos, CA 95031 Madelyn Crawford Historical and Arts Coordinator Arts and Museums 408-354-6824	*Developing ways of working with private developers.*
MANHATTAN BEACH, CA 1400 Highland Avenue Manhattan Beach, CA 90266 Katya Williamson Public Art Administrator 213-545-5234	*Interested in developing a voluntary public art in private development program.*
MIAMI, FL Metro-Dade Art in Public Places Metro-Dade Center 111 NW First Street, Suite 610 Miami, FL 33128 Cesar Trasobares, Ex. Dir. 305-375-5362 Metro-Dade Cultural Affairs Council 111 NW First Street, Suite 625 Miami, FL 33128 Kenneth Kahn, Ex. Dir. 305-375-4634	*Public art is a requirement for bonused plazas in high density areas outside the downtown core. Both Metro-Dade Art in Public Places and Cultural Affairs Council offer technical assistance to encourage developers to include art in projects.*
MOUNTAIN VIEW, CA Planning Department P.O. Box 7540 Mountain View, CA 94039 Ken Alsman, Gail Collins, Leslie Gould 415-966-6306	*Planning Department offers design bonuses for including public art in private development.*
NEW HAVEN, CT Dept. of Cultural Affairs 770 Chapel Street New Haven, CT 06510 Joanne Rees, Public Art Planner 203-787-8956	*Developing ways of working with local developers to include art in projects. Methods will most likely include incentives or technical assistance.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
NEW ORLEANS, LA Arts Council of New Orleans 821 Gravier, Suite 600 New Orleans, LA 70112 Lake Douglas, Public Art Director 504-523-1465	*On a case-by-case basis, Planning Commission offers increased density for public art. Arts Council interested in developing a more comprehensive program.*
NEW YORK, NY Battery Park City Authority 1 World Financial Center 18th Floor New York, NY 10281-1097 212-416-5376	*Percent-for-art requirement in projects on redevelopment property.*
OKLAHOMA CITY, OK Arts Council of Oklahoma City 400 West California Oklahoma City, OK 73102 Jackie L. Jones, Ex. Dir. 405-236-1426	*Through using the public percent-for-art ordinance as a standard, the Arts Council encourages developers to include public art in private development.*
PALM DESERT, CA City of Palm Desert 73510 Fred Waring Drive Palm Desert, CA 92260 Catherine Sass Public Art Coordinator 619-346-0611, ext. 487	*Percent-for-art fees charged to certain residential and commercial development. Developers may include on-site art in lieu of the fee. Redevelopment Agency projects contribute 1% for art.*
PALO ALTO, CA Department of Arts and Culture 1313 Newell Road Palo Alto, CA 94303 Leon Kaplan, Director 415-329-2218	*Working to develop a public art in private development program.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
PHILADELPHIA, PA Philadelphia Planning Commission 1515 Market Street, 17th Floor Philadelphia, PA 19107 Richard Lombardo Chief of Projects Planning 215-686-2943	*Planning Commission is considering a public space requirement for private development within the central business district and a fine art requirement for such public spaces.*
Philadelphia Redevelopment Authority 1234 Market Street, 8th Floor Philadelphia, PA 19107 Mary A. Kilroy, Director Fine Arts Program/Advisory Board of Design 215-854-6692	*At least 1% of redevelopment project budgets must be committed to art.*
PHOENIX, AZ Phoenix Arts Commission 2 N. Central Avenue, Suite 125 Phoenix, AZ 85004 Deborah Whitehurst, Ex. Dir. 602-262-4637	*Interim guidelines require art in 23 rezoning cases. Developing a more comprehensive, ongoing program.*
PORTLAND, OR Metropolitan Arts Commission 1120 SW Fifth Avenue Portland, OR 97204 Bill Bulick, Ex. Dir. 503-796-5111	*Density bonuses granted through Planning Bureau for including public art in private development within central city area. Projects on redevelopment lands must also commit 1% for art.*
ST. PETERSBURG, FL Pinellas County Arts Council 400 Pierce Blvd. Clearwater, FL 34616 Peggy MacLeod, Ex. Dir. 813-462-3327	*Density bonus is an option for projects including public art.*
SACRAMENTO, CA Metropolitan Arts Commission Sacramento, CA 95814 Consuelo Underwood Art in Public Places Coordinator 916-449-5972	*Redevelopment Authority requires 2% of project budgets to be dedicated to art.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
SAN DIEGO Center City Development Corp. 121 Broadway, Suite 601 San Diego, CA 92101 Beverly Schroeder, Assoc. Plan. 619-236-7101	*Art or art spaces are negotiated with the developer through a "disposition and development agreement."*
SAN FRANCISCO Department of City Planning 450 McAllister Street San Francisco, CA 94102 Eva Liebermann 415-558-6303	*All private development within the downtown plan area must expend 1% on art.*
SAN JOSE Fine Arts Office 145 West San Carlos Street San Jose, CA 95113 David Allen Art in Public Places Coordinator 408-277-5144	*Private developers receiving assistance from the City Redevelopment Agency must negotiate an art budget with that agency. City may consider a private percent-for-art requirement.*
SCOTTSDALE, AZ Scottsdale Cultural Council 7383 Scottsdale Mall Scottsdale, AZ 85241 Jana Erickson Assistant Director of Collections 602-994-2301	*One percent-for-art ordinance applies to planned block developments of 100,000 square feet or more in downtown area.*
SEATTLE, WA Department of Construction/Land Use Municipal Building 600 4th Avenue Seattle, WA 98104 Vince Lyons 216-625-4509	*Art is required in certain bonused public amenities in downtown development.*
TAMPA, FL Public Arts Committee 1420 North Tampa Street Tampa, FL 33602 Cheryl Cullom Stewart Program Coordinator 813-229-6547	*City requires private development within central business district to set aside 1% for art, up to $200,000.*

