

6-22-10

## City of Alexandria, Virginia

## MEMORANDUM

**DATE:** JUNE 16, 2010**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL**FROM:** JAMES K. HARTMANN, CITY MANAGER *JK***SUBJECT:** STATUS REPORT AND DISCUSSION DRAFT OF PUBLIC ART FUNDING POLICY

**ISSUE:** Funding of Public Art through City Capital Improvement Program (CIP) Budget and Developer Contributions.

**RECOMMENDATION:** That City Council:

- (1) Receive the Discussion Draft of the Public Art Funding Policy (Attachment I); and
- (2) Direct staff to continue to discuss this Policy Draft with stakeholders with the goal of presentation for Council adoption in September, 2010.

**DISCUSSION:** During the implementation of the Braddock plan last year, Council requested that a public art funding policy be developed. A staff work group was formed with representation from the City Manager's Office, Department of Recreation, Parks and Cultural Activities, Planning & Zoning, and Transportation and Environmental Services. The charge of the staff work group was to recommend to City Council funding mechanisms for public art through private and public development. Staff reviewed public art policies of area jurisdictions, as well as other cities with well-established public art programs. Based on best practices of these areas and Alexandria-specific needs, a discussion draft was developed by the staff work group.

The goals of the Public Art Funding Policy would be to:

- Within the limitations of Virginia land use law, create a voluntary contribution system for an ongoing funding stream for public art;
- Formalize and simplify existing procedures while maintaining flexibility;
- Involve art early in the planning process so it is more integrated with the design;
- Provide clarity and surety of process through a consistent approach;
- Broaden the range of public art options to include a variety of art styles and media; and
- Advance the current public art program into one that reflects Alexandria's unique

history, people, cultural identity, and the future aspirations of the entire community through the appropriate placement of relevant and meaningful public artworks.

In September of 2009, the Alexandria Commission for the Arts formed an Ad Hoc Public Art Funding Policy Advisory Group, as a sub-committee of the Public Art Committee, to advise the staff public art work group in developing the public art funding policy document. The advisory group included representation as follows: two developers, one land use attorney, one representative from the Alexandria Chamber of Commerce, four business owners, two representatives of the Alexandria Commission for the Arts and one representative of the Federation of Civic Associations (Attachment II). The sub-committee met three times in the fall of 2009, reviewed and discussed the draft and suggested revisions.

Other outreach includes presentations or informational updates to the Planning Commission, Parks and Recreation Commission, Alexandria Arts Forum, Alexandria Commission for the Arts, Federation of Civic Associations and the Northern Virginia Building Industry Association/National Association of Industrial and Office Properties. On December 8, 2009, an update was provided to City Council at a work session. City Council generally affirmed the development of the policy and directed staff to continue with its progress. Since that time, the Chair of the Arts Commission and Director of the Office of the Arts have held individual meetings with developers to discuss the specific language of the draft policy. A list of all meetings held to date is included as Attachment III.

Recent examples of successful public art projects in Alexandria by private developers include the *Edmonson Sisters* sculpture by artist Erik Blome, commissioned by Carr Properties as part of the development of 1701 Duke Street at Edmonson Plaza, and the soon to be installed *Three Eggs in Space* by artist Karen Bailey, commissioned by Y-12 Investments as part of the Del Ray Central project. While previous development projects have included the incorporation of public art, a more formal policy and related guidelines will: define a consistent procedure for the inclusion of public artworks, provide a means to maintain and conserve the City's public art collection, and identify an optimal process for selecting artists and/or artwork (Attachment IV).

The Public Art Funding Policy will serve as a predecessor to developing a Public Art Master Plan. The Public Art Master Plan will be a comprehensive, community-based effort that will outline the goals and objectives for public art in Alexandria. The Master Plan will set priorities for the location and funding of projects; provide a framework for the shared financial and professional resources needed; and define the procedures for the oversight needed for public art projects to be successful. The development of the Public Art Master Plan will begin as soon as funding is available, which may take several years.

It is proposed that staff and the Chair of the Arts Commission have further discussions with the development and arts communities over the summer with the goal to achieve a policy that will be acceptable by both stakeholder groups. While discussions to date have been productive and helped reshape portions of the draft policy, more work remains to be done.

As a result of input received from these groups, changes to the original draft have been incorporated. They include:

- Revisions of and additions to the definitions.
- Addition of a discounted calculation for cash contributions by private developers.
- A later implementation date, with a 2015 sunset provision to make sure this Public Art Funding Policy and how it has worked gets formally reviewed and revised as deemed necessary at that time.
- Provision for developers to place art on site at small projects rather than requiring the contributions to go toward the Public Art Fund.