Appendix A — Continued

Municipalities with Current or Evolving Programs for Integrating Public Art and Private Development

City/Municipality	Program Description
TUCSON, AZ Tucson/Pima Arts Council P.O. Box 27210 Tucson, AZ 85726 David Hoyt Johnson, Asst. Dir. 602-624-0595	*Downtown Development Corp. has matched private development funds to gain art in projects. Arts Council provides technical assistance. Considering a more comprehensive program.*
VIRGINIA BEACH, VA Arts and Humanities Commission Rm 341, Municipal Center Virginia Beach, VA 23456 Maggie Danshaw 804-427-4701	*Researching the creation of a public art in private development program.*
WALNUT CREEK, CA Walnut Creek Civic Arts Gallery 1632 Locust Street Carl Worth, Curator Walnut Creek CA 94596 415-943-5864	*Public art is a bargaining element between Community Development Department and the developer. Art can also be made a stipulation in the design review process. Curator of Civic Arts Gallery provides technical assistance.*
WATERLOO, IA Cedar Arts Forum 415 Commercial Waterloo, IA 50701 Renata E. Sack, Director 319-291-6333	*Using the momentum of a highway relocation project to raise urban design issues and public art possibilities, including a public percent for art program and ways to further encourage developers to include art in private development.*

Appendix B

Selected Literature

Cruikshank, Jeffrey and Pam Korza. *Going Public: A field guide to developments in art in public places.* Amherst, MA: Arts Extension Service and the National Endowment for the Arts, 1988.

Dajani, Virginia, editorial advisor. *Architectural Art: Affirming the Design Relationship. A Discourse.* NYC: American Craft Museum, 1988.

Fleming, Lee, editor. *Washington Review — Art and Architecture.* Washington, D.C., June/July, 1989.

Fuller, Patricia. *New Works: A Public Art Project Planning Guide.* Durham, NC: Durham Arts Council, in cooperation with the North Carolina Arts Council, 1988.

Knapp, Stephen. "Management: Collaborating with Artists." *Progressive Architecture.* Stamford, CT. April, 1987.

Knapp, Stephen. "Working With Artists: A Developer's Guide for Commissioning Artwork." *Urban Land.* Washington, D.C.: Urban Land Institute, September, 1987.

Pelli, Cesar and Nancy Rosen. "The Chemistry of Collaboration: An Architect's View." *Insights/ On Sites: Perspectives on Art in Public Places.* Stacy Paleologus Harris, editor. Washington, D.C.: Partners for Livable Places, 1984.

Swormstedt, Wade. "Art in Achitecture." *Identity Magazine.* Cincinnati, OH: ST Publications, Summer, 1988.

Appendix C

Selected Resource Organizations

ARTnews. 48 West 38th Street, 9th Floor, New York, NY. 10018. 212-398-1690.

Publish *Corporate ArtNews,* a newsletter featuring corporate art.

Arts Extension Service. Division of Continuing Education, University of Massachusetts, Amherst, MA 01003. 413-545-2360.

Provides technical assistance in public art and other arts management issues. Publishes, in cooperation with the Visual Arts Program of the National Endowment for the Arts, and distributes *Going Public: A field guide to developments in art in public places.*

Association of Professional Art Advisors. P.O. Box 2485, New York, NY. 10163. 212-645-7320. Kobi Conaway, Assistant to the President.

A forum for sharing ideas among art consultants through seminars, conferences, publications, etc. Willing to advise in identifying appropriate art consultants.

Appendix C — Continued

Business Committee for the Arts, Inc. 1775 Broadway, New York, NY 10019. 212-664-0600. Contact: Judith A. Jedlicka, President.

A national non-profit organization of chairmen, presidents, and CEO's committed to encouraging and developing business involvement with the arts. Publishes a bi–monthly newsletter and numerous pamphlets describing ways in which businesses can support the arts.

International Sculpture Center. 1050 Potomac Street NW, Washington, D.C. 20007. 202-965-6066.

A non-profit membership organization committed to the advancement of contemporary sculpture on an international basis. ISC provides the following services: publishes *Sculpture Magazine*; organizes, manages and tours public and private art exhibitions and coordinates competitions; maintains Sculpture Source, a computerized slide registry of contemporary sculpture; and will host Sculpture '90, an international sculpture conference to be held in Washington, D.C.

National Association for Corporate Art Management. Saul Wenegrat, President. P.O. Box 78, Church Street Station, New York, NY 10008. 212-466-4211.

A professional, non-profit organization for curators and consultants in the field of corporate art collections.

Partners for Livable Places. 1429 21st Street NW, Washington, D.C. 20036. 202-887-5990.

Provides information and technical assistance to organizations improving their urban environment. Publishes *Amenities*, a newsletter which includes articles on public art. Distributes a video on the public/private partnership which allowed artist Nancy Holt to design Arlington's *Dark Star Park.* Distributes several publications on public art.

Urban Land Institute, 1090 Vermont Avenue NW, Washington, D.C. 20005. 202-289-8500.

A non-profit education and research organization dedicated to improving the quality of standards for land use planning and development. Members include land developers, architects, planners, financiers, academicians, and others interested in land use. ULI provides the following services: sponsors seminars, workshops, semi-annual meetings, and district council meetings in major metropolitan cities; publishes *Urban Land*, a monthly magazine, and various newsletters; offers research and advisory services, including analysis of land use problems or opportunities; and maintains a library which is open by appointment to members and the general public.