**FISCAL IMPACT:** The current CIP budget includes funding for public art acquisition, but not beginning until FY 2017 at \$300,000 per year through FY 2020. Should the Public Art Funding policy be adopted in September, consideration to accelerating the City CIP funding and increasing it to the levels contemplated in this proposed Public Arts Funding Policy would be given during the FY 2012 CIP planning process. The proposed CIP for FY 2012 – FY 2021 will be subject to limited available funding, as well as many competing worthwhile priorities. The funding for Public Art in the proposed CIP will depend on a close evaluation of these competing priorities.

The fiscal impact of the developer contributions is not known as the program would be voluntary.

**ATTACHMENTS:**

- Attachment I. Discussion Draft of Public Art Funding Policy
- Attachment II. List of Ad Hoc Public Art Funding Policy Advisory Group
- Attachment III. List of Meetings
- Attachment IV. Draft Guidelines for Selection of Artists

**STAFF:**

Mark Jinks, Deputy City Manager  
James Spengler, Director, Department of Recreation, Parks and Cultural Activities  
Alisa Carrel, Director, Office of the Arts/RPCA  
Cheryl Anne Colton, Cultural Arts Administrator, Office of the Arts/RPCA  
Rich Baier, Director, T&ES  
Maya Contreras, Urban Planner II, Planning & Zoning  
Jeffrey Farner, Deputy Director, Planning & Zoning

**Public Art Funding Policy – DISCUSSION DRAFT**  
**City of Alexandria**  
06/09/10

**I. Definitions**

**Public art**, as defined by this policy, is an original or limited edition work of art created by an artist or team of artists that is physically accessible to the public and which may possess functional as well as aesthetic qualities. Public art must be located in places where public life occurs, and may include plazas, open space, lobbies, or publicly viewable building façades.

A **work of art** may be functional. Such examples may include, but not be limited to, benches, bike racks, grates, landscaping or other design elements if designed by an artist as a unique and prominent feature for the project. With the exception of lobbies and iconic commercial signs, interior elements of buildings and commercial signs are excluded from this definition.

An **artist** is generally defined as an individual who meets one or more of the following criteria: realizes income through the sale, performance, publication, or commission of works of art; has previously exhibited, presented, performed or published works of art in museums, galleries or other recognized art venues and publications; has formal training or education in a field of art; or has received awards or other forms of recognition from recognized arts organizations for his/her artistic abilities or accomplishments.

A **Cultural Facility** is defined as any building or structure used for programs or activities involving the arts.

A **Public Art Fund** is a dedicated fund which shall be used solely for the activities described herein.

**II. City Funding**

**A. Funding Formula**

The percentage goal planned to be allocated for public art is 1% of the annual City CIP budget, including Schools, and will be phased in as follows:

- FY12 – FY13, 0.50% of CIP (approx. \$300,000/year based on current budget)
- FY14 – FY15, 0.75% of CIP (approx. \$450,000/year based on current budget)
- FY16 and beyond, 1.00% of CIP (approx. \$600,000/year based on current budget)

Funds will be budgeted in a separate CIP account and used in publicly-owned spaces or as part of a City or School CIP project.

## **B. Allocation**

Funding will be allocated to the Public Art Fund. It is anticipated that the target allocation of the funds will be used over time as follows:

- 80% Acquisition of Permanent or Temporary Art
- 10% Collection Conservation
- 10% Special Projects (i.e. Public Art Master Plan, cultural arts facilities, etc.)

As is the case with all CIP projects, any unspent funds will be carried over to the next fiscal year.

## **C. Community Outreach**

When public art is involved with City-funded development projects created through this policy, the projects shall include an outreach program. Guided by staff and the Alexandria Commission for the Arts, the outreach program will inform and educate citizens about the project and encourage community involvement in its implementation and, when appropriate, in its selection. For public art projects attached to construction, the artist selection and approval process must be integrated into the overall project timeline to coordinate with the planned project schedule.

## **D. Policy on Acquired Art**

The City's Policy on Acquired Art, to be revised with the public art master plan, will govern the process used to acquire and install public art funded with City CIP funds.

# **III. Private Development Funding**

## **A. Funding Formula**

The recommended voluntary contribution is \$1 per square foot of gross floor area (GFA) to be implemented for preliminary development site plans submitted after January 1, 2011, as follows:

- FY 2011 – FY 2013, 50 cents per square foot of GFA
- FY 2014 – FY 2015, 75 cents per square foot of GFA
- FY 2016 and beyond, \$1 per square foot of GFA

Contributions will be made prior to issuance of the first Certificate of Occupancy Permit.

For expansions or renovations of existing commercial or industrial buildings:

- Calculations are based on the amount of additional GFA.
- Calculations are based on the total GFA of the project if the additional GFA increases the size of the existing building by 100 percent or more.

## **B. Exemptions Applicable**

The following uses are exempt from the calculation:

1. Places of worship and their accessory uses located on the same site
2. Affordable housing units owned by ARHA or other non-profit organizations<sup>1</sup>
3. Projects in which a Social Service Agency is the owner and an occupant of at least 50 percent of the premises<sup>1</sup>
4. Private Schools and Childcare Centers<sup>1</sup>
5. Parking Structures

## **C. Allocation Options**

The applicant of a development project is encouraged, but not required, to contribute to the dedicated Public Art Fund. The priority will be to utilize the contribution within the boundary in which the development is located. The City recommends that projects which result in a contribution of less than \$25,000 be placed in the Public Art Fund.

### 1. Contribution to the Public Art Fund

The Public Art Fund may be used for:

- Acquisition of Permanent or Temporary Art
- Collection Conservation
- Cultural Programming within the small area plan
- Cultural Facilities for Arts Organizations
- Public Art Administration

To encourage contributions to the Public Art Fund, those choosing the Public Art Fund allocation option, may use a calculation of 10 cents per GFA less than the formula stated in Section III. A. of this document.

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<sup>1</sup> For exemptions 2 – 5: Though they are exempt from the calculation formula, this section is not intended to imply that public art could not be located at or integrated with the above uses.

## **2. On-site Art**

The applicant may choose to place a permanent installation of a publicly accessible work of art, whether commissioned or acquired and subject to meeting the public art definition in Section I, in the following locations:

- On or within their development site
- On City property or other private property within the same planning area, subject to the approval of the City or owner of the proposed property

On-site art shall be installed prior to the issuance of the Certificate of Occupancy Permit.

## **3. Cultural Facilities/Arts Space**

Provide space for use by eligible arts organizations. The space shall be used for arts-related purposes such as performance, rehearsal, exhibition, and/or education.

The proposed space must be suitable to the needs of and approved by the intended user. This option must obtain approval by the City to ensure that there is an interest and need for the proposed arts space concept.

## **4. Combination of Above**

## **D. Community Outreach**

Consistent with current Planning & Zoning practices, public art projects should be included in the development project's community outreach plan to inform citizens and promote community interest in its implementation. For public art projects attached to construction, community outreach should be integrated into the overall project timeline to coordinate with the planned project schedule.

For projects placed on City property, community involvement will be consistent with projects funded with City CIP funds, as stated in Section II. C. of this document.

## **E. Policy on Acquired Art**

The City's Policy on Acquired Art, to be revised with the public art master plan, will govern the process used to acquire and install public art funded by the Public Art Fund or to be placed on City property.

#### **IV. Other Funding Sources**

The City will actively apply for non-City public and private funds to support public art projects. In addition to the private development contribution, individuals, businesses and organizations will be encouraged to make contributions to the Public Art Fund. These tax-deductible contributions may be unrestricted or restricted to a specific project or geographic area by the donor.

#### **V. Sunset**

This public art policy will be sunset as of October 1, 2015 unless otherwise continued by action of City Council.

## Ad-hoc Public Art Funding Policy Advisory Group

The role of the Ad-hoc Public Art Funding Policy Advisory Group is to make recommendations to staff and the Arts Commission regarding the proposed Public Art Funding Policy. Estimated time commitment is six hours a month. The Advisory Group is anticipated to meet two-to-three times from October, 2009 until January, 2010.

### Members:

Matthew Harwood, Advisory Group Chair  
Chair, Public Art Committee of the Alexandria Commission for the Arts

Stewart Bartley  
Developer, Y-12 Investments LLC

Eddy Cettina [Did not participate due to scheduling conflicts]  
Developer, Jaguar Development LC

Joe Egerton  
Business Owner, Arts Afire

Mary Catherine Gibbs  
Attorney, Hart, Calley, Gibbs & Karp, PC

Poul Hertel  
Representative, Federation of Civic Associations

Tina Leone [Did not attend meetings due to scheduling conflicts but reviewed and provided feedback]  
President, Alexandria Chamber of Commerce

Pat Miller  
Chair, Alexandria Commission for the Arts

Eric Nelson  
Business Owner, Artfully Chocolate | Kingsbury Confections

Kai Reynolds [Did not attend meetings due to scheduling but sent colleague Tom Burkert in his place]  
Developer and West End Business Representative, JBG Companies

Chris St. Pierre  
Business Owner, Authentically Amish Fine Furnishings

### City Staff:

Mark Jinks, Deputy City Manager  
Rich Baier, Director, Department of Transportation & Environmental Services  
Roger Blakeley, Deputy Director, Department of Recreation, Parks & Cultural Activities (RPCA)  
Jeff Farner, Deputy Director, Planning & Zoning  
Alisa Carrel, Director, Office of the Arts, RPCA  
Cheryl Anne Colton, Cultural Arts Administrator, Office of the Arts, RPCA  
Maya Contreras, Urban Planner, Planning & Zoning  
Laura Durham, Open Space Coordinator, RPCA

**Public Art Funding Policy - Meeting Schedule**  
as of 06/11/10

- 09/15 Arts Commission – informational update and approval of Ad-hoc Group
- 10/27 Ad-hoc Public Art Funding Policy Advisory Group – review and discussion
- 10/29 Interdepartmental Review (staff) – informational update
- 11/04 Interagency Planning Review Group (staff) – informational update
- 11/10 Ad-hoc Public Art Funding Policy Advisory Group – review and discussion
- 11/10 Public Art Committee – informational update
- 11/17 Ad-hoc Public Art Funding Policy Advisory Group – review and discussion
- 11/17 Arts Commission – informational update
- 11/19 Alexandria Arts Forum – informational update
- 11/19 Parks & Recreation Commission – informational update
- 12/01 Planning Commission – informational update
- 12/02 Interagency Planning Review Group (staff) – draft policy presentation
- 12/08 City Council Work Session
- 12/09 Public Art Committee – draft policy presentation
- 12/10 Northern Virginia Building Industry Association/National Association of Industrial and Office Properties – draft policy presentation
- 12/15 Arts Commission – draft policy presentation
- 01/14 Alexandria Arts Forum – draft policy presentation
- 01/27 Federation of Civic Associations – informational update
- 03/04 Meeting with Duncan Blair, land use attorney, and Richard Giannotti, architect
- 03/18 Meeting with land use attorneys Mary Catherine Gibbs and Cathy Puskar
- 06/01 Meeting with Eric Dobson, NAIOP; Howard Middleton, Reed Smith; and Chris Darling, Duke Realty

**DRAFT – Guidelines for Selection of Artists:**  
06/09/10

Developers are encouraged, but not required, to secure the services of a professional art consultant who will work with the project's design team early in the design process.

The developer may choose from the following methods of artist selection: direct selection, limited selection or open selection.

**Direct Selection** is the selection of one artist without review of others. Use of direct selection method must be justified in writing to the Office of the Arts staff and the chair of the Public Art Committee. It is recommended that a professional art consultant be contracted when direct selection is used.

With Limited or Open Selections, the developer may use a committee to select the artist. It is recommended that the selection committee include the project's lead design architect, project's landscape architect, representative(s) from the Alexandria Commission for the Arts' Public Art Committee, tenant representative(s) (if applicable) and representatives from the City including the Office of the Arts and Office of Historic Alexandria.

**Limited Selection** involves the review of artwork and qualifications of a shortlist of artists. Artists are placed on the list by an art consultant or any member of the selection committee. The selection committee will select 3 to 5 artists from the list to invite to submit a concept design. Finalist artists will be provided an honoraria (currently \$2,000 per artist) to produce a maquette of the concept and present their proposal at an interview with the selection committee. The final artist may be selected on the basis of artistic quality of proposal, ability to respond to project site and context, ability to work collaboratively with a design team, artistic quality of previous work, health and safety considerations, and durability and maintenance of proposed artwork.

**Open Selection** is when the selection committee solicits artists for their work examples to review. Portfolios would be critiqued on the basis of artistic quality of submission, artistic quality of previous work, ability to respond to project site and context, and ability to work collaboratively with a design team. Upon review of the portfolios, the committee would invite 3 to 5 artists to produce a concept design based on the established design criteria for the art area. Finalist artists will be provided an honoraria (currently \$2,000 per artist) to produce a maquette of the concept and present their proposal at an interview with the selection committee. The final artist may be selected on the basis of artistic quality of proposal, artist's ability to respond to project site and context, ability to work collaboratively with a design team, artistic quality of previous work, health and safety considerations, and durability and maintenance of proposed artwork. Open selection is encouraged for projects of major significance to the City.

**Direct Selection of Artwork:**

Developers have the option to make a direct purchase of artwork taking into consideration feedback from the community and City staff, history of the site, the goals and criteria outlined in the development plan, and recommendations of a public art consultant. Direct Purchase of artwork should only be used when a professional art consultant has been contracted.